

1999 HOUSE APPROPRIATIONS

HB 1016

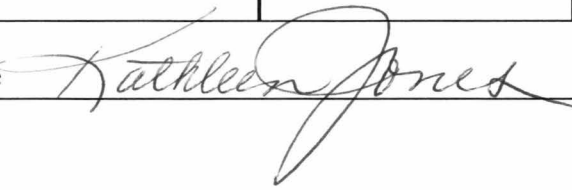
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HOUSE BILL 1016

House Appropriations Committee

Conference Committee

Hearing Date January 7, 1999

Tape Number	Side A	Side B	Meter #
One HB 1016	Elaine Little	Tim Schuetzle	0.00 to 50.9 both side
TWO HB 1016	Warren Emmer		0.7-30.9
Committee Clerk Signature 			

Minutes:

Chairman Dalrymple called the meeting to order with all committee members present.

(#1A: 1.7) Elaine Little, Director of Corrections and Rehabilitation presented information regarding the analysis of the inmate growth and the \$21.6 million general fund increase. Director Little gave a detailed explanation of the 1997-99 deficiency appropriation request. (Note attached testimony.)

(#1A:40.1) Chairman Dalrymple inquired as to the cost of the Pine Cottage project. Director Little stated the bonding portion is \$1.4 million and available federal funds is \$500,000.00 for a total cost of \$1.9 million.

(#1A: 51.3) Rep. Monson asked why alternatives to incarceration are so expensive. Should there be a saving? Director Little explained that compared to contracting out inmates to other facilities, there is actually a savings in using alternative housing to incarceration of about \$4.9 million and 115 beds a day.

(#1B: 8.6) Tim Schuetzle, Director of the Prisons Division, explained in detail the reasons for the budget request. He addressed the increase in inmate housing costs and the need for additional staff. (Note attached testimony.)

(#1B: 8.6) Rep. Carlson asked whether the Department of Corrections shares staff with the State Hospital. Director Schuetzle said they do share medical staff (not including counselors), and maintenance.

(#1B: 27.1) Rep. Hoffner asked whether the budget for contracting out inmates to Appleton would increase in the future? Director Schuetzle replied that those facilities have beds available and the ability to run the market. The charges will be increasing in the future.

PAGE TWO

House Appropriations Committee

Bill/Resolution HB 1016

Hearing Date: January 7, 1999

(#2A: 0.9) Warren Emmer, Director of the Department of Corrections and Rehabilitation, presented information regarding the Field Services Division as the department serves the District Court, the Parole and Pardon Advisory Boards, the DOCR, the victims and the Community.

(Note Attached testimony.)

(#2A:7.5) Rep. Timm inquired as to whether county facilities reimburse the state for taking county inmates. Director Emmer responded that when inmates are sentenced and transferred to the state system, the expense belongs to the state.

(2A:9.2) Rep. Carlson asked if there are duplications of parole services. Director Emmer said there is only one set of parole officers in the state.

(#2A:11.5) Rep. Aarsvold asked whether or not the department consults risk management experts in their planning. Director Little replied that risk management experts are consulted on all plans.

(#2A: 14.5) Director Little invited the committee to tour the facilities so they might see where the funds will be spent. The committee was also invited to ride along with parole officers to observe the circumstances under which parolees are supervised.

House Bill 1016 is referred to Appropriation Human Resource Division for hearing beginning on January 12, 1999.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1016

House Appropriations Committee

Conference Committee

Hearing Date January 7, 1999

Tape Number	Side A	Side B	Meter #
ONE	Elaine Little	Tim Schuetzle	0.4- 53.8\ 0.3 - 27.1
TWO	Warren Emmer		0.7 -30.9
Committee Clerk Signature <i>Kathleen Jones</i>			

Minutes: Chairman Jack Dalrymple called the meeting to order with all committee members present.

(#1A: 1.7) Elaine Little, Director of Corrections and Rehabilitation presented information regarding the analysis of the inmate growth and of the \$21.6 million general fund increase. Ms. Little gave a detailed explanation of the 1997-99 deficiency appropriation request. (Note attached testimony.)

(#1A:40.1) Chairman Dalrymple inquired as to the cost of the Pine Cottage project. Ms Little stated bonding portion is \$1.4 million and \$500,000 available from the federal program. Total of \$1.9 million cost.

(#1A:45.3) Representative Svedjan inquired about the status of the department's budget at the end of this biennium. Ms. Little explained that they will have spent \$2,500,000 more than they had budgeted.

(#1A:51.3) Representative Monson asked why alternatives to incarceration are so expensive. Should there be a saving? Ms. Little explained that compared to contracting out inmates to other facilities, there is actually a savings in using alternatives to incarceration. Saving about 115 beds a day totaling about \$4.9 million.

(#1B:0.8) Tim Schuetzle, Director of the Prisons Division, presented information regarding the increase in budget request and explained in detail the reasons for requesting funds. He addressed the increase in inmate housing costs and the need for additional staff. (Note attached testimony.)

(#1B: 8.6) Representative Carlson asked whether the Department of Corrections shares staff with the State Hospital. Mr. Schuetzle said that they do share medical staff (not including counselors), and maintenance.

(#1A: 27.1) Representative Hoffner asked whether the budget for contracting out inmates to Appleton would cause Appleton to charge more than in the past. Mr. Schuetzle replied that those facilities that have beds available have the ability to run the market. The charges will be increasing in the future.

(#2A:0.9) Warren Emmer, Director of the Department of Corrections and Rehabilitation, presented information regarding the Field Services Division as the department serves the District Court, the Parole and Pardon Advisory Boards, the DOCR, the Victims and the Community. (Note attached testimony.)

(#2A:7.0) Representative Monson asked if an inmate who has been sent back to prison is counted again. Mr. Emmer said that they are counted again.

(2A:7.5) Representative Timm inquired as to whether county facilities reimburse state facilities for taking county inmates. Mr. Emmer responded that when inmates are sentenced and transferred to the state system, the expenses belong to the state.

(#2A:9.2) Representative Carlson asked if there are duplications of parole services. Mr. Emmer said that there is only one set of parole officers in the state.

Representative Aarsvold asked whether or not the department consults risk management experts in their planning. Ms. Little replied that risk management experts are consulted on all plans.

(#2A:14.5) Ms. Little invited the Representatives to tour the facilities so that they might see firsthand where the funds will be spent. The Representatives were also invited to ride along with parole officers to observe the circumstances under which parolees are supervised.

House Bill 1016 is referred to Appropriations Human Resource Division for hearings beginning on January 12, 1999.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1016

House Appropriations Committee
Human Resources Division

Conference Committee

Hearing Date January 12, 1999

Tape Number	Side A	Side B	Meter #
1	x	x	0-END
2	x	x	0-END
3	x		0-END

Committee Clerk Signature *Roulette Cussias*

Minutes:

HB 1016 -- A bill for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation.

Chairman Svedjan open the hearing with all members present.

Elaine Little, Director of Corrections, made the opening statement of Bill 1016.

(Tape 1, A, 1.0) Tim Schuetzle, Prison Division Director, appeared in support of Bill 1016. A copy of written testimony is attached.

(21.1) Rep. Timm commented that the budget has a large increase and wondered if it's going to increase even more in the next biennium. Mr. Schuetzle thought it would be very possible. He thinks some things could be done now to stop the increase. It is possible they hit a point in the projections and that is where they will stay, but considering the statistics from the past five years, it will increase.

(Tape 1, B, 9.3) Rep. Delzer asked about the cost in hiring a recreational officer to post at front gate. Mr. Schuetzle said a recreational officer is 70 thousand plus benefits a biennium.

(10.6) Rep. Delzer asked how they got the money to remodel, and if there was a cost overrun. Mr. Schuetzle stated there was cost overrun. The cause was that they couldn't get into the building because of the Grand Forks flood, and they were using the building to house inmates.

Page 2

Human Resources Division

Bill/Resolution Number bill 1016 min

Hearing Date January 12, 1999

(39.9) Rep. Timm stated that we pay the inmates quite a bit of money and asked why. Mr. Schuetzle clarified that they pay inmates that are working \$1.35 per day. They use the money to buy personal hygiene products.

(Tape 2, A, 8.7) Dennis Fracassi (Director of Rough Rider Industry) appeared in support of Bill 1016. A copy of his testimony attached.

(21.8) Rep. Timm asked if it is costing money for Rough Rider Industry. Mr. Fracassi stated they show an operational loss of 90 thousand dollars for fiscal year end June 97, while there is a profit of 144 thousand dollars for fiscal year end 98. Overall, the two year period we show 54 thousand profit.

(34.2) Elaine Little (Director of Corrections) appeared in support of Bill 1016. A copy of her testimony attached.

(Tape 2, B, 10.4) Chairman Svedjan asked if it is a costly thing for Ms. Little's department to do the training for officers. Ms. Little stated she didn't think it was costly when you look at the benefit of what is being accomplished through the people.

BILL 1016 CONTINUED JANUARY 14, 1999

(Tape 1, A, 38.2) Rep. Delzer asked how much of state funds Adult Services uses. Mr. Warner replied they utilize as much as they can in the department of Human Service.

(45.4) Rep Svedjan asked how much it costs to electronically confine inmates to their houses. Mr. Warner replied that the cost is less than \$5.00.

ENDED COMMITTEE HEARING FOR BILL 1016.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date February 9, 1999			
Tape Number	Side A	B Side	Meter #
1	x		10.6-end
1		x	0-end
2	x		0-end
2		x	0-end
Committee Clerk Signature <i>Dorville Gussias</i>			

Minutes:

A Bill for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation.

Tape 1, A, 10.6 Chairman Svedjan opened committee work on HB 1016. All members present.

10.6 Chairman Svedjan went through sheets on inmate housing.

16.4 Elaine Little (Director of Corrections) was available to answer questions.

24.0 Rep. Kerzman asked if it is possible to do more double bunking. Ms. Little states there is very little extra double bunking.

30.7 Chairman Svedjan asked if their admissions have gone down. Ms. Little states that they have.

35.0 Ms. Little reviewed worksheets that the committee requested.

Tape 1, B 13.2 Rep Delzer asked how they built the 2.5 million dollar deficiency appropriation on inmates. Ms. Little states that a little over a million was contracting out inmates.

34.1 Karen Borr states that all bill that have construction projects get a emergency clause so when the bill is sign they get the funding for the project.

Tape 2, A, 1.6 Ms. Little explained Attachment #2 from the previous hearing again.

47.4 Chairman Svedjan asks if anyone monitor cities and counties are doing to see if it fits with your program. Ms. Little states that there isn't because it not part of the federal grant.

Tape 2, B, 8.6 Chairman Svedjan states that most of the treatment from the youth creational center require a psychological aessment, why don't they pay for it. Ms. Little states that it is a financial issue.

61.0 Chairman Svedjan adjourned committee work.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date February 10, 1999			
Tape Number	Side A	B Side	Meter #
1	x		0-49.6
Committee Clerk Signature <i>Paulette Gussias</i>			

Minutes:

A Bill for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation.

Tape 1, A, 0.0 Chairman Svedjan opened the committee work. All members present.

1.5 Elaine Little was available to answer questions, she had summarized worksheets on the work in Wahpeton.

1.5 Rep. Delzer asked if the 4.8 was actual cost or was that projected. Ms. Little states that it was the actual cost, we went back to the emergency commission add the additional amount.

13.9 Rep. Kerzman asked if they had anyone to verify the bills. Ms. Little states that they do.

49.6 Chairman Svedjan adjourned the committee work.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date February 11, 1999			
Tape Number	Side A	B Side	Meter #
1	x		0-end
1		x	0-end
2	x		0-9
Committee Clerk Signature			

Minutes:

A Bill for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation.

Tape 1, A, 0.0 Chairman Svedjan opened committee work for HB 1016. All members are present.

2.0 Elaine Little and Bev Johnson (Fiscal Director) were available to answer questions.

3.0-51.6 Committee members went through the questions that they had from the sheets Ms.

Little provided.

Cross reference with January 12 & 13, 1999.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date February 13, 1999			
Tape Number	Side A	B Side	Meter #
1	x	x	0-end
2	x	x	0-end
3	x		0-end
3		x	0-end
Committee Clerk Signature <i>Ranette Gussias</i>			

Minutes:

A Bill for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation.

0.0 Chairman Svedjan opened committee work HB 1016. All members present.

2.1 Elaine Little was available for questions that the committee had.

2.2 Chairman Svedjan asked questions on FTE's.

31.0 Committee discussed Day Treatment Program. See attached testimony.

31.8 Committee discussed In Home Project. See attached testimony.

53.8 Committee discussed Diversified Occupation Program. See attached testimony.

General Discussion

Page 2

HUMAN SERVICES, APPROPRIATION

FEBRUARY 13, 1999

Tape 1, B, 9.9 Chairman Svedjan went through analysis sheets. See attached sheets.

58.0 Committee went through extraordinary repairs. See Legislative Council sheets.

Tape 2, A, 0.0 Committee went through JRCC's 5 & 6 floors. See Legislative Council sheets.

Tape 2, B, 9-61.3 Committee went through FTE's for JRCC. See Legislative Council sheets.

Tape 3, A, 14.8 Committee discussed Adult Services and their FTE's. See Legislative Council sheets.

Tape 3, B, 0.0 Committee discussed Half Way Housing. See testimony attached.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date February 16, 1999			
Tape Number	Side A	B Side	Meter #
1	x		0-27.4
Committee Clerk Signature			

Minutes:

A Bill for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation.

0.0 Chairman Svedjan opened committee work on HB 1016. All members present.

.2 Joel Morrison (Legislative Council) went through drawn up amendments for HB 1016.

10.0 Rep Delzer moved to pass amendment 98016.0101, 2nd Vice Chairman Bernstein. The vote was 6 yes, 0 no, 0 absent.

15.5 Rep Delzer moved to pass HB 1016, 2nd by Vice Chairman Bernstein. The vote was 6 yes, 0 no, 0 absent.

General Discussion

Page 2

HUMAN SERVICE, APPROPRIATIONS

FEBRUARY 16, 1999

16.0 Chairman Svedjan went through handouts for the Corrections Department. See handouts attached.

19.0 Mr. Tim Dodson explained amendment 98016.0102, that went with the handouts about house arrest for DUI instead out going to prison. The amendment will be considered in the Senate.

27.0 Chairman Svedjan adjourned committee work.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date February 16, 1999			
Tape Number	Side A	B Side	Meter #
1	x		0-53.0
Committee Clerk Signature <i>Roxanne Hone</i>			

Minutes:

Chairman Dalrymple opened the discussion on House Bill 1016.

1A: 2.3 Rep. Svedjan discussed amendment 98016.0101.

1A: 25.9 Rep. Svejan made a motion to adopt the amendments. Rep. Bernstein 2nd the motion.
Discussion on the amendment:

1A: 30.6 Chairman Dalrymple asked if crime bill funds will still be available if they are not used this biennium. Rep. Delzer and Rep. Svedjan replied that they can still technically be used for the next biennium. Further responded that there is already a plan in place for the crime money which is required so another state cannot use the money. Amount of funds: \$1.5 - 2 million.

1A: 37.0 Rep. Nichols asked on page 5, what the \$83,000 reduction is for. Rep. Svedjan that it is a general 10% reduction for various programs in Juvenile Services.

1A: 47.7 Chairman Dalrymple asked if the sub-committee was satisfied with the number of cells available. Rep. Svedjan replied yes: Dickinson has lost all federal inmates and will have 30

General Discussion

Page 2

Appropriations

February 16, 1999

beds available. James River Correction Center has another 110 beds. Possibly a private prison being built in North Dakota.

1A: 50.8 On a Voice Vote the amendment was adopted.

1A: 50.9 Rep. Svedjan moved a DO PASS AS AMENDED. Rep. Bernstein 2nd the motion.
On a Roll Call Vote the motion carried.

20 voting Yes

0 voting No

0 voting Absent

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1016

Page 1, line 2, after "rehabilitation" insert "; and to create and enact a new subsection to section 39-08-01 of the North Dakota Century Code, relating to inmate placement for driving while under the influence"

Page 2, after line 28, insert:

"SECTION 4. A new subsection to section 39-08-01 of the North Dakota Century Code is created and enacted as follows:

As used in this section, the term "imprisonment" includes house arrest if sentenced to house arrest by the court. In addition, the term includes house arrest if a person is committed to the department of corrections and rehabilitation, in which case the type of imprisonment is to be determined by the director of the department of corrections and rehabilitation."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1016

Page 1, line 2, after "rehabilitation" insert "; and to amend and reenact subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to the supervision of probationers"

Page 1, line 12, replace "878,152" with "865,070"

Page 1, line 13, replace "118,682" with "115,000"

Page 1, line 14, replace "26,950" with "20,200"

Page 1, line 15, replace "1,023,784" with "1,000,270"

Page 1, line 18, replace "9,764,955" with "9,552,045"

Page 1, line 19, replace "4,344,374" with "4,229,174"

Page 1, line 20, replace "141,771" with "104,321"

Page 1, line 21, replace "371,900" with "35,000"

Page 1, line 24, replace "17,693,900" with "16,991,440"

Page 2, line 1, replace "5,688,979" with "5,674,504"

Page 2, line 2, replace "12,004,921" with "11,316,936"

Page 2, line 5, replace "2,610,550" with "2,609,036"

Page 2, line 6, replace "828,335" with "821,649"

Page 2, line 7, replace "10,029,660" with "9,635,277"

Page 2, line 8, replace "20,234,931" with "16,699,252"

Page 2, line 9, replace "3,853,788" with "3,833,361"

Page 2, line 10, replace "23,625,750" with "20,341,166"

Page 2, line 11, replace "9,243,724" with "7,521,794"

Page 2, line 12, replace "70,426,738" with "61,461,535"

Page 2, line 13, replace "16,335,431" with "12,660,179"

Page 2, line 14, replace "54,091,307" with "48,801,356"

Page 2, line 15, replace "67,120,012" with "61,118,562"

Page 2, line 16, replace "22,024,410" with "18,334,683"

Page 2, line 17, replace "89,144,422" with "79,453,245"

Page 2, line 24, replace "victims services," with "various"

Page 2, line 25, remove "institutional offender services, and community offender services"

Page 2, line 26, after "Act" insert a comma

Page 2, after line 28, insert:

"SECTION 4. LEGISLATIVE INTENT - RENOVATION OF THE JAMES RIVER CORRECTIONAL CENTER FIFTH AND SIXTH FLOORS - REPORT TO LEGISLATIVE COUNCIL. It is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium, the department of corrections and rehabilitation monitor changes in the inmate population and the number of correctional cells at public and private correctional institutions available to house state inmates through contractual agreements. Prior to the 2001 legislative session, the director of the department of corrections and rehabilitation shall present a report to the legislative council, or a committee determined by the legislative council, on actual and projected changes in the inmate population, the number of correctional cells at public and private correctional institutions available to house state inmates through contractual agreements, and proposals for the renovation of the fifth and sixth floors of the residential building of the James River correctional center.

SECTION 5. LEGISLATIVE INTENT - PROGRAMS PROVIDING ALTERNATIVES TO INCARCERATION - REPORT TO BUDGET SECTION. It is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium, the department of corrections and rehabilitation implement and operate programs to provide alternatives to the incarceration of inmates, including a revocation center and other intermediate measure intervention programs, community placement programs, jail placement for parole violators, house arrest and home detention, halfway house confinement, day reporting, and other programs as determined by the department. The purpose of such programs shall be to remove inmates from incarceration and prevent the return to incarceration of parole and probation violators. The director of the department of corrections and rehabilitation, periodically during the 1999-2001 biennium, shall provide reports to the budget section of the legislative council on the effectiveness of these programs and the actual and projected impact on the state inmate population.

SECTION 6. AMENDMENT. Subsection 2 of section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

2. The conditions of probation must be such as the court in its discretion deems reasonably necessary to ensure that the defendant will lead a law-abiding life or to assist the defendant to do so. The court shall provide as an explicit condition of every probation that the defendant not commit another offense during the period for which the probation remains subject to revocation. The court shall order supervision costs and fees of not less than ~~thirty~~ thirty-five dollars per month unless the court makes a specific finding on record that the imposition of fees will result in an undue hardship."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

House - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Central Office:			
Salaries and wages	\$878,152	(\$13,082)	\$865,070
Operating expenses	118,682	(3,682)	115,000
Equipment	<u>26,950</u>	<u>(6,750)</u>	<u>20,200</u>
Total all funds	\$1,023,784	(\$23,514)	\$1,000,270
Less estimated income	_____	_____	_____
Total general fund	\$1,023,784	(\$23,514)	\$1,000,270
Juvenile Services:			
Salaries and wages	\$9,764,955	(\$212,910)	\$9,552,045
Operating expenses	4,344,374	(115,200)	4,229,174
Equipment	141,771	(37,450)	104,321
Capital improvements	371,900	(336,900)	35,000
Grants	2,870,900		2,870,900
Delinquency prevention consortium	200,000		200,000
Total all funds	\$17,693,900	(\$702,460)	\$16,991,440
Less estimated income	<u>5,688,979</u>	<u>(14,475)</u>	<u>5,674,504</u>
Total general fund	\$12,004,921	(\$687,985)	\$11,316,936
Adult Services:			
Victim services	\$2,610,550	(\$1,514)	\$2,609,036
Institutional offender services	828,335	(6,686)	821,649
Community offender services	10,029,660	(394,383)	9,635,277
Support services	20,234,931	(3,535,679)	16,699,252
Program services	3,853,788	(20,427)	3,833,361
Security and safety	23,625,750	(3,284,584)	20,341,166
Roughrider Industries	<u>9,243,724</u>	<u>(1,721,930)</u>	<u>7,521,794</u>
Total all funds	\$70,426,738	(\$8,965,203)	\$61,461,535
Less estimated income	<u>16,335,431</u>	<u>(3,675,252)</u>	<u>12,660,179</u>
Total general fund	\$54,091,307	(\$5,289,951)	\$48,801,356
Grand total all funds	\$89,144,422	(\$9,691,177)	\$79,453,245
Less grand total special funds	<u>22,024,410</u>	<u>(3,689,727)</u>	<u>18,334,683</u>
Grand total general fund	\$67,120,012	(\$6,001,450)	\$61,118,562
FTE	577.21	(30.53)	546.68

Detail of House changes to the executive budget includes:

	DELAY MARKET SALARY INCREASE TO JANUARY 1, 2001	REDUCE COMPENSATION PACKAGE TO 2/2	INCREASE HEALTH INSURANCE COST	REDUCE EQUIPMENT	REDUCE OPERATING EXPENSES	REDUCE CAPITAL IMPROVEMENTS
Central Office:						
Salaries and wages	(\$3,571) ¹	(\$11,792) ²	\$2,281 ³			
Operating expenses					(\$3,682) ⁶	
Equipment				(\$6,750) ⁴		
Total all funds	(\$3,571)	(\$11,792)	\$2,281	(\$6,750)	(\$3,682)	\$0
Less estimated income	_____	_____	_____	_____	_____	_____
Total general fund	(\$3,571)	(\$11,792)	\$2,281	(6,750)	(\$3,682)	\$0
Juvenile Services:						
Salaries and wages		(\$120,416) ²	\$35,641 ³			
Operating expenses					(\$115,200) ⁷	
Equipment				(\$37,450) ⁵		
Capital improvements						(\$336,900) ⁹
Grants						
Delinquency prevention consortium						
Total all funds	\$0	(\$120,416)	\$35,641	(\$37,450)	(\$115,200)	(\$336,900)
Less estimated income	_____	<u>(3,807)</u>	<u>1,426</u>	_____	_____	_____
Total general fund	\$0	(\$116,609)	\$34,215	(\$37,450)	(\$115,200)	(\$336,900)
Adult Services:						
Victim services		(\$1,942) ²	\$428 ³			
Institutional offender services		(8,981) ²	2,295 ³			

Community offender services		(61,334) ²	18,233 ³		(\$149,800) ⁸	
Support services		(58,942) ²	17,963 ³			(\$3,494,700) ¹⁰
Program services		(26,700) ²	6,273 ³			
Security and safety		(213,452) ²	70,282 ³			
Roughrider Industries		(31,054) ²	9,124 ³			
Total all funds	\$0	(\$402,405)	\$124,598	\$0	(\$149,800)	(\$3,494,700)
Less estimated income		(36,128)	10,407			(2,093,531)
Total general fund	\$0	(\$366,277)	\$114,191	\$0	(\$149,800)	(\$1,401,169)
Grand total all funds	(\$3,571)	(\$534,613)	\$162,520	(\$44,200)	(\$268,682)	(\$3,831,600)
Less grand total special funds		(39,935)	11,833			(2,093,531)
Grand total general fund	(\$3,571)	(\$494,678)	\$150,687	(\$44,200)	(\$268,682)	(\$1,738,069)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	REDUCE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	REMOVE FTE AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	REMOVE SPENDING AUTHORITY RELATING TO LICENSE PLATE ISSUE	INCREASE SUPERVISION FEES	REMOVE POSITIONS AND RELATED OPERATING EXPENSES	TOTAL HOUSE CHANGES
Central Office:						
Salaries and wages						(\$13,082)
Operating expenses						(3,682)
Equipment						(6,750)
Total all funds	\$0	\$0	\$0	\$0	\$0	(\$23,514)
Less estimated income						
Total general fund	\$0	\$0	\$0	\$0	\$0	(\$23,514)
Juvenile Services:						
Salaries and wages					(\$128,135) ¹⁵	(\$212,910)
Operating expenses						(115,200)
Equipment						(37,450)
Capital improvements						(336,900)
Grants						
Delinquency prevention consortium						
Total all funds	\$0	\$0	\$0	\$0	(\$128,135)	(\$702,460)
Less estimated income					(12,094)	(14,475)
Total general fund	\$0	\$0	\$0	\$0	(\$116,041)	(\$687,985)
Adult Services:						
Victim services						(\$1,514)
Institutional offender services						(6,686)
Community offender services					(\$201,482) ¹⁶	(394,383)
Support services						(3,535,679)
Program services						(20,427)
Security and safety	(\$1,424,260) ¹¹	(\$1,463,679) ¹²			(253,475) ¹⁷	(3,284,584)
Roughrider Industries			(\$1,700,000) ¹³			(1,721,930)
Total all funds	(\$1,424,260)	(\$1,463,679)	(\$1,700,000)	\$0	(\$454,957)	(\$8,965,203)
Less estimated income			(1,700,000)	144,000 ¹⁴		(3,675,252)
Total general fund	(\$1,424,260)	(\$1,463,679)	\$0	(\$144,000) ¹⁴	(\$454,957)	(\$5,289,951)
Grand total all funds	(\$1,424,260)	(\$1,463,679)	(\$1,700,000)	\$0	(\$583,092)	(\$9,691,177)
Less grand total special funds			(1,700,000)	144,000	(12,094)	(3,689,727)
Grand total general fund	(\$1,424,260)	(\$1,463,679)	\$0	(\$144,000)	(\$570,998)	(\$6,001,450)
FTE	0.00	(20.00)	0.00	0.00	(10.53)	(30.53)

House changes narrative:

¹ This amendment delays until January 1, 2001, implementation of a market salary increase for the director of the Department of Corrections and Rehabilitation. This adjustment will provide an increase of approximately \$163 per month for the last six months of the biennium.

² This amendment reduces salaries increases to two percent in July 1999 and two percent in July 2000.

³ This amendment increases salaries and wages and program line items to reflect increased health insurance costs.

4 This amendment reduces the equipment line item for the Central Office by approximately 25 percent, from \$26,950 to \$20,200.

5 This amendment reduces the equipment line item for the Juvenile Services Division by \$37,450 for the following:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center:			
Reduces from \$50,000 to \$37,500 the amount provided for computer purchases	(\$12,500)		(\$12,500)
Reduces from \$15,000 to \$10,000 the amount provided for the purchase of a replacement tractor	(5,000)		(5,000)
Eliminates funding for vocational equipment purchased during 1997-99	(18,200)		(18,200)
Juvenile Community Services:			
Reduces equipment line item from \$7,000 to \$5,250	(1,750)		(1,750)
Total Juvenile Services Division equipment reduction	(\$37,450)		(\$37,450)

6 This amendment reduces the operating expenses line item for the Central Office from \$118,682 to \$115,000 for reductions to be determined by the department.

7 This amendment reduces the operating expenses line item for the Juvenile Services Division from \$4,344,374 to \$4,229,174 to reflect a \$32,200 reduction to the Youth Correctional Center for medical-related expenses and a \$83,000 reduction to Juvenile Community Services for reductions to be determined by the department.

8 This amendment reduces the community offender services line item to reflect a reduction from \$2,149,800 to \$2,000,000 in the amount provided for various programs that provide alternatives to the incarceration of inmates. This amendment also adds Section 5 which provides legislative intent that the department monitor the effectiveness of these programs and present a report to the Budget Section.

9 This amendment reduces capital improvements for the Youth Correctional Center as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Eliminates funding for Divine Hall improvements	(\$120,000)		(\$120,000)
Eliminates funding for fire suppression systems in Brown and Maple cottages	(101,000)		(101,000)
Reduces from \$150,900 to \$35,000 funding for extraordinary repairs	(115,900)		(115,900)
Total Youth Correctional Center capital improvements reductions	(\$336,900)		(\$336,900)

10 This amendment reduces capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Reduces from \$1,003,700 to \$650,000 funding for extraordinary repairs	(\$353,700)		(\$353,700)
Reduces from \$121,000 to \$100,000 funding for security improvements at the James River Correctional Center (JRCC)	(21,000)		(21,000)
Reduces from \$325,000 to \$200,000 funding for forensic building lobby, front entrance, and other JRCC improvements	(125,000)		(125,000)
Reduces from \$71,000 to \$40,000 funding for parking lot construction at the JRCC	(31,000)		(31,000)
Eliminates funding for a security fence around the RRI building	(198,000)		(198,000)
Reduces from \$433,000 to \$245,000 funding for administrative segregation unit improvements at the Penitentiary	(188,000)		(188,000)
Reduces from \$325,000 to \$100,000 funding for parking lot improvements at the Penitentiary	(225,000)		(225,000)
Reduces the support services line item for the 5th and 6th floors renovation of the JRCC	(259,469)	(\$2,093,531)	(2,353,000)
Total adult services capital improvements reductions	(\$1,401,169)	(\$2,093,531)	(\$3,494,700)

This amendment adds Section 4 of the bill, which provides legislative intent that during the 1997-99 biennium the department monitor the growth of the inmate population and the number of correctional institution beds available to the department to contract for inmate housing, and prior to the 2001 legislative session, present a report to the Legislative Council or an interim committee on the department's plans to renovate the 5th and 6th floors of the JRCC.

11 This amendment reduces funding for contracting for inmate housing from \$4,085,300 to \$2,661,040 to reflect an anticipated growth in the inmate population of 10 percent for fiscal year 2000 and 15 percent for fiscal year 2001 and legislative intent that the department contract with in-state county facilities for housing as many inmates as possible before contracting with out-of-state facilities.

¹²This amendment eliminates the following FTE positions and operating expenses for the 5th and 6th floors of the JRCC:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Removes correctional unit case managers	(2.00)	(\$87,906)		(\$87,906)
Removes correctional caseworkers	(6.00)	(234,048)		(234,048)
Removes correctional officer II positions	(12.00)	(411,540)		(411,540)
Operating expenses		<u>(730,185)</u>		<u>(730,185)</u>
Total reduction for operation of the 5th and 6th floors of the JRCC	(20.00)	(\$1,463,679)		(\$1,463,679)

¹³This amendment reduces the Roughrider Industries line item by \$1.7 million for operating expenses relating to the issuance of license plates.

¹⁴This amendment increases by \$144,000 anticipated revenue from parole supervision fees based on increasing fees from \$30 to \$35 per month, as provided in Section 6 of the bill. This amendment also reduces general fund spending authority by the same amount.

¹⁵This amendment reduces funding for the expansion of the Youth Correctional Center education program to increase the number of months of instruction from 10 to 12 months. The amendment is based on legislative intent that the Youth Correctional Center expand the educational program by offering only core curriculum during the summer months rather than a full education program as proposed in the executive budget. The costs are estimated as follows:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Executive budget	3.57	\$269,895	\$43,858	\$313,753
House version	<u>2.04</u>	<u>153,854</u>	<u>31,764</u>	<u>185,618</u>
Change from executive budget	(1.53)	(\$116,041)	(\$12,094)	(\$128,135)

¹⁶This amendment eliminates the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Removes administrative secretary III positions	(2.00)	(\$95,436)		(\$95,436)
Adds funding for temporary salaries		38,436		38,436
Removes related operating expenses		(41,848)		(41,848)
b. Removes community corrections agent	(1.00)	(53,024)		(53,024)
Removes related operating expenses		(2,531)		(2,531)
c. Removes parole and probation officer II	(1.00)	(36,657)		(36,657)
Removes related operating expenses		<u>(10,422)</u>		<u>(10,422)</u>
Total FTE and related changes for community offender services	(4.00)	(\$201,482)		(\$201,482)

¹⁷This amendment eliminates the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Removes correctional officer II positions relating to the JRCC	(2.00)	(\$110,910)		(\$110,910)
Removes related operating expenses		(4,480)		(4,480)
b. Removes correctional officer II positions relating to transporting Missouri River Correctional Center inmates	(2.00)	(110,910)		(110,910)
Removes related operating expenses		(4,480)		(4,480)
c. Removes correctional officer II position relating to Penitentiary front lobby security	(1.00)	(55,455)		(55,455)
Removes related operating expenses		(2,240)		(2,240)
d. Increases funding for temporary salaries		35,000		35,000
	(5.00)	(\$253,475)		(\$253,475)

Date: 2-16-99
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1016

House APPROPRIATIONS Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number 98016.0101

Action Taken DO PASS AS AMENDED

Motion Made By SVEDJAN Seconded By Bernstein

Representatives	Yes	No	Representatives	Yes	No
Chairman Dalrymple	X		Nichols	X	
Vice-Chairman Byerly	X		Poolman	X	
Aarsvold	X		Svedjan	X	
Bernstein	X		Timm	X	
Boehm	X		Tollefson	X	
Carlson	X		Wentz	X	
Carlisle	X				
Delzer	X				
Gulleson	X				
Hoffner	X				
Huether	X				
Kerzman	X				
Lloyd	X				
Monson	X				

Total (Yes) 20 No 0

Absent 0

Floor Assignment Rep. Svedjan

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1016: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 2, after "rehabilitation" insert "; and to amend and reenact subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to the supervision of probationers"

Page 1, line 12, replace "878,152" with "865,070"

Page 1, line 13, replace "118,682" with "115,000"

Page 1, line 14, replace "26,950" with "20,200"

Page 1, line 15, replace "1,023,784" with "1,000,270"

Page 1, line 18, replace "9,764,955" with "9,552,045"

Page 1, line 19, replace "4,344,374" with "4,229,174"

Page 1, line 20, replace "141,771" with "104,321"

Page 1, line 21, replace "371,900" with "35,000"

Page 1, line 24, replace "17,693,900" with "16,991,440"

Page 2, line 1, replace "5,688,979" with "5,674,504"

Page 2, line 2, replace "12,004,921" with "11,316,936"

Page 2, line 5, replace "2,610,550" with "2,609,036"

Page 2, line 6, replace "828,335" with "821,649"

Page 2, line 7, replace "10,029,660" with "9,635,277"

Page 2, line 8, replace "20,234,931" with "16,699,252"

Page 2, line 9, replace "3,853,788" with "3,833,361"

Page 2, line 10, replace "23,625,750" with "20,341,166"

Page 2, line 11, replace "9,243,724" with "7,521,794"

Page 2, line 12, replace "70,426,738" with "61,461,535"

Page 2, line 13, replace "16,335,431" with "12,660,179"

Page 2, line 14, replace "54,091,307" with "48,801,356"

Page 2, line 15, replace "67,120,012" with "61,118,562"

Page 2, line 16, replace "22,024,410" with "18,334,683"

Page 2, line 17, replace "89,144,422" with "79,453,245"

Page 2, line 24, replace "victims services," with "various"

Page 2, line 25, remove "institutional offender services, and community offender services"

Page 2, line 26, after "Act" insert a comma

Page 2, after line 28, insert:

"SECTION 4. LEGISLATIVE INTENT - RENOVATION OF THE JAMES RIVER CORRECTIONAL CENTER FIFTH AND SIXTH FLOORS - REPORT TO LEGISLATIVE COUNCIL. It is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium, the department of corrections and rehabilitation monitor changes in the inmate population and the number of correctional cells at public and private correctional institutions available to house state inmates through contractual agreements. Prior to the 2001 legislative session, the director of the department of corrections and rehabilitation shall present a report to the legislative council, or a committee determined by the legislative council, on actual and projected changes in the inmate population, the number of correctional cells at public and private correctional institutions available to house state inmates through contractual agreements, and proposals for the renovation of the fifth and sixth floors of the residential building of the James River correctional center.

SECTION 5. LEGISLATIVE INTENT - PROGRAMS PROVIDING ALTERNATIVES TO INCARCERATION - REPORT TO BUDGET SECTION. It is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium, the department of corrections and rehabilitation implement and operate programs to provide alternatives to the incarceration of inmates, including a revocation center and other intermediate measure intervention programs, community placement programs, jail placement for parole violators, house arrest and home detention, halfway house confinement, day reporting, and other programs as determined by the department. The purpose of such programs shall be to remove inmates from incarceration and prevent the return to incarceration of parole and probation violators. The director of the department of corrections and rehabilitation, periodically during the 1999-2001 biennium, shall provide reports to the budget section of the legislative council on the effectiveness of these programs and the actual and projected impact on the state inmate population.

SECTION 6. AMENDMENT. Subsection 2 of section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

2. The conditions of probation must be such as the court in its discretion deems reasonably necessary to ensure that the defendant will lead a law-abiding life or to assist the defendant to do so. The court shall provide as an explicit condition of every probation that the defendant not commit another offense during the period for which the probation remains subject to revocation. The court shall order supervision costs and fees of not less than ~~thirty~~ thirty-five dollars per month unless the court makes a specific finding on record that the imposition of fees will result in an undue hardship."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

House - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Central Office:			
Salaries and wages	\$878,152	(\$13,082)	\$865,070
Operating expenses	118,682	(3,682)	115,000
Equipment	<u>26,950</u>	<u>(6,750)</u>	<u>20,200</u>
Total all funds	\$1,023,784	(\$23,514)	\$1,000,270
Less estimated income	_____	_____	_____
Total general fund	\$1,023,784	(\$23,514)	\$1,000,270
Juvenile Services:			
Salaries and wages	\$9,764,955	(\$212,910)	\$9,552,045
Operating expenses	4,344,374	(115,200)	4,229,174
Equipment	141,771	(37,450)	104,321
Capital improvements	371,900	(336,900)	35,000
Grants	2,870,900		2,870,900
Delinquency prevention consortium	200,000		200,000
Total all funds	\$17,693,900	(\$702,460)	\$16,991,440
Less estimated income	<u>5,688,979</u>	<u>(14,475)</u>	<u>5,674,504</u>
Total general fund	\$12,004,921	(\$687,985)	\$11,316,936
Adult Services:			
Victim services	\$2,610,550	(\$1,514)	\$2,609,036
Institutional offender services	828,335	(6,686)	821,649
Community offender services	10,029,660	(394,383)	9,635,277
Support services	20,234,931	(3,535,679)	16,699,252
Program services	3,853,788	(20,427)	3,833,361
Security and safety	23,625,750	(3,284,584)	20,341,166
Roughrider Industries	<u>9,243,724</u>	<u>(1,721,930)</u>	<u>7,521,794</u>
Total all funds	\$70,426,738	(\$8,965,203)	\$61,461,535
Less estimated income	<u>16,335,431</u>	<u>(3,675,252)</u>	<u>12,660,179</u>
Total general fund	\$54,091,307	(\$5,289,951)	\$48,801,356
Grand total all funds	\$89,144,422	(\$9,691,177)	\$79,453,245
Less grand total special funds	<u>22,024,410</u>	<u>(3,689,727)</u>	<u>18,334,683</u>
Grand total general fund	\$67,120,012	(\$6,001,450)	\$61,118,562
FTE	577.21	(30.53)	546.68

Detail of House changes to the executive budget includes:

	DELAY MARKET SALARY INCREASE TO JANUARY 1, 2001	REDUCE COMPENSATION PACKAGE TO 2/2	INCREASE HEALTH INSURANCE COST	REDUCE EQUIPMENT	REDUCE OPERATING EXPENSES	REDUCE CAPITAL IMPROVEMENTS
Central Office:						
Salaries and wages	(\$3,571) ¹	(\$11,792) ²	\$2,281 ³			
Operating expenses					(\$3,682) ⁶	
Equipment				(\$6,750) ⁴		
Total all funds	(\$3,571)	(\$11,792)	\$2,281	(\$6,750)	(\$3,682)	\$0
Less estimated income	_____	_____	_____	_____	_____	_____
Total general fund	(\$3,571)	(\$11,792)	\$2,281	(6,750)	(\$3,682)	\$0
Juvenile Services:						
Salaries and wages		(\$120,416) ²	\$35,641 ³			
Operating expenses					(\$115,200) ⁷	
Equipment				(\$37,450) ⁵		
Capital improvements						(\$336,900) ⁹
Grants						
Delinquency prevention consortium						
Total all funds	\$0	(\$120,416)	\$35,641	(\$37,450)	(\$115,200)	(\$336,900)

REPORT OF STANDING COMMITTEE (410)
February 17, 1999 7:56 a.m.

Module No: HR-32-3253
Carrier: Svedjan
Insert LC: 98016.0101 Title: .0200

Less estimated income		<u>(3,807)</u>	<u>1,426</u>			
Total general fund	\$0	(\$116,609)	\$34,215	(\$37,450)	(\$115,200)	(\$336,900)
Adult Services:						
Victim services		(\$1,942) ²	\$428 ³			
Institutional offender services		(8,981) ²	2,295 ³			
Community offender services		(61,334) ²	18,233 ³		(\$149,800) ⁸	
Support services		(58,942) ²	17,963 ³			(\$3,494,700) ¹⁰
Program services		(26,700) ²	6,273 ³			
Security and safety		(213,452) ²	70,282 ³			
Roughrider Industries		(31,054) ²	9,124 ³			
Total all funds	\$0	(\$402,405)	\$124,598	\$0	(\$149,800)	(\$3,494,700)
Less estimated income		<u>(36,128)</u>	<u>10,407</u>			<u>(2,093,531)</u>
Total general fund	\$0	(\$366,277)	\$114,191	\$0	(\$149,800)	(\$1,401,169)
Grand total all funds	(\$3,571)	(\$534,613)	\$162,520	(\$44,200)	(\$268,682)	(\$3,831,600)
Less grand total special funds		<u>(39,935)</u>	<u>11,833</u>			<u>(2,093,531)</u>
Grand total general fund	(\$3,571)	(\$494,678)	\$150,687	(\$44,200)	(\$268,682)	(\$1,738,069)
FTE	0.00	0.00	0.00	0.00	0.00	0.00
		REMOVE FTE AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	REMOVE SPENDING AUTHORITY RELATING TO LICENSE PLATE ISSUE	INCREASE SUPERVISION FEES	REMOVE POSITIONS AND RELATED OPERATING EXPENSES	TOTAL HOUSE CHANGES
Central Office:						
Salaries and wages						(\$13,082)
Operating expenses						(3,682)
Equipment						(6,750)
Total all funds	\$0	\$0	\$0	\$0	\$0	(\$23,514)
Less estimated income						
Total general fund	\$0	\$0	\$0	\$0	\$0	(\$23,514)
Juvenile Services:						
Salaries and wages					(\$128,135) ¹⁵	(\$212,910)
Operating expenses						(115,200)
Equipment						(37,450)
Capital improvements						(336,900)
Grants						
Delinquency prevention consortium						
Total all funds	\$0	\$0	\$0	\$0	(\$128,135)	(\$702,460)
Less estimated income					<u>(12,094)</u>	<u>(14,475)</u>
Total general fund	\$0	\$0	\$0	\$0	(\$116,041)	(\$687,985)
Adult Services:						
Victim services						(\$1,514)
Institutional offender services						(6,686)
Community offender services					(\$201,482) ¹⁶	(394,383)
Support services						(3,535,679)
Program services						(20,427)
Security and safety	(\$1,424,260) ¹¹	(\$1,463,679) ¹²			(253,475) ¹⁷	(3,284,584)
Roughrider Industries			(\$1,700,000) ¹³			(1,721,930)
Total all funds	(\$1,424,260)	(\$1,463,679)	(\$1,700,000)	\$0	(\$454,957)	(\$8,965,203)
Less estimated income			<u>(1,700,000)</u>	<u>144,000</u> ¹⁴		<u>(3,675,252)</u>
Total general fund	(\$1,424,260)	(\$1,463,679)	\$0	(\$144,000) ¹⁴	(\$454,957)	(\$5,289,951)
Grand total all funds	(\$1,424,260)	(\$1,463,679)	(\$1,700,000)	\$0	(\$583,092)	(\$9,691,177)
Less grand total special funds			<u>(1,700,000)</u>	<u>144,000</u>	<u>(12,094)</u>	<u>(3,689,727)</u>
Grand total general fund	(\$1,424,260)	(\$1,463,679)	\$0	(\$144,000)	(\$570,998)	(\$6,001,450)
FTE	0.00	(20.00)	0.00	0.00	(10.53)	(30.53)

House changes narrative:

- 1 This amendment delays until January 1, 2001, implementation of a market salary increase for the director of the Department of Corrections and Rehabilitation. This adjustment will provide an increase of approximately \$163 per month for the last six months of the biennium.
- 2 This amendment reduces salaries increases to two percent in July 1999 and two percent in July 2000.
- 3 This amendment increases salaries and wages and program line items to reflect increased health insurance costs.
- 4 This amendment reduces the equipment line item for the Central Office by approximately 25 percent, from \$26,950 to \$20,200.
- 5 This amendment reduces the equipment line item for the Juvenile Services Division by \$37,450 for the following:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center:			
Reduces from \$50,000 to \$37,500 the amount provided for computer purchases	(\$12,500)		(\$12,500)
Reduces from \$15,000 to \$10,000 the amount provided for the purchase of a replacement tractor	(5,000)		(5,000)
Eliminates funding for vocational equipment purchased during 1997-99	(18,200)		(18,200)
Juvenile Community Services:			
Reduces equipment line item from \$7,000 to \$5,250	(1,750)		(1,750)
Total Juvenile Services Division equipment reduction	(\$37,450)		(\$37,450)

- 6 This amendment reduces the operating expenses line item for the Central Office from \$118,682 to \$115,000 for reductions to be determined by the department.
- 7 This amendment reduces the operating expenses line item for the Juvenile Services Division from \$4,344,374 to \$4,229,174 to reflect a \$32,200 reduction to the Youth Correctional Center for medical-related expenses and a \$83,000 reduction to Juvenile Community Services for reductions to be determined by the department.
- 8 This amendment reduces the community offender services line item to reflect a reduction from \$2,149,800 to \$2,000,000 in the amount provided for various programs that provide alternatives to the incarceration of inmates. This amendment also adds Section 5 which provides legislative intent that the department monitor the effectiveness of these programs and present a report to the Budget Section.
- 9 This amendment reduces capital improvements for the Youth Correctional Center as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Eliminates funding for Divine Hall improvements	(\$120,000)		(\$120,000)
Eliminates funding for fire suppression systems in Brown and Maple cottages	(101,000)		(101,000)
Reduces from \$150,900 to \$35,000 funding for extraordinary repairs	(115,900)		(115,900)
Total Youth Correctional Center capital improvements reductions	(\$336,900)		(\$336,900)

- 10 This amendment reduces capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
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Reduces from \$1,003,700 to \$650,000 funding for extraordinary repairs	(353,700)		(\$353,700)
Reduces from \$121,000 to \$100,000 funding for security improvements at the James River Correctional Center (JRCC)	(21,000)		(21,000)
Reduces from \$325,000 to \$200,000 funding for forensic building lobby, front entrance, and other JRCC improvements	(125,000)		(125,000)
Reduces from \$71,000 to \$40,000 funding for parking lot construction at the JRCC	(31,000)		(31,000)
Eliminates funding for a security fence around the RRI building	(198,000)		(198,000)
Reduces from \$433,000 to \$245,000 funding for administrative segregation unit improvements at the Penitentiary	(188,000)		(188,000)
Reduces from \$325,000 to \$100,000 funding for parking lot improvements at the Penitentiary	(225,000)		(225,000)
Reduces the support services line item for the 5th and 6th floors renovation of the JRCC	(259,469)	(\$2,093,531)	(2,353,000)
Total adult services capital improvements reductions	(\$1,401,169)	(\$2,093,531)	(\$3,494,700)

This amendment adds Section 4 of the bill, which provides legislative intent that during the 1997-99 biennium the department monitor the growth of the inmate population and the number of correctional institution beds available to the department to contract for inmate housing, and prior to the 2001 legislative session, present a report to the Legislative Council or an interim committee on the department's plans to renovate the 5th and 6th floors of the JRCC.

¹¹This amendment reduces funding for contracting for inmate housing from \$4,085,300 to \$2,661,040 to reflect an anticipated growth in the inmate population of 10 percent for fiscal year 2000 and 15 percent for fiscal year 2001 and legislative intent that the department contract with in-state county facilities for housing as many inmates as possible before contracting with out-of-state facilities.

¹²This amendment eliminates the following FTE positions and operating expenses for the 5th and 6th floors of the JRCC:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Removes correctional unit case managers	(2.00)	(\$87,906)		(\$87,906)
Removes correctional caseworkers	(6.00)	(234,048)		(234,048)
Removes correctional officer II positions	(12.00)	(411,540)		(411,540)
Operating expenses		<u>(730,185)</u>		<u>(730,185)</u>
Total reduction for operation of the 5th and 6th floors of the JRCC	(20.00)	(\$1,463,679)		(\$1,463,679)

¹³This amendment reduces the Roughrider Industries line item by \$1.7 million for operating expenses relating to the issuance of license plates.

¹⁴This amendment increases by \$144,000 anticipated revenue from parole supervision fees based on increasing fees from \$30 to \$35 per month, as provided in Section 6 of the bill. This amendment also reduces general fund spending authority by the same amount.

¹⁵This amendment reduces funding for the expansion of the Youth Correctional Center education program to increase the number of months of instruction from 10 to 12 months. The amendment is based on legislative intent that the Youth Correctional Center expand the educational program by offering only core curriculum during the summer months rather than a full education program as proposed in the executive budget. The costs are estimated as follows:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Executive budget	3.57	\$269,895	\$43,858	\$313,753
House version	<u>2.04</u>	<u>153,854</u>	<u>31,764</u>	<u>185,618</u>
Change from executive budget	(1.53)	(\$116,041)	(\$12,094)	(\$128,135)

¹⁶This amendment eliminates the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
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REPORT OF STANDING COMMITTEE (410)
February 17, 1999 7:56 a.m.

Module No: HR-32-3253
Carrier: Svedjan
Insert LC: 98016.0101 Title: .0200

a. Removes administrative secretary III positions	(2.00)	(\$95,436)	(\$95,436)
Adds funding for temporary salaries		38,436	38,436
Removes related operating expenses		(41,848)	(41,848)
b. Removes community corrections agent	(1.00)	(53,024)	(53,024)
Removes related operating expenses		(2,531)	(2,531)
c. Removes parole and probation officer II	(1.00)	(36,657)	(36,657)
Removes related operating expenses		<u>(10,422)</u>	<u>(10,422)</u>
Total FTE and related changes for community offender services	(4.00)	(\$201,482)	(\$201,482)

¹⁷This amendment eliminates the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Removes correctional officer II positions relating to the JRCC	(2.00)	(\$110,910)		(\$110,910)
Removes related operating expenses		(4,480)		(4,480)
b. Removes correctional officer II positions relating to transporting Missouri River Correctional Center inmates	(2.00)	(110,910)		(110,910)
Removes related operating expenses		(4,480)		(4,480)
c. Removes correctional officer II position relating to Penitentiary front lobby security	(1.00)	(55,455)		(55,455)
Removes related operating expenses		(2,240)		(2,240)
d. Increases funding for temporary salaries		35,000		35,000
	<u>(5.00)</u>	<u>(\$253,475)</u>		<u>(\$253,475)</u>

1999 SENATE APPROPRIATIONS

HB 1016

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. ENGROSSED HB 1016

Senate Appropriations Committee

Conference Committee

Hearing Date 3/8/99; 3/31/99

Tape Number		Side A	Side B	Meter #
1		80-end	0-end	
2		0-end	0--3700	
3/31/99	1	960-3427		
Committee Clerk Signature <i>Gaudia Anderson</i>				

Minutes:

SENATOR NETHING: Opened the hearing on engrossed HB 1016; a BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; and to amend and reenact subsection 2 of section 112.1-32-07 of the North Dakota Century Code, relating to the supervision of probationers.

ELAINE LITTLE: Director, **Department of Corrections of Rehabilitation**, presented an overview of the corrections program (attachment 1A), the inmate population (1B), and the projected inmate population and contracted service fees (1C). (tape 1, side A 80-600)

SENATOR KRAUTER: Can we go to the second inmate admissions, the selected offenses? If I take calendar year '98 and add that up that comes up to 736, and if I go up in the first column, the first chart, and I look at annual new arrivals and it is 778, where are the other 42?

LITTLE: We showed just the major offense categories. Another category we don't even have here is property offenders. That has stayed pretty static for a number of years and we didn't include that in our general population information. (tape 1, A, 670)

SENATOR ROBINSON: How are we doing in training our people that when they are released larger percentages of them are productive citizens and not returned to the system?

LITTLE: We think we're getting better at that. We've averaged in the low 20 percent rate for recidivism. We've implemented a number of new programs in the last couple of years. One in particular that I think will have a tremendous impact in the long-run we call cognitive restructuring, programming to train inmates to change their way of thinking. We believe that along with the other treatments, like alcohol and drug, we will have an impact on our recidivism rate.

SENATOR ST. AUBYN: On the drug offenders, do the judges have the authority to do home detention?

LITTLE: It depends on the type of drug offense. If it is a drug offense that comes under the minimum mandatory law which would be any offender who has manufactured or delivered a controlled substance, those come under mandatory sentencing. In that case, the judge couldn't use home detention, but would have to send them to prison. If it is a possession case or a marijuana case, they have full authority to give any type of sentence.

SENATOR ST. AUBYN: The minimum mandatory, that can't be part of the sentence? Does it say specifically prison?

LITTLE: It is very specific. The shortest amount of prison time for the manufacture or sale of a controlled substance is 8 months, depending on the amount. It goes up from 8 months. It is very specific about prison time.

SENATOR ST. AUBYN: Can it be a county jail, or that type of facility?

LITTLE: If the minimum mandatory is 8 months, it can be a county jail. If it is longer than that or over a year then it needs to be a class 1 jail, which are limited to housing an inmate for 1 year. Anything over a year, they need to send them to the state prison.

SENATOR ANDRIST: Is electronic monitoring being used or is it cost effective?

LITTLE: Yes, we are using electronic monitoring. It is really just a tool. You can only use it for a limited amount of time, because it is so intense. Research has shown that after 3-6 months an offender just can't handle being incarcerated or cooped up that long. We do use it for short periods. It is a just a tool, not a sanction. (tape 1, A, 1065)

SENATOR NETHING: Are you talking the same thing? The bracelets the anklets and those kinds of things? What is confining about that?

LITTLE: Basically, the individual wears the bracelet and it is hooked up to an electronic system whereby the person in control can determine when and how long the individual has to be in that setting. For example, if they have a job they could allow for that person to leave the home at 8:00 and be back at 5:00. Outside of that time, you periodically call the residence and the individual has to be present to answer the phone or put their bracelet up to the phone so the individual knows the person is indeed at home. Basically it confines them to their house unless the officer in charge gives them specific time frames when they can be gone.

SENATOR ANDRIST: I understood this could actually take the place of jail sentence. Nothing could be more confining than a 4x6 cell or whatever.

LITTLE: It can be used that way, you just have to be careful about the crime and really how you're utilizing it because it is a system that is not foolproof. If the individual decides to run, they're going to run, there is nothing to hold them there. The system just alerts us in a matter of

time that they're gone, but they can still leave. An electronic monitor is seldom used on a sex offender because you have to know at all times where they are. But, it can be used as a jail sentence.

SENATOR ANDRIST: Back to my original question, how much are you using that type of thing?

LITTLE: We have about 15-20 offenders around the state on an average. It is time intensive for the officer who has individuals on electronic monitoring, so we use it sparingly.

SENATOR NETHING: How does it work cost wise?

LITTLE: It is quite cost effective. It probably costs between \$10-\$15 per day. At times, depending on the offender and their job status, we can have the offender pay for it. In that case, there wouldn't be any cost to the department.

SENATOR NETHING: How about for the officer? How many can an officer handle?

LITTLE: Normally we say an officer can handle 4-5 at one time in conjunction with their other work. (tape 1, A, 1584)

LITTLE: Presented information relative to the second chart: the number of admissions by sentence length; as well as information relating to other crime types on remaining pages. (attachment #1)

SENATOR LINDAAS: What are property offenses?

LITTLE: The whole area of theft - burglary, fraud; they may have a tie-in to drugs.

SENATOR BOWMAN: Could we reduce costs by locating less violent criminals in less secure/less costly facilities?

LITTLE: You'll hear about alternatives later. (tape 1, A, 1895)

SENATOR ROBINSON: What are we projecting for numbers for June 1999, and where will we be at the end of the biennium; and how many federal inmates are housed at the facility and how many do we have out-of-state? (tape 1, A, 2050)

LITTLE: The next part of my presentation will get to where our population is going to be, but in terms of the federal inmates, we have just a handful remaining in our facility. Most of those are on a trade basis. Basically we're getting the good end of the deal. They're housing one of our inmates that we do not have an adequate facility to handle, and in turn we're housing one of theirs. I think we have 5 total now with 3 leaving this week. On the average we have about 20 inmates out of state on interstate compact, but at the same time that means we have 20 other inmates from other states in our system where it is a one-for-one trade. In terms of contracting for housing of inmates, we do very little of that.

SENATOR ROBINSON: That doesn't include those in county jails?

LITTLE: County jail inmates are in these populations.

LITTLE: Reviewed inmate population projection for the next biennium and what they hope this committee will look at. The House made some changes, we're not comfortable with those changes. (testimony 1C, page 1)

SENATOR ST. AUBYN: You talk about in the second year that 15 percent. Do we reach a point where the prison population stabilizes? (tape 1, A, 2640)

LITTLE: We have tried to analyze that, but it is difficult because of the wide range of types of sentences that are given. But, looking at the average sentence right now of the minimum mandatory drug offenders which is about 5 years, we know it will take at least that time frame where we can start stabilizing. The other thing we hope will help stabilization is the alternatives we're using because we're pulling everyone out who has a sentence that doesn't need the maximum kind of housing. Our goal is that by the end of this biennium, we will be able to hold at the population projected and maybe even start, depending again what happens with sentencing and all of those kinds of things, we're hoping to keep a population that doesn't go beyond the 5th and 6th floors in Jamestown. (tape 1, A, 2800)

SENATOR KRAUTER: We're loosing population in ND, and I look at this and we keep going the opposite way. What's the correlation? Are these individuals nonresidents?

LITTLE: Drug offenders are really driving the prison population; methamphetamine has affected the population in a very different way. The violent offenses in some categories are related to more gang activities, especially in the eastern part of the state. So even though our population hasn't really grown, the type of offender we're seeing is primarily the ND resident.

SENATOR NETHING: I'm not sure we're loosing as much population as it is shifting.

LITTLE: I think it is remaining fairly stable.

SENATOR NAA DEN: What percentage of drug offender are taking treatment?

LITTLE: We try to treat everyone who wants it. We currently have a lot of individuals on waiting lists and also individuals who we determine can be treated within the community when they're released. We're probably around 50% who would receive treatment within the facility.

LITTLE: Presented the cost comparison of completing the 5th & 6th floors at JRCC, including House recommendations and how contracting affects the budget. (attachment 1C, page 3) (tape 1, A, 3050-3250)

SENATOR TOMAC: Who sets the \$55 or \$60 rate? How is that arrived at?

LITTLE: That rate has gradually increased since the time we first started contracting with the local jails, and then the private prison in Appleton. The Appleton rate right now is \$50 per day. They, however, had asked for an increase last August to \$60/day. We guaranteed 50 inmates for the rest of the biennium, they allowed us to remain at the \$50/day. Rates are set by provider.

SENATOR ANDRIST: Who provided the House with the numbers?

LITTLE: We worked together and looked at lots of different options. The House subcommittee didn't believe our prison population was going to grow significantly, and thought we would have a tremendous impact with the revocation center up to July 1. They made the decision to use those lower numbers.

SENATOR ANDRIST: How about their projections as to the cost?

LITTLE: They took the current cost based on a survey of the jails, and used an average of the present costs. We know based on conversations this past year, those jails want increases. So to use the current rate for the entire next biennium is not going to be adequate. Also, those numbers didn't include any travel money. (tape 1, A, 3765)

SENATOR KRAUTER: Getting back to this issue on daily rates, when you say the counties are currently are at \$45 and you have the state outside pay \$55, I understand you negotiate these things like with Appleton. What number did you use for preparing the budget?

LITTLE: We used \$55 in the Governor's budget for the first year of the biennium and \$60 for the second year of the biennium. We think this is as low as it is going to be based on the information we have received.

SENATOR KRAUTER: Can you provide us some history from previous bienniums how you negotiated those with Appleton or what the rates have been, and how you've either prevailed in those negotiations or not.

LITTLE: Appleton, we've only started contracting with them during this biennium. Initially the rate was \$50, and that is what we're still at. However, as I mentioned earlier, that is the number we're still at. But as I mentioned earlier, we had to negotiate to keep it at that rate or it would have gone up to \$60 had we not guaranteed a certain number of inmates. Whether we had that number of inmates or not, we had to guarantee filling certain numbers of beds. There are many states that need beds, and there is a waiting list. Basically when the time to negotiate comes, we're going to have to pay their rate because there will be another state waiting in line to pay that \$60 if we don't.

SENATOR BOWMAN: Have there been any studies to use existing closed military facilities?

LITTLE: Yes. We looked at the Oakes facility, the only state-wide facility available. It would have been too costly to renovate. Across the country, there have been some states who have been able to use these facilities. (tape 1, A, 3914)

SENATOR SOLBERG: On the operating expenses of the Jametown facility, it looks like from April 2000 to June 2000, you have \$730,000 operating?

LITTLE: Yes, basically that would be the primary operating expenses like utility, food costs for the inmates, clothing--basically operating the facility.

SENATOR SOLBERG: And, how many inmates?

LITTLE: That is for an additional 100 and for the 2 floors. I'll review the costs to renovate the 5th & 6th floor (Testimony #1C, page 4)

SENATOR TALLACKSON: You get federal money if you remodel the 5th & 6th floor. Do you get the same amount if you contract out?

LITTLE: The dollars would be available, but they need to be utilized for construction.

SENATOR TOMAC: In rough figures, it costs approximately \$30/day for salaries and maintenance of an inmate if the state does it themselves - above construction costs?

LITTLE: That could be because when we add the 5th & 6th floors, all of the fixed costs are already taken care of there for the most part. Normally we say our costs are about \$50/day. It will actually be less to do the 5th & 6th floor because we're already paying a lot of the fixed costs on the other floors. We'd be adding just the staff and basic inmate care costs.

SENATOR TOMAC: So this addition is probably pretty cost effective; however, if we go beyond this addition, we may need to reanalyze it.

LITTLE: Yes, that's fair.

SENATOR ST. AUBYN: In comparing what the House did on that one chart and looking at your figures. I see a couple of different figures, on the 20 FTE positions, they had \$749,560 (as prepared by the legislative council) and you had \$733,494. Have these changed?

LITTLE: We used the same numbers we used in the Executive budget, but in the House analysis that would include the salary increase dollars. It would be fair to use the \$749,000 figure.

SENATOR KRINGSTAD: Are we currently heating the 5th & 6th floor now?

LITTLE: Yes, to some extent at least because we're utilizing the 5th floor for crafts.

SENATOR SOLBERG: How sure are we will receive federal dollars, and where are we with cooperating with the State Hospital on laundry, meals, etc.?

LITTLE: I received notification just this week from Congress regarding the money. I will be attending a meeting this coming weekend. It is one of the topics on the agenda. From the beginning it has been characterized as a five-year program, and that's what states have done their

planning on. So other states are in the same situation we are and are depending on those dollars. We're confident we can get Congress to add those dollars back in.

Our cooperation with the State Hospital has gone well. We weren't able to contract with them for food because they use state employees in the preparation of their food, and state employee salaries. It was much more expensive than what we can do when we contract with a food service company who utilizes inmate help. So we're getting a lower rate by contracting than if we would have worked with the State Hospital. We're working with them on the laundry. They've asked us for a bid to do the State Hospital laundry. We'll have more information on that shortly. We're working with them in a number of ways. They are providing all of the addiction counseling free of charge to our revocation center utilizing state counselors at the State Hospital for us. We're also contracting with them for psychological services, x-ray, and other types of medical services.

SENATOR SOLBERG: If it is so much cheaper for you to provide food services, why hasn't the State Hospital looked at that? Couldn't we combine the two to save some dollars on the State Hospital side?

LITTLE: We've had some discussion on that. One of the concerns was we have to make sure no prisoner goes outside of the fence. There was also a concern of carting and keeping the food warm, etc.

SENATOR TALLACKSON: One of the items of discussion when we toured the facility last summer was the bunking of 6 people together. Is that turning out to be a problem?

LITTLE: It isn't the best of situations. It is difficult to find 6 individuals who can get along.

SENATOR KRAUTER: The double bunking and making sure we're maximizing all of that, as I understand it, the east cell and the west cell are still maximum security, single inmate per cell. What are the options there to maximize that?

LITTLE: The east cell house cannot physically be double bunked. The ceilings are so low there is not room to put another bunk on top of the other. The west cell house, many of the cells there house the administrative seg unit. The upper floors of the west cell house, we have in the past occasionally double bunked. It is mostly maximum security. The policy nationwide is it is not wise to double maximum security inmates. There are only so many inmates you can put into a facility with the number of auxiliary services available, the rec space, the food service, etc. We really believe with all of the double bunking we're doing now, which is the entire orientation unit, almost all of the cells in the south unit, that is the maximum amount of double bunking we can do.

SENATOR KRAUTER: You say it is recommended not to double bunk maximum security, you're doing it already in the north unit.

LITTLE: The north unit is orientation where inmates come in. There may be a maximum security person in there, but they're in there for a very short time and then moved to their cell. Many of those would not be maximum security.

SENATOR KRAUTER: The north unit has 66 bunks, 66 rooms capacity, so you're telling me we have a flow of 66 people moving into the system and on through it that fast?

LITTLE: On the average, an inmate stays in orientation 5 weeks or less. Basically they are there to get their testing done, the evaluations, until we have enough information. They go through inmate rules until we have enough information to classify them, to give them a custody level, and then they're moved out.

SENATOR NETHING: Senator Bowman asked about minimum security. How many people are in minimum security and where are they?

LITTLE: Our only minimum security facility is the Missouri River Correctional Center south of Bismarck. That is composed of 150 beds. Those are the only minimum security beds we have, and right now because of the alternatives, what we're trying to do in keeping people in the community, we're having trouble finding 150 minimum people.

SENATOR KRAUTER: The Council prepared me a memo that said we've also got the south unit that is maximum security and it is double bunked, and there may be 7 inmates there. That doesn't follow what you're saying. We also have another we're maximizing.

LITTLE: The south unit is our honor dorm. The only inmates who get there are those who have performed in every way. That is why we're comfortable double bunking most of that unit. So, in a sense we are breaking our own rules, but it is because it is the honor dorm.

TIM SCHUETZLE: Director of the Prisons Division, and also Warden at the State Penitentiary, presented the House budget cuts and how these cuts affect these programs (testimony attached #2) (tape 1, side A 6000-end; tape 1, side B, 0 - 57)

SENATOR ST. AUBYN: You talk in that first paragraph you requested the committee add money back for the remaining positions, and then in the next paragraph, you talk about the 3 COII positions to operate the front lobby positions. One of these positions was removed by action taken by the House. I'm lost because before you said 3 positions were funded out.

SCHUETZLE: We'd asked for a total of 3 positions for the front lobby, the House left 2 in the budget, and cut 1. These other 2 positions are work crew supervisors that they also removed.

SENATOR ST. AUBYN: How do you currently operate that now?

SCHUETZLE: There are times on the weekends when we don't have anyone in the front lobby. What we do then is we hold visitors back until we can free up an officer from the cell house to come out and shake down those people. When we do that we short ourselves in supervising the dining room or the recreation area. During the weekdays, we're using our reception, clerical position, to screen the people through. We do have an officer assigned to the visiting room and that person is out in the front lobby at the start of visiting hours and does most of that work for

us, but then as people come in afterwards we rely on our security officers we free up from the institution or our clerical position or receptionist who answers the telephone.

SENATOR ANDRIST: Isn't it possible to reduce visiting hours?

SCHUETZLE: Yes, that is possible, but it is not something we would like to see happen. We have cut back on visiting now. We don't have any visiting on Mondays. We find visiting is an important part for the inmates. It is good to keep them with some family ties. It is certainly something we could do; however, we would still have others coming into the facility, i.e. doctors, religious volunteers, and others coming in even if we cut back on the visiting hours. I wouldn't recommend cutting that, visiting is important. I'll continue with my testimony on capital improvements, page 2). My personal top priority would be to reinstate \$198,000 to complete the fencing project.

SENATOR NETHING: Did the House indicate why they cut the security fence? Those of us that visited the facility had quite a concern about this problem.

LITTLE: It was the general feeling among House subcommittee members that you've gotten along without it this long, you can continue to get along without it.

SCHUETZLE: Continued with needed capital improvement projects, including the \$21,000 to complete the ceiling tile project.

SENATOR NETHING: They left \$100,000, instead of your requested \$121,000. Did the House indicate why they thought you could do it for that amount? (tape 1, B, 535)

LITTLE: There wasn't anything specific, they were looking for dollars.

SCHUETZLE: Continued with JRCC capital improvements, including \$325,000 for a processing building, Forensic Unit barriers, and replacing the camera system in that unit. The first priority would be to get that building for processing visitors and the front gate built. (tape 1, B, 975)

SENATOR NETHING: Why did you leave those improvements out of the original remodeling?

SCHUETZLE: At the time, we were trying to get what we could with the money available to do that building. We knew we were cutting corners. Now that we've been in that building, we've found where the problems are. That's where the security issues come in.

SENATOR NETHING: Would these renovations have been eligible for federal funds?

SCHUETZLE: Yes, they would have. I'm not sure if they would be eligible for federal funds now. I think we're putting the \$2.1M crime bill money we have available into the 5th & 6th floor renovation.

SENATOR ST. AUBYN: It seems \$200,000 for this visitor center is high. Can you explain that?

SCHUETZLE: I agree. It was originally proposed at \$180,000. Part of that is not only for the construction, there is a microwave detection system for the building as well as the parking lot. We're looking at ways to scale back on that building and still have some money available to do some of these other projects.

SENATOR BOWMAN: What's going to be coming down the pike after we do the 5th & 6th floor, finding out now that when we made this decision to do this to begin with, we thought we were spending the money to have a prison. Now we find out we only have half a one and we have to fund all of these other projects. When you finish the 5th & 6th floors, two or three years later, what's going to come down that we're going to need to finish? It seems this is an ongoing concern. We were told this is what is going to take to do the project, but when the project is done, it isn't nearly enough.

SCHUETZLE: You weren't told by me that's what it would take to get the project done. We were given a number. This is what you can use to build the building. That is what we did. We did the best we could with the funds given to us. Is it the best prison? The best security? Absolutely not. Will I be back in 3 years when something comes up? Yes, I probably will be. That might not make you happy, but my job is to try to keep this place secure and to try to keep the people who need to be inside, inside. So, if I see things down the line I really believe we need, I'll come and ask for them. It isn't cheap to run a prison. It costs money. I guess we have to put a degree on how much public safety we want to have.

SENATOR ROBINSON: We took care of floors 1, 2, 3, and 4 last session. We're looking at 5 & 6. What about the rest of the building - the roof -- are we in pretty good shape there in terms of needs?

SCHUETZLE: Right now, as far as I know the roof is fine. Actually the building is in pretty good shape. But, when we did go in to do some of the remodeling, we did find problems with the steam pipes, the toilets, the asbestos (we knew about that), there were things that added to the cost. Actually the ET building itself is pretty good. There are things in the Forensics Building that we've asked for that are still in our budget that we're doing. I think the gymnasium building is probably one that isn't in very good shape. But, it is functional - we're using it and will continue to use it. I don't know of any problems in the two main buildings that are insurmountable at this time. (tape 1, B, 1315)

SENATOR ROBINSON: So, if we have additional costs, they're going to be surprise type things - revisions, security enhancements and those types of things?

SCHUETZLE: I believe so.

SENATOR SOLBERG: I believe you mentioned something about the food service area on the Missouri River Correctional Facility. That's a new building, do you have to remodel it already?

SCHUETZLE: That is a new building and it isn't to be remodeled. That is a capital project building. It's actually in the bonding bill, HB 1022, and we'll be discussing that Wednesday morning. It isn't part of this budget bill. The Governor had it placed in the bonding bill. We did build a new building for a dormitory, but there was no food service put into that dorm in '92. We're still using the 1930's building for the food service.

SENATOR NETHING: Presented a handout providing a summary of a Utah corrections facility) (attachment #3)

DENNIS FRACASSI: Director, **Rough Rider Industries.** I know you are veteran lawmakers so we're not going to talk about the basis of our program, but I would like to share with you a couple of things that are rather exciting for our program and then I'll briefly go over our budget numbers. (attachment #4) (tape 1, B, 2190-2745)

SENATOR BOWMAN: You said you want to expand to between 50-70 inmates. What kind of profit potential is there to put back into your industry with this new program that you're getting involved in?

FRACASSI: There is tremendous amount of opportunity for the private sector. We're not profit motivated, but one thing this program will do for us is we place more accountability on the inmate. We will be making deductions from the inmate. We're allowed to take up to 80% of that inmate's gross wages. They'll be paid minimum wage and those deductions will go for victim's compensation, bonds restitution, and under the ruling board provision, we can take some of those dollars and put them back into the industry program to help get us over the hurdle.

SENATOR BOWMAN: Are these companies you're going to be working for going to help capitalize the project?

FRACASSI: No, right now they are not. The risk is on us.

SENATOR BOWMAN: They want us to capitalize it, the prisoners to do the labor, and they reap the profits?

FRACASSI: As it stands right now, yes. And, that is not unusual for any new prison industry partnership program. The first one is very, very difficult to get going. We've talked to well over 100 businesses in ND. The fact that Acceleration Products is willing to give us a chance after hearing our story I think is positive. But, the risk is all on us at this point in time.

SENATOR NETHING: Tell us a little more about the kind of relationship you have with the company? They don't pay any rent? They pay something to you for doing this, do they not? You've got to generate some money someplace to pay those wages. (tape 1, B, 2930)

FRACASSI: You're absolutely correct. We will charge them for the product and it will take us some time to determine what our actual costs are. In the case of GEM, we have agreed to build their products for the prices that they are currently buying. And, then we will need some time to

work to see how we can cut costs and how we can get our production levels more efficient to get under that price. Those prices are already established. In the case with Acceleration Products, we have the opportunity to start from the ground, develop our costs, determine what our overheads are, and then charge them accordingly. We generally look for a 33% profit.

SENATOR NETHING: And, isn't some of that money then used to offset the capitalization costs?

FRACASSI: Yes, sir.

SENATOR NETHING: I think you left the impression with Senator Bowman they weren't responsible for any capitalization costs. They don't come up with any front dollars, I understand that. But, they ultimately will be paying, as you price these products out, some of that will include interest, or part of the recovery, or something, will it not?

FRACASSI: Yes, Mr. chairman. Thank you for clarifying that. I apologize, Senator Bowman, for leading you to that. But, yes, any interest, any principal, any interest expense we absorb, any overhead costs for insurance, utilities, staff, labor, all of those things have to be built into the product cost and will be passed on to the two companies in the form of the products we sell and the price we charge.

SENATOR SOLBERG: A couple of questions: 1) What are your total sales at Rough Rider Industries for this biennium?

FRACASSI: Last fiscal year, our gross sales were \$3.1M. We anticipate doing about \$5.2-\$5.3M for the biennium.

SENATOR SOLBERG: For the biennium?

FRACASSI: Yes.

SENATOR SOLBERG: So, we're still running in the red about \$3M?

FRACASSI: That's correct, sir.

SENATOR SOLBERG: 2) How's your computer system. And, you know I'm pretty chaffed about what you did last time on the computer systems.

FRACASSI: Yes, I do understand you're upset with this. I'm not quite sure why, Senator. I'd be more than happy to sit down with you and walk through this from point A to point Z, whatever it takes. I really believe that we were prudent in doing what we did. We went through all of the appropriate channels that were available to us. And, I'm really not--I do know, sir, that you're upset, but I'm not sure why. I would welcome an opportunity to sit down with you and work it out.

SENATOR SOLBERG: I think I'm upset, Dennis, is .. If I may, Mr. Chairman?

SENATOR NETHING: Yeah, better bring it out now.

SENATOR SOLBERG: It's been brought out already, but it will be brought out also. Two years ago in this committee, you were specifically asked if there was anything else needed. No. You talked about the computer system, but the needs of that could certainly wait. And, I don't think our taillights were too far from Bismarck leaving last session when you began the process of a new computer system in Rough Rider Industries to the tune of \$182,000 - about \$40,000 some of that financed for this biennium. I don't for the life of me understand if that was such an emergency, and it did go through the emergency commission and the budget section, why all of a sudden that was such a grave emergency it had to be done that way when it wasn't two years ago or about three months prior to when you began the process. I don't believe in bypassing the appropriation process. Now, if you can explain how this all happened, you can explain it to me, and if you don't want to go further that's fine. But, I still don't buy it.

FRACASSI: If everybody is interested, I would be glad to give my explanation.

SENATOR NETHING: I think we are, let's hear your explanation.

FRACASSI: What happened was we were on a mainframe AS400 computer, and we had always intended to convert over to a PC networking system as we were working with ISD as they were developing the PC networking for the state. We had planned on putting it in the '97-'99 biennium, and we were going to use revenues from the general issue of license plates to pay for that. The Department of Motor Vehicle informed us they would not be requesting a general issue for the '97-'99 biennium. We pulled it out of our budget. We were going to wait until this session to ask for that. Right after we left the last session in July of '97, IBM informed us we had to bring our AS400 up two or three grades in order to retain support. We were about 2-3 tiers that these AS400s are built on behind. The system was doing us just fine and we didn't want to invest the \$20-30,000 per tier to upgrade a system that we knew we were going to abandon. But, we also didn't anticipate that IBM and the software company, Markum, would hold us hostage by saying you will lose all of your support unless you upgrade right now. We took that dilemma to ISD and said, "What shall we do? They said your request to replace the system is out of compliance. They had two options - they could deny our request, or they could request additional information from us. They did that. They asked for additional information from Rough Riders Industries which we provided for them, and we explained the timing of all of this.

SENATOR NETHING: Who is they?

FRACASSI: ISD, sir.

SENATOR NETHING: That's our own PR, I thought it was IBM.

FRACASSI: IBM was telling us we needed to upgrade. The whole total cost would have been about \$65,000. We knew we were going to replace this system within two years anyway, and it just didn't make sense to put \$65,000 into a system we were going to replace in two years. That's when we went to ISD and said can we go ahead and buy this thing now? We'll have to put it on lease because we don't have the general funds to pay for it. When they asked for additional

information, we provided it to them. They stated they would support our request, contingent upon being heard at the budget section committee. We did that. I know, Senator Solberg, you were upset at that committee meeting as was Representative Byerly. After that was all done, I didn't know what went on, and so we asked the chairman. I said what happened here? Can we go forward or not? We were told yes, you can.

SENATOR NETHING: Who was the chairman that told you that?

FRACASSI: Representative Dalrymple.

SENATOR SOLBERG: I believe the deal was already made at that time. There was no choice on whether we went forward. The deal was made on the December budget section. The deal was made, signed, the whole ball of wax. (tape 1, B, 3725)

FRACASSI: I don't believe that is true. I think it was January of '98 before the deal was consummated.

SENATOR SOLBERG: I'll bring the minutes of the meeting, and this is exactly what happened. This is what we were told. Now we're finding out something different again. I think you and I better sit down and have a long talk, sir.

FRACASSI: I would welcome that opportunity. I sure would like to clear this up.

SENATOR ANDRIST: You say you pay the inmates within Rough Rider Industries minimum wage rates? (tape 1, B, 3785)

FRACASSI: Yes, that is correct for these partnership programs. We will be paying the inmates either minimum or prevailing wages. There are no other companies similar to that in the Jamestown locale. There are no prevailing wages, so we use minimum.

SENATOR ANDRIST: I guess I was just thinking, this is a teaching thing as well as a business thing for the inmates. I think it would be a good thing to think of providing some small incentive for performance. That way we're going to teach them performance is related to what they will be expected to do when they are released.

FRACASSI: I agree with you and we have built an incentive into their program. We are going to deduct from their gross wages, 80% the first month; 79% the second month (they'll have 1% more net income for each month of continuous employment with good behavior). That is a huge incentive. Right now if they work a full 40 hour week, their first month they'll net \$178 and they will in effect get 5 cents an hour per hour increase for each month of continuous employment. \$178 in net income after paying fines, restitution, room and board, is a considerable amount of money for any inmate. There are a lot of people out in the streets that after they pay their rent and everything else they don't have \$178 to use. But, also out of this \$178, 25% goes into a mandatory savings account, the rest they use for their livelihood, sending home to their families, or what have you. Hopefully the more responsible ones will save up and have a nest egg when

they get out. That is one of the most difficult things inmates have when they get out if they don't have any money they have no way of making it, and they return to crime in many cases. (tape 1, B, 4070)

WARREN EMMER: Director, **Department of Corrections Division of Field Services**, the community side of the department of corrections. Reviewed the adjustments that were made to the Governor's budget, the revocation program developed in Jametown, as well as our alternative programs for sentencing, and the supervision fee amendment that was also proposed by the House. (attachment #5) (tape 1, B, 5360 - 5500)

SENATOR ST. AUBYN: Are you saying that for the '99-'01, they were all cut?

EMMER: About \$150,000 were cut. Elaine thought some of these were new to the committee and she wanted me to discuss it. We would have to make a determination in here somewhere where we would cut back. Otherwise, all of this is actually being funded into the next biennium.

SENATOR ST. AUBYN: So, on these 115 beds for the next biennium, that's already figured in Elaine's projections?

EMMER: Yes, in fact, she's counting on it. The major priority I would have is to replace that \$144,000 in special funds with general funds. I believe raising that supervision fee up to \$35 would be counterproductive, and that we'd actually generate less money possibly than we are currently. (Presentation continued - tape 1, B, 5515-6208)

SENATOR NETHING: Why is this \$5 supervision fee such a hardship?

EMMER: The rest of the country has experienced this program along with us. They've seen the pluses and minuses. The important thing is it is a cooperative program. It is cooperative because the court also has to buy into it. We haven't had any discussions with the court. There are some judges out there that were very reluctant initially, to support a supervision fee program. The supervisory fee program could be effectively waved by any judge that chose to. So we want to have the time to put that in place. The other thing that happens, you aren't going to start generating this income right away. All of the offenders who are currently under supervision would be subject to the old law of \$30. So it causes a whole lot of confusion out there. New offenders coming in at \$35 may talk. They'll say we've got to pay \$35, why does this guy pay \$30? Some of these guys then go ahead and choose not to pay anything. Then we wind up in front of the judge because somebody has failed to pay supervision fees. Then a judge says you're the one who asked to collect the additional money. It becomes a very difficult situation. If we can wait and have this thing slowly moved into place by July 1, 2001, we have a \$36 supervisory fee versus \$35 which is one the current amendment. We'll have virtually every offender that is currently under supervision in 2001 eligible for the new legislation. So there will be very few we have to grandfather in. And, we'll also have the court on board with us. I support the fact offenders pay. We were the first state in the Upper Midwest to initiative a supervision fee program, and we've done it on our own accord. The real problem is if we don't do it carefully, we could cause more harm than good with the other players.

SENATOR NETHING: If the court was mandated (by us) to do this, then you're off the hook, right?

EMMER: There are mandates out there that -- I'm not sure that would work. On a practical level, I think we need to support the court from the standpoint of being participants in this thing, I think mandating it would be the wrong approach. There are a lot of reasons that it wouldn't make sense to mandate in the first place. There are some people who are indigent. Of course, we allow them to work it off in community service. Also, there are a lot of offenders who owe restitution and other fees and fines, so it is really the court's prerogative to make the final decision as to how people pay what. We'll support whatever comes out of this committee and whatever the Governor signs, but we're just cautioning you that may cause us more harm than good.

SENATOR NETHING: It may have an impact on your budget that you wouldn't like otherwise, so that may be the alternative. Joe, I think we need to make a note of that. We still have the Court budget and we may want to have some gentle intent or something that we expect this to be added to that.

SENATOR KRAUTER: Getting back to C2, the \$149,800, and that is the community offender services. I'm trying to find in your testimony what the Governor's number was. If we take out \$149,000, what does that leave us? What is the total we're still spending?

EMMER: We'd be spending \$2M. The subcommittee just rounded it to an even number. They didn't point to any specific part of the alternatives and say we need to cut there.

SENATOR ST. AUBYN: On these positions, are they currently vacant?

WARREN EMMER: These are all new positions. So the House eliminated 4 of our new positions. (tape 2, A,, 465)

ALLEN LICK: Director, **Division of Juvenile Services**, presented an overview of House budget cuts and their impact (attachment #1, page 2) as well as program impact (attachment #6, page 2) (tape 2, A, 480-1150)

SENATOR NETHING: I gather all of the classes listed on your sheet are being taught for a nine-month period.

LICK: We run a 10-month school.

SENATOR NETHING: The idea the House has is that you'll still run 10 months for everybody, but for the other two months, you'll only run the core curriculum

LICK: Yes, and above that you'll see the classes we'll provide in the core curriculum, and below that the classes we won't provide in the core curriculum.

SENATOR GRINDBERG: Regarding the life safety systems, was there involvement from the state architect and state health office? We had another request that all of a sudden we had to put a sprinkler systems in a vet's home in Lisbon which had been inspected over 3 bienniums and judged to be safe. Now a new person comes in and now we have to make a change. Is any of that involved with this project as well?

LICK: We got this from the Fire Marshall's Office. We've got a letter I can provide to the committee, if you like, that says we need this in the building. We'd done the other buildings on a scheduled basis and these may have allowed us to schedule these and this is the schedule for this to come up. The other thing we've done along the way, too, is we used to have doors that you would lock individually. We have now put in automatic doors. That was on a schedule basis. We didn't want to hit you all at one time with all of these things. We've tried to schedule as we go along. The life safety - the fire safety things come up this time.

SENATOR ANDRIST: Is the Fire Marshall in the Health Department now?

LICK: The Fire Marshall is in the Attorney General's Office.

SENATOR ANDRIST: What kind of computers are you looking at buying? Are they instructional computers?

LICK: It is replacement computers at the correctional center. The instructional computers, the PC's, are now at the point where we could say they were in the school, but they could be in other places, too. The DP people tell me over the course of having the number of computers in place for an amount of time, you need to replace so many. We just took the schedule we have. We have computers for kids now, but we don't know where and when the others are going to go out. This part of the replacement schedule we were given.

SENATOR ANDRIST: We run into this in every budget, everybody's got to recycle and get new computers every 2-3 years. If we figure out what you really need in a computer, how much capacity, how much hard drive? It seems to me that if you need a little less than some other department uses, maybe you could scrounge some. Computers are worth virtually nothing at the time you replace them. I think our legislative computers, which were notebooks, went for just a few hundred dollars. They really had a lot of capacity. I would think in this whole capitol there would be lots of places where you could find free computers. Talk to ISD.

LICK: If we can find some computers someplace, we will get our hands on them. ISD is where we got the quote from for our replacements.

SENATOR TOMAC: Can you walk me through the long-range plan for Divine Hall?

LICK: The Historical Society comes to us and says we're going to put these buildings on the Historical list; but, nothing comes with that to keep the building going. We tore down another one that was on the Historical list. Down the line this building may best be used for administrative offices. Architecturally, it is one of the buildings that when we did our 10 year plan, the architect said this is a salvageable building and it could be used. The trouble with using

it for kids is it has real high ceilings, no elevator or anything in it. So if we would use it for anything, our plan would be to use it for administration. But, we're at the point we won't be able to use it for anything if we don't put something into it right now. It isn't one of our highest priorities because kids come first, but it is a critical time to look at that building. We haven't been in that building for about 6 years.

SENATOR KRAUTER: Do we heat it, but the heating systems is so bad it only keeps it warm.

SENATOR NETHING: Is this the building the House said don't make any improvements to?

LICK: Yes.

SENATOR ROBINSON: We haven't used it for 6 years, if we don't make the improvements and create an administrative facility, are we going to be in need of an administrative facility in 2-4 years because of growth. Or, is it a situation where if we just tore it down, we'd be fine down the road?

LICK: Our 10-year plan included the architects and engineers. They came in and said keep these buildings, don't keep these. We're keeping some they told us not to keep. We're putting life safety systems into them because that is what the powers to be want us to do. Our administration now is housed where the school is. The numbers in the juvenile center are staying at about 500, but when you look at the population of ND, they're actually going up in our division because the number of kids are going down; and by 2003 are going to go down much quicker. You've all looked at that data. We're really growing a little bit as an agency. We have another bill in the building bill that takes care of some long-term projects that we're taking care of. I can't tell you, Senator Robinson that in 4 years we'd be occupying that building with administration. There are so many things that have happened along the way, that if we followed our plan we wouldn't be doing now anyway. That is hard to project. (tape 2, A, 2006)

ELAINE LITTLE: Presented the central office budget (handout #1, p 1) that shows cuts they would like reinstated.

SENATOR ST. AUBYN: I requested from the Council, a summary regarding computer equipment and things like that, i.e. needed computer equipment for the Y2K, high end user, etc. I'm having this made available for all the appropriation committee members. I'm still trying to verify if it includes everything I need, but one of the things I find interesting even within your department, the cost of computers varies division by division. Was there any discussion about that in terms of budgetary purposes? In some cases they used \$2,000/computer - in other cases \$2,200, etc.

LITTLE: The reason for that probably is that in every division, the fiscal person develops the budget. In some cases you might be purchasing computers with different capacity. But, in most cases you would generally have a constant dollar amount for computer purchase. The equipment decrease of 25% will probably impact the connectivity to develop an offender information system.

SENATOR NAA DEN: If we put money back in to redo that 5th & 6th floor, what is the wash? The House has contract money then that we wouldn't need, right?

LITTLE: Right. On page 4 of handout #1, at the bottom of the page it shows the difference. The Governor's budget initially included over \$4M in contract, the House reduced that to \$2.6M. The new estimates I provided for you this morning would require just over \$2M for contracting. So out of that line you could reduce another \$611,000 out of the contracting line. On the upper end, you need to add back the money to do the renovation. (tape 2, A, 2814)

SENATOR SOLBERG: I keep going back to this federal money. It is going to be very difficult, in my opinion, to build a budget if we're going to even think of going back to James River if we don't know if we have that other \$2M. We can hope and dream, but until it is solid, and it's not in the budget, it's pretty tough for us to put money into a situation like this and make the commitment.

LITTLE: It is a concern of mine also. I don't know what direction to tell you to take. I believe the federal money will be reinstated, but I can't tell you that for sure. I'm hoping after this weekend I'll have a little bit more information. I don't know if I'll still be at a point where I can give you anything concrete. We will have to make some decisions in that area.

SENATOR NETHING: I guess the only answer is that if we don't receive the federal money, there isn't going to be anything built. We've done contingent things before, and if the money doesn't come, you'll have to do some other alternative.

LITTLE: Our concern is, and I think the committee would have to look at that, in the event it isn't built, it will end up costing you more money.

SENATOR NETHING: That's exactly right, but that may well be the only alternative. If we don't have the money, maybe there's another place within the penitentiary budget, I doubt it.

SENATOR KRINGSTAD: Is there any federal money for contracting? (tape 2, A, 2814)

LITTLE: Not that I know of.

SENATOR SOLBERG: In the juvenile services, the medical part, are these residents wards of the state or are they wards of the family? How do you consider them?

LITTLE: Once the division of juvenile services has the individual, we have formal custody of that juvenile. However, we try to keep their families involved. If the family has medical insurance, that would still cover. However, it is seldom families have medical coverage.

SENATOR SOLBERG: The CHIPS program that was just approved in the House, a vast number of these individuals would be under 18 individuals, and probably qualify under the CHIPS program, wouldn't they?

LITTLE: Yes, that is correct.

TOM MARTIN: Former criminal prosecutor in ND and MN and Rick Berg's nephew. I run an electronic home detention company in four western counties of MN. As I read the law in ND for DUI's anyway, sentencing judges in ND aren't allowed to sentence offenders under the minimum mandatory that Director Little spoke of earlier. Representative Berg and I drafted an amendment (attachment #7) to the existing DUI law that would allow sentencing judges to sentence an offender inside the minimum mandatory to electronic detention. One of the senators mentioned "gadgetry . This is state of the art gadgetry (passed around machine that contains an intoxilizer machine) This machine is hooked to the offender's phone along with a video camera. What you end up at the central monitoring computer is a photograph of the offender, a record of the date and time of call, and whether or not the offender tested positive for alcohol. The photo at the bottom is an actual photograph of the offender at the time the machine was installed in the offender's home. We have walked into Counties and subcontracted the entire ordeal. Director Little indicated it takes quite a bit of effort for a probation officer to follow these people who are on home arrest. It does. I have 1 full-time staff person for every 30 people we supervise. That's all they do 8 hours a day is track these people down, install the equipment, and go back and get it. (tape 2, A, 3075-3355)

SENATOR BOWMAN: What would the cost savings be to the state?

MARTIN: My major client is Clay County, MN. We figure we're saving them a little over \$35,000/month. That's a county of 50,000 people. We have people on the program, predominantly DUI's, but we're also supervising low-grade felons.

SENATOR BOWMAN: What would your charge per person be?

MARTIN: We charge \$15/day/person, which is fairly comparable to what the state or local governments can be the equipment for. Basically, we provide the service of installing the equipment, making sure the reports are reviewed on a daily basis who knows what they mean, and then if there is a problem, we contact the probation officer or the prosecutor to make sure that problem is addressed by the court.

SENATOR TOMAC: Was this offered in the House?

MARTIN: No, it is a matter of timing.

SENATOR TOMAC: What liability do you have?

MARTIN: I have a \$1M liability policy.

SENATOR NETHING: We will assign this to a subcommittee with Senator Nething, Chair, and Senator Kringstad and Senator Robinson.

SENATOR NETHING: Closed the hearing on engrossed HB 1016. (tape 2, B, 3700)

3/31/99

tape 1, A, 960-3427

SENATOR NETHING: Reopened the hearing on engrossed HB 1016, and presented an overview of the engrossed bill and presented the proposed amendments.

JOE SMITH: (LC) Explained the proposed amendments.
DISCUSSION was entertained, and the motion called for.

SENATOR KRINGSTAD: Moved do pass the proposed amendment 98016.0203.

SENATOR ROBINSON: Seconded the motion.

ROLL CALL: Unanimous voice vote approval to do pass proposed amendment.

SENATOR KRINGSTAD: Moved do pass engrossed HB 1016, as amended.

SENATOR ROBINSON: Seconded the motion.

ROLL CALL: 14 yeas; 0 nays; 0 absent & not voting

MOTION CARRIED TO DO PASS ENGROSSED HB 1016, AS AMENDED.

CARRIER: SENATOR KRINGSTAD

SENATOR NETHING: Closed the hearing on HB 1016.

98016.0201
Title.

HB 1016
3/8/99
Tom Martin
Prepared by the Legislative Council staff for
Representative Berg
February 26, 1999

#7

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

Page 1, line 2, after "rehabilitation" insert "; to create and enact a new subsection to section 39-08-01 of the North Dakota Century Code, relating to inmate placement for driving while under the influence"

Page 3, after line 31, insert:

"SECTION 7. A new subsection to section 39-08-01 of the North Dakota Century Code is created and enacted as follows:

As used in this section, the term "imprisonment" includes house arrest whether sentenced to house arrest by the court or committed to the department of corrections and rehabilitation. If committed to the department, the director of the department may determine the type of imprisonment. As a condition of house arrest, a defendant may not consume alcoholic beverages. The house arrest must include a program of electronic home detention in which the defendant is tested at least twice daily for the consumption of alcohol."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

Page 1, line 2, remove the second "and"

Page 1, line 3, after "probationers" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 14, replace "115,000" with "118,682"

Page 1, line 15, replace "20,200" with "26,950"

Page 1, line 16, replace "1,000,270" with "1,010,702"

Page 1, line 20, replace "4,229,174" with "4,344,374"

Page 1, line 21, replace "104,321" with "123,571"

Page 1, line 22, replace "35,000" with "74,500"

Page 2, line 1, replace "16,991,440" with "17,165,390"

Page 2, line 2, replace "5,674,504" with "5,839,216"

Page 2, line 3, replace "11,316,936" with "11,326,174"

Page 2, line 8, replace "9,635,277" with "9,836,759"

Page 2, line 9, replace "16,699,252" with "19,350,252"

Page 2, line 11, replace "20,341,166" with "21,576,321"

Page 2, line 13, replace "61,461,535" with "65,549,172"

Page 2, line 14, replace "12,660,179" with "14,865,710"

Page 2, line 15, replace "48,801,356" with "50,683,462"

Page 2, line 16, replace "61,118,562" with "63,020,338"

Page 2, line 17, replace "18,334,683" with "20,704,926"

Page 2, line 18, replace "79,453,245" with "83,725,264"

Page 2, remove lines 29 through 31

Page 3, replace lines 1 through 21 with:

"SECTION 4. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of

university and school lands shall distribute to the youth correctional center all income from permanent funds managed for the benefit of that institution."

Page 3, line 29, replace "thirty-five" with "thirty-six"

Page 3, after line 31, insert:

SECTION 6. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds to the department of corrections and rehabilitation for the purpose of defraying its expenses for the period beginning with the effective date of this Act and ending June 30, 1999, as follows:

Operating expenses	\$15,000
Equipment	<u>18,209</u>
Total special funds	\$33,209

SECTION 7. EFFECTIVE DATE. Section 5 of this Act is effective for fees collected after December 31, 2000, for offenses committed after June 30, 1999.

SECTION 8. EMERGENCY. Section 6 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Central Office:				
Salaries and wages	\$878,152	\$865,070		\$865,070
Operating expenses	118,682	115,000	\$3,682	118,682
Equipment	<u>26,950</u>	<u>20,200</u>	<u>6,750</u>	<u>26,950</u>
Total all funds	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702
Less estimated income	_____	_____	_____	_____
Total general fund	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702
Juvenile Services:				
Salaries and wages	\$9,764,955	\$9,552,045		\$9,552,045
Operating expenses	4,344,374	4,229,174	\$115,200	4,344,374
Equipment	141,771	104,321	19,250	123,571
Capital improvements	371,900	35,000	39,500	74,500
Grants	2,870,900	2,870,900		2,870,900
Delinquency prevention consortium	200,000	200,000		200,000
Total all funds	\$17,693,900	\$16,991,440	\$173,950	\$17,165,390
Less estimated income	<u>5,688,979</u>	<u>5,674,504</u>	<u>164,712</u>	<u>5,839,216</u>
Total general fund	\$12,004,921	\$11,316,936	\$9,238	\$11,326,174
Adult Services:				
Victim services	\$2,610,550	\$2,609,036		\$2,609,036
Institutional offender services	828,335	821,649		821,649
Community offender services	10,029,660	9,635,277	\$201,482	9,836,759
Support services	20,234,931	16,699,252	2,651,000	19,350,252
Program services	3,853,788	3,833,361		3,833,361
Security and safety	23,625,750	20,341,166	1,235,155	21,576,321
Roughrider Industries	<u>9,243,724</u>	<u>7,521,794</u>	_____	<u>7,521,794</u>
Total all funds	\$70,426,738	\$61,461,535	\$4,087,637	\$65,549,172
Less estimated income	<u>16,335,431</u>	<u>12,660,179</u>	<u>2,205,531</u>	<u>14,865,710</u>

Total general fund	\$54,091,307	\$48,801,356	\$1,882,106	\$50,683,462
Grand total all funds	\$89,144,422	\$79,453,245	\$4,272,019	\$83,725,264
Less grand total special funds	<u>22,024,410</u>	<u>18,334,683</u>	<u>2,370,243</u>	<u>20,704,926</u>
Grand total general fund	\$67,120,012	\$61,118,562	\$1,901,776	\$63,020,338
FTE	577.21	546.68	26.00	572.68

Detail of Senate changes to the House version:

	RESTORE EQUIPMENT	RESTORE OPERATING EXPENSES	RESTORE CAPITAL IMPROVEMENTS	REDUCE CAPITAL IMPROVEMENTS	DELAY SUPERVISION FEE INCREASE	FUNDING SOURCE CHANGE FOR YOUTH CORRECTIONAL CENTER 12-MONTH SCHOOL
Central Office:						
Salaries and wages						
Operating expenses		\$3,682 ³				
Equipment	\$6,750 ¹					
Total all funds	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Less estimated income						
Total general fund	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Juvenile Services:						
Salaries and wages						
Operating expenses		\$115,200 ⁴				
Equipment	\$19,250 ²					
Capital improvements			\$39,500 ⁵			
Grants						
Delinquency prevention consortium						
Total all funds	\$19,250	\$115,200	\$39,500	\$0	\$0	\$0
Less estimated income	19,250					12,094 ⁹
Total general fund	\$0	\$115,200	\$39,500	\$0	\$0	(\$12,094) ⁹
Adult Services:						
Victim services						
Institutional offender services						
Community offender services						
Support services			\$2,751,000 ⁶	(\$100,000) ⁷		
Program services						
Security and safety						
Roughrider Industries						
Total all funds	\$0	\$0	\$2,751,000	(\$100,000)	\$0	\$0
Less estimated income			2,313,531		(108,000) ⁸	
Total general fund	\$0	\$0	\$437,469	(\$100,000)	\$108,000 ⁸	\$0
Grand total all funds	\$26,000	\$118,882	\$2,790,500	(\$100,000)	\$0	\$0
Less grand total special funds	19,250		2,313,531		(108,000)	12,094
Grand total general fund	\$6,750	\$118,882	\$476,969	(\$100,000)	\$108,000	(\$12,094)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	RESTORE POSITIONS AND RELATED OPERATING EXPENSES	RESTORE POSITIONS AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	RESTORE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	FUNDING SOURCE CHANGE TO REFLECT ADDITIONAL LAND DEPARTMENT DISTRIBUTIONS	TOTAL SENATE CHANGES
Central Office:					
Salaries and wages					\$3,682
Operating expenses					6,750
Equipment					
Total all funds	\$0	\$0	\$0	\$0	\$10,432
Less estimated income					
Total general fund	\$0	\$0	\$0	\$0	\$10,432
Juvenile Services:					

Salaries and wages					\$115,200
Operating expenses					19,250
Equipment					39,500
Capital improvements					
Grants					
Delinquency prevention consortium					
Total all funds	\$0	\$0	\$0	\$0	\$173,950
Less estimated income				133,368 ¹⁴	164,712
Total general fund	\$0	\$0	\$0	(\$133,368) ¹⁴	\$9,238
Adult Services:					
Victim services					
Institutional offender services					
Community offender services	\$201,482 ¹⁰				\$201,482
Support services					2,651,000
Program services					
Security and safety	115,390 ¹¹	\$857,345 ¹²	\$262,420 ¹³		1,235,155
Roughrider Industries					
Total all funds	\$316,872	\$857,345	\$262,420	\$0	\$4,087,637
Less estimated income					2,205,531
Total general fund	\$316,872	\$857,345	\$262,420	\$0	\$1,882,106
Grand total all funds	\$316,872	\$857,345	\$262,420	\$0	\$4,272,019
Less grand total special funds				133,368	2,370,243
Grand total general fund	\$316,872	\$857,345	\$262,420	(\$133,368)	\$1,901,776
FTE	6.00	20.00	0.00	0.00	26.00

Senate changes narrative:

This amendment adds Section 6, which provides an appropriation of \$33,209 from federal funds for the 1997-99 biennium. This amendment also makes the following changes:

- ¹ Restores the House reduction to the equipment line item for the Central Office, increasing the total amount from \$20,200 to \$26,950.
- ² Restores the following House reductions, but provides special funds spending authority, rather than general fund spending authority which was removed by the House:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center:			
Restores funding for computer purchases, increasing the total amount from \$37,500 to \$50,000		\$12,500	\$12,500
Restores funding for replacement of a tractor, increasing the total amount from \$10,000 to \$15,000		5,000	5,000
Juvenile Community Services:			
Restores funding for equipment, increasing the total amount from \$5,250 to \$7,000		1,750	1,750
Total Juvenile Services Division equipment restorations	\$0	\$19,250	\$19,250

- 3 Restores the House reduction to the operating expenses line item for the Central Office, increasing the total amount from \$115,000 to \$118,682.
- 4 Restores the House reductions to the operating expenses line item for the Juvenile Services Division, increasing the total amount from \$4,229,174 to \$4,344,374. The restoration includes \$32,200 for medical-related expenses at the Youth Correctional Center and \$83,000 for Juvenile Services Division community programs.
- 5 Restores a portion of the House reduction for Youth Correctional Center extraordinary repairs, increasing the total amount from \$35,000 to \$74,500. The executive budget included \$150,900.

- 6 Restores funding for capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Restores funding for 5th and 6th floors renovation project at the JRCC (The House removed the same total amount, but \$259,469 from the general fund and \$2,093,531 from federal funds. The Senate is adding \$39,469 from the general fund, \$1,913,531 from federal funds, and \$400,000 from the Penitentiary land replacement fund.)	\$39,469	\$2,313,531	\$2,353,000
Restores funding for a security fence around the Roughrider Industries building	198,000		198,000
Restores funding for parking lot construction at the JRCC, increasing the total amount for the project from \$40,000 to \$71,000	31,000		31,000
Restores funding for forensic building lobby, front entrance, and other JRCC improvements, increasing the total amount for these projects from \$200,000 to \$325,000	125,000		125,000
Restores funding for security improvements at the JRCC, increasing the total amount for the project from \$100,000 to \$121,000	21,000		21,000
Restores funding for extraordinary repairs for a JRCC ventilation project (The House reduced the extraordinary repairs funding for adult services from \$1,003,700 to \$650,000.)	23,000		23,000
Total Adult Services Division capital improvements restorations	\$437,469	\$2,313,531	\$2,751,000

- 7 Removes funding for parking lot improvements at the Penitentiary (The House reduced the amount included in the executive budget for this project from \$325,000 to \$100,000.)
- 8 Reduces other funds and increases general fund spending authority to reflect delaying collection of increased probation supervision fees until January 1, 2001. The amendment increases fees to \$36 per month. The House increased fees to \$35 per month, effective July 1, 1999.
- 9 Increases other funds and decreases general fund spending authority for the 12-month school program at the Youth Correctional Center. The \$12,094 of other funds spending authority was removed by the House, but reflects federal funds anticipated to be available.
- 10 Restores funding for the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores administrative secretary III positions removed by the House	2.00	\$95,436		\$95,436
Restores related operating expenses removed by the House		41,848		41,848
Removes funding for temporary salaries added by the House		(38,436)		(38,436)
b. Restores community corrections agent removed by the House	1.00	53,024		53,024
Restores related operating expenses removed by the House		2,531		2,531
c. Restores parole and probation officer II removed by the House	1.00	36,657		36,657
Restores related operating expenses		<u>10,422</u>		<u>10,422</u>
Total positions and related costs restored for community offender services	4.00	\$201,482	\$0	\$201,482

¹¹ Restores funding for the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores correctional officer II positions for the JRCC	2.00	\$110,910		\$110,910
Restores related operating expenses		<u>4,480</u>		<u>4,480</u>
Total positions and related costs restored for the security and safety program	2.00	\$115,390	\$0	\$115,390

¹² Restores funding for 20 FTE positions and related operating expenses for the operation of the JRCC 5th and 6th floors. The executive budget assumed that the JRCC would be completed by May 2000. The House removed the funding for the operation of the facility. The Senate assumes that the facility will be completed by November 2000.

¹³ Restores funding for contract inmate housing, increasing the amount provided from \$2,661,040 to \$2,923,460. The House reduced the executive budget amount of \$4,085,300 by \$1,424,260. The House amount was based on inmate population growth of 10 percent the first year of the 1999-2001 biennium, 15 percent growth the second year, a July 1, 1999, population of 950 inmates, alternatives to incarceration saving 135 prison beds per month, and not completing the 5th and 6th floors of the JRCC. The Senate amount is based on 10 percent inmate growth the first year of the biennium, 15 percent growth the second year, a July 1, 1999, population of 975 inmates, alternatives to incarceration saving 115 prison beds per month, and November 2000 completion of the 5th and 6th floors of the JRCC.

¹⁴ Increases other funds and decreases general fund spending authority for the Juvenile Services Division to reflect an additional \$133,368 anticipated to be distributed to the Youth Correctional Center from the Board of University and School Lands. Section 4 is added which directs the Board of University and School Lands to distribute all available trust fund income for the 1999-2001 biennium.

Date: 3-31-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Engrossed HB 1016

Senate APPROPRIATIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 96016.0203

Action Taken DO PASS

Motion Made By Senator KRINGSTAD Seconded By Senator ROBINSON

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman					
Senator Naaden, Vice Chairman					
Senator Solberg					
Senator Lindaas					
Senator Tallackson					
Senator Tomac					
Senator Robinson					
Senator Krauter					
Senator St. Aubyn					
Senator Grindberg					
Senator Holmberg					
Senator Kringstad					
Senator Bowman					
Senator Andrist					

Total (Yes) VOICE VOTE UNANIMOUS No _____

Absent _____

Floor Assignment Senator _____

If the vote is on an amendment, briefly indicate intent:

Date: 3-31-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Engrossed HB 1016

Senate APPROPRIATIONS Committee

Subcommittee on _____
or
 Conference Committee

✓ Legislative Council Amendment Number 98016.0203

Action Taken Do Pass As Amended

Motion Made By Senator Kringstad Seconded By Senator Robinson

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman	✓				
Senator Naaden, Vice Chairman	✓				
Senator Solberg	✓				
Senator Lindaas	✓				
Senator Tallackson	✓				
Senator Tomac	✓				
Senator Robinson	✓				
Senator Krauter	✓				
Senator St. Aubyn	✓				
Senator Grindberg	✓				
Senator Holmberg	✓				
Senator Kringstad	✓				
Senator Bowman	✓				
Senator Andrist	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Senator Kringstad

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1016, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 3, after "probationers" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 14, replace "115,000" with "118,682"

Page 1, line 15, replace "20,200" with "26,950"

Page 1, line 16, replace "1,000,270" with "1,010,702"

Page 1, line 20, replace "4,229,174" with "4,344,374"

Page 1, line 21, replace "104,321" with "123,571"

Page 1, line 22, replace "35,000" with "74,500"

Page 2, line 1, replace "16,991,440" with "17,165,390"

Page 2, line 2, replace "5,674,504" with "5,839,216"

Page 2, line 3, replace "11,316,936" with "11,326,174"

Page 2, line 8, replace "9,635,277" with "9,836,759"

Page 2, line 9, replace "16,699,252" with "19,350,252"

Page 2, line 11, replace "20,341,166" with "21,576,321"

Page 2, line 13, replace "61,461,535" with "65,549,172"

Page 2, line 14, replace "12,660,179" with "14,865,710"

Page 2, line 15, replace "48,801,356" with "50,683,462"

Page 2, line 16, replace "61,118,562" with "63,020,338"

Page 2, line 17, replace "18,334,683" with "20,704,926"

Page 2, line 18, replace "79,453,245" with "83,725,264"

Page 2, remove lines 29 through 31

Page 3, replace lines 1 through 21 with:

"SECTION 4. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the youth correctional center all income from permanent funds managed for the benefit of that institution."

Page 3, line 29, replace "thirty-five" with "thirty-six"

Page 3, after line 31, insert:

"SECTION 6. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds to the department of corrections and rehabilitation for the purpose of defraying its expenses for the period beginning with the effective date of this Act and ending June 30, 1999, as follows:

Operating expenses	\$15,000
Equipment	<u>18,209</u>
Total special funds	\$33,209

SECTION 7. EFFECTIVE DATE. Section 5 of this Act is effective for fees collected after December 31, 2000, for offenses committed after June 30, 1999.

SECTION 8. EMERGENCY. Section 6 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Central Office:				
Salaries and wages	\$878,152	\$865,070		\$865,070
Operating expenses	118,682	115,000	\$3,682	118,682
Equipment	<u>26,950</u>	<u>20,200</u>	<u>6,750</u>	<u>26,950</u>
Total all funds	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702
Less estimated income	_____	_____	_____	_____
Total general fund	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702
Juvenile Services:				
Salaries and wages	\$9,764,955	\$9,552,045		\$9,552,045
Operating expenses	4,344,374	4,229,174	\$115,200	4,344,374
Equipment	141,771	104,321	19,250	123,571
Capital improvements	371,900	35,000	39,500	74,500
Grants	2,870,900	2,870,900		2,870,900
Delinquency prevention consortium	200,000	200,000		200,000
Total all funds	\$17,693,900	\$16,991,440	\$173,950	\$17,165,390
Less estimated income	<u>5,688,979</u>	<u>5,674,504</u>	<u>164,712</u>	<u>5,839,216</u>
Total general fund	\$12,004,921	\$11,316,936	\$9,238	\$11,326,174
Adult Services:				
Victim services	\$2,610,550	\$2,609,036		\$2,609,036
Institutional offender services	828,335	821,649		821,649
Community offender services	10,029,660	9,635,277	\$201,482	9,836,759
Support services	20,234,931	16,699,252	2,651,000	19,350,252
Program services	3,853,788	3,833,361		3,833,361
Security and safety	23,625,750	20,341,166	1,235,155	21,576,321
Roughrider Industries	<u>9,243,724</u>	<u>7,521,794</u>		<u>7,521,794</u>
Total all funds	\$70,426,738	\$61,461,535	\$4,087,637	\$65,549,172
Less estimated income	<u>16,335,431</u>	<u>12,660,179</u>	<u>2,205,531</u>	<u>14,865,710</u>
Total general fund	\$54,091,307	\$48,801,356	\$1,882,106	\$50,683,462
Grand total all funds	\$89,144,422	\$79,453,245	\$4,272,019	\$83,725,264

REPORT OF STANDING COMMITTEE (410)
March 31, 1999 4:33 p.m.

Module No: SR-58-6142
Carrier: Kringstad
Insert LC: 98016.0203 Title: .0300

Less grand total special funds	<u>22,024,410</u>	<u>18,334,683</u>	<u>2,370,243</u>	<u>20,704,926</u>
Grand total general fund	\$67,120,012	\$61,118,562	\$1,901,776	\$63,020,338
FTE	577.21	546.68	26.00	572.68

Detail of Senate changes to the House version:

	RESTORE EQUIPMENT	RESTORE OPERATING EXPENSES	RESTORE CAPITAL IMPROVEMENTS	REDUCE CAPITAL IMPROVEMENTS	DELAY SUPERVISION FEE INCREASE	FUNDING SOURCE CHANGE FOR YOUTH CORRECTIONAL CENTER 12-MONTH SCHOOL
Central Office:						
Salaries and wages		\$3,682 ³				
Operating expenses						
Equipment	<u>\$6,750</u> ¹					
Total all funds	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Less estimated income						
Total general fund	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Juvenile Services:						
Salaries and wages		\$115,200 ⁴				
Operating expenses						
Equipment	<u>\$19,250</u> ²					
Capital improvements			<u>\$39,500</u> ⁵			
Grants						
Delinquency prevention consortium						
Total all funds	\$19,250	\$115,200	\$39,500	\$0	\$0	\$0
Less estimated income	<u>19,250</u>					<u>12,094</u> ⁹
Total general fund	\$0	\$115,200	\$39,500	\$0	\$0	(\$12,094) ⁹
Adult Services:						
Victim services						
Institutional offender services						
Community offender services						
Support services			<u>\$2,751,000</u> ⁶	<u>(\$100,000)</u> ⁷		
Program services						
Security and safety						
Roughrider Industries						
Total all funds	\$0	\$0	\$2,751,000	(\$100,000)	\$0	\$0
Less estimated income			<u>2,313,531</u>		<u>(108,000)</u> ⁸	
Total general fund	\$0	\$0	\$437,469	(\$100,000)	\$108,000 ⁸	\$0
Grand total all funds	\$26,000	\$118,882	\$2,790,500	(\$100,000)	\$0	\$0
Less grand total special funds	<u>19,250</u>		<u>2,313,531</u>		<u>(108,000)</u>	<u>12,094</u>
Grand total general fund	\$6,750	\$118,882	\$476,969	(\$100,000)	\$108,000	(\$12,094)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	RESTORE POSITIONS AND RELATED OPERATING EXPENSES	RESTORE POSITIONS AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	RESTORE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	FUNDING SOURCE CHANGE TO REFLECT ADDITIONAL LAND DEPARTMENT DISTRIBUTIONS	TOTAL SENATE CHANGES
Central Office:					
Salaries and wages					\$3,682
Operating expenses					<u>6,750</u>
Equipment					
Total all funds	\$0	\$0	\$0	\$0	\$10,432
Less estimated income					

REPORT OF STANDING COMMITTEE (410)
March 31, 1999 4:33 p.m.

Module No: SR-58-6142
Carrier: Kringstad
Insert LC: 98016.0203 Title: .0300

Total general fund	\$0	\$0	\$0	\$0	\$10,432
Juvenile Services:					
Salaries and wages					
Operating expenses					\$115,200
Equipment					19,250
Capital improvements					39,500
Grants					
Delinquency prevention consortium					
Total all funds	\$0	\$0	\$0	\$0	\$173,950
Less estimated income				<u>133,368</u> ¹⁴	<u>164,712</u>
Total general fund	\$0	\$0	\$0	(\$133,368) ¹⁴	\$9,238
Adult Services:					
Victim services					
Institutional offender services					
Community offender services	\$201,482 ¹⁰				\$201,482
Support services					2,651,000
Program services					
Security and safety	115,390 ¹¹	\$857,345 ¹²	\$262,420 ¹³		1,235,155
Roughrider Industries					
Total all funds	\$316,872	\$857,345	\$262,420	\$0	\$4,087,637
Less estimated income					<u>2,205,531</u>
Total general fund	\$316,872	\$857,345	\$262,420	\$0	\$1,882,106
Grand total all funds	\$316,872	\$857,345	\$262,420	\$0	\$4,272,019
Less grand total special funds				133,368	2,370,243
Grand total general fund	\$316,872	\$857,345	\$262,420	(\$133,368)	\$1,901,776
FTE	6.00	20.00	0.00	0.00	26.00

Senate changes narrative:

This amendment adds Section 6, which provides an appropriation of \$33,209 from federal funds for the 1997-99 biennium. This amendment also makes the following changes:

- ¹ Restores the House reduction to the equipment line item for the Central Office, increasing the total amount from \$20,200 to \$26,950.

- ² Restores the following House reductions, but provides special funds spending authority, rather than general fund spending authority which was removed by the House:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center: Restores funding for computer purchases, increasing the total amount from \$37,500 to \$50,000		\$12,500	\$12,500
Restores funding for replacement of a tractor, increasing the total amount from \$10,000 to \$15,000		5,000	5,000
Juvenile Community Services: Restores funding for equipment, increasing the total amount from \$5,250 to \$7,000		1,750	1,750
	_____	_____	_____
Total Juvenile Services Division equipment restorations	\$0	\$19,250	\$19,250

- ³ Restores the House reduction to the operating expenses line item for the Central Office, increasing the total amount from \$115,000 to \$118,682.
- ⁴ Restores the House reductions to the operating expenses line item for the Juvenile Services Division, increasing the total amount from \$4,229,174 to \$4,344,374. The restoration includes \$32,200 for medical-related expenses at the Youth Correctional Center and \$83,000 for Juvenile Services Division community programs.
- ⁵ Restores a portion of the House reduction for Youth Correctional Center extraordinary repairs, increasing the total amount from \$35,000 to \$74,500. The executive budget included \$150,900.
- ⁶ Restores funding for capital improvements for the Adult Services Division as follows:

GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
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Restores funding for 5th and 6th floors renovation project at the JRCC (The House removed the same total amount, but \$259,469 from the general fund and \$2,093,531 from federal funds. The Senate is adding \$39,469 from the general fund, \$1,913,531 from federal funds, and \$400,000 from the Penitentiary land replacement fund.)	\$39,469	\$2,313,531	\$2,353,000
Restores funding for a security fence around the Roughrider Industries building	198,000		198,000
Restores funding for parking lot construction at the JRCC, increasing the total amount for the project from \$40,000 to \$71,000	31,000		31,000
Restores funding for forensic building lobby, front entrance, and other JRCC improvements, increasing the total amount for these projects from \$200,000 to \$325,000	125,000		125,000
Restores funding for security improvements at the JRCC, increasing the total amount for the project from \$100,000 to \$121,000	21,000		21,000
Restores funding for extraordinary repairs for a JRCC ventilation project (The House reduced the extraordinary repairs funding for adult services from \$1,003,700 to \$650,000.)	23,000		23,000
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Total Adult Services Division capital improvements restorations	\$437,469	\$2,313,531	\$2,751,000

- 7 Removes funding for parking lot improvements at the Penitentiary (The House reduced the amount included in the executive budget for this project from \$325,000 to \$100,000.)
- 8 Reduces other funds and increases general fund spending authority to reflect delaying collection of increased probation supervision fees until January 1, 2001. The amendment increases fees to \$36 per month. The House increased fees to \$35 per month, effective July 1, 1999.
- 9 Increases other funds and decreases general fund spending authority for the 12-month school program at the Youth Correctional Center. The \$12,094 of other funds spending authority was removed by the House, but reflects federal funds anticipated to be available.
- 10 Restores funding for the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores administrative secretary III positions removed by the House	2.00	\$95,436		\$95,436
Restores related operating expenses removed by the House		41,848		41,848
Removes funding for temporary salaries added by the House		(38,436)		(38,436)
b. Restores community corrections agent removed by the House	1.00	53,024		53,024
Restores related operating expenses removed by the House		2,531		2,531
c. Restores parole and probation officer II removed by the House	1.00	36,657		36,657
Restores related operating expenses		<u>10,422</u>		<u>10,422</u>
Total positions and related costs restored for community offender services	4.00	\$201,482	\$0	\$201,482

11 Restores funding for the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores correctional officer II positions for the JRCC	2.00	\$110,910		\$110,910
Restores related operating expenses		<u>4,480</u>		<u>4,480</u>
Total positions and related costs restored for the security and safety program	2.00	\$115,390	\$0	\$115,390

12 Restores funding for 20 FTE positions and related operating expenses for the operation of the JRCC 5th and 6th floors. The executive budget assumed that the JRCC would be completed by May 2000. The House removed the funding for the operation of the facility. The Senate assumes that the facility will be completed by November 2000.

13 Restores funding for contract inmate housing, increasing the amount provided from \$2,661,040 to \$2,923,460. The House reduced the executive budget amount of \$4,085,300 by \$1,424,260. The House amount was based on inmate population growth of 10 percent the first year of the 1999-2001 biennium, 15 percent growth the second year, a July 1, 1999, population of 950 inmates, alternatives to incarceration saving 135 prison beds per month, and not completing the 5th and 6th floors of the JRCC. The Senate amount is based on 10 percent inmate growth the first year of the biennium, 15 percent growth the second year, a July 1, 1999, population of 975 inmates, alternatives to incarceration saving 115 prison beds per month, and November 2000 completion of the 5th and 6th floors of the JRCC.

14 Increases other funds and decreases general fund spending authority for the Juvenile Services Division to reflect an additional \$133,368 anticipated to be distributed to the Youth Correctional Center from the Board of University and School Lands. Section 4 is added which directs the Board of University and School Lands to distribute all available trust fund income for the 1999-2001 biennium.

1999 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1016

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date April 4, 1999			
Tape Number	Side A	B Side	Meter #
1	x		0-30.0
Committee Clerk Signature <i>J. Russell Bussars</i>			

Minutes:

CONFERENCE COMMITTEE ON HB 1016

A Bill for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation.

TAPE 1, A, 0.0 CHAIRMAN SVEDJAN opened conference committee with Sen. Kringstad, Sen. Robinson, Sen. Nething, Rep. Delzer, and Rep. Hoffner present.

1.1 SEN. NETHING: What we did in this bill is, we asked the corrections people to give us a list of priorities. Then, we took those priorities put them in order and that is what you have in front of you. (Sen. Nething handed out the priorities list.) In the upper left hand corner is the program legion, so that in the column that says program you will be able to determined which department it is, it may be of some interest at so point. The first number on the left hand side are the numbers of the priorities that where given by the department. When I say that you'll note that we took the first fifteen , but then we started doing other selections. Those selections were based on what we determined to be 2 factors: 1 was that we wanted to complete the JRCC center and so you will see an example there is 20, 23, 25, 26 and 29 they are out of line in priority of the institution, but they are in line for the position that we advanced that the we should complete want was done there. If we do that the only thing that we know right now and I say that now is important. We do know that there are windows that do need to be repaired in that building which ultimately will be requested in the future. It wasn't requested this time because there were higher priority. The next thing is a description and what we are going to bring to you is a narrative of that description that will match each of those for the program I talked about. The next thing is the changes you made in the original bill showing the reductions that came through and/or couple of places there were some additions. Then, we show what the department requested of us in the third column and things and then we show those changes from the original bill

General Discussion

Page 2

Human Resource, Appropriations

April 6, 1999

4-4-99

and then we do a subtotal on the right as to what those are. When you see what the department requested, those are the same dollars in the amendments that we passed over to you, they are department requests but Senate action.

3.7 SVEDJAN: Senator Nothing go to the second one operating expenses number two. I understand the first two columns but how do you get \$10,432 for a running total. NETHING: That's a running total, we started out with everything added, because we wanted to have a running total as we went that was just for our purposes.

4.8 DELZER: This is the question is these all the departments request for readjustments or was there others that you didn't fund. I would like to see them. NETHING: There were others. Everything you cut out was requested.

5.4 NETHING: Look at the bottom line in the center column the additions that we made were 2,435,144 of general funds and 1,836,875 special funds.

5.9 ROBINSON: \$400,000 Senator Nothing you might want to explain that it is not reflected here, the land replacement fund.

6.1 NETHING: In the amendments there are two funding adjustments made \$400,000 Penitentiary Land Trust and that money is generated from a gravel source over ant the YCC, that runs about \$200,000 dollars per year by statute it is limited to certain uses, build another facility is permitted. We also, transferred some money from the land trust which shows in the amendments. That we have, I con point it out to you. It was the land department trust is a permanent trust, over at the permanent trust they have. Joe how much do they have?

6.8 Joe Morrisette: \$133,368 which is in the last column of the Senate changes on page 4.

7.3 Nething: What that is permanent trust and the land department distributes the income in a variety of places one of them is the Industrial School but the don't distribute all the money from the trust fund. What they distribute is well I will use this as a descriptive number only assuming that the permanent trust would earn 9% of funds, of that 9% they take 5% of the total or a little over half. They distribute out to the various institution that get it. One of which is the Industrial School. So what they do because of three sessions ago we changed the law, and we said they didn't have to distribute all the money. They could put some back in the permanent trust fund and use that money to continue to earn interest. Like you would with your own investments dollars. So with the 133 thousand that showed on top of page 4. The \$133, 368 was money that we are interrupting this year, instead of saving that money we are going to take it out. It is a one time transfer out. It will be reflected in this budget for the YCC. Basically, what we have done is increased special fund by \$533,368 either special or other funds.

8.8 SVEDJAN: Senator if I may interrupt, then the distribution from the land permanent trust is the finance quote. Nething states yes.

9.0 DELZER: Senator Nething would this give the YCC a larger percent over everyone else that is getting from that.

9.1 NETHING: The percentage varies from each of the institutions that draw from the trust fund. Part goes to the Blind School and part goes to the Deaf School, there are 6 institutions that get it, the State Hospital gets some and the School of Minds gets a separate amount. There is a formula that has been established for years that show how mach each of them get. To my knowledge its not the same. Now, when I use that 5% figure, that only relates to the total earnings which represents a little more than half. So when we talk about that percentage it doesn't relate to any of the distribution, it relates to what they spent of the earnings.

10.0 SVEDJAN: Senator I would like to follow-up on that. The 133 here is amount over and about the amount they would normally would be distributed but it is a one time distribution.

10.1 NETHING: That's exactly right.

10.1 DELZER: Before we changed that law, then did everybody just get that much more.

10.2 NETHING: Right, for an example, if we hadn't changed the law three sessions ago they would have already gotten this money.

10.3 DELZER: No, they would have only gotten a share of the money.

10.3 NETHING: The \$133,000 they would have gotten. If that law was not in affect to day, that money would have been already distributed to them.

10.4 DELZER: Does everybody getting some extra, not just the YCC.

10.5 NETHING: Everyone will get a segment of it. We adjusted every budget that is listed in there. High Ed gets a bigger amount, the School for the Deaf and Blind get a smaller amount.

10.7 DELZER: The Veterans Home.

General Discussion

Page 3

Human Resource, Appropriations

April 6, 1999

4-4-99

10.7 NETHING: The Veterans Home gets a portion of it. About 64,000, so what we have done is taken that money and off set it to general fund dollars.

10.8 SVEDJAN: Just to clarify this does the \$133,000 here than diminish the amount the others get.

10.9 NETHING: No.

11.0 SVEDJAN: They will all get as they have gotten before. This is in excess of what they normally get.

11.0 NETHING: In the Higher Ed budget for example, you will see that. It will say a reduction of general funds and increase in special.

11.1 DELZER: Senator Nothing what I certain you are just going around what we did a couple of years ago. Are you afraid that we are setting a a perusable, that we will be going back to this every time.

11.3 NETHING: Well, I am not. I'm hoping this will be the last time that we will ever see a down turn in budget reproductions. That's what's driving us to find other dollars anywhere we can.

11.6 HOFFNER: Senator Nothing what kind of long term effects will this have are you looking at. If you pay this out now, what kind of implications are we dealing with the next 5 to 10 years to be eligible for the program your talking about.

11.9 NETHING: When it would be, 133 thousand for an example would be thrown into a savings account the trust fund. Depending upon their earnings that investment period. Just say they earn 10% that would be 13,000 per year if in fact their earnings were that good.

12.7 DELZER: If the last couple of sessions this went back in there, it went in part of the permanent trust fund. what is the total size of the trust fund?

12.9 NETHING: We studied it. It is not the common school trust fund. It has a whole different distribution agenda to it. I can get that chart for you. You have seen this in all the budgets as you go.

13.5 SVEDJAN: I would like to go back to the 400,000 that you mentioned earlier on. First of all is it the 400,000 even or is it 439,000 that you are requesting for the 5th and 6th floor renovation.

13.6 NETHING: The amount that we actually drew from that trust fund was estimated to be about 406,000. We drew 400,000 of that.

13.8 SVEDJAN: Where is that reflected in here?

13.9 NETHING: You have to go to the amendments, go to page 5. As you read the first foot note under 6, as you read restored funding and so on. You go down to the last phrase, 400,000 from the Penitentiary Land Replacement fund.

14.3 SVEDJAN: That 400,000 is included in the 2.4 shown on the spreadsheet.

14.3 NETHING: No, it is not included. Neither of the two funds are include in the 2.4 of the spreadsheet. The spreadsheets stick strictly to replacement of what we did from the house. So, it brings us to about a 1.9 total of general funds. Then the other sheet we had was dated call *Narrative by Priorities*, we just distributed that. Up on the right hand corner it says March 30, 1999. This then lines up with the, when you go back to the spreadsheet that lines up with each number that's there and explain exactly at a brief narrative what those items are all about. There is one exception to that and if you look at the spreadsheet and go to item 18 and you look at the narrative it really is item 16. What that is about is, you had left a 100,000 dollars in for funding a new parking lot next to the deputy warden's house. After visiting with the administration, we decided that wouldn't be enough to do much so we took it out total and funded it in the overall picture. But I did want to point out that number error.

16.3 SVEDJAN: My recollection of that discussion was that we first looked at a much larger scale parking lot renovation project. We were concerned about that and the workability of it. Then we went to plan B which was this one, we were told if I recall that it was a acceptable one.

16.7 NETHING: We used that money and an other source 14 and 15. That's how we funded those two positions at a higher priority.

16.9 SVEDJAN: So what you are doing here is not doing anything all to the parking lot.

17.0 NETHING: Not at this time. Now, the other part that I should move into. I had indicated to you that are changes were based on two things. One was the completion of the JRCC and the other was that we wanted to shore up field services as much as we could. So that was the second part of our determination of bring things back into the budget. Our reason for that is, that field services is really the parol and probation area. We believe that it is extremely important in order to keep this population in line at all we don't short change field services and fail. We need to keep those people out and so that was the basis for a couple of things that we put back in. If you look at FS

General Discussion

Page 4

Human Resource, Appropriations

April 6, 1999

4-4-99

you will see those items number 8 for example we made a change there. Items 14 and 15 were changes that we made and that was basically driving those decision. That we felt that we just need to make sure that we don't short change them out there. The rest were on the priority discussion bases.

18.4 ROBINSON: Senator would you like to talk a little bit about the rational behind the move on our side to complete the 5th and 6th floors.

18.8 NETHING: Yes I will. We did a couple of things at the YCC and they show there items 3 and 4 because they were high priorities. Item 17 because that has to do with the adding 12,000 to other funds and reducing general funds by 12,000.

19.4 SVEDJAN: Does that have to do with the 12 month school.

19.4 NETHING: Right. We kept what they gave us on the 12 months.

19.5 SVEDJAN: What is the source of those funds right now the way you have it.

19.7 ELAINE LITTLE: When the amendments were made up on the house side, the reduction was made in the special funds and in the general funds total. When we went back to look at to reduce the back alternative programs. When we looked at that reduction our initial reaction was that we ask the question was what that other fund. What programs did that relate to. What we first determined was that all of the other funds in the 12 month school program was for special education in title 1 funds. So our impression was that this dollars were reduced because of the vocational program is being pulled out that special fund didn't apply to vocational dollars.

20.9 SVEDJAN: Could it be said that these are title 1 funds .

21.1 ELAINE LITTLE: Right, the only dollars in the YCC budget for education were in the budget, majority is special education. All of those dollars were built into the base budget. Actually, there shouldn't been a reduction at all in the special funds area.

21.7 NETHING: The best way for me to understand it is to substitute special funds to general funds for a program that we are eligible for.

21.9 SVEDJAN: Just backing up a bit, the extraordinary repairs at the YCC.

21.9 NETHING: That includes what's on the narrative, that includes the 3 projects of the life safety system, the administration bill of 19,000, parking lot repair of 9,000, and removal of asepsis at the Hickory cottage. Reason we did that is because of the high priority the department gave them. Then, what I would like to give you now is an overview what's transpired number wise and some of those things. This is general information that you people already had but if brings it into focus. As we get down to the middle paragraph where we talked about the addition of beds and what has transpired. This is just an overview and a snapshot of this session.

23.6 DELZER: Elaine what's your numbers for March?

23.7 LITTLE: In March we had 82 admissions, which is the second highest we had ever had. *The tape is hard to hear, couldn't make it out.*

24.2 SVEDJAN: Today you stand at what number.

24.2 LITTLE: I believe about 930 is where we are at.

24.4 SVEDJAN: As I am reading the amendments. It sound like you didn't change the percentage of the projections in terms of growth you staid at 10 % the first year and 15 % the second year. But you started at 975 instead of the 950.

24.7 NETHING: As long as we started on that, let me give you copy of exactly what we were leading to. What I am giving you are three different scenarios. The top scenario is the departments version of the prison inmates population using the house contracting costs. We felt you had a set of contracting costs we needed to be consistent with in comparison prepossess. The second page of the handout is the house version, that you made your termination with. The third page is the departments version, where they were at March 19.

26.0 SVEDJAN: You adjusted the beds saved by alternatives. You adjusted the starting point. You kept the growth percentages the same.

26.3 NETHING: Right, 10 the first year and 15 the second year. We also utilized the, maybe this doesn't show in here Elaine, keep in mind when we are talking about the 5th and 6th floors at the JRCC. We are talking about a completion date of November before the figures were based on May completion date. I don't think any of that is reflected in here, OH it is reflected in here. When we start bringing back numbers into the prison capacity. At the middle column in November those numbers jump to 110. They are in the original version on page 3 but your version shows 861 all the way threw. The last thing I would like to hand out. This is the cost of comparison of

General Discussion

Page 5

Human Resource, Appropriations

~~April 6, 1999~~

4-4-99

completing the 5th and 6th floors vs. contracting and this assumes that November 2000 operational date and this also assumes the house contracting rate. That was reflected in the pervious hand out that I just gave to you.

28.4 SVEDJAN: At 47 a day and 60 later on.

28.5 NETHING: Right, the ones on the first page but I think they are very close to yours. Then on page 2 we have addition contracting audit inmates November 2000, June 2001 if the 5th and 6th floors are not renovated. Then on page 3 there is a saving in the general fund by completing them 2001-2003 biennium. Another words what the savings would be in the following biennium. So mister chairman I think maybe we will have to throw the sheets you would like to have as we proceed for our next session.

29.4 SVEDJAN: Is there any questions before we adjourn for now? I would invite the house members to look this over. I will schedule our next time. I don't know when that will be, watch your computers. **CHAIRMAN SVEDJAN ADJOURNED THE COMMITTEE.**

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date April 6, 1999			
Tape Number	Side A	B Side	Meter #
1		x	18.3-end
Committee Clerk Signature <i>Pauline Gustafson</i>			

Minutes:

CONFERENCE COMMITTEE ON HOUSE BILL 1016

A bill for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation.

18.3 CHAIRMAN SVEDJAN opened conference committee on HB 1016. All members present.

18.3 NETHING: Would it be all right if Joe could run through the amendments after everything is distributed. So we can focus on those a little bit.

18.5 SVEDJAN: I would like to verify again on the spreadsheet that you gave us. I'm still not clear, under the general fund column in the middle, you show a total of 2.4 million. I heard you say not included in that was 400,000 for the land replacement fund, 133,368 for the permanent land trust fund. So with those in there, I realize those are special funds. They are not in there because you are only showing the general funds.

19.2 NETHING: That is all this is was a explanation of what we replaced with out ruining any funds.

19.2 SVEDJAN: In respect of what we have done. There 2.4 million dollars added back based on your actions in the Senate. Then 533,000 comes from the trust fund, they don't show in the other fund.

19.6 NOTHING: These are the funds only in your original bill. That is why they don't show any other information on this spreadsheets.

19.7 SVEDJAN: Technically the total add back, I heard you say 1.9 million.

19.8 NOTHING: That's right, deduct the 533,000 from the 2.4.

20.0 SVEDJAN: Why would you do that when your dealing with two separate funds.

20.1 NOTHING: There new funds that we are bringing into the equations.

20.4 KRINGSTAD: If you deduct from the 24 you would be replacing it.

20.6 LEGISLATIVE COUNCIL: The difference between this schedule and if you look at the purpose of amendments schedule that shows what actually was done by the Senate is the 533,000 dollar difference. The actual 533,000 less then the general fund amount. The reason for the is, instead of adding the 2.4 million general fund like the department requested they replaced 533,000 dollars for the general fund with those other funds which you talked about. The total amount would stay the same but there was a funding source switch of that 533,000 from what is shown on the schedule supplied.

21.2 SVEDJAN: The 400,000 is shown on page 5 is combined with other funds but that 400,000 is under the other funds 2.3 million.

21.4 LEGISLATIVE COUNCIL: Look at number 10 on the schedule from the department shows that they were asking 439,000 for the 5th and 6th floor renovation. Look ant the foot note 6 on page 5. Shows that only 39,000 was added. The 400,000 from penitentiary trust fund. They requested 1.9 federal fund that was changed to 2.3, 1.9 of federal 400 was other.

22.1 ROBINSON: The net effect is where we are actually putting the 1.9 of general fund back.

34.2 SVEDJAN: What is the Senates logic for delaying the fees a dollar.

34.4 NOTHING: By delaying it, the problem was without the delay the confusion out there and the individuals probationers are sentenced under one law to pay the 35 dollars. The concern was that there would be two groups paying different amounts. We should be going down from 3200 to 400, so we thought that would be a more suitable time.

43.8 NOTHING: I the priority matched up with our spreadsheet. The narrative that we will get for you, 10 pages includes these items but also includes the other items that we didn't bring back into the picture.

46.5 ROBINSON: The reason was because these are community they are matched local and federal funds. It is impossible to cut without discontinuing on going programs in a particular community. They are related to other matching dollars.

49.5 CHAIRMAN SVEDJAN ADJOURNED THE CONFERENCE COMMITTEE.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date April 8, 1999			
Tape Number	Side A	B Side	Meter #
1	X		0-36.5
Committee Clerk Signature <i>Paulitta Gussiaas</i>			

Minutes:

CONFERENCE COMMITTEE ON HOUSE BILL 1016

.1 SVEDJAN: It is important that we are working from the same number. What I did was to ask us to look at some projections. What I requested on this was to combine some numbers for our projections and some from the senate. So what you are looking at here is a description of projections based on 950 which was the number that we used in the house. But then we used the 115 alternative which you will see down in the first foot note. We didn't change the percentage increase projection we kept that at the 10% the first year and 15% the second year. But we used your 115 in the prison alternative program and started at the base of 950 inmate population.

1.3 LEGISLATIVE COUNCIL: Walked the committee through the projections the chair passed out.

4.4 SVEDJAN: I request this but I still have a concern about where we are today. The first day we were at 930 in that time, it was two days ago. Starting at 950 does give us some leeway. It would be my interest to use the 950 as a starting point on the projections.

6.9 DELZER: When we looked at the numbers, the last couple of months in Jan. we had a decline in population.

11.0 ELAINE LITTLE: *Couldn't here the tape!*

12.0 SVEDJAN: How did you bring the 135 down to 115.

12.2 NETHING: That was the departments request that is how we arrived at that.

13.0 ROBINSON: We were not comfortable placing a lot of inmates in the class B facility. Based on the testimony we heard from the department, when we get away from Devils Lake, Stark County, and Jamestown. It is very limited for what we have for facilities.

15.1 KRINGSTAD: Just to clarify for myself, the questions of the savings their going to have with the renovation of the parking lot, entrance renovation any of that.

15.5 SVEDJAN: This in just the delaying of the 5th and 6th floors and the contracting at that time.

17.3 ROBINSON: There is a time line to access federal dollars to finish those two floors. I don't know what that time line is but I know it isn't out there forever and a day.

17.6 DELZER: We asked that question, it doesn't matter because the money will still be there next biennium.

17.7 ELAINE LITTLE: What I said for the dollars that has been allocated, we will be on our 4th year now. We have up to 4 years to spend those dollars. We don't know about the fifth year. What we don't know is if the legislation doesn't include the 5th and 6th floors we can't access the fifth year. If we don't access it, I don't know if the money will sit there and wait for us or be redistributed.

19.9 SVEDJAN: I'm distribute this to. This is one that will ask to have consider to.

20.3 LEGISLATIVE COUNCIL: Went through the hand out.

21.3 NETHING: Are we talking about the northeast proposal.

21.4 SVEDJAN: That is what it boils down to. I did go back and check the record. This was discussed in our committee, it is part of the record. What this document does if you go to the second page. It lays out some of the thinking of that group. There discussion were very pulmonary.

24.0 ROBINSON: I did attend a meeting on this issue. They don't need any time to get anything organized. If we go this route they will need a commitment from the state.

36.0 SVEDJAN: adjourned the conference committee.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date April 10, 1999			
Tape Number	Side A	B Side	Meter #
1	x		20.9-end
1		x	0-13.6
Committee Clerk Signature <i>Paul M. Hussain</i>			

Minutes:

CONFERENCE COMMITTEE ON HOUSE BILL 1016

20.9 SVEDJAN: What I just distributed is an alternate to the numbers that we have been looking at. What we're suggesting is a base figure of 960 of the house version to 962. Then split the difference on the alternatives. Keeping the contracting at \$47 except for those out of state.

21.5 LEGISLATIVE COUNCIL: went through the work sheet that Chairman Svedjan handed out.

24.1 SVEDJAN: So what this represents is a compromise position splitting the difference on the starting point with the contracted beds. In terms of the potential inmate beds, and splitting the difference between 115 and 135 on the impact the alternatives would have. This would keep everything else the same to the senate version to move the 5 & 6 floors by Nov. 2000. That would be our offer.

30.4 SVEDJAN: Backing out 46,000, it reduce the 1.156 million which it is in the 3rd foot note it would reduce it down to 1.110 million that is what the impact would be. That would reduce the difference from the senate version and the house version.

30.8 LEGISLATIVE COUNCIL: That is correct.

32.0 NETHING: As I see it now, what we are really talking about from the senate side is the budget reduction of 1.1 million. That would change our overall picture of a 2.4 to a 1.3.

32.6 SVEDJAN: Yes that is correct, recognizing that the 533 thousand from the trust fund are still in there. In terms of the general fund, your version was 1.9 this would reduce the general funds by 1.110.

35.2 ROBINSON: A quick analysis of the impact going 960 to 962 that is the bulk of the impact here.

35.4 SVEDJAN: We're talking about a combination of a few things. One has to do with that movement and the other has to do with going from 115 to 125 on the saved bed on the alternative program. The senate version contracted at 55 dollars a day, the legislative council show that we could contract at 47.

45.0 NETHING: I am a little leery about this budget because of the closeness. Reducing it by 1.1, I would like to see us split the difference. In another words, do a reduction of 550,000, that would be the difference from were you are here and were we came over.

46.7 SVEDJAN: I resist that offer and I will tell you why. When we worked this budget on the house side we were working from a comfort level of 135 alternative.

47.3 ELAINE LITTLE: *COULDN'T HEAR THE TAPE!*

52.9 SVEDJAN: We have 1 maybe 2 differences left. One is the fence around the perimeter, we have appropriated for that fence before and the fund were use for other prepossess. The last biennium they were diverted to the JRCC. It has been stated that they have one or two escape attempts but they never materialized. It is the question to us if it is truly necessary.

TAPE 1, B, .1 DELZER: Nothing is voicing some concerns of the level that we are taking out of contracting. The numbers that I was looking at were not increasing the amount we were taking out. But possibly looking at 120 or something that way to see if it is close enough so that it is okay. And are your feeling really strong about the fence.

.4 NETHING: Yes, if you are satisfied with them coming back with a deficiency appropriation, we will do it. To do that I want to see all the other items in place.

CHAIRMAN SVEDJAN ADJOURNED CONFERENCE COMMITTEE.

1999 CONFERENCE COMMITTEE MINUTES

BILL/RESOLUTION NO. 1016

Appropriations Committee

Conference Committee

Hearing Date April 12, 1999

Tape Number	Side A	Side B	Meter #
1	x		47-55.5
Committee Clerk Signature <i>Casey Davis</i>			

Minutes:

Chairman Svedjan opened the meeting.

1a: 47.0 Chairman Svedjan: We have the amendments 0206 in front of us. We've already identified a typo where the biennium should be 1999 instead of 1991.

1a: 47.5 Joe Morrisette, Legislative Council: (Reviewed changes in new amendment).

1a: 52.2 Chairman Svedjan: Are there any questions of Joe?

1a: 52.4 Rep. Hoffner: Were we going to do anything with the construction of the fence?

1a: 52.4 Chairman Svedjan: It's there in Section 5 on page 2.

1a: 52.7 Rep. Delzer: Section 7 covers the multiple counts?

1a: 53.0 Chairman Svedjan: Yes it does. Basically it means that if you have two counts in the same arrest or same incident, they can't be counted as separate offenses.

1a: 53.5 Sen. Nething: Move the amendments as presented.

1a: 53.6 Rep. Hoffner: Second.

1a: 53.7 Chairman Svedjan: Is there any more discussion?

1a: 53.9 A roll call vote was taken to adopt the amendments. The motion carried. The votes were as follows: Sen. Kringstad, yes; Sen. Robinson, yes; Sen. Nething, yes; Rep. Svedjan, yes; Rep. Delzer, no; Rep. Hoffner, yes.

The meeting was adjourned.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

That the Senate recede from its amendments as printed on pages 1097-1102 of the House Journal and pages 966-971 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 3, after line 21, insert:

"SECTION 6. CONTINGENT APPROPRIATION - BUDGET SECTION

APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated, subject to the provisions of this section, out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and the penitentiary land replacement fund, to the department of corrections and rehabilitation for the purpose of renovating the fifth and sixth floors of the James River correctional center, for the biennium beginning July 1, 1999, and ending June 30, 2001. This section is ineffective if, as of June 1, 2000, construction has begun on a privately owned and operated adult correctional facility within this state. If such construction has not begun as of June 1, 2000, the budget section of the legislative council may authorize the department to spend the following amounts for renovation of the fifth and sixth floors of the James River correctional center:

Total all funds	\$2,353,000
Less estimated income	<u>2,313,531</u>
General fund	\$39,469

The department may spend moneys appropriated in this section, as authorized by the budget section, after September 30, 2000. The department shall not employ any additional full-time equivalent positions relating to the fifth and sixth floors of the James River correctional center during the 1999-2001 biennium. The estimated income line item in this section includes up to \$400,000 from the penitentiary land replacement fund."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

CONFERENCE COMMITTEE - This amendment provides a contingent appropriation of \$2,353,000 (\$39,469 from the general fund, \$400,000 from the penitentiary land replacement fund, and \$1,913,531 from federal funds) to the Department of Corrections and Rehabilitation for renovation of the fifth and sixth floors of the James River Correctional Center. The appropriation may be spent if, as of June 1, 2000, a private prison is not being constructed in this state and if the expenditure is authorized by the Budget Section.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

That the Senate recede from its amendments as printed on pages 1097-1102 of the House Journal and pages 966-971 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 2, remove the second "and" and after "12.1-32-07" insert "and subsection 5 of section 19-03.1-23"

Page 1, line 3, after "probationers" insert "and sentencing for drug offenses; to provide an effective date; and to declare an emergency"

Page 1, line 14, replace "115,000" with "118,682"

Page 1, line 15, replace "20,200" with "26,950"

Page 1, line 16, replace "1,000,270" with "1,010,702"

Page 1, line 20, replace "4,229,174" with "4,344,374"

Page 1, line 21, replace "104,321" with "123,571"

Page 1, line 22, replace "35,000" with "74,500"

Page 2, line 1, replace "16,991,440" with "17,165,390"

Page 2, line 2, replace "5,674,504" with "5,839,216"

Page 2, line 3, replace "11,316,936" with "11,326,174"

Page 2, line 8, replace "9,635,277" with "9,836,759"

Page 2, line 9, replace "16,699,252" with "19,350,252"

Page 2, line 11, replace "20,341,166" with "20,465,352"

Page 2, line 13, replace "61,461,535" with "64,438,203"

Page 2, line 14, replace "12,660,179" with "14,865,710"

Page 2, line 15, replace "48,801,356" with "49,572,493"

Page 2, line 16, replace "61,118,562" with "61,909,369"

Page 2, line 17, replace "18,334,683" with "20,704,926"

Page 2, line 18, replace "79,453,245" with "82,614,295"

Page 2, remove lines 29 through 31

Page 3, replace lines 1 through 21 with:

"SECTION 4. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the youth correctional center all income from permanent funds managed for the benefit of that institution.

SECTION 5. CAPITAL PROJECT - ADULT SERVICES DIVISION. The support services line item in subdivision 3 of section 1 of this Act includes up to \$198,000 from the state general fund which must be used by the department of corrections and rehabilitation for the construction of a security fence around the roughrider industries building at the penitentiary during the 1999-2001 biennium."

Page 3, line 29, replace "thirty-five" with "thirty-six"

Page 3, after line 31, insert:

"SECTION 7. AMENDMENT. Subsection 5 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- 5. A violation of this chapter or a law of another state or the federal government which is equivalent to an offense under this chapter committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, 3, and 4. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.

SECTION 8. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds to the department of corrections and rehabilitation for the purpose of defraying its expenses for the period beginning with the effective date of this Act and ending June 30, 1999, as follows:

Operating expenses	\$15,000
Equipment	<u>18,209</u>
Total special funds	\$33,209

SECTION 9. EFFECTIVE DATE. Section 6 of this Act is effective for fees collected after December 31, 2000, for offenses committed after June 30, 1999.

SECTION 10. EMERGENCY. Sections 7 and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Central Office:						
Salaries and wages	\$878,152	\$865,070		\$865,070	\$865,070	
Operating expenses	118,682	115,000	\$3,682	118,682	118,682	
Equipment	<u>26,950</u>	<u>20,200</u>	<u>6,750</u>	<u>26,950</u>	<u>26,950</u>	

Total all funds	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Less estimated income						
Total general fund	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Juvenile Services:						
Salaries and wages	\$9,764,955	\$9,552,045		\$9,552,045	\$9,552,045	
Operating expenses	4,344,374	4,229,174	\$115,200	4,344,374	4,344,374	
Equipment	141,771	104,321	19,250	123,571	123,571	
Capital improvements	371,900	35,000	39,500	74,500	74,500	
Grants	2,870,900	2,870,900		2,870,900	2,870,900	
Delinquency prevention consortium	200,000	200,000		200,000	200,000	
Total all funds	\$17,693,900	\$16,991,440	\$173,950	\$17,165,390	\$17,165,390	\$0
Less estimated income	<u>5,688,979</u>	<u>5,674,504</u>	<u>164,712</u>	<u>5,839,216</u>	<u>5,839,216</u>	
Total general fund	\$12,004,921	\$11,316,936	\$9,238	\$11,326,174	\$11,326,174	\$0
Adult Services:						
Victim services	\$2,610,550	\$2,609,036		\$2,609,036	\$2,609,036	
Institutional offender services	828,335	821,649		821,649	821,649	
Community offender services	10,029,660	9,635,277	\$201,482	9,836,759	9,836,759	
Support services	20,234,931	16,699,252	2,651,000	19,350,252	19,350,252	
Program services	3,853,788	3,833,361		3,833,361	3,833,361	
Security and safety	23,625,750	20,341,166	124,186	20,465,352	21,576,321	(\$1,110,969)
Roughrider Industries	<u>9,243,724</u>	<u>7,521,794</u>		<u>7,521,794</u>	<u>7,521,794</u>	
Total all funds	\$70,426,738	\$61,461,535	\$2,976,668	\$64,438,203	\$65,549,172	(\$1,110,969)
Less estimated income	<u>16,335,431</u>	<u>12,660,179</u>	<u>2,205,531</u>	<u>14,865,710</u>	<u>14,865,710</u>	
Total general fund	\$54,091,307	\$48,801,356	\$771,137	\$49,572,493	\$50,683,462	(\$1,110,969)
Grand total all funds	\$89,144,422	\$79,453,245	\$3,161,050	\$82,614,295	\$83,725,264	(\$1,110,969)
Less grand total special funds	<u>22,024,410</u>	<u>18,334,683</u>	<u>2,370,243</u>	<u>20,704,926</u>	<u>20,704,926</u>	
Grand total general fund	\$67,120,012	\$61,118,562	\$790,807	\$61,909,369	\$63,020,338	(\$1,110,969)
FTE	577.21	546.68	26.00	572.68	572.68	0.00

Detail of Conference Committee changes to the House version:

	RESTORE EQUIPMENT	RESTORE OPERATING EXPENSES	RESTORE CAPITAL IMPROVEMENTS	REDUCE CAPITAL IMPROVEMENTS	DELAY SUPERVISION FEE INCREASE	FUNDING SOURCE CHANGE FOR YOUTH CORRECTIONAL CENTER 12-MONTH SCHOOL
Central Office:						
Salaries and wages						
Operating expenses		\$3,682 ³				
Equipment	\$6,750 ¹					
Total all funds	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Less estimated income						
Total general fund	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Juvenile Services:						
Salaries and wages						
Operating expenses		\$115,200 ⁴				
Equipment	\$19,250 ²					
Capital improvements			\$39,500 ⁵			
Grants						
Delinquency prevention consortium						
Total all funds	\$19,250	\$115,200	\$39,500	\$0	\$0	\$0
Less estimated income	<u>19,250</u>					<u>12,094</u> ⁹
Total general fund	\$0	\$115,200	\$39,500	\$0	\$0	(\$12,094) ⁹
Adult Services:						
Victim services						
Institutional offender services						
Community offender services						
Support services			\$2,751,000 ⁶	(\$100,000) ⁷		
Program services						
Security and safety						

Roughrider Industries						
Total all funds	\$0	\$0	\$2,751,000	(\$100,000)	\$0	\$0
Less estimated income			<u>2,313,531</u>		<u>(108,000)</u> ⁸	
Total general fund	\$0	\$0	\$437,469	(\$100,000)	\$108,000 ⁸	\$0
Grand total all funds	\$26,000	\$118,882	\$2,790,500	(\$100,000)	\$0	\$0
Less grand total special funds	19,250		2,313,531		(108,000)	12,094
Grand total general fund	\$6,750	\$118,882	\$476,969	(\$100,000)	\$108,000	(\$12,094)

	RESTORE POSITIONS AND RELATED OPERATING EXPENSES	RESTORE POSITIONS AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	REDUCE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	FUNDING SOURCE CHANGE TO REFLECT ADDITIONAL LAND DEPARTMENT DISTRIBUTIONS	TOTAL CONFERENCE COMMITTEE CHANGES
Central Office:					
Salaries and wages					\$3,682
Operating expenses					6,750
Equipment					
Total all funds	\$0	\$0	\$0	\$0	\$10,432
Less estimated income					
Total general fund	\$0	\$0	\$0	\$0	\$10,432
Juvenile Services:					
Salaries and wages					\$115,200
Operating expenses					19,250
Equipment					39,500
Capital improvements					
Grants					
Delinquency prevention consortium					
Total all funds	\$0	\$0	\$0	\$0	\$173,950
Less estimated income				133,368 ¹⁴	164,712
Total general fund	\$0	\$0	\$0	(\$133,368) ¹⁴	\$9,238
Adult Services:					
Victim services					
Institutional offender services					
Community offender services	\$201,482 ¹⁰				\$201,482
Support services					2,651,000
Program services					
Security and safety	115,390 ¹¹	\$857,345 ¹²	(\$848,549) ¹³		124,186
Roughrider Industries					
Total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$2,976,668
Less estimated income					<u>2,205,531</u>
Total general fund	\$316,872	\$857,345	(\$848,549)	\$0	\$771,137
Grand total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$3,161,050
Less grand total special funds				133,368	2,370,243
Grand total general fund	\$316,872	\$857,345	(\$848,549)	(\$133,368)	\$790,807
FTE	6.00	20.00	0.00	0.00	26.00

Conference Committee changes narrative:

This amendment makes the following changes:

- Removes Section 4 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department monitor changes in the inmate population and the number of correctional cells available to house state inmates through contractual agreements and present a report to the Legislative Council.

- Remove Section 5 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department operate programs to provide alternatives to incarceration and present to the Budget Section periodic reports on the effectiveness of these programs.
 - Adds Section 7, which amends North Dakota Century Code Section 19-03.1-23 relating to sentencing for drug offenses.
 - Adds Section 8, which provides an appropriation of \$33,209 from federal funds for the 1997-99 biennium.
- 1 Restores the House reduction to the equipment line item for the Central Office, increasing the total amount from \$20,200 to \$26,950.
 - 2 Restores the following House reductions, but provides special funds spending authority, rather than general fund spending authority which was removed by the House:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center: Restores funding for computer purchases, increasing the total amount from \$37,500 to \$50,000		\$12,500	\$12,500
Restores funding for replacement of a tractor, increasing the total amount from \$10,000 to \$15,000		5,000	5,000
Juvenile Community Services: Restores funding for equipment, increasing the total amount from \$5,250 to \$7,000		1,750	1,750
Total Juvenile Services Division equipment restorations	\$0	\$19,250	\$19,250

- 3 Restores the House reduction to the operating expenses line item for the Central Office, increasing the total amount from \$115,000 to \$118,682.
- 4 Restores the House reductions to the operating expenses line item for the Juvenile Services Division, increasing the total amount from \$4,229,174 to \$4,344,374. The restoration includes \$32,200 for medical-related expenses at the Youth Correctional Center and \$83,000 for Juvenile Services Division community programs.
- 5 Restores a portion of the House reduction for Youth Correctional Center extraordinary repairs, increasing the total amount from \$35,000 to \$74,500. The executive budget included \$150,900.
- 6 Restores funding for capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Restores funding for the 5th and 6th floors renovation project at the JRCC (The House removed the same total amount, but \$259,469 from the general fund and \$2,093,531 from federal funds. The Conference Committee is adding \$39,469 from the general fund, \$1,913,531 from federal funds, and \$400,000 from the Penitentiary land replacement fund.)	\$39,469	\$2,313,531	\$2,353,000
Restores funding for a security fence	198,000		198,000

around the Roughrider Industries building			
Restores funding for parking lot construction at the JRCC, increasing the total amount for the project from \$40,000 to \$71,000	31,000		31,000
Restores funding for forensic building lobby, front entrance, and other JRCC improvements, increasing the total amount for these projects from \$200,000 to \$325,000	125,000		125,000
Restores funding for security improvements at the JRCC, increasing the total amount for the project from \$100,000 to \$121,000	21,000		21,000
Restores funding for extraordinary repairs for a JRCC ventilation project (The House reduced total extraordinary repairs funding for adult services from \$1,003,700 to \$650,000.)	23,000		23,000
	<hr/>	<hr/>	<hr/>
Total Adult Services Division capital improvements restorations	\$437,469	\$2,313,531	\$2,751,000

- 7 Removes funding for parking lot improvements at the Penitentiary. The House reduced the amount included in the executive budget for this project from \$325,000 to \$100,000.
- 8 Reduces other funds and increases general fund spending authority to reflect delaying collection of increased probation supervision fees until January 1, 2001. The amendment increases fees to \$36 per month. The House increased fees to \$35 per month, effective July 1, 1999.
- 9 Increases other funds and decreases general fund spending authority for the 12-month school program at the Youth Correctional Center. The \$12,094 of other funds spending authority was removed by the House, but reflects federal funds anticipated to be available.
- 10 Restores funding for the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores administrative secretary III positions removed by the House	2.00	\$95,436		\$95,436
Restores related operating expenses removed by the House		41,848		41,848
Removes funding for temporary salaries added by the House		(38,436)		(38,436)
b. Restores community corrections agent removed by the House	1.00	53,024		53,024
Restores related operating expenses removed by the House		2,531		2,531
c. Restores parole and probation officer II removed by the House	1.00	36,657		36,657
Restores related operating expenses		<u>10,422</u>		<u>10,422</u>
Total positions and related costs restored for community offender services	4.00	\$201,482	\$0	\$201,482

- 11 Restores funding for the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores correctional officer II positions for the JRCC	2.00	\$110,910		\$110,910
Restores related operating expenses		<u>4,480</u>		<u>4,480</u>
Total positions and related costs restored for the security and safety program	2.00	\$115,390	\$0	\$115,390

- ¹² Restores funding for 20 FTE positions and related operating expenses for the operation of the JRCC 5th and 6th floors. The executive budget assumed that the JRCC would be completed by May 2000. The House removed \$1,463,679 for the FTE positions and the operation of the facility. The Conference Committee amendment restores \$857,345 and assumes that the facility will be completed by November 2000.
- ¹³ Reduces funding for contract inmate housing, reducing the amount provided from \$2,661,040 in the House version and \$2,923,460 in the Senate version to \$1,812,491 in the Conference Committee version. The House reduced the executive budget amount of \$4,085,300 by \$1,424,260. The House amount was based on inmate population growth of 10 percent the first year of the 1999-2001 biennium, 15 percent growth the second year; a July 1, 1999, population of 950 inmates; alternatives to incarceration saving 135 prison beds per month; not completing the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$47 for the first 82 beds and additional beds at \$55 the first year and \$60 the second year. The Senate amount was based on 10 percent inmate growth the first year of the biennium, 15 percent growth the second year; a July 1, 1999, population of 975 inmates; alternatives to incarceration saving 115 prison beds per month; November 2000 completion of the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$55 the first year and \$60 the second year. The Conference Committee amount is based on a July 1, 1999, population of 962 inmates; alternatives to incarceration saving 125 prison beds per month; and the contracting daily rates used in the House version.
- ¹⁴ Increases other funds and decreases general fund spending authority for the Juvenile Services Division to reflect an additional \$133,368 anticipated to be distributed to the Youth Correctional Center from the Board of University and School Lands. Section 4 is added which directs the Board of University and School Lands to distribute all available trust fund income for the 1999-2001 biennium.

(Bill Number) HB 1016 (, as (re)engrossed):

Your Conference Committee

For the Senate:

Sen. Kringsstad ^{motion} y y
Sen. Robinson y y
Sen. Netting y y

For the House:

Chair. Suedjorn y y
Rep. DeKes n n
Rep. Hyffner y y
Precede

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
723/724 725/726 5724/8726 5723/8725
the (Senate/House) amendments on (S/H) page(s) _____

and place _____ on the Seventh order.
727

, adopt (further) amendments as follows, and place
_____ on the Seventh order:

having been unable to agree, recommends that the committee be discharged
and a new committee be appointed. 690/515

((Re)Engrossed) _____ was placed on the Seventh order of business on the
calendar.

DATE: 4/16/99

CARRIER: _____

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

program to amend and reenact subdivision d of subsection 5 of section 61-02-02 of the North Dakota Century Code, relating to the definition of works; to require the pledging of funds for certain water projects; to allocate funds from settlements with tobacco product manufacturers; to provide a statement of legislative intent; to provide for reports to the legislative council; to provide for development of a statewide water development program; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Kroepflin; Mutch; Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2188, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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REPORT OF CONFERENCE COMMITTEE

HB 1016, as engrossed: Your conference committee (Sens. Kringstad, Robinson, Nething and Reps. Svedjan, Delzer, Hoffner) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1097-1102, adopt amendments as follows, and place HB 1016 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1097-1102 of the House Journal and pages 966-971 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 2, remove the second "and" and after "12.1-32-07" insert "and subsection 5 of section 19-03.1-23"

Page 1, line 3, after "probationers" insert "and sentencing for drug offenses; to provide an effective date; and to declare an emergency"

Page 1, line 14, replace "115,000" with "118,682"

Page 1, line 15, replace "20,200" with "26,950"

Page 1, line 16, replace "1,000,270" with "1,010,702"

Page 1, line 20, replace "4,229,174" with "4,344,374"

Page 1, line 21, replace "104,321" with "123,571"

Page 1, line 22, replace "35,000" with "74,500"

Page 2, line 1, replace "16,991,440" with "17,165,390"

Page 2, line 2, replace "5,674,504" with "5,839,216"

Page 2, line 3, replace "11,316,936" with "11,326,174"

Page 2, line 8, replace "9,635,277" with "9,836,759"

Page 2, line 9, replace "16,699,252" with "19,350,252"

Page 2, line 11, replace "20,341,166" with "20,465,352"

Page 2, line 13, replace "61,461,535" with "64,438,203"

Page 2, line 14, replace "12,660,179" with "14,865,710"

Page 2, line 15, replace "48,801,356" with "49,572,493"

Page 2, line 16, replace "61,118,562" with "61,909,369"

Page 2, line 17, replace "18,334,683" with "20,704,926"

Page 2, line 18, replace "79,453,245" with "82,614,295"

Page 2, remove lines 29 through 31

Page 3, replace lines 1 through 21 with:

"SECTION 4. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the youth correctional center all income from permanent funds managed for the benefit of that institution.

SECTION 5. CAPITAL PROJECT - ADULT SERVICES DIVISION. The support services line item in subdivision 3 of section 1 of this Act includes up to \$198,000 from the state general fund which must be used by the department of corrections and rehabilitation for the construction of a security fence around the roughrider industries building at the penitentiary during the 1999-2001 biennium."

Page 3, line 29, replace "thirty-five" with "thirty-six"

Page 3, after line 31, insert:

"SECTION 7. AMENDMENT. Subsection 5 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- 5. A violation of this chapter or a law of another state or the federal government which is equivalent to an offense under this chapter committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, 3, and 4. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.

SECTION 8. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds to the department of corrections and rehabilitation for the purpose of defraying its expenses for the period beginning with the effective date of this Act and ending June 30, 1999, as follows:

Table with 2 columns: Expense Category, Amount. Operating expenses: \$15,000; Equipment: 18,209; Total special funds: \$33,209

SECTION 9. EFFECTIVE DATE. Section 6 of this Act is effective for fees collected after December 31, 2000, for offenses committed after June 30, 1999.

SECTION 10. EMERGENCY. Sections 7 and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

CONFERENCE COMMITTEE - This amendment makes the following changes:

Table with 6 columns: EXECUTIVE BUDGET, HOUSE VERSION, CONFERENCE COMMITTEE CHANGES, CONFERENCE COMMITTEE VERSION, SENATE VERSION, CONFERENCE COMPARISON TO SENATE VERSION. Rows include Central Office Salaries and wages and Operating expenses.

	26,950	20,200	6,750	26,950	26,950	
Equipment	26,950	20,200	6,750	26,950	26,950	
Total all funds	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Less estimated income						
Total general fund	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Juvenile Services						
Salaries and wages	\$9,764,955	\$9,552,045	\$115,200	\$9,552,045	\$9,552,045	
Operating expenses	4,344,374	4,229,174	115,200	4,344,374	4,344,374	
Equipment	141,771	104,321	19,250	123,571	123,571	
Capital improvements	371,900	35,000	39,500	74,500	74,500	
Grants	2,870,900	2,870,900		2,870,900	2,870,900	
Delinquency prevention consortium	200,000	200,000		200,000	200,000	
Total all funds	\$17,693,900	\$16,991,440	\$173,950	\$17,165,390	\$17,165,390	\$0
Less estimated income	5,688,979	5,674,504	164,712	5,839,216	5,839,216	
Total general fund	\$12,004,921	\$11,316,936	\$9,238	\$11,326,174	\$11,326,174	\$0
Adult Services						
Victim services	\$2,610,550	\$2,609,036	\$2,609,036	\$2,609,036	\$2,609,036	
Institutional offender services	828,335	821,649	821,649	821,649	821,649	
Community offender services	10,029,660	9,635,277	\$201,482	9,836,759	9,836,759	
Support services	20,234,931	16,699,252	2,651,000	19,350,252	19,350,252	
Program services	3,853,788	3,833,361	3,833,361	3,833,361	3,833,361	
Security and safety	23,625,750	20,341,166	124,186	20,465,352	21,576,321	(\$1,110,969)
Roughrider industries	9,243,724	7,521,794	7,521,794	7,521,794	7,521,794	
Total all funds	\$70,426,738	\$61,461,535	\$2,976,668	\$64,438,203	\$65,549,172	(\$1,110,969)
Less estimated income	16,335,431	12,660,179	2,205,531	14,865,710	14,865,710	
Total general fund	\$54,091,307	\$48,801,356	\$771,137	\$49,572,493	\$50,683,462	(\$1,110,969)
Grand total all funds	\$89,144,422	\$79,453,245	\$3,161,050	\$82,614,295	\$83,725,264	(\$1,110,969)
Less grand total special funds	22,024,410	18,334,683	2,370,243	20,704,926	20,704,926	
Grand total general fund	\$67,120,012	\$61,118,562	\$790,807	\$61,909,369	\$63,020,338	(\$1,110,969)
FTE	577.21	546.68	26.00	572.68	572.68	0.00

Detail of Conference Committee changes to the House version:

	RESTORE EQUIPMENT	RESTORE OPERATING EXPENSES	RESTORE CAPITAL IMPROVEMENTS	REDUCE CAPITAL IMPROVEMENTS	DELAY SUPERVISION FEE INCREASE	FUNDING SOURCE CHANGE FOR YOUTH CORRECTIONAL CENTER 12 MONTH SCHOOL
Central Office						
Salaries and wages		\$3,682 ³				
Operating expenses	\$6,750 ¹					
Equipment						
Total all funds	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Less estimated income						
Total general fund	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Juvenile Services						
Salaries and wages		\$115,200 ⁴				
Operating expenses	\$19,250 ²					
Equipment			\$39,500 ⁵			
Capital improvements						
Grants						
Delinquency prevention consortium						
Total all funds	\$19,250	\$115,200	\$39,500	\$0	\$0	\$0
Less estimated income	19,250					12,094 ⁹
Total general fund	\$0	\$115,200	\$39,500	\$0	\$0	(\$12,094) ⁹
Adult Services						
Victim services						
Institutional offender services						
Community offender services						
Support services			\$2,751,000 ⁶	(\$100,000) ⁷		
Program services						
Security and safety						
Roughrider industries						
Total all funds	\$0	\$0	\$2,751,000	(\$100,000)	\$0	\$0
Less estimated income			2,313,531		(108,000) ⁸	
Total general fund	\$0	\$0	\$437,469	(\$100,000)	\$108,000 ⁸	\$0
Grand total all funds	\$26,000	\$118,882	\$2,790,500	(\$100,000)	\$0	\$0
Less grand total special funds	19,250		2,313,531		(108,000)	12,094
Grand total general fund	\$6,750	\$118,882	\$476,969	(\$100,000)	\$108,000	(\$12,094)

	RESTORE POSITIONS AND RELATED OPERATING EXPENSES	RESTORE POSITIONS AND OPERATING EXPENSES FOR 5TH AND 8TH FLOOR RENOVATION AT JRCC	REDUCE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	FUNDING SOURCE CHANGE TO REFLECT ADDITIONAL LAND DEPARTMENT DISTRIBUTIONS	TOTAL CONFERENCE COMMITTEE CHANGES
Central Office					
Salaries and wages					\$3,682
Operating expenses					6,750
Equipment					
Total all funds	\$0	\$0	\$0	\$0	\$10,432
Less estimated income					
Total general fund	\$0	\$0	\$0	\$0	\$10,432
Juvenile Services					
Salaries and wages					\$115,200
Operating expenses					19,250
Equipment					39,500
Capital improvements					
Grants					
Delinquency prevention consortium					
Total all funds	\$0	\$0	\$0	\$0	\$173,950
Less estimated income				133,368 ¹⁴	164,712
Total general fund	\$0	\$0	\$0	(\$133,368) ¹⁴	\$9,238
Adult Services					
Victim services					
Institutional offender services					
Community offender services	\$201,482 ¹⁰				\$201,482
Support services					2,651,000
Program services					
Security and safety	115,390 ¹¹	\$857,345 ¹²	(\$848,549) ¹³		124,186
Roughrider industries					
Total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$2,976,668
Less estimated income					2,205,531
Total general fund	\$316,872	\$857,345	(\$848,549)	\$0	\$771,137
Grand total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$3,161,050
Less grand total special funds					133,368
Grand total general fund	\$316,872	\$857,345	(\$848,549)	(\$133,368)	\$790,807
FTE	6.00	20.00	0.00	0.00	26.00

Conference Committee changes narrative:

This amendment makes the following changes:

- Removes Section 4 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department monitor changes in the inmate population and the number of correctional cells available to house state inmates through contractual agreements and present a report to the Legislative Council.
- Remove Section 5 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department operate programs to provide alternatives to incarceration and present to the Budget Section periodic reports on the effectiveness of these programs.
- Adds Section 7, which amends North Dakota Century Code Section 19-03.1-23 relating to sentencing for drug offenses.
- Adds Section 8, which provides an appropriation of \$33,209 from federal funds for the 1997-99 biennium.

¹ Restores the House reduction to the equipment line item for the Central Office, increasing the total amount from \$20,200 to \$26,950.

- 2 Restores funding following House reductions, but provides special funds spending authority, rather than general fund spending authority which was removed by the House:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center:			
Restores funding for computer purchases, increasing the total amount from \$37,500 to \$50,000		\$12,500	\$12,500
Restores funding for replacement of a tractor, increasing the total amount from \$10,000 to \$15,000		5,000	5,000
Juvenile Community Services:			
Restores funding for equipment, increasing the total amount from \$5,250 to \$7,000		1,750	1,750
Total Juvenile Services Division equipment restorations	\$0	\$19,250	\$19,250

- 3 Restores the House reduction to the operating expenses line item for the Central Office, increasing the total amount from \$115,000 to \$118,682.
- 4 Restores the House reductions to the operating expenses line item for the Juvenile Services Division, increasing the total amount from \$4,229,174 to \$4,344,374. The restoration includes \$32,200 for medical-related expenses at the Youth Correctional Center and \$83,000 for Juvenile Services Division community programs.
- 5 Restores a portion of the House reduction for Youth Correctional Center extraordinary repairs, increasing the total amount from \$35,000 to \$74,500. The executive budget included \$150,900.
- 6 Restores funding for capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Restores funding for the 5th and 6th floors renovation project at the JRCC (The House removed the same total amount, but \$259,469 from the general fund and \$2,093,531 from federal funds. The Conference Committee is adding \$39,469 from the general fund, \$1,913,531 from federal funds, and \$400,000 from the Penitentiary land replacement fund.)	\$39,469	\$2,313,531	\$2,353,000
Restores funding for a security fence around the Roughrider Industries building	198,000		198,000
Restores funding for parking lot construction at the JRCC, increasing the total amount for the project from \$40,000 to \$71,000	31,000		31,000
Restores funding for forensic building lobby, front entrance, and other JRCC improvements, increasing the total amount for these projects from \$200,000 to \$325,000	125,000		125,000
Restores funding for security improvements at the JRCC, increasing the total amount for the project from \$100,000 to \$121,000	21,000		21,000
Restores funding for extraordinary repairs for a JRCC ventilation project (The House reduced total extraordinary repairs funding for adult services from \$1,003,700 to \$650,000.)	23,000		23,000
Total Adult Services Division capital improvements restorations	\$437,469	\$2,313,531	\$2,751,000

- 7 Removes funding for parking lot improvements at the Penitentiary. The House reduced the amount included in the executive budget for this project from \$325,000 to \$100,000.
- 8 Reduces other funds and increases general fund spending authority to reflect delaying collection of increased probation supervision fees until January 1, 2001. The amendment increases fees to \$36 per month. The House increased fees to \$35 per month, effective July 1, 1999.

- 9 Increases other funds and decreases general fund spending authority for the 12-month school program at the Youth Correctional Center. The \$12,094 of other funds spending authority was removed by the House, but reflects federal funds anticipated to be available.

- 10 Restores funding for the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a Restores administrative secretary III positions removed by the House	2.00	\$95,436		\$95,436
Restores related operating expenses removed by the House		41,848		41,848
Removes funding for temporary salaries added by the House		(38,436)		(38,436)
b Restores community corrections agent removed by the House	1.00	53,024		53,024
Restores related operating expenses removed by the House		2,531		2,531
c Restores parole and probation officer II removed by the House	1.00	36,657		36,657
Restores related operating expenses		10,422		10,422
Total positions and related costs restored for community offender services	4.00	\$201,482	\$0	\$201,482

- 11 Restores funding for the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a Restores correctional officer II positions for the JRCC	2.00	\$110,910		\$110,910
Restores related operating expenses		4,480		4,480
Total positions and related costs restored for the security and safety program	2.00	\$115,390	\$0	\$115,390

- 12 Restores funding for 20 FTE positions and related operating expenses for the operation of the JRCC 5th and 6th floors. The executive budget assumed that the JRCC would be completed by May 2000. The House removed \$1,463,679 for the FTE positions and the operation of the facility. The Conference Committee amendment restores \$857,345 and assumes that the facility will be completed by November 2000.

- 13 Reduces funding for contract inmate housing, reducing the amount provided from \$2,661,040 in the House version and \$2,923,460 in the Senate version to \$1,812,491 in the Conference Committee version. The House reduced the executive budget amount of \$4,085,300 by \$1,424,260. The House amount was based on inmate population growth of 10 percent the first year of the 1999-2001 biennium, 15 percent growth the second year; a July 1, 1999, population of 950 inmates; alternatives to incarceration saving 135 prison beds per month; not completing the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$47 for the first 82 beds and additional beds at \$55 the first year and \$60 the second year. The Senate amount was based on 10 percent inmate growth the first year of the biennium, 15 percent growth the second year; a July 1, 1999, population of 975 inmates; alternatives to incarceration saving 115 prison beds per month; November 2000 completion of the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$55 the first year and \$60 the second year. The Conference Committee amount is based on a July 1, 1999, population of 962 inmates; alternatives to incarceration saving 125 prison beds per month; and the contracting daily rates used in the House version.

- 14 Increases other funds and decreases general fund spending authority for the Juvenile Services Division to reflect an additional \$133,368 anticipated to be distributed to the Youth Correctional Center from the Board of University and School Lands. Section 4 is added which directs the Board of University and School Lands to distribute all available trust fund income for the 1999-2001 biennium.

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KRINGSTAD MOVED that the conference committee report on Engrossed HB 1016 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1016, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to amend and reenact subsection 2 of section 12.1-32-07 and subsection 5 of section 19-03.1-23 of the North Dakota Century

1999 TESTIMONY

HB 1016

Department 530 - Department of Corrections and Rehabilitation
House Bill Nos. 1016, 1022

	FTE Positions	General Fund	Other Funds	Total
1999-2001 Executive Budget	577.21	\$67,120,012	\$25,599,410 *	\$92,719,422 *
1997-99 Legislative Appropriations	518.64	45,229,992	26,125,026	71,355,018 **
Increase (Decrease)	58.57	\$21,890,020	(\$525,616)	\$21,364,404

* This amount includes \$3,075,000 of bonding proceeds appropriated in House Bill No. 1022.

** This amount has been increased to \$75,150,759 (\$45,480,097 from the general fund, \$29,670,662 from other funds) to reflect additional spending authority approved by the Emergency Commission and carryover authority from the 1995-97 biennium.

Major Items Affecting Department of Corrections and Rehabilitation 1999-2001 Budget

	General Fund	Other Funds	Total
Central Office			
1. Provides an equity salary increase for the director position based on a survey conducted by the Central Personnel Division (The House reduced this amount by \$3,571.)	\$4,597		\$4,597
2. Deletes a .50 FTE administrative officer II position	(38,621)		(38,621)
3. Decreases operating expenses for the net effect of inflationary increases, additional lease payments for leased equipment, and reductions relating to one-time costs incurred during the 1997-99 biennium for the adult services automation project (The House reduced the operating expenses line item by an additional \$3,682 from the general fund.)	(79,094)	(\$103,834)	(182,928)
4. Decreases equipment for reductions relating to one-time costs incurred during the 1997-99 biennium for the adult services automation project (The House reduced the equipment line item by an additional \$6,750 from the general fund.)	(45,871)	(93,779)	(139,650)
Juvenile Services - Youth Correctional Center			
5. Decreases extraordinary repairs from \$190,700 in 1997-99 to \$150,900 in 1999-2001 (The House reduced this amount by \$115,900, to \$35,000.)	(39,800)		(39,800)
6. Increases funding for capital projects from \$1,782,300 in 1997-99 to \$2,196,000 in 1999-2001	221,000	192,700	413,700
7. Provides funding for the following capital improvements at the Youth Correctional Center: Extraordinary repairs (The House reduced this amount by \$115,900.) Fire suppression systems in Brown and Maple Cottages (The House eliminated this funding.) Pine Cottage addition for special management unit (\$500,000 federal funds, \$1,475,000 state bonding proceeds) (The House eliminated this funding from House Bill No. 1022.) Divine Hall improvements and planning for remodeling (The House eliminated this funding.) Total capital projects recommended	150,900 101,000 120,000 <u>\$371,900</u>	1,975,000	150,900 101,000 1,975,000 <u>\$2,346,900</u>
8. Increases general fund and decreases other funds spending authority for operating expenses to reflect the elimination of federal funding from the Department of Human Services for contract child psychiatric services*	\$57,600	(\$57,600)	
9. Increases operating expenses for contract child psychology services*	48,000		\$48,000
10. Increases operating expenses for anticipated increases in medical costs*	95,000		95,000
11. Increases operating expenses for contract nursing services* * (The House reduced the operating expenses line item by \$32,200 for medical-related expenses.)	41,600		41,600
12. Increases general fund and decreases other funds spending authority to replace foundation aid moneys received from the Department of Public Instruction during 1997-99 which will not be received during 1999-2001, pursuant to North Dakota Century Code Section 15-40.1-05.1	1,242,200	(1,242,200)	
13. Increases salaries and wages and provides authority for additional 3.57 FTE faculty positions (.17 increase for 21 positions) to extend the term of teacher contracts to allow establishment of a 12-month education program (The House reduced this amount by \$128,135, \$116,041 from the general fund and \$12,094 from other funds, and removed 1.53 FTE positions.)	269,895	43,858	313,753
Juvenile Services - Juvenile Community Services Division			
14. Increases general fund and decreases other funds spending authority to reflect a reduction of federal funds for operating expenses relating to the North Dakota Partnership Project, which provides services to children with serious emotional disorders who are under the care, custody, or control of the division (The House reduced the operating expenses line item by \$83,000 for reductions to be determined by the department.)	74,080	(74,080)	
15. Increases spending authority for the delinquency prevention consortium from \$100,000 in 1997-99 to \$200,000 in 1999-2001 for the study and development of programs to serve children exhibiting delinquent behavior		100,000	100,000
Adult Services - Community Corrections Division			
16. Decreases the victims services line item to reflect an anticipated decline in federal and other funds available for victims grants from \$2,806,464 in 1997-99 to \$2,297,239 in 1999-2001		(509,225)	(509,225)
17. Adds 1 FTE program administrator IV position to serve as a crime victim coordinator (\$81,037) and funding for related costs (\$14,238) (institutional offender services line item)	19,054	76,221	95,275

analysis
of
budget

	General Fund	Other Funds	Total
18 Adds 3 FTE positions and funding for related costs to establish a release team which will be responsible for inmate reintegration programs (institutional offender services line item):			
2 FTE parole and probation officer III	178,596		178,596
1 FTE administrative secretary III	49,206		49,206
Additional operating costs	25,227		25,227
Total	<u>\$253,029</u>		<u>\$253,029</u>
19 Decreases general fund and increases other funds spending authority for the community offender services line item to reflect additional supervision fee collections during 1999-2001 and supervision fees collected during 1997-99 carried forward to 1999-2001 (The House increased other funds by \$144,000 to reflect a \$5 per month increase in supervision fee rates.)	(\$336,919)	336,919	
20 Increases the community offender services line item for programs that serve as alternatives to the incarceration of offenders, including addiction treatment, home confinement, halfway house detention, and other programs (The House reduced this amount to \$2,000,000.)	2,149,800		\$2,149,800
21 Decreases the community offender services line item to reflect an estimated decline in federal domestic violence funds and drug control and system improvement funds		(391,757)	(391,757)
22 Adds 3.5 FTE community corrections agents (\$205,473) and funding for related costs (\$8,857) to supervise low-risk offenders, allowing parole and probation officers to concentrate on high-risk cases; increases general fund authority and decreases other funds to reflect an anticipated decline in federal funds for contracted supervision services for low-risk offenders (community offender services line item) (The House removed 1 FTE position and \$55,555.)	289,708	(75,378)	214,330
23 Adds 3 FTE administrative secretary III positions (\$147,616) and funding for related costs (\$62,771) to provide support for field offices, allowing parole and probation officers and community corrections agents additional time to monitor offenders (community offender services line item) (The House removed 2 FTE positions and \$98,848.)	210,387		210,387
24 Adds 3 FTE parole and probation officer II positions (\$189,062) and funding for related costs (\$31,265) to meet additional needs in Bismarck and Fargo (community offender services line item) (The House removed 1 FTE position and \$47,079.)	220,327		220,327
25 Adds 1 FTE addiction counselor II position (\$81,772) and funding for related costs (\$9,981) for the Fargo office (community offender services line item)	91,753		91,753
26 Increases the community offender services line item for the establishment of a revocation center to provide treatment to inmates and to parole and probation violators who would otherwise be returned to prison (services will be provided on a contract basis through the State Hospital)	658,709	360,000	1,018,709
Adult Services - Prisons Division			
Provides funding for the following capital improvement projects:			
Extraordinary repairs (other funds from Roughrider Industries operations) (The House reduced this amount by \$353,700 from the general fund.)	953,700	50,000	1,003,700
Security improvements - James River Correctional Center (JRCC) (The House reduced this amount by \$21,000.)	121,000		121,000
Fire suppression Forensic Unit and Amusement Hall - JRCC	181,000		181,000
Fifth and sixth floor renovation - JRCC (other funds from federal sources) (The House reduced this amount to \$200,000 from the general fund for JRCC improvements not related to the fifth and sixth floors, but included in the estimated project cost.)	584,469	2,093,531	2,678,000
Parking lot construction - JRCC (The House reduced this amount by \$31,000.)	71,000		71,000
Connecting tunnel and wheelchair lift to allow pool access for State Hospital patients and a wheelchair lift in the JRCC residential building to meet Americans with Disabilities Act requirements - JRCC	135,960		135,960
Food service/multipurpose building - Missouri River Correctional Center (MRCC) (other funds from state bonding proceeds) (The House removed this funding from House Bill No. 1022.)		1,600,000	1,600,000
Security fence around Roughrider Industries building - Penitentiary (The House removed this funding.)	198,000		198,000
Administrative segregation unit improvements - Penitentiary (The House reduced this amount by \$188,000.)	433,000		433,000
Parking lot improvements and replacement - Penitentiary (The House reduced this amount by \$225,000.)	325,000		325,000
Total	<u>\$3,003,129</u>	<u>\$3,743,531</u>	<u>\$6,746,660</u>
28 Provides equipment funding for the purchase of emergency response equipment and a portable x-ray scanner (support services line item)	\$124,219		\$124,219
29 Adds 1 FTE account technician II position (\$52,912) and funding for related costs (\$4,955) for processing inmate accounts at the JRCC (support services line item)	57,867		57,867
30 Adds 2 FTE registered nurse II positions (\$139,574) and funding for related costs (\$5,685) for the Penitentiary (support services line item)	145,259		145,259
31 Adds 2 FTE addiction counselor II positions (\$143,854) and funding for related costs (\$10,910) for the JRCC (program services line item)	154,764		154,764
32 Adds 1 FTE addiction counselor II position (\$71,927) and funding for related costs (\$5,455) for the Penitentiary and MRCC (program services line item)	77,382		77,382
33 Adds 1 FTE correctional unit case manager position (\$72,832) and funding for related costs (\$4,955) for the Penitentiary (security and safety line item)	77,787		77,787

	General Fund	Other Funds	Total
34. Adds 6 FTE correctional officer II positions (\$342,240) and funding for related costs (\$13,440) for the JRCC (security and safety line item) (The House removed 2 FTE positions and \$115,390.)	355,680		355,680
35. Adds 5 FTE correctional officer II positions (\$285,200) and funding for related costs (\$11,200) for transporting MRCC residents for work and treatment programs (security and safety line item) (The House removed 2 FTE positions and \$115,390.)	296,400		296,400
36. Adds 3 FTE correctional officer II positions (\$171,120) and funding for related costs (\$6,720) for front lobby security at the Penitentiary (security and safety line item) (The House removed 1 FTE position and \$57,695. The House also added \$35,000 for temporary salaries.)	177,840		177,840
37. Increases the program services line item for the cost to continue treatment and education programs	477,412	(\$44,817)	432,595
38. Eliminates revenue from housing out of state and federal prisoners (the 1997-99 appropriation included revenue from housing 10 federal prisoners and 5 Alaskan prisoners) (support services line item)		(570,130)	(570,130)
39. Increases the security and safety line item for costs to contract for the housing of inmates outside the Penitentiary, MRCC, and JRCC, based on projected increases in the number of inmates during 1999-2001 (The House reduced this amount by \$1,424,260, to \$2,661,040.)	4,085,300		4,085,300
40. Increases the security and safety line item for the cost to continue security and safety programs at the Penitentiary, MRCC, and JRCC	1,688,195	275,936	1,964,131
41. Increases the security and safety line item and adds 20 FTE positions for the operation of the 5th and 6th floors of the residential building at the JRCC, after the proposed renovation of those floors during the 1999-2001 biennium, estimated to be completed by May 1, 2000:			
2 FTE correctional unit case manager	89,626		89,626
6 FTE correctional caseworker	238,974		238,974
12 FTE correctional officer II	420,960		420,960
Additional operating costs	730,185		730,185
Total	<u>1,479,745</u>		<u>1,479,745</u>
(The House removed this funding.)			
42. Increases the Roughrider Industries line item for the cost to continue programs in Bismarck and Jamestown and provide for a general issue of license plates during the 1999-2001 biennium (The House reduced the Roughrider Industries line item by \$1.7 million relating to the issuance of license plates.)		436,116	\$436,116

Major Legislation Affecting the Department of Corrections and Rehabilitation

1. Senate Bill No. 2026 - This bill provides a deficiency appropriation of \$2,250,000, \$2 million from the state general fund, \$250,000 from other funds, for operating expenses of the Department of Corrections and Rehabilitation.
2. Senate Bill No. 2087 - This bill increases the number of members of the parole board from 3 to 6 and provides that the chairman of the board will designate 3 members to participate in each meeting of the board. The fiscal note indicates an increase of \$3,459 in general fund expenditures for the 1999-2001 biennium.

Department 530 - Department of Corrections and Rehabilitation
 House Bill Nos. 1016, 1022

	FTE Positions	General Fund	Other Funds	Total
1999-2001 Executive Budget	577.21	\$67,120,012	\$25,599,410 *	\$92,719,422 *
1997-99 Legislative Appropriations	518.64	45,229,992	26,125,026	71,355,018 **
Increase (Decrease)	58.57	\$21,890,020	(\$525,616)	\$21,364,404

* This amount includes \$3,075,000 of bonding proceeds appropriated in House Bill No. 1022.

** This amount has been increased to \$75,150,759 (\$45,480,097 from the general fund, \$29,670,662 from other funds) to reflect additional spending authority approved by the Emergency Commission and carryover authority from the 1995-97 biennium.

Major Items Affecting Department of Corrections and Rehabilitation 1999-2001 Budget

	General Fund	Other Funds	Total
Central Office			
1. Provides an equity salary increase for the director position based on a survey conducted by the Central Personnel Division	\$4,597		\$4,597
2. Deletes a .50 FTE administrative officer II position	(38,621)		(38,621)
3. Decreases operating expenses for the net effect of inflationary increases, additional lease payments for leased equipment, and reductions relating to one-time costs incurred during the 1997-99 biennium for the adult services automation project	(79,094)	(\$103,834)	(182,928)
4. Decreases equipment for reductions relating to one-time costs incurred during the 1997-99 biennium for the adult services automation project	(45,871)	(93,779)	(139,650)
Juvenile Services - Youth Correctional Center			
5. Decreases extraordinary repairs from \$190,700 in 1997-99 to \$150,900 in 1999-2001	(39,800)		(39,800)
6. Increases funding for capital projects from \$1,782,300 in 1997-99 to \$2,196,000 in 1999-2001	221,000	192,700	413,700
7. Provides funding for the following capital improvements at the Youth Correctional Center:			
Extraordinary repairs	150,900		150,900
Fire suppression systems in Brown and Maple Cottages	101,000		101,000
Pine Cottage addition for special management unit (\$500,000 federal funds, \$1,475,000 state bonding proceeds)		1,975,000	1,975,000
Divine Hall improvements and planning for remodeling	120,000		120,000
Total capital projects recommended	<u>\$371,900</u>	<u>\$1,975,000</u>	<u>\$2,346,900</u>
8. Increases general fund and decreases other funds spending authority for operating expenses to reflect the elimination of federal funding from the Department of Human Services for contract child psychiatric services	\$57,600	(\$57,600)	
9. Increases operating expenses for contract child psychology services	48,000		\$48,000
10. Increases operating expenses for anticipated increases in medical costs	95,000		95,000
11. Increases operating expenses for contract nursing services	41,600		41,600
12. Increases general fund and decreases other funds spending authority to replace foundation aid moneys received from the Department of Public Instruction during 1997-99 which will not be received during 1999-2001, pursuant to North Dakota Century Code Section 15-40.1-05.1	1,242,200	(1,242,200)	
13. Increases salaries and wages and provides authority for additional 3.57 FTE faculty positions (.17 increase for 21 positions) to extend the term of teacher contracts to allow establishment of a 12-month education program	269,895	43,858	313,753
Juvenile Services - Juvenile Community Services Division			
14. Increases general fund and decreases other funds spending authority to reflect a reduction of federal funds for operating expenses relating to the North Dakota Partnership Project, which provides services to children with serious emotional disorders who are under the care, custody, or control of the division	74,080	(74,080)	
15. Increases spending authority for the delinquency prevention consortium from \$100,000 in 1997-99 to \$200,000 in 1999-2001 for the study and development of programs to serve children exhibiting delinquent behavior		100,000	100,000
Adult Services - Community Corrections Division			
16. Decreases the victims services line item to reflect an anticipated decline in federal and other funds available for victims grants from \$2,806,464 in 1997-99 to \$2,297,239 in 1999-2001		(509,225)	(509,225)
17. Adds 1 FTE program administrator IV position to serve as a crime victim coordinator (\$81,037) and funding for related costs (\$14,238) (institutional offender services line item)	19,054	76,221	95,275
18. Adds 3 FTE positions and funding for related costs to establish a release team which will be responsible for inmate reintegration programs (institutional offender services line item):			
2 FTE parole and probation officer III	178,596		178,596
1 FTE administrative secretary III	49,206		49,206
Additional operating costs	25,227		25,227
Total	<u>253,029</u>		<u>253,029</u>

	General Fund	Other Funds	Total
19. Decreases general fund and increases other funds spending authority for the community offender services line item to reflect additional supervision fee collections during 1999-2001 and supervision fees collected during 1997-99 carried forward to 1999-2001	(\$336,919)	336,919	
Increases the community offender services line item for programs that serve as alternatives to the incarceration of offenders, including addiction treatment, home confinement, halfway house detention, and other programs	2,149,800		\$2,149,800
21. Decreases the community offender services line item to reflect an estimated decline in federal domestic violence funds and drug control and system improvement funds		(391,757)	(391,757)
22. Adds 3.5 FTE community corrections agents (\$205,473) and funding for related costs (\$8,857) to supervise low-risk offenders, allowing parole and probation officers to concentrate on high-risk cases (community offender services line item)	289,708	(75,378)	214,330
23. Adds 3 FTE administrative secretary III positions (\$147,616) and funding for related costs (\$62,771) to provide support for field offices, allowing parole and probation officers and community corrections agents additional time to monitor offenders (community offender services line item)	210,387		210,387
24. Adds 3 FTE parole and probation officer II positions (\$189,062) and funding for related costs (\$31,265) to meet additional needs in Bismarck and Fargo (community offender services line item)	220,327		220,327
25. Adds 1 FTE addiction counselor II position (\$81,772) and funding for related costs (\$9,981) for the Fargo office (community offender services line item)	91,753		91,753
26. Increases the community offender services line item for the establishment of a revocation center to provide treatment to inmates and to parole and probation violators who would otherwise be returned to prison (services will be provided on a contract basis through the State Hospital)	658,709	360,000	1,018,709
Adult Services - Prisons Division			
27. Provides funding for the following capital improvement projects:			
Extraordinary repairs (other funds from Roughrider Industries operations)	953,700	50,000	1,003,700
Security improvements - James River Correctional Center (JRCC)	121,000		121,000
Fire suppression Forensic Unit and Amusement Hall - JRCC	181,000		181,000
Fifth and sixth floor renovation - JRCC (other funds from federal sources)	584,469	2,093,531	2,678,000
Parking lot construction - JRCC	71,000		71,000
Connecting tunnel and wheelchair lift to allow pool access for State Hospital patients and a wheelchair lift in the JRCC residential building to meet Americans with Disabilities Act requirements - JRCC	135,960		135,960
Food service/multipurpose building - Missouri River Correctional Center (MRCC) (other funds from state bonding proceeds)		1,600,000	1,600,000
Security fence around Roughrider Industries building - Penitentiary	198,000		198,000
Administrative segregation unit improvements - Penitentiary	433,000		433,000
Parking lot improvements and replacement - Penitentiary	325,000		325,000
Total	<u>\$3,003,129</u>	<u>\$3,743,531</u>	<u>\$6,746,660</u>
28. Provides equipment funding for the purchase of emergency response equipment and a portable x-ray scanner (support services line item)	\$124,219		\$124,219
29. Adds 1 FTE account technician II position (\$52,912) and funding for related costs (\$4,955) for processing inmate accounts at the JRCC (support services line item)	57,867		57,867
30. Adds 2 FTE registered nurse II positions (\$139,574) and funding for related costs (\$5,685) for the Penitentiary (support services line item)	145,259		145,259
31. Adds 2 FTE addiction counselor II positions (\$143,854) and funding for related costs (\$10,910) for the JRCC (program services line item)	154,764		154,764
32. Adds 1 FTE addiction counselor II position (\$71,927) and funding for related costs (\$5,455) for the Penitentiary and MRCC (program services line item)	77,382		77,382
33. Adds 1 FTE correctional unit case manager position (\$72,832) and funding for related costs (\$4,955) for the Penitentiary (security and safety line item)	77,787		77,787
34. Adds 6 FTE correctional officer II positions (\$342,240) and funding for related costs (\$13,440) for the JRCC (security and safety line item)	355,680		355,680
35. Adds 5 FTE correctional officer II positions (\$285,200) and funding for related costs (\$11,200) for transporting MRCC residents for work and treatment programs (security and safety line item)	296,400		296,400
36. Adds 3 FTE correctional officer II positions (\$171,120) and funding for related costs (\$6,720) for front lobby security at the Penitentiary (security and safety line item)	177,840		177,840
37. Increases the program services line item for the cost to continue treatment and education programs	477,412	(\$44,817)	432,595
38. Eliminates revenue from housing out of state and federal prisoners (the 1997-99 appropriation included revenue from housing 10 federal prisoners and 5 Alaskan prisoners) (support services line item)		(570,130)	(570,130)
39. Increases the security and safety line item for costs to contract for the housing of inmates outside the Penitentiary, MRCC, and JRCC, based on projected increases in the number of inmates during 1999-2001	4,085,300		4,085,300
Increases the security and safety line item for the cost to continue security and safety programs at the Penitentiary, MRCC, and JRCC	1,688,195	275,936	1,964,131

	General Fund	Other Funds	Total
41. Increases the security and safety line item and adds 20 FTE positions for the operation of the 5th and 6th floors of the residential building at the JRCC, after the proposed renovation of those floors during the 1999-2001 biennium, estimated to be completed by May 1, 2000.			
2 FTE correctional unit case manager	89,626		89,626
6 FTE correctional caseworker	238,974		238,974
12 FTE correctional officer II	420,960		420,960
Additional operating costs	730,185		730,185
Total	<u>\$1,479,745</u>		<u>\$1,479,745</u>
42. Increases the Roughrider Industries line item for the cost to continue programs in Bismarck and Jamestown and provide for a general issue of license plates during the 1999-2001 biennium		436,116	\$436,116

Major Legislation Affecting the Department of Corrections and Rehabilitation

1. House Bill No. 1022 - This bill authorizes the Industrial Commission to issue bonds in the amount of \$1.6 million for construction of a food service building at the Missouri River Correctional Center and \$1.475 million for an addition to Pine Cottage at the Youth Correctional Center. This bill also appropriates up to \$500,000 of federal or other funds to the Department of Corrections and Rehabilitation for the Pine Cottage project.
2. Senate Bill No. 2026 - This bill provides a deficiency appropriation of \$2.5 million (\$2,250,000 from the state general fund, \$250,000 from other funds) for operating expenses of the Department of Corrections and Rehabilitation.
3. Senate Bill No. 2087 - This bill increases the number of members of the parole board from 3 to 6 and provides that the chairman of the board will designate 3 members to participate in each meeting of the board.

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

BILL #/DEPARTMENT	LINE	EXECUTIVE BUDGET	HOUSE VERSION	HOUSE DIFF TO EXEC BUDGET	SENATE VERSION	SENATE DIFF TO EXEC BUDGET	DIFF BETWEEN HOUSE & SENATE	
HB1016 DOCR-ADULT SERVICES	VICTIM SERVICES	2,610,550	2,609,036	1,514-	0	0+	0+	
	INSTITUTIONAL OFF	828,335	821,649	6,686-	0	0+	0+	
	COMMUNITY OFFENDE	10,029,660	9,635,277	394,383-	0	0+	0+	
	SUPPORT SERVICES	20,234,931	16,699,252	3,535,679-	0	0+	0+	
	PROGRAM SERVICES	3,853,788	3,833,361	20,427-	0	0+	0+	
	SECURITY & SAFETY	23,625,750	20,341,166	3,284,584-	0	0+	0+	
	ROUGH RIDER INDUS	9,243,724	7,521,794	1,721,930-	0	0+	0+	
	TOTAL	70,426,738	61,461,535	8,965,203-	0	0+	0+	
	519	SPECIAL FUNDS	16,335,431	12,660,179	3,675,252-	0	0+	0+
		GENERAL FUND	54,091,307	48,801,356	5,289,951-	0	0+	0+
HB1016 DOCR-CENTRAL OFFICE	SALARIES AND WAGE	878,152	865,070	13,082-	0	0+	0+	
	OPERATING EXPENSE	118,682	115,000	3,682-	0	0+	0+	
	EQUIPMENT	26,950	20,200	6,750-	0	0+	0+	
	TOTAL	1,023,784	1,000,270	23,514-	0	0+	0+	
530	SPECIAL FUNDS	0	0	0+	0	0+	0+	
	GENERAL FUND	1,023,784	1,000,270	23,514-	0	0+	0+	
HB1016 DOCR-JUVENILE SERVICES	SALARIES AND WAGE	9,764,955	9,552,045	212,910-	0	0+	0+	
	OPERATING EXPENSE	4,344,374	4,229,174	115,200-	0	0+	0+	
	EQUIPMENT	141,771	104,321	37,450-	0	0+	0+	
	MAJOR IMPROVEMENT	371,900	35,000	336,900-	0	0+	0+	
	GRANTS	2,870,900	2,870,900	0+	0	0+	0+	
	DELINQUENCY PREVE	200,000	200,000	0+	0	0+	0+	
	TOTAL	17,693,900	16,991,440	702,460-	0	0+	0+	
	532	SPECIAL FUNDS	5,688,979	5,674,504	14,475-	0	0+	0+
	GENERAL FUND	12,004,921	11,316,936	687,985-	0	0+	0+	
BILL TOTAL	TOTAL	89,144,422	79,453,245	9,691,177-	0	0+	0+	
HB1016	SPECIAL FUNDS	22,024,410	18,334,683	3,689,727-	0	0+	0+	
	GENERAL FUND	67,120,012	61,118,562	6,001,450-	0	0+	0+	

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

House - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Central Office:			
Salaries and wages	\$878,152	(\$13,082)	\$865,070
Operating expenses	118,682	(3,682)	115,000
Equipment	26,950	(6,750)	20,200
Total all funds	\$1,023,784	(\$23,514)	\$1,000,270
Less estimated income			
Total general fund	\$1,023,784	(\$23,514)	\$1,000,270
Juvenile Services:			
Salaries and wages	\$9,764,955	(\$212,910)	\$9,552,045
Operating expenses	4,344,374	(115,200)	4,229,174
Equipment	141,771	(37,450)	104,321
Capital improvements	371,900	(336,900)	35,000
Grants	2,870,900		2,870,900
Delinquency prevention consortium	200,000		200,000
Total all funds	\$17,693,900	(\$702,460)	\$16,991,440
Less estimated income	5,688,979	(14,475)	5,674,504
Total general fund	\$12,004,921	(\$687,985)	\$11,316,936
Adult Services:			
Victim services	\$2,610,550	(\$1,514)	\$2,609,036
Institutional offender services	828,335	(6,686)	821,649
Community offender services	10,029,660	(394,383)	9,635,277
Support services	20,234,931	(3,535,679)	16,699,252
Program services	3,853,788	(20,427)	3,833,361
Security and safety	23,625,750	(3,284,584)	20,341,166
Roughrider Industries	9,243,724	(1,721,930)	7,521,794

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

FEBRUARY 19, 1999

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Total all funds	\$70,426,738	(\$8,965,203)	\$61,461,535
Less estimated income	<u>16,335,431</u>	<u>(3,675,252)</u>	<u>12,660,179</u>
Total general fund	<u>\$54,091,307</u>	<u>(\$5,289,951)</u>	<u>\$48,801,356</u>
GRAND TOTAL ALL FUNDS	\$89,144,422	(\$9,691,177)	\$79,453,245
LESS GRAND TOTAL SPECIAL FUNDS	<u>22,024,410</u>	<u>(3,689,727)</u>	<u>18,334,683</u>
GRAND TOTAL GENERAL FUND	\$67,120,012	(\$6,001,450)	\$61,118,562
FTE	577.21	(30.53)	546.68

Detail of House changes to the executive budget includes:

	DELAY MARKET SALARY INCREASE TO JANUARY 1, 2001	REDUCE COMPENSATION PACKAGE TO 2/2	INCREASE HEALTH INSURANCE COST	REDUCE EQUIPMENT	REDUCE OPERATING EXPENSES	REDUCE CAPITAL IMPROVEMENTS
Central Office:						
Salaries and wages	(\$3,571) ¹	(\$11,792) ²	\$2,281 ³		(\$3,682) ⁶	
Operating expenses				(\$6,750) ⁴		
Equipment						
Total all funds	(\$3,571)	(\$11,792)	\$2,281	(\$6,750)	(\$3,682)	\$0
Less estimated income						
Total general fund	(\$3,571)	(\$11,792)	\$2,281	(6,750)	(\$3,682)	\$0
Juvenile Services:						
Salaries and wages		(\$120,416) ²	\$35,641 ³		(\$115,200) ⁷	
Operating expenses						
Equipment				(\$37,450) ⁵		
Capital improvements						(\$336,900) ⁹
Grants						
Delinquency prevention consortium						
Total all funds	\$0	(\$120,416)	\$35,641	(\$37,450)	(\$115,200)	(\$336,900)
Less estimated income		<u>(3,807)</u>	<u>1,426</u>			
Total general fund	\$0	(\$116,609)	\$34,215	(\$37,450)	(\$115,200)	(\$336,900)
Adult Services:						
Victim services		(\$1,942) ²	\$428 ³			
institutional offender services		(8,981) ²	2,295 ³			
Community offender services		(61,334) ²	18,233 ³		(\$149,800) ⁸	
Support services		(58,942) ²	17,963 ³			(\$3,494,700) ¹⁰
Program services		(26,700) ²	6,273 ³			
Security and safety		(213,452) ²	70,282 ³			
Roughrider Industries		(31,054) ²	9,124 ³			
Total all funds	\$0	(\$402,405)	\$124,598	\$0	(\$149,800)	(\$3,494,700)
Less estimated income		<u>(36,128)</u>	<u>10,407</u>			<u>(2,093,531)</u>
Total general fund	\$0	(\$366,277)	\$114,191	\$0	(\$149,800)	(\$1,401,169)
GRAND TOTAL ALL FUNDS	(\$3,571)	(\$534,613)	\$162,520	(\$44,200)	(\$268,682)	(\$3,831,600)
LESS GRAND TOTAL SPECIAL FUNDS		<u>(39,935)</u>	<u>11,833</u>			<u>(2,093,531)</u>
GRAND TOTAL GENERAL FUND	(\$3,571)	(\$494,678)	\$150,687	(\$44,200)	(\$268,682)	(\$1,738,069)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

	REDUCE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	REMOVE POSITIONS AND OPERATING EXPENSES FOR 5TH AND 5TH FLOOR RENOVATION AT JRCC	REMOVE SPENDING AUTHORITY RELATING TO LICENSE PLATE ISSUE	INCREASE SUPERVISION FEES	REMOVE POSITIONS AND RELATED OPERATING EXPENSES	TOTAL HOUSE CHANGES
Central Office:						
Salaries and wages						(\$13,082)
Operating expenses						(3,682)
Equipment						(6,750)
Total all funds	\$0	\$0	\$0	\$0	\$0	(\$23,514)
Less estimated income						
Total general fund	\$0	\$0	\$0	\$0	\$0	(\$23,514)
Juvenile Services:						
Salaries and wages					(\$128,135) ¹⁵	(\$212,910)
Operating expenses						(115,200)
Equipment						(37,450)
Capital improvements						(336,900)
Grants						
Delinquency prevention consortium						
Total all funds	\$0	\$0	\$0	\$0	(\$128,135)	(\$702,460)
Less estimated income					(12,094)	(14,475)
Total general fund	\$0	\$0	\$0	\$0	(\$116,041)	(\$687,985)
Adult Services:						
Victim services						(\$1,514)
Institutional offender services						(6,686)
Community offender services					(\$201,482) ¹⁶	(394,383)
Support services						(3,535,679)
Program services						(20,427)
Security and safety	(\$1,424,260) ¹¹	(\$1,463,679) ¹²			(253,475) ¹⁷	(3,284,584)
Roughrider Industries			(\$1,700,000) ¹³			(1,721,930)
Total all funds	(\$1,424,260)	(\$1,463,679)	(\$1,700,000)	\$0	(\$454,957)	(\$8,965,203)
Less estimated income			(1,700,000)	144,000 ¹⁴		(3,675,252)
Total general fund	(\$1,424,260)	(\$1,463,679)	\$0	(\$144,000) ¹⁴	(\$454,957)	(\$5,289,951)
GRAND TOTAL ALL FUNDS	(\$1,424,260)	(\$1,463,679)	(\$1,700,000)	\$0	(\$583,092)	(\$9,691,177)
LESS GRAND TOTAL SPECIAL FUNDS			(1,700,000)	144,000	(12,094)	(3,689,727)
GRAND TOTAL GENERAL FUND	(\$1,424,260)	(\$1,463,679)	\$0	(\$144,000)	(\$570,998)	(\$6,001,450)
FTE	0.00	(20.00)	0.00	0.00	(10.53)	(30.53)

House changes narrative:

- ¹ This amendment delays until January 1, 2001, implementation of a market salary increase for the director of the Department of Corrections and Rehabilitation. This adjustment will provide an increase of approximately \$163 per month for the last six months of the biennium.
- ² This amendment reduces salaries increases to two percent in July 1999 and two percent in July 2000.
- ³ This amendment increases salaries and wages and program line items to reflect increased health insurance costs.
- ⁴ This amendment reduces the equipment line item for the Central Office by approximately 25 percent, from \$26,950 to \$20,200.

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

FEBRUARY 19, 1999

⁵ This amendment reduces the equipment line item for the Juvenile Services Division by \$37,450 for the following:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center: Reduces from \$50,000 to \$37,500 the amount provided for computer purchases	(\$12,500)		(\$12,500)
Reduces from \$15,000 to \$10,000 the amount provided for the purchase of a replacement tractor	(5,000)		(5,000)
Eliminates funding for vocational equipment purchased during 1997-99	(18,200)		(18,200)
Juvenile Community Services: Reduces equipment line item from \$7,000 to \$5,250	(1,750)		(1,750)
Total Juvenile Services Division equipment reduction	(\$37,450)		(\$37,450)

⁶ This amendment reduces the operating expenses line item for the Central Office from \$118,682 to \$115,000 for reductions to be determined by the department.

⁷ This amendment reduces the operating expenses line item for the Juvenile Services Division from \$4,344,374 to \$4,229,174 to reflect a \$32,200 reduction to the Youth Correctional Center for medical-related expenses and a \$83,000 reduction to Juvenile Community Services for reductions to be determined by the department.

⁸ This amendment reduces the community offender services line item to reflect a reduction from \$2,149,800 to \$2,000,000 in the amount provided for various programs that provide alternatives to the incarceration of inmates. This amendment also adds Section 5 which provides legislative intent that the department monitor the effectiveness of these programs and present a report to the Budget Section.

⁹ This amendment reduces capital improvements for the Youth Correctional Center as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Eliminates funding for Divine Hall improvements	(\$120,000)		(\$120,000)
Eliminates funding for fire suppression systems in Brown and Maple cottages	(101,000)		(101,000)
Reduces from \$150,900 to \$35,000 funding for extraordinary repairs	(115,900)		(115,900)
Total Youth Correctional Center capital improvements reductions	(\$336,900)		(\$336,900)

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

¹⁰This amendment reduces capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Reduces from \$1,003,700 to \$650,000 funding for extraordinary repairs	(\$353,700)		(\$353,700)
Reduces from \$121,000 to \$100,000 funding for security improvements at the James River Correctional Center (JRCC)	(21,000)		(21,000)
Reduces from \$325,000 to \$200,000 funding for forensic building lobby, front entrance, and other JRCC improvements	(125,000)		(125,000)
Reduces from \$71,000 to \$40,000 funding for parking lot construction at the JRCC	(31,000)		(31,000)
Eliminates funding for a security fence around the RRI building	(198,000)		(198,000)
Reduces from \$433,000 to \$245,000 funding for administrative segregation unit improvements at the Penitentiary	(188,000)		(188,000)
Reduces from \$325,000 to \$100,000 funding for parking lot improvements at the Penitentiary	(225,000)		(225,000)
Reduces the support services line item for the 5th and 6th floors renovation of the JRCC	(259,469)	(\$2,093,531)	(2,353,000)
Total adult services capital improvements reductions	(\$1,401,169)	(\$2,093,531)	(\$3,494,700)

This amendment adds Section 4 of the bill, which provides legislative intent that during the 1997-99 biennium the department monitor the growth of the inmate population and the number of correctional institution beds available to the department to contract for inmate housing, and prior to the 2001 legislative session, present a report to the Legislative Council or an interim committee on the department's plans to renovate the 5th and 6th floors of the JRCC.

¹¹This amendment reduces funding for contracting for inmate housing from \$4,085,300 to \$2,661,040 to reflect an anticipated growth in the inmate population of 10 percent for fiscal year 2000 and 15 percent for fiscal year 2001 and legislative intent that the department contract with in-state county facilities for housing as many inmates as possible before contracting with out-of-state facilities.

¹²This amendment eliminates the following FTE positions and operating expenses for the 5th and 6th floors of the JRCC:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Removes correctional unit case managers	(2.00)	(\$87,906)		(\$87,906)
Removes correctional caseworkers	(6.00)	(234,048)		(234,048)
Removes correctional officer II positions	(12.00)	(411,540)		(411,540)
Operating expenses		(730,185)		(730,185)
Total reduction for operation of the 5th and 6th floors of the JRCC	(20.00)	(\$1,463,679)		(\$1,463,679)

¹³This amendment reduces the Roughrider Industries line item by \$1.7 million for operating expenses relating to the issuance of license plates.

¹⁴This amendment increases by \$144,000 anticipated revenue from probation supervision fees based on increasing fees from \$30 to \$35 per month, as provided in Section 6 of the bill. This amendment also reduces general fund spending authority by the same amount.

LEGISLATIVE COUNCIL
ANALYSIS OF LEGISLATIVE CHANGES
AS OF FEBRUARY 18, 1999

FEBRUARY 19, 1999

¹⁵This amendment reduces funding for the expansion of the Youth Correctional Center education program to increase the number of months of instruction from 10 to 12 months. The amendment is based on legislative intent that the Youth Correctional Center expand the educational program by offering only core curriculum during the summer months rather than a full education program as proposed in the executive budget. The costs are estimated as follows:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Executive budget	3.57	\$269,895	\$43,858	\$313,753
House version	<u>2.04</u>	<u>153,854</u>	<u>31,764</u>	<u>185,618</u>
Change from executive budget	(1.53)	(\$116,041)	(\$12,094)	(\$128,135)

¹⁶This amendment eliminates the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Removes administrative secretary III positions	(2.00)	(\$95,436)		(\$95,436)
Adds funding for temporary salaries		38,436		38,436
Removes related operating expenses		(41,848)		(41,848)
b. Removes community corrections agent	(1.00)	(53,024)		(53,024)
Removes related operating expenses		(2,531)		(2,531)
c. Removes parole and probation officer II	(1.00)	(36,657)		(36,657)
Removes related operating expenses		<u>(10,422)</u>		<u>(10,422)</u>
Total FTE and related changes for community offender services	(4.00)	(\$201,482)		(\$201,482)

¹⁷This amendment eliminates the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Removes correctional officer II positions relating to the JRCC	(2.00)	(\$110,910)		(\$110,910)
Removes related operating expenses		(4,480)		(4,480)
b. Removes correctional officer II positions relating to transporting Missouri River Correctional Center inmates	(2.00)	(110,910)		(110,910)
Removes related operating expenses		(4,480)		(4,480)
c. Removes correctional officer II position relating to Penitentiary front lobby security	(1.00)	(55,455)		(55,455)
Removes related operating expenses		(2,240)		(2,240)
d. Increases funding for temporary salaries		35,000		35,000
	<u>(5.00)</u>	<u>(\$253,475)</u>		<u>(\$253,475)</u>

Department of Corrections and Rehabilitation

Central Office

**BUDGET PRESENTATION TO THE
HUMAN RESOURCES SUBCOMMITTEE OF THE
HOUSE APPROPRIATION COMMITTEE**

Representative Ken Svedjan, Chairman

January 12, 1999

DOCR
Central
Office

The Central Office is the administrative arm of the Department of Corrections and Rehabilitation (DOCR) that is responsible for the overall direction, operation, and planning of the department. Additionally, the Central Office is responsible for jail inspections across the state and for training of county correctional officers and jail administrators.

I'd like to discuss in more depth, some of the Central Office responsibilities and some of its accomplishments this biennium.

PLANNING

One of the Central Office's most important functions is to assure that the Department is moving in the right direction. We must assure that adequate planning is done throughout the department to anticipate and meet the challenges and needs of the future.

During the past year, we completed an extensive strategic planning process for the entire department. We utilized an outside facilitator to help us develop a plan for the next few years. Staff from all levels of operation were included in the process. Following are the major issues, goals, and strategies identified by both the Adult Services Division and the Juvenile Services Division in their planning efforts.

Adult Services Division

Issue #1 – Escalating Population

Goal One: Maximize efficiency of statewide correctional resources
Manage and minimize offender population growth

Strategies:

1. Define and identify cause of corrections problems/issues
2. Explore options regarding a statewide correctional system
3. Identify current resources and needs and develop alternative resources to meet projected needs
4. Develop alternative/innovative sentencing options and inform/educate stakeholders
5. Explore legislative relief/alternatives

Issue #2 – Public Perception

Goal Two: Ensure that public perception matches the reality of the DOCR

Strategy: 1. Develop a marketing system

Issue #3 – Offender Management System

Goal Three: One unified system efficiently managing needs and risk concerns of victims, staff, offenders, and the public

- Strategies:
1. Adopt a theoretical approach to process offenders into and through the DOCR
 2. Devise organizational structure supporting the efficient flow of information and resources
 3. Develop and implement a standardized assessment instrument to place offenders in the least restrictive environment while minimizing risk and addressing their needs
 4. Develop and provide optimal opportunities for employees to help them reach their full potential
 5. Develop a unified and comprehensive service delivery system for victims

Division of Juvenile Services

Issue #1 – Offender Services

Goal One: All offenders are engaged in appropriate and timely services needed for success in society

- Strategy:
1. To enhance efficiency and expand treatment, education, and case management services for multifaceted youth by utilizing a multi-disciplinary approach

Issue #2 – Community

Goal Two: Awareness, respect, and cooperation are pervasive in DJS relationships with the community

- Strategies:
1. To incorporate the philosophy of restorative justice into the daily operations of the Division
 2. To establish relationships that encourage and support preventative efforts
 3. The Division will respond openly with respect and cooperation to the community

Issue #3 – Families

Goal Three: Parent/Guardian is responsible and active in the rehabilitation program of the juvenile offender

- Strategy:
1. DJS will establish an active approach to involve parents/guardians as responsible stakeholders in the rehabilitation of their juvenile

Issue #4 – Organizational

Goal Four: DJS has a culturally diverse, fully-trained, professional staff in an optimally funded agency

- Strategies:
1. Review the DJS EEOP to increase staff diversity
 2. Enhance funding sources and develop additional resources
 3. Enhance professionalism within DJS through training and education

The Strategic Plans developed by both the Adult Services Division and the Juvenile Services Division are living documents. We continue to work at carrying out the strategies developed for each of the goals in the plans.

TECHNOLOGY

The Management Information System coordinator for the DOCR is located in the Central Office. It has been our goal for several years to develop an integrated data system for the department. We made significant progress during the past year. A system called "DOCSTARS" has been developed that will serve as a single data system for all offenders in the Adult Services Division. Data for an offender, whether on probation or an inmate, will only be entered once and will be utilized and maintained by both the DOCR Prisons Division and the DOCR Field Services Division. This will be much more efficient and provide better information to the department for management purposes. Our systems coordinator is presently working with the Prisons Division to replace its inmate software. The new software will tie into "DOCSTARS." The Division of Juvenile Services is going through the same process to connect its community and institution information.

TRAINING

The 1997 Legislature authorized a Training Director position for the DOCR. This position has been tremendously helpful to us. The training director is responsible for providing training to all new county correctional officers in the state and to jail administrators. He also is responsible for departmentwide Supervisor Training initiated by the DOCR. He also maintains the jail standards/rules.

During this past year, we completed a process through which we revised and updated the Jail Standards. The most controversial issue in the revision was the addition of a standard to require all county correctional officers to receive a certain number of hours of training and to make certain types of training mandatory. In order to make it feasible for counties to comply with the new training standard, we pledged the Department's assistance in providing that training to county staff.

The Training Director has also been given the responsibility to assure that all DOCR staff is trained in the "Cognitive Restructuring" approach to treatment. Our goal is for this training to be completed by Year 2000.

The Training Director also assists Division training staff as needed. For example, he was instrumental in helping train all of the new JRCC staff.

INMATE POPULATION ANALYSIS

A responsibility of the Central Office is to compile information and make projections about the inmate population growth. As the population has increased rapidly the past few years, it has become more important and more complex to make inmate population projections.

Recently, the Department requested technical assistance to have someone experienced in making population projections review our inmate population projections to assure their credibility. Based upon the information available to us and the methods used to calculate our estimates, our estimates have been verified by a consultant.

We are also working towards developing a formal population module that can be utilized to generate inmate population estimates. We hope to have this module developed to assist us in making projections prior to the next legislative session.

INMATE APPEALS AND GRIEVANCES

A fair amount of time each month is spent in Central Office investigating inmate appeals and grievances. We believe this is an important function for Central Office to maintain, to assure that persons placed in our care and custody are treated as required under state and federal law and under Department policy. It is a good system of "checks and balances" for our system. It also provides a good trail of information in cases where inmates file lawsuits against us.

FISCAL ADMINISTRATION AND HUMAN RESOURCES ADMINISTRATION

The Department of Corrections and Rehabilitation has grown to include 518 employees and manages a budget of \$75,000,000. This requires a great deal of fiscal oversight and human resources management. I believe the Central Office staff does a good job in providing guidance to division staff to assure proper management of resources in these areas.

JAIL INSPECTIONS

Central Office provides oversight for the jail inspections process. A penitentiary staff member completes 14 Class I jail inspections, 9 Class II inspections, 8 Class III jail inspections and 3 Juvenile Detention Centers inspections each year and certifies their continual operation.

CENTRAL OFFICE BUDGET

The DOCR Central Office Budget for the 1999-2001 Biennium includes funding for 8.0 FTE's and the necessary administrative expenses. In addition, it includes operating expenses to cover costs of the inspection of local jails, for the training of county correctional officers and jail administrators and funding to continue to enhance the Adult Services Network to support DOCR operations.

Salaries and Wages - \$878,152

- 8.0 FTE's - \$831,288 (Unfunded a .50 FTE Administrative Officer)
- Governor's Salary/Benefit Funding - \$46,864

Operating Expenses \$118,682

- Data Processing/Telecommunications - \$16,345
- Travel - \$31,900
(Expenses include motor pool costs related to the inspection of jails within the state, the training of local jail administrators and officers, and mileage costs for management staff travel. Also includes out-of-state travel costs for management staff to attend national conferences, meetings, and training seminars.)
- Lease of Equipment - \$6,720
(Funding to upgrade Central Office's copier.)
- Dues and Professional Development - \$7,600
(Registration and conference fees, national association dues and management training fees.)
- Professional Services - \$11,700
(Funding for presenters and trainers to provide training to corrections management staff and county jail administrators and officers. Also includes funding to continue to enhance the Adult Services Network to support DOCR operations. Miscellaneous funding for audit fees, advertising services, service awards, service contracts, etc.)
- Professional Supplies and Materials - \$24,250
(Includes funding to develop Web Site for DOCR and upgrade Winframe server and departmental email. Also, includes funding for subscriptions; correctional publications; human resources, fiscal and technology updates; and videos and training materials.)

- Other Expenses - \$20,167
(Postage, repairs, office supplies, printing costs, and miscellaneous equipment items costing less than \$750.)

Equipment - \$26,950

- Funding for PC replacement and to provide network connectivity for all DOCR Adult Services computer users.

TOTAL CENTRAL OFFICE BUDGET - \$1,023,784

Funding Source

General Fund - \$1,023,784

**PROJECTED INMATE POPULATION
 1999-2001 BIENNIUM**

Month and Year	Estimated Population	Adjusted for Alternatives		Prison Capacity	Inmates Contracted/Housed Outside of System			Cost
July 1999	1000	(30)	970	861	109	(x31x\$55)	=	\$185,845
August 1999	1012	(45)	967	861	106	(x31x\$55)	=	180,730
September 1999	1024	(60)	964	861	103	(x30x\$55)	=	169,950
October 1999	1036	(80)	956	861	95	(x31x\$55)	=	161,975
November 1999	1048	(100)	948	861	87	(x30x\$55)	=	143,550
December 1999	1060	(115)	945	861	84	(x31x\$55)	=	143,220
January 2000	1072	(115)	957	861	96	(x31x\$55)	=	163,680
February 2000	1085	(115)	970	861	109	(x28x\$55)	=	167,860
March 2000	1098	(115)	983	861	122	(x31x\$55)	=	208,010
April 2000	1111	(115)	996	861	135	(x30x\$55)	=	222,750
May 2000	1124	(115)	1009	971	38	(x31x\$55)	=	64,790
June 2000	1137	(115)	1022	971	51	(x30x\$55)	=	84,150
July 2000	1150	(135)	1015	971	44	(x31x\$60)	=	\$ 81,840
August 2000	1160	(135)	1025	971	54	(x31x\$60)	=	100,440
September 2000	1170	(135)	1035	971	64	(x30x\$60)	=	115,200
October 2000	1180	(135)	1045	971	74	(x31x\$60)	=	137,640
November 2000	1190	(135)	1055	971	84	(x30x\$60)	=	151,200
December 2000	1200	(135)	1065	971	94	(x31x\$60)	=	174,840
January 2001	1210	(135)	1075	971	104	(x31x\$60)	=	193,440
February 2001	1221	(135)	1086	971	115	(x28x\$60)	=	193,200
March 2001	1232	(140)	1092	971	121	(x31x\$60)	=	225,060
April 2001	1243	(140)	1103	971	132	(x30x\$60)	=	237,600
May 2001	1254	(140)	1114	971	143	(x31x\$60)	=	265,980
June 2001	1265	(140)	1125	971	154	(x30x\$60)	=	277,200
TOTAL CONTRACTING COST								<u>*\$4,050,150</u>

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

**DEPARTMENT OF CORRECTIONS AND REHABILITATION
CENTRAL OFFICE**

Analysis of Operating Expenses

<u>Operating Expenses</u>	<u>1997-99 Biennium Budget</u>		<u>1999-2001 Biennium Budget</u>		<u>Increase/Decrease</u>	
	<u>Admin/Training</u>	<u>Technology</u>	<u>Admin/Training</u>	<u>Technology</u>	<u>Admin/Training</u>	<u>Technology</u>
Data Processing	\$	\$ 4,956	\$	\$ 7,777	\$	\$ 2,821
Telecommunications	8,574	20,000	8,568		(6)	(20,000)
Travel	22,500	10,000	24,900	7,000	2,400	(3,000)
Utilities		41,000				(41,000)
Postage	1,950	100	1,560		(390)	(100)
Lease/Rent Equip			6,720		6,720	
Professional Dev	7,500	10,000	5,600	2,000	(1,900)	(8,000)
Operating Fees & Svrs	8,885	600	8,907		22	(600)
Repairs	700		500		(200)	
Professional Svrs	500	4,500	700	11,000	200	6,500
Insurance	300		300			
Office Supplies	5,400	126,197	4,300	16,450	(1,100)	(109,747)
Printing	4,000		5,700		1,700	
Professional Supp & M	3,298	500	3,500		202	(500)
Bldg, Grnds, Mtce	150		200		50	
Miscellaneous Supplies	5,000	15,000	3,000		(2,000)	(15,000)
TOTALS	\$ 68,757	\$ 232,853	\$ 74,455	\$ 44,227	\$ 5,698	\$ (188,626)
General Fund	42,045	155,731	74,455	44,227	32,410	(106,548)
Federal Funds		77,122				(77,122)
Special Funds	26,712				(26,712)	

Department of Corrections and Rehabilitation
Optional Items Funded Differently Than Requested Amounts
 (First line is requested - Second line is recommended)

Priority #	Description	General	Federal	Special	Total
17	Extraordinary Repairs - Prisons Division	382,320			382,320
		345,000			345,000
18	Extraordinary Repairs - YCC	190,800			190,800
		150,900			150,900
31	12 Month School	320,912			320,912
		252,925	34,941	8,917	296,783
36	Revocation Center	891,800	360,000		1,251,800
		458,709	360,000	200,000	1,018,709
	Total Requested	1,785,832	360,000	0	2,145,832
	Total Recommended	1,207,534	394,941	208,917	1,811,392

Note: The FTE in option 36 were not funded

3/8/99 HB 1010
Elaine Little

1A

Department of Corrections and Rehabilitation

Presentation to

SENATE APPROPRIATIONS

Senator David Nething, Chairman

March 8, 1999

By Elaine Little, Director
DOCR

**REQUEST TO REINSTATE THE FOLLOWING
TO ENGROSSED HB1016**

CENTRAL OFFICE

Salaries and Wages

2 percent increases per year instead of 3 percent	\$11,792	
Delay market salary adjustment until 01/01/2001	<u>3,571</u>	
Total		\$15,363

Operating Expenses

Reduction to operating expenses to be determined by department		\$3,682
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Equipment

Reduces equipment request by 25 percent		<u>\$6,750</u>
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Total - General Fund		<u><u>\$25,795</u></u>
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DIVISION OF JUVENILE SERVICES

Salaries and Wages

2 percent increases per year instead of 3 percent (\$3,807 is other funds)	\$120,416	
Reduced funding from a full education program to only core curriculum at YCC. (\$12,094 is other funds). FTE's reduced by 1.53 FTE's	<u>128,135</u>	
Total		\$248,551

Operating Expenses

Reduced YCC medical budget	\$32,200	
Reduced DJS/Community programs	<u>83,000</u>	
Total		\$115,200

Equipment

YCC: Reduced funding for computer purchases	\$12,500	
Reduced funding – Replacement of Tractor	5,000	
DJS/Community: Reduced funding for computer purchases	<u>1,750</u>	
Total		\$19,250

Capital Improvements

Eliminated funding for Divine Hall improvements	\$120,000	
Eliminated funding for fire suppression	101,000	
Reduced funding for extraordinary repairs	<u>115,900</u>	
Total		<u>\$336,900</u>

Grand Total

General Fund	\$704,000	
Estimated Income	\$15,901	
		<u>\$719,901</u>

ADULT SERVICES

Division of Field Services

Victim Services

2 percent salary increases per year instead of 3 percent \$1,942

Institutional Offender Services

2 percent salary increases per year instead of 3 percent \$8,981

Community Offender Services

2 percent salary increases per year instead of 3 percent \$ 61,334
 Reduced funding for various programs that provide
 alternatives to incarceration. 149,800
 Eliminated the following four (4.00) FTE's and
 associated operating expenses. 201,482

- a. Two (2.00) Admin. Secretary III positions \$95,436
 Removed related operating expenses 41,848
 Added funding for Temporary Salaries (38,436)
- b. One (1.00) Community Corrections Agent \$53,024
 Removed related operating expenses 2,531
- c. One (1.00) Parole & Probation Officer II 36,657
 Removed related operating expenses 10,422

Total \$412,616

Probation Supervision Fees

An amendment was included that increased by \$144,000 the anticipated revenue from Probation supervision fees based on increasing fees from \$30 to \$35 per month as provided in Section 6 of the bill. This amendment reduced the general fund by the same amount. Please reinstate the \$144,000 in general funds and delete the \$144,000 added to estimated income. Also, see amendment to delay effective date for increase in supervision fees.

TOTAL FIELD SERVICES DIVISION

\$423,539

General Fund \$567,539
 Estimated Income (144,000)

ADULT SERVICES (Continued)

Prisons Division

Support Services

2 percent salary increases per year instead of 3 percent	\$ 58,942
Reinstate capital improvements listed below	<u>3,494,700</u>
a. Funding for extraordinary repairs	\$353,700
b. Funding for security improvements at JRCC	21,000
c. Funding for forensic bldg, lobby, front entrance and other JRCC improvements	125,000
d. Funding for parking lot (JRCC)	31,000
e. Funding for security fence around RRI bldg	198,000
f. Funding for Admin. Seg. Unit at Pen	188,000
g. Funding for parking log improvements at Pen	225,000
h. Funding for 5 th & 6 th Floor (JRCC)	2,353,000
(Of this, \$2,093,531 is Federal Funds and \$259,469 is General Fund)	
Total	\$3,553,642

Also adds Section 4, which provides legislative intent that during the 1997-99 biennium, the department monitor growth of inmate population and number of correctional beds available to department to contract for inmate housing. Department to present report to Legislative Council or interim committee prior to 2001 on department's plans to renovate 5th & 6th floors of JRCC. Unnecessary if 5th & 6th floors restored.

Program Services

2 percent salary increases per year instead of 3 percent	\$26,700
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Security and Safety

2 percent salary increases per year instead of 3 percent	\$213,452
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The House reduced funding for contracting for inmate housing by \$1,424,260 to reflect an anticipated growth in the inmate population of 10 percent for FY2000. If the JRCC 5th & 6th floors are reinstated, based on revised inmate population projections, we believe the amount necessary for contracting out of inmates will be \$2,049,760. (See attached schedule.) Based on the revised projections, an additional \$611,280 (\$4,085,300 - 2,049,760 - 1,424,260) can be taken from the Governor's recommended budget for contracting out of inmates. (\$611,280)

Security and Safety (continued)

Eliminated the following twenty (20.00) FTE's and associated operating expenses for 5th & 6th floors of JRCC \$1,463,679

- a. Two (2.00) Correctional Unit Case Managers \$ 87,906
- b. Six (6.00) Correctional Case Workers 234,048
- c. Twelve (12.00) Correctional Officer II positions 411,540
- d. Reduced associated operating expenses 730,185

The House amendment eliminated five (5.00) FTE's and associated operating expenses. We are recommending that three (3) of the FTE's be reinstated. 138,085

- a. Two (2.00) Correctional Officer II positions relating to JRCC \$110,910
Related operating expenses 4,480
- b. One (1.00) Correctional Officer II position relating to Pen front lobby security 55,455
Related operating expenses 2,240
- c. Increases funding for Temporary Salaries Not necessary if positions reinstated (35,000)

Total \$1,203,936

Rough Rider Industries

2 percent salary increases per year instead of 3 percent Other Funds \$31,054

TOTAL PRISONS DIVISION \$4,815,332

General Fund \$2,690,747
Other Funds 2,124,585

TOTAL ADULT SERVICES DIVISION

Total All Funds (Adult Services) \$5,238,871
Total FTE's (Adult Services) 27.00
General Fund 3,258,286
Estimated Income 1,980,585

DEPARTMENTAL GRAND TOTAL \$5,984,567

General Fund \$3,988,081
Estimated Income 1,996,486

Total Departmental FTE's 28.53

March 26, 1999

Program Legend
 CO = Central Office
 DJS = Division of Juvenile Services (Community)
 YCC = Youth Correctional Center
 FS = Field Services Division (Parole & Probation)
 PD = Prisons Division
 RI = Rough Rider Industries

**Department of Corrections and Rehabilitation
 House Changes and Requested Senate Amendments
 1999-2001 Biennium
 (In Priority Order)**

#	Description	Program	House Changes		DOCR Request for Senate Amendments		Net Requested Change from Original Bill		SUBTOTALS (Running Totals)	
			Increase (Decrease)		General	Other	General	Other	General	Other
			Fund	Fund	Fund	Fund	Fund	Fund	Fund	Fund
1.	Equipment (Interconnectivity)	CO	(\$ 6,750)		\$ 6,750				\$ 6,750	
2.	Operating Expenses	CO	(3,682)		3,682				10,432	
3.	Medical Expenses	YCC	(32,200)		32,200				42,632	
4.	Extraordinary Repairs	YCC	(39,500)		39,500				82,132	
5.	*Changed Supervision Fee Program:	FS	(144,000)	144,000	108,000	(108,000)	(36,000)	36,000	190,132	(\$ 108,000)
6.	DJS Community Programs	DJS	(83,000)		83,000				273,132	
7.	1 CO Work Supervisor – JRCC	PD	(57,695)		57,695				330,827	
8.	2 Admin. Secretaries	FS	(137,284)		137,284				468,111	
	Temp Salary Dollars for cut sec	FS	38,436		(38,436)				429,675	
9.	Equipment (tractor, computers)	YCC/DJS	(19,250)			19,250	(19,250)	19,250		(88,750)
0.	5 th & 6 th Floor Renovation	PD	(259,469)	(2,093,531)	439,469	1,913,531	180,000	(180,000)	869,144	1,824,781
1.	5 th & 6 th Floor Positions & Operating	PD	(1,463,679)		857,345		(606,334)		1,726,489	
2.	Contracting For Inmate Housing	PD	(1,424,260)		262,420		(1,161,840)		1,988,909	
3.	Fence Around N Pen Perimeter	PD	(198,000)		198,000				2,186,909	
4.	Community Corrections Agent	FS	(55,555)		55,555				2,242,464	
5.	Parole Officer (2 nd Year of Biennium)	FS	(47,079)		47,079				2,289,543	
7.	Switch 12-Month Funding Source	YCC	12,094	(12,094)	(12,094)	12,094			2,277,449	1,836,875
8.	Less Parking Lot Funding	PD			(100,000)				2,177,449	
0.	1 CO Work Supervisor – JRCC	PD	(57,695)		57,695				2,235,144	
3.	Funding for JRCC Parking Lot	PD	(31,000)		31,000				2,266,144	
5.	JRCC Forensic, Entrance Renovation	PD	(125,000)		125,000				2,391,144	
6.	Security Improvement at JRCC	PD	(21,000)		21,000				2,412,144	
9.	JRCC Ventilation	PD	(23,000)		23,000				2,435,144	
Total All Funds			(\$4,178,568)	(1,961,625)	\$2,435,144	1,836,875	(1,643,424)	(124,750)	\$2,435,144	\$1,836,875

Also, the DOCR requests that Section 6 of the bill be amended to reflect a supervision fee increase of \$6 per month rather than \$5 per month and to add an effective date of January 1, 2001, rather than July 1, 1999 as provided by the engrossed bill.

Narrative For Priorities

1. Equipment for Central Office - \$6,750

The equipment included for Central Office all relates to technology. The proposed \$6,750 cut in the equipment line would impact the JRCC facility's ability to connect to the DOCR inmate information system. The JRCC would not have the ability to input, change, or report on inmates currently housed, or perform admissions into the facility. *The JRCC would, in fact, be isolated from any capability to manage the JRCC inmate population through automation.* The existing JRCC server hardware must be upgraded to meet both Y2K and related connectivity issues.

2. Operating Expenses for Central Office - \$3,682

The House indicated the cuts were to be identified by the Department. Since many of the operating expenses are for fixed costs or to meet legal responsibilities, such as training, the proposed \$3,682 cut in operating expenses would impact professional fees included for the DOCR Y2K efforts in upgrading the current inmate information system software. The \$3,682 would help to cover the cost of redesigning the algorithm and system code for the inmate sentence calculation module. The current sentence calculation methodology used in the inmate information system will fail in 2000. The cost of fixing Y2K issues in the inmate information system is proving to be a continuing burden on both manpower and fiscal resources. If we fail to ensure the inmate information system is 100 percent Y2K compliant, then we could be open to any host of problems for both the DOCR and the State. The DOCR has been contacted by the DOJ and other DOC's questioning whether the North Dakota Department of Corrections and Rehabilitation inmate information systems will be 100 percent Y2K compliant.

3. Medical Expenses for YCC - \$32,200

It is critical that these medical fees are restored in order that we can maintain the same level of medical services to the juveniles at YCC.

	<u>*Medical</u>	<u>Prescriptions</u>	<u>Psychiatric Services</u>	<u>Psychological Services</u>	<u>Nurse</u>	<u>Institutional Fees</u>	<u>Total</u>
Adjusted Expenditures 1997-1999	100,059	85,568	57,600	19,200		***49,695	309,092
Budget 1999-2001	94,918	77,366	57,600	48,000	**41,600		319,484

* Includes doctor, dentist, clinics, lab work, x-rays, optometrist, eye glasses

** Purchase LPN services for two years

*** Moved institutional medical fees to medical and prescriptions. This gives more flexibility

DOCR
Priorities

4. Extraordinary Repairs at YCC - \$39,500

There are three (3) projects included:

Life Safety System – Administration Building - \$19,000

The Fire Marshall's report states the 1960's Fire Alarm System in the Administration, School, Building is outdated and should be upgraded. Additional audible fire detectors need to be added to the system. Strobe lights (visual warning lights) need to be added to meet Americans with Disabilities Act Guidelines.

Parking Lot - \$9,000

The parking lot is lower in some areas and accumulates water during rain or snowmelt. It is also cracking.

Removal of Asbestos from Hickory Cottage - \$11,500

Hickory has a large amount of asbestos in it because it is an older cottage. This allocation of dollars would remove it. Whenever any repairs are made in a building, any asbestos present must be removed.

5. Supervision Fee Program – Field Services

We ask that the Senate reinstate \$108,000 in general funds (reduce \$108,000 in other funds), which was removed by the House from the supervision fee program, so that we may begin the recommended change to the fee program 18 months after the beginning of the biennium (delayed effective date of January 1, 2001.) This will allow us to prepare the court, staff, and the offender population for the expected change. More importantly, it will increase the population of eligible offenders (under the present amendment any offenders already on probation on July 1, 1999 would not be affected by the increased fee), thereby reducing confusion by both staff and the offenders that we supervise. We believe that we will have the opposite of the desired effect in our collections rate if we try to implement the program any sooner in the biennium. We ask also that the fee be increased to \$36.00 for the last six months of the biennium. This rate corresponds with the \$6 per hour rate used for community service worked in lieu of paying the fee. **Section 6 of the bill must be amended to reflect the fee change to \$36 and the delayed effective date.**

6. DJS Community Programs - \$83,000

The three (3) prevention programs where the House cut \$83,000 were in the following areas.

Intensive In-Home Match:	\$114,000
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Day Treatment	480,000
Diversified Occupations	<u>206,820</u>
Total	<u>\$800,820</u>

Because these are community and all match either local or Federal Funds, it is impossible to cut without discontinuing ongoing programs in a particular community. This cut would, for example, cut two (2) day treatment programs in two (2) schools for the biennium.

7. CO Work Supervisor – JRCC (PD) - \$57,695

We did not adequately fund work and educational programs during the first year of operation, and, because of that, we have a problem with too little activities to keep the inmates productive during the day. Rough Rider Industries recently opened their operations and we are using a temporary position to provide security in that coed area. Another temporary position is being used to oversee a coed Arts and Crafts room, which keeps 38 inmates active for 6 hours each day. Without adding back this position, we won't have staff available to supervise the yard crew and the paint/maintenance crew. The yard crew will employ about 10 inmates maintaining the lawn and outside grounds and completing much needed recreation yard improvements such as walking tracks and basketball courts. The maintenance/paint crew will employ 6 inmates to work on interior projects that can be completed with inmate labor, as opposed to hiring outside contractors. The supervisor is needed to oversee the use of tools required for completion of these projects.

8. Two Administrative Secretaries – Field Services - \$137,284
Temporary Salary Dollars for Secretaries – (\$38,436)

We ask that the Senate reinstate two FTE secretary positions removed by the House, with a related increase of \$137,284 in general funds. We also ask that the Senate reduce the temporary salary dollars added by the House for temporary secretarial services (\$38,436). We are in great need of secretarial support in the two regions (Grand Forks and Fargo) that we had planned to assign the two new secretarial positions. The work required is too technical for temporary help. Without the additional help, officers would be required to do work better suited for the lower paid secretarial staff. More importantly, officers would not be available to supervise offenders as closely if they are required to do secretarial work.

9. Equipment – YCC and DJS - \$19,500 (Only requesting the authority to spend other funds (a grant) if received during the biennium.)

Tractor - \$5,000

We are using an early 1960's tractor as our institutional large tractor. We cannot find parts for it and are asking to purchase a used tractor to replace it. We'd

received estimates that a replacement tractor would cost from \$15,000 to \$18,000. We requested \$15,000 and the House reduced the request to \$10,000.

Computers - \$14,500

We are presently converting our data collection system. It is critical that we are able to purchase the proposed new and replacement computers in order that both YCC and the Community can efficiently utilize the updated system.

10. 5th and 6th Floor Renovation

Remodeling the top two floors of the ET building will allow us to house 110 more inmates at a cost of \$2,353,000. \$1,913,531 of the costs will be funded with federal "crime bill" dollars, leaving \$439,469 in general funds money needed to complete the project. We estimate renovation to be completed in time for us to move the inmates into the building by November 1, 2000.

Considering the population projections, this project makes economic sense for the North Dakota taxpayers. It would cost an additional \$1,597,200 to rent space at a private prison for 110 inmates during the last 8 months of the biennium. We project the salaries (\$440,096) and operating (\$417,249) expenses for us to operate these floors to be \$857,345 during this time frame. Even if you include the \$439,469 general funds for the construction costs, we would still save about \$300,386 by completing the project and keeping these inmates in state, versus the private contacting option. The estimated savings in the future biennium would be \$2,306,500. **Section 4 of the engrossed bill needs to be amended or deleted.**

11. 5th & 6th Floor Positions - \$857,345

The renovation of the 5th and 6th floors will require 20 new staff to supervise the additional 110 inmates that will be housed there. We expect this renovation will give us beds for an additional 80 inmates on the 5th floor and 30 inmates on the smaller 6th floor area, bringing the total usable beds at the JRCC to 350. The 20 positions will allow us to have 2 officers per floor during the night shift and a case manager on each floor 8 hours per day, 5 days per week. The positions requested will begin around October 1, 2000, or for 9 months of the biennium.

12. Contracting Housing for Inmates – PD - \$262,420

The amount included in the engrossed bill by the House for contracting represents the House version of assumptions for inmate growth and assumes that the 5th and 6th floors not be renovated. If we use the DOCR assumptions for inmate population growth and assume that the 5th and 6th floors are renovated, we need to add \$262,420 to the contradicting line (\$2,923,460 - 2,661,040) – see schedules.

13. Fence Around the N Penitentiary Perimeter – PD - \$198,000

Money was included in the 97-99 biennium to add fencing and electronic detection devices on the north perimeter of the penitentiary, but due to unexpected costs for the JRCC completion, that money went to complete the Jamestown project. We have a security concern with our current practice of using the exterior wall of the Industries building as our secure perimeter. The fencing project would place a double fence around that building, completing our goal of needing a double fence around the entire institution. There is also money to complete the second phase of adding electronic detection devices to the fence perimeter in areas on the north, south, and west fences. Since the building was completed in 1983, there have been two escape attempts through the backside air vents. If the inmates had been successful, there is no fence, or other impediment, to the free world. The metal shop occupies the building and it contains a number of "hot tools" and cutting torches that could be used to cut through the metal bars that secure the vents. These tools are accounted for twice each day, but the human error factor in this inventory, or the possibility of taking the shop supervisor hostage allowing uncontrolled access to these tools, make this area our weakest link in our perimeter security. It is imperative that funding for this double fence be reinstated in our budget request.

14. Community Corrections Agent - \$55,555

We ask that the Senate reinstate one FTE Community Corrections Agent (CCA) position removed by the House, with a related increase of \$55,555 in general fund. The original plan was to have the CCA FTE split between Rolla and Devils Lake. The CCA would be assigned to low risk cases, allowing our Parole officers to concentrate on their high-risk cases. This is critical in Rolla and Devils Lake because both districts have only one parole officer assigned to it and each has a very large caseload of high-risk offenders.

15. Parole Officer (2nd Year of Biennium) - \$47,049

We ask that the Senate reinstate one FTE Parole officer position (for the second year of the biennium) removed by the House, with a related increase of \$47,049 in general fund. The Parole Officer would be assigned to the Fargo district. Fargo's offender base grows at over 15 percent each year. Even with the additional position, we will see case loads of high-risk offenders grow in Fargo.

16. Fire Suppression System – Brown and Maple Cottages - \$101,000

This life safety system in Brown and Maple Cottages will include the installation of sprinkler heads located at strategic locations throughout the buildings. Zone controls for the systems, annunciatory panels for fire alarm control and signaling, and the connection to the main water supply.

17. YCC 12-month School and 1.5 FTE - \$128,135

With this funding restored, we would teach the following classes: computer science, JTPA, library, automotive technology, welding, technology education, carpentry/building trades, vocational resources education/health.

18. Funding for Penitentiary Parking Lot – PD - \$225,000

We requested \$325,000 to renovate the parking lot of the Penitentiary, but the House reduced funding \$225,000, leaving \$100,000 in the budget. The existing parking lot at the Penitentiary has 78 parking spaces, but during business and visiting hours there are 100+ vehicles parked in the lot and on the adjacent roadway. There is a safety concern because there is no walkway from the lot to the entrance, meaning people must walk in the roadway. The renovation would increase the size of the lot to 125 spaces, increase the lighting, and construct sidewalks to safely convey employees and visitors to the entrance. In order to maximize the limited space available, the plans call for a complete re-grading of the current lot, utilizing dirt from the higher areas to fill in the low spots to the south. The \$100,000 given this project by the House will not begin to cover the costs associated with re-constructing the lot the proper way. An alternate plan that would cost the \$100,000 given this project would be to construct a 50 to 60 car lot to the south and west of the Deputy Warden's residence. This would meet our space needs, but is a greater walking distance from the facility and does nothing to correct the safety deficiencies or lighting problems associated with the current lot. This is the only state building that we are aware of that still has the roadway running through the middle of its parking lot. We have many visitors with small children leaving the visiting room after dark, walking to their cars on the road through a poorly lit parking lot. We do not have space for a sidewalk without losing places for cars to park. This is a very unsafe condition and a potential liability for the State. We have studied the best way to maximize our space and increase safety for the employees and visitors, and it will cost \$325,000 to reconstruct the lot. The \$100,000 given us is only a band-aid.

19. MRCC Road Repair – PD - \$116,500

We had asked for \$116,000 in Extraordinary Repairs to re-grade and pave the gravel road entrance to the MRCC. This .4 mile section becomes extremely muddy and rutted during wet seasons, and there is a concern with access for staff, visitors, and delivery vehicles. To our knowledge, there is not another State institution that uses gravel as its only entrance to the facility.

20. One (1) Correctional Officer Work Supervisor JRCC – PD - \$57,695

The House cut 2 work supervisor positions from the JRCC budget. We have asked for 1 of these positions back in our priority #7 narrative. We would probably hire the priority #7 position to supervise the yard crew. If this priority #21 position is funded, this person would supervise the interior paint and maintenance crew.

21 One (1) CO Front Lobby for Penitentiary – PD - \$57,695

The Governor's budget included three CO II positions to operate the front lobby position at the Penitentiary. One of these positions was removed through action taken by the House. This leaves two people to operate a post that needs to be operated 14 hours per day, seven days a week. Their responsibilities include screening all persons who come inside the secure facility. This screening includes checking identification, passing visitors through the metal detector, pat searching when indicated, and running background checks on all visitor or volunteer applications. They also search all the inmates that come to the institution from the MRCC for sick call or to use the law library. Eliminating contraband entering the prison is vital to keeping the staff and inmates safe, and we have found that those times when we can free a security officer to operate the front lobby, their presence is a deterrent to the introduction of contraband. The three positions are needed to fill this post during all the operating hours, and to provide for a relief factor for illness and vacation days. At those times when their shift may overlap, or when there is little front lobby traffic, these officers will be needed for general inmate supervision in the dining hall or recreation areas.

22. Temp Salary for Cut CO's – PD - \$35,000

The House added in \$35,000 in temporary dollars to offset some of the problems caused by not funding 3 CO II positions that were included in the Governor's budget. If you can fund priorities 7, 21, and 22, this \$35,000 will not be needed, and can be removed from the budget.

23. Funding for JRCC Parking Lot – PD - \$31,000

We have requested \$71,000 to pave and install lighting to an existing staff parking lot, and then to construct a 20-space visitor parking lot across the road from the front gate. The House cut \$31,000 funding from this project, leaving \$40,000 in the budget. Inadequate parking at the JRCC has caused considerable inconvenience for staff and visitors. With the addition of the 5th and 6th floors, the problem will only become worse. Visitor parking is presently adjacent to the inmate recreation yard, making contraband smuggling and unauthorized communication a real security concern. The funding left in the budget will only provide enough funds to pave the employee parking lot. Without the additional \$31,000, we will not be able to properly light that lot, or construct the visitor parking lot on a portion of the hospital grounds that is more accessible from public roads, closer to the front entrance, and away from the inmate recreation areas.

24 Funding for Administrative Segregation Renovation – PD - \$188,000

The Administrative Segregation (AS) unit is our "jail within the jail", where we must house those inmates who are a threat to harm themselves or others. These predators

are a proven risk to the safety of other inmates and staff, and therefore, we segregate them from the rest of the population by placing them in a maximum-security housing unit. The AS unit started with the 20 cells on the west side, first floor of the West Cell House. Last biennium, we took over the east side of the tier, adding another 20 cells, but still find ourselves in the position of having to choose the least risky inmate to release to the general population when a new inmate requires placement. The cells we are using were not designed to hold this type of prisoner. The front of the cells are open bars, allowing inmates to throw objects, food, or body waste on staff making rounds on the tier, or into other inmates cells during their tier recreation. The 97-99 budget has \$300,000 to allow us to convert the original 20, open-fronted cells on the east side of the first floor into maximum-security cells with cinder block front and steel doors. Electronic audio detection devices and camera surveillance are also included in this project and work on this conversion has already begun. The Governor's budget held \$433,000 to similarly renovate the west side 20 cells on the first floor. It also has funds to make some modifications to the 2nd floor West Cell House to allow for less violent inmate placement on that floor and to move the East Cell House office from out of 2 cells and into an area in the back of the laundry. The House reduced our request by \$198,000 (from \$433,000 to \$245,000). This may be enough money to place solid steel doors on the west side cells, but there will not be enough funds for any of the much needed electronic surveillance like we are installing on the east side. It also means that there will be no modifications for the second floor and that we will not be able to free up 2 additional cells by moving the East Cell House office. For all the reasons previously stated, we believe we need more than a 40 cell AS unit, and strongly request that you put back in the \$198,000 that was removed by the House.

25. JRCC Forensic, Entrance Renovation – PD - \$125,000

We had requested \$325,000 to complete 3 small projects at the JRCC. The House removed \$125,000 from our request, leaving \$200,000 to make these three renovations. Those projects were: (1) construct a building to process visitors through the front gate and provide microwave detection system by the front gate (\$180,000); (2) develop security barriers between the inmates and the inmate visitors in the Forensic Unit (\$75,000); and (3) replace the twenty-year old camera system in the Forensic Unit (\$70,000). Our top priority for the remaining \$200,000 is to build a reception area at the front gate for processing inmate visitors and other people entering the facility. We have received a number of complaints from the general public that they are required to stand outside in the elements while their visiting cards are being filled out and they are waiting for an officer to escort them from the front gate to the visiting area in the Forensic Unit building. Any money remaining after this project is completed will be used to construct part of the barrier we need in the Forensic Unit to separate the visiting public from the inmates housed there. We are requesting that the \$125,000 be reinstated so we can replace the camera system and complete the rest of the proposed renovation to the Forensic Unit lobby.

26. Security Improvements at JRCC – PD - \$21,000

The Governor's budget included \$121,000 to construct a separate recreation yard for the female inmates at the JRCC, add security man-barrier and cameras along the top of the Forensic Unit building and adjacent tunnel, and to install security grid ceiling tiles in hallways and the dayrooms on the housing floors. The House removed \$21,000 from this request. This will mean that we will not have funds to replace the acoustic ceiling tiles with the more secure grid tiles. Drop-down ceilings have no place in a medium security prison, as they provide easy access for the inmates to hide contraband inside the false ceiling, and they are not sturdy enough to withstand the abuse from this type of population. Funding to replace the false ceiling during the renovation was not provided, even though many of the original acoustic tiles were missing. Staff have already salvaged all the tiles from the unfinished 5th and 6th floors to replace the damaged ceiling, and have now been purchasing replacement acoustic tiles as more become damaged. This expense would be unnecessary if we had a more sturdy and secure ceiling. The grid system tiles are more resistant to vandalism, and the tiles "lock" into place, making it very difficult for inmates to lift the tiles to hide contraband. We ask that you reinstate the \$21,000 into our budget so we can improve the security, and wear and tear, on our ceilings.

27. Extraordinary Repairs Contingency – PD - \$127,000

The Governor's budget called for an increase in our funding for extraordinary expenses to \$1,003,700. The House recommends reducing this amount to \$650,000, but we believe there is good justification for the Governor's plan. With the addition to the JRCC, we now have more square footage to maintain. Also, this line item has not received the same level of funding the past two biennia to keep up with the repair needs. There was \$669,121 funded in the 93-95 biennium, but that decreased to \$362,700 in 95-97, and fell even farther in the present biennium to \$286,250.

The proposed cuts by the House means that we will not be able to complete some of the more costly projects. We would ask that you reinstate \$127,000 to our contingency fund. Maintenance specialists recommend that we budget .25 percent of our total building value to account for unexpected emergencies. For example, in 1995 we needed over \$100,000 in Emergency Commission approval to make repairs to our boiler. In 1997 we needed to replace an electrical transformer. Since we did not have funding for these unexpected emergencies to our infrastructure, we had to use monies from other projects to make the repairs. The contingency fund will allow us to better meet these unexpected emergencies.

28. TC Sprinkling – PD - \$85,470

The TC unit houses 60 inmates who are undergoing chemical addiction treatment. The building was constructed in 1982 as a minimum-security building outside the prison, and because it was minimum-security, we did not include a fire sprinkling

system, as the doors to the building did not need to be locked. In 1992, we converted this to medium security and constructed a double fence around the perimeter. Because the building is not sprinkled, we must, by fire code, leave the exit doors with panic bars (unsecured) in case of a fire. This causes security concerns, and medium-security inmates can now exit the building. We did have one inmate escape from that facility in 1998. The sprinkler system would allow us to secure all the exits during evening hours when less staff are present. We are asking that you reinstate the \$85,470 so we can install the sprinkling system for safety reasons and to improve security to the area.

29. JRCC Ventilation – PD - \$23,000

The House also cut \$23,000 from our request to improve air ventilation to the west side of the ground floor of the ET building at JRCC. This building is not air conditioned for the administrative staff who must work in that area and the \$23,000 will allow for cooling, plus provide adequate make-up air and ventilation.

30. Alternatives to Incarceration - \$149,800

We ask that the Senate reinstate \$149,800 in general fund to the Alternatives to Incarceration program that was removed by the House. The House arbitrarily removed the money. We will not be able to divert as many people from prison as we had hoped with less money available to us (6-7 prison bed days).

31. Extraordinary Repairs – YCC - \$76,400

Caulking of Various Buildings - \$10,000

Caulking of the administration/school building, Maple Cottage, powerhouse, and Hickory Cottage.

Asbestos Removal - \$29,000

The removal of asbestos from Pine Cottage and the old apartments so they can be demolished.

Demolition of Campus Buildings - \$37,400

The buildings included in this demolition include old staff apartments west of the campus. It also includes the tearing down of a house and garage on the north side of the campus.

32. Divine Hall Renovations - \$120,000

The improvements in Divine Hall include the following: tuck pointing, windows, a heating system, downspouts, and re-roofing.

Narrative For Priorities

1. **Equipment for Central Office - \$6,750** The equipment included for Central Office all relates to technology. The proposed \$6,750 cut in the equipment line would impact the JRCC facility's ability to connect to the DOCR inmate information system.
2. **Operating Expenses for Central Office - \$3,682** The House indicated the cuts were to be identified by the Department. Since many of the operating expenses are for fixed costs or to meet legal responsibilities, such as training, the proposed \$3,682 cut in operating expenses would impact professional fees included for the DOCR Y2K efforts in upgrading the current inmate information system software.
3. **Medical Expenses for YCC - \$32,200** It is critical that these medical fees are restored in order that YCC can maintain the present level of medical services to the juveniles during the next biennium. This includes physician services, prescriptions, psychiatric services, psychological services and nursing coverage.
4. **Extraordinary Repairs at YCC - \$39,500** This includes three (3) projects; Life safety system – Administration Building - \$19,000; Parking Lot Repair - \$9,000 and the removal of asbestos from Hickory Cottage - \$11,500
5. **Supervision Fee Program – Field Services - \$108,000** We ask that the Senate reinstate \$108,000 in general funds (reduce \$108,000 in other funds),. This will allow the department to begin the recommended changes to the program on January 1, 2001. By January 1, 2001 approximately 81 % of offenders will be subject to the higher supervision fee of \$36.00. This rate will correspond with the \$6 per hour rate that will be used for community service worked in lieu of paying the fee. **Section 6 of the bill must be amended to reflect the fee change to \$36 and the delayed effective date.**
6. **DJS Community Programs - \$83,000** The House cut \$83,000 (approximately 10%) from the following three prevention programs; Intensive In-Home Match - \$114,000; Day Treatment - \$480,000; and Diversified Occupations - \$206,820, for a total of \$800,820. Because these are community programs and all match either local or Federal Funds, it is impossible to cut funding without discontinuing ongoing programs in a particular community. This cut would, for example, eliminate two (2) day treatment programs in two (2) schools for the biennium.
7. **CO Work Supervisor – JRCC (PD) - \$57,695** We did not adequately fund work and educational programs during the first year of operation, and, consequently, the JRCC has a problem with too few activities to keep the inmates productive. Without adding back this position, we won't have staff available to supervise the yard crew.
8. **Two Administrative Secretaries – Field Services - \$137,284**
Temporary Salary Dollars for Secretaries – (\$38,436) Field Services is in great need of secretarial support in the two regions (Grand Forks and Fargo) where it had planned to assign the two new secretarial positions. The work required is too technical for temporary help.
9. **Equipment – YCC and DJS - \$19,500** (Only requesting the authority to spend other funds (a grant) if received during the biennium.) **Tractor - \$5,000** YCC had received estimates that a

replacement tractor would cost from \$15,000 to \$18,000. YCC requested \$15,000 and the House reduced the request to \$10,000. **Computers - \$14,500** DJS is presently converting its data collection system. It is critical that DJS is able to purchase the proposed new and replacement computers in order that both YCC and DJS Community can efficiently utilize the updated system.

10. **5th and 6th Floor Renovation** Remodeling the top two floors of the JRCC housing unit at a cost of \$2,353,000 will allow the Department to house 110 more inmates. Of this cost, \$1,913,531 is federal "crime bill" dollars, and \$439,469 is general fund money. Renovation is estimated to be completed by November 1, 2000. Completing this project rather than contracting for inmate housing will result in general fund savings of \$548,367 in the 1999-2001 and \$2,615,100 savings in the 2001-2003 biennium. **Section 4 of the engrossed bill needs to be amended or deleted.**
11. **5th & 6th Floor Positions - \$857,345** The renovation of the 5th and 6th floors will require 20 new staff to supervise the additional 110 inmates that will be housed there. The 20 positions will provide for 2 officers per floor during the night shift and a case manager on each floor 8 hours per day, 5 days per week. Staff will be hired to begin employment (training) October 1, 2000.
12. **Contracting Housing for Inmates – PD - \$262,420** The amount included in the engrossed bill by the House for contracting represents the House version of assumptions for inmate growth and assumes that the 5th and 6th floors not be renovated. Using the DOCR assumptions for inmate population growth and assuming that the 5th and 6th floors are renovated, \$262,420 must be added to the contradicting line (\$2,923,460 - 2,661,040) – see schedules.
13. **Fence Around the N Penitentiary Perimeter – PD - \$198,000** Funding was included in the Department's 1997-99 biennium appropriation to add fencing and electronic detection devices on the north perimeter of the penitentiary, but due to unexpected costs for the JRCC completion, this funding was needed to complete the Jamestown project. There continues to be a security concern with the current situation of using the exterior wall of the Industries building as the penitentiary's secure perimeter. The fencing project would place a double fence around that building, completing the double fence around the entire institution. This also includes funding to complete the second phase of adding electronic detection devices to the fence perimeter in areas on the north, south, and west fences.
14. **Community Corrections Agent (CCA) - \$55,555** Based upon Field Service's need for CCA positions, this CCA FTE would be split between Rolla and Devils Lake. The CCA would be assigned to low risk cases, allowing Parole officers to concentrate on their high-risk cases. This is critical in Rolla and Devils Lake because both districts have only one parole officer assigned to it and each has a very large caseload of high-risk offenders.
15. **Parole Officer (2nd Year of Biennium) - \$47,049** This Parole Officer would be assigned to the Fargo district. Fargo's offender base grows at over 15 percent each year. Even with the additional position, we will see case loads of high-risk offenders grow in Fargo.
16. **Reduce penitentiary parking lot funding – (\$100,000)** The House left \$100,000 in funding to construct a new parking lot next to the deputy warden's house. This would only be a bandage

solution and would not address our safety concerns with the current parking lot. We recommend cutting this funding.

17. **YCC 12-month School and 1.5 FTE - \$12,094 – Funding Source Change** This amendment will correct a funding source change. It adds \$12,094 in other funds and reduces general funds by \$12,094.
20. **Correctional Officer Work Supervisor JRCC – PD - \$57,695** This position would supervise the interior paint and maintenance crew.
23. **Funding for JRCC Parking Lot – PD - \$31,000** Without the additional \$31,000, we will not be able to properly light the employee lot, or construct the visitor parking lot on a portion of the hospital grounds that is more accessible from public roads, closer to the front entrance, and away from the inmate recreation areas.
25. **JRCC Forensic, Entrance Renovation – PD - \$125,000** We had requested \$325,000 to complete 3 projects at the JRCC. The House removed \$125,000 from the request, leaving \$200,000 to make these three renovations. Those projects were: (1) construct a building to process visitors through the front gate and provide microwave detection system by the front gate (\$180,000); (2) develop security barriers between the inmates and the inmate visitors in the Forensic Unit (\$75,000); and (3) replace the twenty-year old camera system in the Forensic Unit (\$70,000).. We are requesting that the \$125,000 be reinstated so we can replace the camera system and complete the rest of the proposed renovation to the Forensic Unit lobby
26. **Security Improvements at JRCC – PD - \$21,000** The Governor's budget included \$121,000 to construct a separate recreation yard for the female inmates at the JRCC, add security man-barrier and cameras along the top of the Forensic Unit building and adjacent tunnel, and to install security grid ceiling tiles in hallways and the dayrooms on the housing floors. The House removed \$21,000 from this request. This would eliminate the funds to replace the acoustic ceiling tiles with the more secure grid tiles.
29. **JRCC Ventilation – PD - \$23,000** The House also cut \$23,000 from our request to improve air ventilation to the west side of the ground floor of the ET building at JRCC. This building is not air conditioned for the administrative staff who must work in that area and the \$23,000 will allow for cooling, plus provide adequate make-up air and ventilation.

Program: EXTRAORDINARY REPAIRS

Reporting Level: 01-530-500-03-54-70-74

Priority	Project Description	Line	Funding Request			
			General	Federal	Special	Total
101	Forensic Unit Cell Improvements	75	49,500			
102	Contingency Fund Based on 25 percent of Building Values	75	127,000			
103	Chiller Retrofit and Overhaul	75	36,200			
104	Roof Repairs, Gym and Building B	75	28,500			
105	Black Top Road to MRCC and Miscellaneous Road Repairs	75	116,500			
106	Tuck Point Repairs W.H. and E.C.H.	75	23,000			
107	Utility Metering - JRCC	75	21,000			
108	Surveillance, Perimeter, Tunnels	75	134,000			
109	Asbestos Abatement and Recarpet - Administration Building	75	35,000			
110	Generator Set Repairs - MRCC	75	5,700			
111	T.C. Unit Perimeter Improvements	75	19,000			
112	Server Backbone to Purchasing Building	75	13,300			
113	ADA - Pen JRCC, MRCC	75	27,700			
114	Life Safety Update and Retrofits	75	16,000			
115	Master Plan - JRCC	75	18,000			
116	Paint Projects	75	62,000			
117	Surge and Brown Out Protection - DOCR	75	28,750			
118	Lighting Retrofit - RRI - B	75	18,700			
119	Ventilation, Isolation Cells, Medical Unit, Pharmacy	75	13,500			
120	Emergency Management System Computer JC8500, Update	75	40,100			
121	Simplex Fire Alarm System Upgrade	75	44,000			
122	Ventilation System - JRCC, Administration Area	75	23,000			
123	Recreation Lighting - MRCC	75	5,100			
124	T.C. Unit Sprinkler System	75	85,470			
125	Infirmery Improvements - Operating Rooms for Minor Surgery	75	65,000			
126	Food Service, Floor Covering and Ceiling Repair, Dish Tank	75	14,800			
127	Temperature Controls - T.C. Unit	75	19,200			
128	Roof and Gutter, Protection - T.C. Unit	75	11,000			
129	Duct Cleaning	75	22,200			
130	Security Cameras - MRCC	75	60,500			
131	Resurface Black Top - Recreation Area	75	17,900			

DOCR
 Repairs

Program: EXTRAORDINARY REPAIRS	Reporting Level: 01-530-500-03-54-70-74
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Priority	Project Description	Line	Funding Request			
			General	Federal	Special	Total
132	Replace Carpet - MRCC - Commons Area/Lobby	75	14,000			
REPORTING LEVEL TOTAL			1,215,620	0	0	0



DEPARTMENT OF CORRECTIONS AND REHABILITATION

3303 East Main, PO Box 1898 • Bismarck, ND 58502-1898
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MEMO

TO: Human Resources Division of the House Appropriations Committee
FROM: *Linda Houfek* Linda Houfek, Director of Human Resources
DATE: 1/26/1999
RE: Status of FTE's Shown as Vacant for the DOCR

I have reviewed the position listings from the December 1998 payroll and will address the vacancies in each Division.

Prisons Division

Division 519 ND State Penitentiary

1) 530-519-0611 Correctional Officer II 1.00 FTE

- vacated 10/1/98
filled 1/1/99

2) 530-519-0627 Correctional Officer II 1.00 FTE

- vacated 11/30/98
will fill by 2/1/99 from pool of existing staff

3) 530-519- 0495 Licensed Practical Nurse .20 FTE

The incumbent in this position is a .80 FTE. The rest of the position has been filled with temporary staff as it is difficult to recruit a .20 FTE and the NDSP uses the additional temporary nursing staff to provide for 24 hour coverage .

DOCR
employee

Division 518 James River Correctional Center

1) 530-518-0835 Registered Nurse II 1.00 FTE

- vacated 11/20/98
filled 1/4/99

2) 530-518-0861 Addiction Counselor II 1.00 FTE

This is a new position for the JRCC. It is funded with a recently acquired grant. The The Emergency Commission approved the additional FTE and the Hiring Council gave approval to hire in 12/98. The position has been advertised and the expected hire date is mid February 99. This is position 0988 in the new biennium.

3) 530-518-0862 Addiction Counselor II 1.00 FTE

(same as position 530-518-0861) This is position 0989 in the new biennium.

4) 530-518-0950 Correctional Officer I 1.00 FTE

- vacated 11/26/98

Temporary staff is currently performing these duties. It has been the practice of the Prisons Division to use temporary staff to underfill the Correctional Officer positions for a couple of months, in order to observe their performance and fit for the job, prior to placing them in an authorized position.

5) 530-518-0953 Correctional Officer I 1.00 FTE

- vacated 11/16/98
(same as position 530-518-0950)

Division 520 Penitentiary Industries

(see enclosure)

502 Division of Field Services

1) 530-502-0040 Community Corrections Agent .50 FTE (Not a Vacant Position)

This position is being split (.50 & .50) between the Division of Field Services and the Division of Juvenile Services both divisions within the Department of Corrections. We have been told by the OMB payroll office that we cannot issue two checks to one individual within the same Department. Therefore we have assigned the individual in the positions to the Field Services Division as a full-time FTE (530-502-0040) for 97/98 and to the Juvenile Services Division as a full-time FTE (530-530-0191) for 98/99. Thus the Division of Juvenile Services shows a 1.00 FTE on the Agency Position Listing for position 530-530-0191 in 12/98 and the Division of Field Services shows a vacancy of .50 FTE (although filled) for position 530-502-0040.

- 2) 530-502-0060 Parole and Probation Officer II 1.00 FTE

This is a new position for the Division and the Hiring Council in 12/98 approved filling it. It has been advertised externally and the Division is in the interviewing process. It is anticipated that the position will be filled by 2/1/99. This is position 0076 in the new biennium.

Division of Juvenile Services

530 Community Services

- 1) .50 FTE

This portion of an FTE is assigned to other existing part-time FTEs (Juvenile Corrections Specialists) based on caseload need. Plans are to assign this to the Grand Forks office once caseloads for that area are reassessed based on post flood numbers. This is position 0193 in the new biennium (.50 of the 1.00 has been assigned to position 0190 in the current biennium). The additional FTE will be assigned by 4/1/99.

223 Youth Correctional Center

- 1) .17 FTE

In the new biennium this has been added to an existing part-time teacher position to increase the FTE for that position. This is assigned to position 0296 in the new biennium.

DOCR Central Office (530)

- 1) 530-530-2003 Administrative Officer II .50 FTE

- vacated 1/97

This position has been unfunded for the new biennium.

If you have any questions on this information, please call me at 86102.

Rough Rider Industries
Vacant Positions
1/20/99

POS#	Class Description	Date Vacated	Anticipated Fill Date	Comments
0352	DP Coordinator I	5/19/98	7/1/99	Reclass to supervise new industry at the MRCC
0375	Indust. Production Apprentice	New	7/1/99	Fill when activity warrants at the JRCC
0379	Administrative Secretary III	New	1/22/99	Interviews are in progress.
0380		New	11/1/99	Fill when activity warrants at the JRCC
0381		New	3/1/00	Fill when activity warrants at the JRCC
0382		New	12/1/99	Fill as Storekeeper I when a driver is needed

Since Rough Rider Industries operates with self-generated revenue, a prime consideration in filling these positions is making sure that the funds are there to support the new people hired. With the increased prison population, RRI is working to find employment for more inmates. As inmate job numbers grow, RRI will fill the above positions to provide supervision and security as necessary.

OPTIONAL ADJUSTMENTS SUMMARY

530 DEPT OF CORRECTIONS & REHABILITATION
 Version: 1999-0530-B-01

Sorted by Program

Page: 1 of 4
 Date: 1/20/1999
 Time: 8:36:06

Priority	Optional Adjustment	Reporting Level	FTE Change	Federal Fund	Special Fund	General Fund	Total Adjustment
40	Rsrch Analyst III/Assoc Exp. - Centl Ofc	01-530-130-00-00-00-00	1.00	0	0	80,767	80,767
41	Prison Population Forecast Module - DOCR	01-530-130-00-00-00-00	0.00	0	0	37,000	37,000
57	Satellite System-DOCR Training Program	01-530-130-00-00-00-00	0.00	3,600	0	1,400	5,000
58	Satellite Sys. Enhance. - DOCR Trng Prog	01-530-130-00-00-00-00	0.00	2,880	0	1,120	4,000
59	Video Conferencing - DOCR	01-530-130-00-00-00-00	0.00	0	0	30,000	30,000
18	Extraordinary Repairs - YCC	01-530-200-23-24-00-00	0.00	0	0	190,800	190,800
19	Equipment - YCC	01-530-200-23-24-00-00	0.00	0	0	119,771	119,771
67	Technology Coordinator - YCC	01-530-200-23-24-00-00	1.00	0	0	63,681	63,681
68	Tech Operating - YCC	01-530-200-23-24-00-00	0.00	0	0	30,081	30,081
96	Major RepairProjects - YCC	01-530-200-23-24-00-00	0.00	0	0	75,000	75,000
6	Inst. Med. Fees - YCC	01-530-200-23-25-00-00	0.00	0	0	50,000	50,000
7	Psychiatrist Services - YCC	01-530-200-23-25-00-00	0.00	0	0	57,600	57,600
8	Psychologist Services - YCC	01-530-200-23-25-00-00	0.00	0	0	48,000	48,000
9	Medical Expenses - YCC	01-530-200-23-25-00-00	0.00	0	0	95,000	95,000
11	Nurse (LPN) - YCC	01-530-200-23-25-00-00	0.00	0	0	41,600	41,600
31	Twelve Month School - YCC	01-530-200-23-26-00-00	3.57	0	0	320,912	320,912
42	Target Teacher Salary Schedule - YCC	01-530-200-23-26-00-00	0.00	0	0	156,986	156,986
12	Tracking Services - Juv Comm Svcs	01-530-200-28-00-00-00	0.00	0	0	170,000	170,000
13	Diversified Occupations - Juv Comm Svcs	01-530-200-28-00-00-00	0.00	0	0	206,820	206,820
14	ND Partnership Project - Juv Comm Svcs	01-530-200-28-00-00-00	0.00	0	0	74,080	74,080
15	Delinq. Prev. Consortium - Juv Comm Svcs	01-530-200-28-00-00-00	0.00	100,000	100,000	0	200,000
35	Release Team - FS	01-530-500-02-52-00-00	3.00	0	0	241,633	241,633
39	Crime Victim Coordinator - FS	01-530-500-02-52-00-00	1.00	72,977	0	18,244	91,221
32	Low-Risk Supervision - FS	01-530-500-02-53-00-00	3.50	0	0	602,735	602,735
33	Admin Secretaries - FS	01-530-500-02-53-00-00	3.00	0	0	202,735	202,735
34	3 New Parole Officer II - FS	01-530-500-02-53-00-00	3.00	0	0	211,375	211,375
36	Revocation Center - FS	01-530-500-02-53-00-00	3.00	360,000	0	891,800	1,251,800
37	Alternatives to Incarceration - FS	01-530-500-02-53-00-00	0.00	0	0	2,149,800	2,149,800
38	LAC for Fargo - FS	01-530-500-02-53-00-00	1.00	0	0	87,678	87,678

OPTIONAL ADJUSTMENTS SUMMARY

530 DEPT OF CORRECTIONS & REHABILITATION

Version: 1999-0530-B-01

Page: 2 of 4
 Date: 1/20/1999
 Time: 8:36:06

Priority	Optional Adjustment	Reporting Level	FTE Change	Federal Fund	Special Fund	General Fund	Total Adjustment
10	Institutional Medical Fees	01-530-500-03-54-00-00	0.00	0	0	150,000	150,000
16	Equipment - Prisons Division	01-530-500-03-54-00-00	0.00	0	0	124,219	124,219
17	Extraordinary Repairs - Prisons Division	01-530-500-03-54-00-00	0.00	0	0	382,320	382,320
20	JRCC 5th & 6th Floor - Staff & Operating	01-530-500-03-54-00-00	20.00	0	0	1,453,833	1,453,833
25	Account Technician II - JRCC	01-530-500-03-54-00-00	1.00	0	0	55,047	55,047
27	Registered Nurse II - NDSP	01-530-500-03-54-00-00	2.00	0	0	138,207	138,207
44	Administrative Secretary II - NDSP	01-530-500-03-54-00-00	0.25	0	0	17,689	17,689
45	Cook II - MRCC	01-530-500-03-54-00-00	0.50	0	0	26,029	26,029
47	Painter II - NDSP	01-530-500-03-54-00-00	1.00	0	0	55,698	55,698
49	Stores Clerk - NDSP	01-530-500-03-54-00-00	0.50	0	0	22,893	22,893
50	Pharmacist I - NDSP	01-530-500-03-54-00-00	0.50	0	0	51,402	51,402
51	Administrative Secretary II - JRCC	01-530-500-03-54-00-00	1.00	0	0	47,183	47,183
52	Heating Plant Operator II - NDSP	01-530-500-03-54-00-00	0.50	0	0	31,492	31,492
53	Administrative Secretary III - NDSP	01-530-500-03-54-00-00	1.00	0	0	51,503	51,503
56	Medical Records Clerk II - NDSP	01-530-500-03-54-00-00	0.50	0	0	24,526	24,526
60	JRCC Accreditation	01-530-500-03-54-00-00	0.00	0	0	13,000	13,000
61	Computers & ISD Chrgs - MRCC, Tng Dept.	01-530-500-03-54-00-00	0.00	0	0	26,487	26,487
62	DOCR Server Connection - MRCC	01-530-500-03-54-00-00	0.00	0	0	17,200	17,200
63	Computers & ISD Charges - NDSP/Infirmary	01-530-500-03-54-00-00	0.00	0	0	5,886	5,886
64	DOCR Server Connection - NDSP/Infirmary	01-530-500-03-54-00-00	0.00	0	0	4,000	4,000
65	Inmate Info System Upgrade	01-530-500-03-54-00-00	0.00	0	0	35,000	35,000
66	Data Processing Coord. II - Prisons Dvsn	01-530-500-03-54-00-00	1.00	0	0	70,308	70,308
69	Electronic Equipment Tech. II - NDSP	01-530-500-03-54-00-00	1.00	0	0	59,396	59,396
72	Debit Card System	01-530-500-03-54-00-00	0.00	0	0	2,000	2,000
73	AFIS Maintenance Agreement	01-530-500-03-54-00-00	0.00	0	0	15,000	15,000
76	Food Svc Operator Supervisor II - NDSP	01-530-500-03-54-00-00	3.00	0	0	144,054	144,054
77	Safety Officer - JRCC	01-530-500-03-54-00-00	1.00	0	0	76,999	76,999
79	Medical Records Clerk II - JRCC	01-530-500-03-54-00-00	0.50	0	0	28,269	28,269
80	Remain. Extraord. Repairs - Prisons Dvsn	01-530-500-03-54-00-00	0.00	0	0	224,600	224,600

OPTIONAL ADJUSTMENTS SUMMARY

530 DEPT OF CORRECTIONS & REHABILITATION

Version: 1999-0530-B-01

Page: 3 of 4
 Date: 1/20/1999
 Time: 8:36:06

Priority	Optional Adjustment	Reporting Level	FTE Change	Federal Fund	Special Fund	General Fund	Total Adjustment
81	Telemedicine	01-530-500-03-54-00-00	0.00	0	0	230,000	230,000
82	Registrd Nurse II - NDSP	01-530-500-03-54-00-00	1.00	0	0	69,803	69,803
84	Training Officer III - JRCC	01-530-500-03-54-00-00	1.00	0	0	79,969	79,969
85	Administrative Secty III - NDSP	01-530-500-03-54-00-00	1.00	0	0	51,503	51,503
89	Computer/Cyclical Rplcemnt - Prisons Div	01-530-500-03-54-00-00	0.00	0	0	20,700	20,700
90	Printer/Cyclical Rplcmnt - Prisons Divsn	01-530-500-03-54-00-00	0.00	0	0	1,500	1,500
93	Dentist - DOCR	01-530-500-03-54-00-00	1.00	0	0	150,239	150,239
94	Dental Assistant - DOCR	01-530-500-03-54-00-00	1.00	0	0	46,357	46,357
95	Computers & ISD Chrgs - Prisons Division	01-530-500-03-54-00-00	0.00	0	0	44,145	44,145
102	Pharmacist I - JRCC	01-530-500-03-54-00-00	0.50	0	0	51,665	51,665
3	Treatment Services - Salaries & Operatin	01-530-500-03-57-00-00	14.00	0	0	1,788,901	1,788,901
4	Education Dept - Salaries & Operating	01-530-500-03-57-00-00	6.37	250,363	0	658,111	908,474
5	Institutional Work Programs	01-530-500-03-57-00-00	0.00	0	0	300,000	300,000
24	Addiction Counselor II - JRCC	01-530-500-03-57-00-00	2.00	0	0	147,470	147,470
28	Addiction Counselor II - NDSP	01-530-500-03-57-00-00	1.00	0	0	73,735	73,735
43	Social Worker - JRCC	01-530-500-03-57-00-00	1.00	0	0	67,967	67,967
48	Social Worker - NDSP	01-530-500-03-57-00-00	1.00	0	0	67,967	67,967
55	LD Instructor - JRCC	01-530-500-03-57-00-00	1.00	0	0	70,573	70,573
70	Legal Assistant II - NDSP	01-530-500-03-57-00-00	1.00	0	0	62,292	62,292
71	Social Wrkr - JRCC	01-530-500-03-57-00-00	1.00	0	0	67,967	67,967
74	Institutional Recreation Spec. - NDSP	01-530-500-03-57-00-00	2.00	0	0	121,404	121,404
78	Addiction Couns. II - NDSP	01-530-500-03-57-00-00	1.00	0	0	73,735	73,735
83	Mental Health Care Spec. II - NDSP	01-530-500-03-57-00-00	1.00	0	0	50,691	50,691
91	Social Worker II - NDSP	01-530-500-03-57-00-00	2.00	0	0	135,934	135,934
98	MMPI Software - Treatment Dept.	01-530-500-03-57-00-00	0.00	0	0	40,000	40,000
99	Choice Site License - Education Dept.	01-530-500-03-57-00-00	0.00	0	0	10,435	10,435
100	Optical Char. Recognition Machine - NDSP	01-530-500-03-57-00-00	0.00	0	0	1,000	1,000
101	Addiction Counslr II - NDSP	01-530-500-03-57-00-00	1.00	0	0	73,735	73,735
103	Computer Labs - NDSP	01-530-500-03-57-00-00	0.00	0	0	60,000	60,000

OPTIONAL ADJUSTMENTS SUMMARY

530 DEPT OF CORRECTIONS & REHABILITATION

Version: 1999-0530-B-01

Page: 4 of 4
 Date: 1/20/1999
 Time: 8:36:06

Priority	Optional Adjustment	Reporting Level	FTE Change	Federal Fund	Special Fund	General Fund	Total Adjustment
1	Correctional Officer I & II - Security	01-530-500-03-59-00-00	39.00	0	0	2,398,034	2,398,034
2	Correctional Caseworker - Unit Managemen	01-530-500-03-59-00-00	9.00	0	0	625,822	625,822
21	External Housing - Unit Management	01-530-500-03-59-00-00	0.00	0	0	4,085,300	4,085,300
22	Correctional Officer II - MRCC	01-530-500-03-59-00-00	5.00	0	0	281,600	281,600
23	Correctional Officer II - JRCC	01-530-500-03-59-00-00	4.00	0	0	225,280	225,280
26	Correctional Officer II - NDSP	01-530-500-03-59-00-00	3.00	0	0	168,960	168,960
29	Correctional Ofcr II - JRCC	01-530-500-03-59-00-00	2.00	0	0	112,640	112,640
30	Correctional Unit Case Manager - NDSP	01-530-500-03-59-00-00	1.00	0	0	74,140	74,140
46	Correctional Ofcr II - JRCC	01-530-500-03-59-00-00	3.00	0	0	168,960	168,960
54	Correctional Ofcr II - MRCC	01-530-500-03-59-00-00	1.00	0	0	56,320	56,320
75	Correctional Officer II - NDSP/JRCC	01-530-500-03-59-00-00	2.00	0	0	112,640	112,640
86	Correctional Caseworker - NDSP	01-530-500-03-59-00-00	1.00	0	0	68,541	68,541
87	Corr. Officer II - NDSP	01-530-500-03-59-00-00	3.00	0	0	168,960	168,960
88	Corr. Caseworker - NDSP	01-530-500-03-59-00-00	1.00	0	0	71,541	71,541
92	Correct'l Officer II - NDSP	01-530-500-03-59-00-00	1.00	0	0	56,320	56,320
97	PVC Card System	01-530-500-03-59-00-00	0.00	0	0	8,500	8,500
TOTAL ADJUSTMENTS			174.19	789,820	100,000	22,912,214	23,802,034

OPTIONAL ADJUSTMENTS SUMMARY

530 DEPT OF CORRECTIONS & REHABILITATION

Version: 1999-0530-B-01

Page 1 of 4
 Date: 2/13/1999
 Time: 11:42:02

Priority	Optional Adjustment	Reporting Level	FTE Change	Federal Fund	Special Fund	General Fund	Total Adjustment
1	Correctional Officer I & II - Security	01-530-500-03-59-00-00	39.00	0	0	2,398,034	2,398,034
2	Correctional Caseworker - Unit Management	01-530-500-03-59-00-00	9.00	0	0	625,822	625,822
3	Treatment Services - Salaries & Operatin	01-530-500-03-57-00-00	14.00	0	0	1,788,901	1,788,901
4	Education Dept - Salaries & Operating	01-530-500-03-57-00-00	6.37	250,363	0	658,111	908,474
5	Institutional Work Programs	01-530-500-03-57-00-00	0.00	0	0	300,000	300,000
6	Inst. Med. Fees - YCC	01-530-200-23-25-00-00	0.00	0	0	50,000	50,000
7	Psychiatrist Services - YCC	01-530-200-23-25-00-00	0.00	0	0	57,600	57,600
8	Psychologist Services - YCC	01-530-200-23-25-00-00	0.00	0	0	48,000	48,000
9	Medical Expenses - YCC	01-530-200-23-25-00-00	0.00	0	0	95,000	95,000
10	Institutional Medical Fees	01-530-500-03-54-00-00	0.00	0	0	150,000	150,000
11	Nurse (LPN) - YCC	01-530-200-23-25-00-00	0.00	0	0	41,600	41,600
12	Tracking Services - Juv Comm Svcs	01-530-200-28-00-00-00	0.00	0	0	170,000	170,000
13	Diversified Occupations - Juv Comm Svcs	01-530-200-28-00-00-00	0.00	0	0	206,820	206,820
14	ND Partnership Project - Juv Comm Svcs	01-530-200-28-00-00-00	0.00	0	0	74,080	74,080
15	Delinq. Prev. Consortium - Juv Comm Svcs	01-530-200-28-00-00-00	0.00	100,000	100,000	0	200,000
16	Equipment - Prisons Division	01-530-500-03-54-00-00	0.00	0	0	124,219	124,219
17	Extraordinary Repairs - Prisons Division	01-530-500-03-54-00-00	0.00	0	0	382,320	382,320
18	Extraordinary Repairs - YCC	01-530-200-23-24-00-00	0.00	0	0	190,800	190,800
19	Equipment - YCC	01-530-200-23-24-00-00	0.00	0	0	119,771	119,771
20	JRCC 5th & 6th Floor - Staff & Operating	01-530-500-03-54-00-00	20.00	0	0	1,453,833	1,453,833
21	External Housing - Unit Management	01-530-500-03-59-00-00	0.00	0	0	4,085,300	4,085,300
22	Correctional Officer II - MRCC	01-530-500-03-59-00-00	5.00	0	0	281,600	281,600
23	Correctional Officer II - JRCC	01-530-500-03-59-00-00	4.00	0	0	225,280	225,280
24	Addiction Counselor II - JRCC	01-530-500-03-57-00-00	2.00	0	0	147,470	147,470
25	Account Technician II - JRCC	01-530-500-03-54-00-00	1.00	0	0	55,047	55,047
26	Correctional Officer II - NDSP	01-530-500-03-59-00-00	3.00	0	0	168,960	168,960
27	Registered Nurse II - NDSP	01-530-500-03-54-00-00	2.00	0	0	138,207	138,207
28	Addiction Counselor II - NDSP	01-530-500-03-57-00-00	1.00	0	0	73,735	73,735
29	Correctional Ofcr II - JRCC	01-530-500-03-59-00-00	2.00	0	0	112,640	112,640

OPTIONAL ADJUSTMENTS SUMMARY

530 DEPT OF CORRECTIONS & REHABILITATION

Version: 1999-0530-B-01

Page 2 of 4
 Date: 2/13/1999
 Time: 11:42:02

Priority	Optional Adjustment	Reporting Level	FTE Change	Federal Fund	Special Fund	General Fund	Total Adjustment
30	Correctional Unit Case Manager - NDSP	01-530-500-03-59-00-00	1.00	0	0	74,140	74,140
31	Twelve Month School - YCC	01-530-200-23-26-00-00	3.57	0	0	320,912	320,912
32	Low-Risk Supervision - FS	01-530-500-02-53-00-00	3.50	0	0	602,735	602,735
33	Admin Secretaries - FS	01-530-500-02-53-00-00	3.00	0	0	202,735	202,735
34	3 New Parole Officer II - FS	01-530-500-02-53-00-00	3.00	0	0	211,375	211,375
35	Release Team - FS	01-530-500-02-52-00-00	3.00	0	0	241,633	241,633
36	Revocation Center - FS	01-530-500-02-53-00-00	3.00	360,000	0	891,800	1,251,800
37	Alternatives to Incarceration - FS	01-530-500-02-53-00-00	0.00	0	0	2,149,800	2,149,800
38	LAC for Fargo - FS	01-530-500-02-53-00-00	1.00	0	0	87,678	87,678
39	Crime Victim Coordinator - FS	01-530-500-02-52-00-00	1.00	72,977	0	18,244	91,221
40	Rsrch Analyst III/Assoc Exp. - Centl Ofc	01-530-130-00-00-00-00	1.00	0	0	80,767	80,767
41	Prison Population Forecast Module - DOCR	01-530-130-00-00-00-00	0.00	0	0	37,000	37,000
42	Target Teacher Salary Schedule - YCC	01-530-200-23-26-00-00	0.00	0	0	156,986	156,986
43	Social Worker - JRCC	01-530-500-03-57-00-00	1.00	0	0	67,967	67,967
44	Administrative Secretary II - NDSP	01-530-500-03-54-00-00	0.25	0	0	17,689	17,689
45	Cook II - MRCC	01-530-500-03-54-00-00	0.50	0	0	26,029	26,029
46	Correctional Ofc II - JRCC	01-530-500-03-59-00-00	3.00	0	0	168,960	168,960
47	Painter II - NDSP	01-530-500-03-54-00-00	1.00	0	0	55,698	55,698
48	Social Worker - NDSP	01-530-500-03-57-00-00	1.00	0	0	67,967	67,967
49	Stores Clerk - NDSP	01-530-500-03-54-00-00	0.50	0	0	22,893	22,893
50	Pharmacist I - NDSP	01-530-500-03-54-00-00	0.50	0	0	51,402	51,402
51	Administrative Secretary II - JRCC	01-530-500-03-54-00-00	1.00	0	0	47,183	47,183
52	Heating Plant Operator II - NDSP	01-530-500-03-54-00-00	0.50	0	0	31,492	31,492
53	Administrative Secretary III - NDSP	01-530-500-03-54-00-00	1.00	0	0	51,503	51,503
54	Correctional Ofc II - MRCC	01-530-500-03-59-00-00	1.00	0	0	56,320	56,320
55	LD Instructor - JRCC	01-530-500-03-57-00-00	1.00	0	0	70,573	70,573
56	Medical Records Clerk II - NDSP	01-530-500-03-54-00-00	0.50	0	0	24,526	24,526
57	Satellite System-DOCR Training Program	01-530-130-00-00-00-00	0.00	3,600	0	1,400	5,000
58	Satellite Sys. Enhance. - DOCR Trng Prog	01-530-130-00-00-00-00	0.00	2,880	0	1,120	4,000

OPTIONAL ADJUSTMENTS SUMMARY

530 DEPT OF CORRECTIONS & REHABILITATION

Version: 1999-0530-B-01

Page 3 of 4

Date: 2/13/1999

Time: 11:42:02

Priority	Optional Adjustment	Reporting Level	FTE Change	Federal Fund	Special Fund	General Fund	Total Adjustment
59	Video Conferencing - DOCR	01-530-130-00-00-00-00	0.00	0	0	30,000	30,000
60	JRCC Accreditation	01-530-500-03-54-00-00	0.00	0	0	13,000	13,000
61	Computers & ISD Chrgs - MRCC, Tng Dept.	01-530-500-03-54-00-00	0.00	0	0	26,487	26,487
62	DOCR Server Connection - MRCC	01-530-500-03-54-00-00	0.00	0	0	17,200	17,200
63	Computers & ISD Charges - NDSP/Infirmar	01-530-500-03-54-00-00	0.00	0	0	5,886	5,886
64	DOCR Server Connection - NDSP/Infirmar	01-530-500-03-54-00-00	0.00	0	0	4,000	4,000
65	Inmate Info System Upgrade	01-530-500-03-54-00-00	0.00	0	0	35,000	35,000
66	Data Processing Coord. II - Prisons Dvsn	01-530-500-03-54-00-00	1.00	0	0	70,308	70,308
67	Technology Coordinator - YCC	01-530-200-23-24-00-00	1.00	0	0	63,681	63,681
68	Tech Operating - YCC	01-530-200-23-24-00-00	0.00	0	0	30,081	30,081
69	Electronic Equipment Tech. II - NDSP	01-530-500-03-54-00-00	1.00	0	0	59,396	59,396
70	Legal Assistant II - NDSP	01-530-500-03-57-00-00	1.00	0	0	62,292	62,292
71	Social Wrkr - JRCC	01-530-500-03-57-00-00	1.00	0	0	67,967	67,967
72	Debit Card System	01-530-500-03-54-00-00	0.00	0	0	2,000	2,000
73	AFIS Maintenance Agreement	01-530-500-03-54-00-00	0.00	0	0	15,000	15,000
74	Institutional Recreation Spec. - NDSP	01-530-500-03-57-00-00	2.00	0	0	121,404	121,404
75	Correctional Officer II - NDSP/JRCC	01-530-500-03-59-00-00	2.00	0	0	112,640	112,640
76	Food Svc Operator Supervisor II - NDSP	01-530-500-03-54-00-00	3.00	0	0	144,054	144,054
77	Safety Officer - JRCC	01-530-500-03-54-00-00	1.00	0	0	76,999	76,999
78	Addiction Couns. II - NDSP	01-530-500-03-57-00-00	1.00	0	0	73,735	73,735
79	Medical Records Clerk II - JRCC	01-530-500-03-54-00-00	0.50	0	0	28,269	28,269
80	Remain. Extraord. Repairs - Prisons Dvsn	01-530-500-03-54-00-00	0.00	0	0	224,600	224,600
81	Telemedicine	01-530-500-03-54-00-00	0.00	0	0	230,000	230,000
82	Registrd Nurse II - NDSP	01-530-500-03-54-00-00	1.00	0	0	69,803	69,803
83	Mental Health Care Spec. II - NDSP	01-530-500-03-57-00-00	1.00	0	0	50,691	50,691
84	Training Officer III - JRCC	01-530-500-03-54-00-00	1.00	0	0	79,969	79,969
85	Administrative Secty III - NDSP	01-530-500-03-54-00-00	1.00	0	0	51,503	51,503
86	Correctional Caseworker - NDSP	01-530-500-03-59-00-00	1.00	0	0	68,541	68,541
87	Corr. Officer II - NDSP	01-530-500-03-59-00-00	3.00	0	0	168,960	168,960

OPTIONAL ADJUSTMENTS SUMMARY

530 DEPT OF CORRECTIONS & REHABILITATION

Version: 1999-0530-B-01

Page 1 of 4
 Date: 2/13/1999
 Time: 11:42:02

Priority	Optional Adjustment	Reporting Level	FTE Change	Federal Fund	Special Fund	General Fund	Total Adjustment
88	Corr. Caseworker - NDSP	01-530-500-03-59-00-00	1.00	0	0	71,541	71,541
89	Computer/Cyclical Rplcmnt - Prisons Div	01-530-500-03-54-00-00	0.00	0	0	20,700	20,700
90	Printer/Cyclical Rplcmnt - Prisons Divsn	01-530-500-03-54-00-00	0.00	0	0	1,500	1,500
91	Social Worker II - NDSP	01-530-500-03-57-00-00	2.00	0	0	135,934	135,934
92	Correct'l Officer II - NDSP	01-530-500-03-59-00-00	1.00	0	0	56,320	56,320
93	Dentist - DOCR	01-530-500-03-54-00-00	1.00	0	0	150,239	150,239
94	Dental Assistant - DOCR	01-530-500-03-54-00-00	1.00	0	0	46,357	46,357
95	Computers & ISD Chrgs - Prisons Division	01-530-500-03-54-00-00	0.00	0	0	44,145	44,145
96	Major RepairProjects - YCC	01-530-200-23-24-00-00	0.00	0	0	75,000	75,000
97	PVC Card System	01-530-500-03-59-00-00	0.00	0	0	8,500	8,500
98	MMPI Software - Treatment Dept.	01-530-500-03-57-00-00	0.00	0	0	40,000	40,000
99	Choice Site License - Education Dept.	01-530-500-03-57-00-00	0.00	0	0	10,435	10,435
100	Optical Char. Recognition Machine - NDSP	01-530-500-03-57-00-00	0.00	0	0	1,000	1,000
101	Addiction Counslr II - NDSP	01-530-500-03-57-00-00	1.00	0	0	73,735	73,735
102	Pharmacist I - JRCC	01-530-500-03-54-00-00	0.50	0	0	51,665	51,665
103	Computer Labs - NDSP	01-530-500-03-57-00-00	0.00	0	0	60,000	60,000
TOTAL ADJUSTMENTS			174.19	789,820	100,000	22,912,214	23,802,034

DEPARTMENT OF CORRECTIONS AND REHABILITATION - DETAIL OF HISTORIC AND BUDGETED UTILITY COSTS

The attached schedules provide detailed information regarding historic and budgeted utility usage and costs at the institutions of the Department of Corrections and Rehabilitation.

ATTACH:4

Duck
Utilities

UTILITIES COSTS - PENITENTIARY

	Actual 1996-97	Actual 1997-98	Estimated 1998-99	Estimated Total 1997-99 Biennium	Estimated 1999-2000	Estimated 2000-2001	Estimated Total 1999-2001 Biennium
Coal:							
1. Quantity (ton)	2,565	2,531	2,900	5,431	3,100	3,100	6,200
2. Unit Cost	\$17.49	\$17.95	\$18.00		\$17.50	\$18.00	
Subtotal	<u>\$44,862</u>	<u>\$45,431</u>	<u>\$52,200</u>	<u>\$97,631</u>	<u>\$54,250</u>	<u>\$55,800</u>	<u>\$110,050</u>
Heating Oil:							
1. Quantity (gallons)	N/A	N/A	4,000	4,000	N/A	4,100	4,100
2. Unit Cost			0.92			0.94	
Subtotal			<u>\$3,680</u>	<u>\$3,680</u>		<u>\$3,854</u>	<u>\$3,854</u>
Natural Gas:							
1. Quantity (dkt)	17,031	16,108	18,000	34,108	18,000	18,000	36,000
2. Unit Cost	3.81	3.74	3.65		4.25	4.68	
Subtotal	<u>\$64,909</u>	<u>\$60,308</u>	<u>\$65,700</u>	<u>\$126,008</u>	<u>\$76,500</u>	<u>\$84,170</u>	<u>\$160,670</u>
Electricity							
1. Quantity (kwh)	5,063,350	5,201,480	5,400,000	10,601,480	5,400,000	5,400,000	10,800,000
2. Unit Cost	\$0.051	\$0.050	\$0.051		\$0.052	\$0.055	
Subtotal	<u>\$258,167</u>	<u>\$260,074</u>	<u>\$275,400</u>	<u>\$535,474</u>	<u>\$280,800</u>	<u>\$297,000</u>	<u>\$577,800</u>
Water/Sewer/Solid Waste Removal	\$117,327	\$113,437	\$159,000	\$272,437	\$126,980	\$126,980	\$253,960
Telephone	\$55,657	\$57,397	\$58,232	\$115,629	\$58,658	\$58,658	\$117,316
Total Utilities	<u><u>\$496,060</u></u>	<u><u>\$491,216</u></u>	<u><u>\$562,012</u></u>	<u><u>\$1,053,228</u></u>	<u><u>\$542,938</u></u>	<u><u>\$570,662</u></u>	<u><u>\$1,113,600</u></u>

UTILITIES COSTS - JAMES RIVER CORRECTIONAL CENTER

	Actual 1996-97	Actual 1997-98	Estimated 1998-99	Estimated Total 1997-99 Biennium	Estimated 1999-2000	Estimated 2000-2001	Estimated Total 1999-2001 Biennium
Coal:							
1. Quantity	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2. Unit Cost							
Subtotal							
Heating Oil:							
1. Quantity (gallons)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2. Unit Cost (per gallon)							
Subtotal							
Natural Gas:							
1. Quantity (dkt)	N/A	N/A					
2. Unit Cost							
Subtotal ¹			\$59,352	\$59,352	\$71,352	\$96,352	\$167,704
Electricity							
1. Quantity (kwh)	N/A	N/A					
2. Unit Cost							
Subtotal ¹			\$64,380	\$64,380	\$70,380	\$116,076	\$186,456
Water/Sewer/Solid Waste Removal ¹	N/A	N/A	\$12,922	\$12,922	\$15,000	\$20,000	\$35,000
Telephone	N/A	N/A	\$23,670	\$23,670	\$26,509	\$26,508	\$53,017
Total Utilities	<u>\$0</u>	<u>\$0</u>	<u>\$160,324</u>	<u>\$160,324</u>	<u>\$183,241</u>	<u>\$258,936</u>	<u>\$442,177</u>

¹ Separate utility meters have not been installed for the James River Correctional Center. Actual and estimated utility costs are based on a percentage of State Hospital utility costs. The rate has been determined to be 20 percent for water, sewer, electricity, and heat, 50 percent for solid waste removal.

UTILITIES COSTS - MISSOURI RIVER CORRECTIONAL CENTER

	Actual 1996-97	Actual 1997-98	Estimated 1998-99	Estimated Total 1997-99 Biennium	Estimated 1999-2000	Estimated 2000-2001	Estimated Total 1999-2001 Biennium
Coal:							
1. Quantity	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2. Unit Cost							
Subtotal							
Propane:							
1. Quantity (gallons)	21,070	4,130	N/A	4,130	N/A	N/A	N/A
2. Unit Cost	\$0.792	\$0.572					
Subtotal	<u>\$16,696</u>	<u>\$2,366</u>		<u>\$2,366</u>			
Natural Gas:							
1. Quantity (dkt)	N/A	2,454	4,000	6,454	4,000	4,000	8,000
2. Unit Cost		4.13	4.22		4.29	4.49	
Subtotal		<u>\$10,132</u>	<u>\$16,880</u>	<u>\$27,012</u>	<u>\$17,160</u>	<u>\$17,960</u>	<u>\$35,120</u>
Electricity							
1. Quantity (kwh)	1,003,015	1,047,250	1,125,000	2,172,250	1,176,000	1,176,000	2,352,000
2. Unit Cost	\$0.052	\$0.052	\$0.052		\$0.054	\$0.058	
Subtotal	<u>\$52,157</u>	<u>\$54,457</u>	<u>\$58,500</u>	<u>\$112,957</u>	<u>\$63,504</u>	<u>\$68,208</u>	<u>\$131,712</u>
Water/Sewer/Solid Waste Removal	\$17,390	\$18,065	\$19,680	\$37,745	\$23,064	\$23,064	\$46,128
Telephone\1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Utilities	<u><u>\$86,243</u></u>	<u><u>\$85,020</u></u>	<u><u>\$95,060</u></u>	<u><u>\$180,080</u></u>	<u><u>\$103,728</u></u>	<u><u>\$109,232</u></u>	<u><u>\$212,960</u></u>

1 Telephone costs are included in the Penitentiary budget and are not accounted for separately.

UTILITIES COSTS - YOUTH CORRECTIONAL CENTER

	Actual 1996-97	Actual 1997-98	Estimated 1998-99	Estimated Total 1997-99 Biennium	Estimated 1999-2000	Estimated 2000-2001	Estimated Total 1999-2001 Biennium
Coal:							
1. Quantity	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2. Unit Cost							
Subtotal							
Heating Oil:							
1. Quantity (gallons)	2,017	1,080	2,000	3,080	2,000	2,000	4,000
2. Unit Cost	\$0.867	\$1.15	\$1.15		\$1.00	\$1.00	
Subtotal	\$1,749	\$1,242	\$2,300	\$3,542	\$2,000	\$2,000	\$4,000
Natural Gas:							
1. Quantity (dkt)	18,211.2	22,320.2	22,320.0	44,640.2	23,000.0	23,000.0	46,000.0
2. Unit Cost	\$2.66	\$2.52	\$2.52		\$2.55	\$2.55	
Subtotal	\$48,503	\$56,138	\$56,246	\$112,384	\$58,650	\$58,650	\$117,300
Electricity							
1. Quantity (kwh)	1,080,000	1,089,600	1,089,600	2,179,200	1,083,600	1,137,780	2,221,380
2. Unit Cost	\$0.053	\$0.052	\$0.053		\$0.055	\$0.055	
Subtotal	\$57,360	\$56,941	\$57,749	\$114,690	\$59,598	\$62,578	\$122,176
Water/Sewer/Solid Waste Removal	\$18,982	\$21,271	\$26,554	\$47,825	\$23,940	\$25,137	\$49,077
Telephone	\$31,415	\$33,311	\$49,380	\$82,691	\$49,360	\$49,360	\$98,720
Total Utilities	<u>\$158,009</u>	<u>\$168,903</u>	<u>\$192,229</u>	<u>\$361,132</u>	<u>\$193,548</u>	<u>\$197,725</u>	<u>\$391,273</u>

HOUSE APPROPRIATIONS COMMITTEE
JACK DALRYMPLE, CHAIRMAN
JANUARY 7, 1999

WARREN R. EMMER, DIRECTOR
DEPARTMENT OF CORRECTIONS
FIELD SERVICES DIVISION
TESTIMONY IN SUPPORT OF HB 1016

I. OVERVIEW – THE COMMUNITY SIDE OF THE DEPARTMENT OF CORRECTIONS

- A. Serve the District Court
1. Supervise 2,650 probation offenders
 2. Conduct 739 ordered investigations
 3. Collect fees, fines and costs (all costs including supervision fees and in-kind services) GRAPH (see attachment #1)
- B. Serve the Parole and Pardon Advisory Boards
1. Supervise 168 parole offenders
 2. Conduct 2,770 ordered investigations
- C. Serve the Department of Corrections and Rehabilitation (DOCR)
1. Manage and supervise 77% of all DOCR offenders
 2. Manage contract halfway house and revocation center programming
 3. Provide 2,770 offender sentencing reports to prison division
- D. Serve Victims
1. Pass through agency for \$450,199 crime victims compensation, \$1,261,683 VOCA and \$200,000 CVA
 2. Collect \$1,539,898 restitution
 3. Primary contact to provide victims with offender information
 4. Provide victim forum at Parole and Pardon Advisory Boards
- E. Serve Community
1. Serve as a partner with law enforcement and social service agencies to enhance public safety
 - a. Arrest/return 704 offenders annually
 - b. Conduct 13,350 urinalysis annually
 - c. Conduct hundreds of warrantless searches annually
 - d. Assist agencies with important information
 2. Develop and provide \$400,000 in funding for local/regional community service and restitution programs

Field
Services

II. DOCR RISK MANAGEMENT PHILOSOPHY

A. Offender Placement

1. Riskiest offenders need to be in prison
2. Less risky offenders should not be in prison
3. DOCR believes current population placement is skewed
 - a. Some of the riskiest offenders are not in prison
 - b. Some low risk offenders are in prison
 - c. Need to move low risk offenders out of prison to make room for high risk offenders

B. Community Offender Supervision

1. Deprioritize low risk offenders (bottom 20%)
2. Enhance supervision/programming for high risk offenders (middle 60-70%)
3. Prioritize surveillance for highest risk offenders (10-20%)

III. SPECIALIZED PROGRAMMING THAT COMPLIMENTS DOCR'S RISK MANAGEMENT PHILOSOPHY (see attachment #2)

- A. Revocation Center
- B. Last Chance Program
- C. Community Placement Program
- D. Jail for Parole Violators
- E. House Arrest/Home Detention
- F. Halfway House
- G. Three Day Parole Detention
- H. Day Reporting
- I. $\frac{3}{4}$ House (DOCR Rooms)

IV. ADDITIONAL STAFFING (see attachment #3)

- A. 3 FTE Secretaries
- B. 3.5 FTE Community Corrections Agents
- C. 3 FTE Parole/Probation Officers
- D. 1 FTE Addiction Counselor
- E. 3 FTE Release Team
- F. 1 FTE Crime Victim Coordinator
- G. Budgetary Changes (see attachment #4)
- H. Montana and Wyoming Comparisons

1999 - 2001 Biennial Budget New FTE by Optional Adjustment - 12/30/98				
Community Offender Services Program				General Fund
				Salary/Benifits
3 FTE	Administrative Secretaries	1 FTE Grand Forks	49,206	
		1 FTE Fargo	49,206	
		1 FTE Bismarck	49,206	
3.5 FTE	Community Corrections Agents	1 FTE West Fargo	54,590	
		.5 FTE Rolla	31,377	
		.5 FTE Devils Lake	32,458	
		.5 FTE Grafton	32,458	
		1 FTE Mandan	54,590	
3 FTE	Parole Officer II	2 FTE starting 7-1-99	151,641	
		1 FTE starting 7-1-00	37,420	-
1 FTE	LAC	1 FTE Fargo	81,772	2.2 -
10.5 FTE	Total New COSP FTE		623,924	2.5 -
Institutional Offender Services Program				
3 FTE	Release Team	2 FTE PO III	178,595	
		1 FTE Admin Sec	49,206	
1 FTE	Crime Victim Coordinator	1 FTE Bismarck	16,207	
4 FTE	Total New IOSP FTE		244,008	

public safety

add counsel -

2.5 - make it work.

help victims

ATTACHMENT #5

Wyoming Parole & Probation Jerry Pieper - 307-777-7470		
	7/1/98 to 6/30/00	FTE
Biennial Budget		
Total	17,415,534	123
General	17,415,534	
Federal	0	
Special	0	
	7/1/98 to 6/30/00	FTE
Program		
Admin/Traditional P & P	7,964,892	101
Four 1/2 Way Houses	6,159,270	1
County Jail Sentences	820,000	0
ISP	2,471,372	21
Total by Program	17,415,534	123
Wyoming Parole & Probation Count as of 6/30/98		
	6,797	

Montana Community Corrections Becky Buska - 406-444-6949				
	7/1/97 to 6/30/99	FTE	7/1/99 to 6/30/01	FTE
Biennial Budget				
Total	30,424,415	183.0	41,371,190	228.0
General	30,424,415		41,342,390	
Federal	0		0	
Special	0		28,800	
	7/1/97 to 6/30/99	FTE	7/1/99 to 6/30/01	FTE
Program				
Pardon Board	580,889	6.0	623,067	8.0
Pre-Release	12,453,350	0.0	18,581,430	0.0
Admin	1,332,963	8.0	1,508,733	8.0
Boot Camp	2,244,126	25.5	2,593,710	25.5
Parole/Probation	13,813,087	143.5	18,064,250	186.5
Total	30,424,415	183.0	41,371,190	228.0
Montana Parole & Probation Count as of 6/30/98				
	5,729			

ND Field Services Division Charles Placek - 701-328-6198				
	7/1/97 to 6/30/99	FTE	7/1/99 to 6/30/01	FTE
Biennial Budget				
Total	9,590,889	55.25	13,468,545	69.75
General	5,481,758		9,490,660	
Federal	3,309,131		2,718,620	
Special	800,000		1,259,265	
	7/1/97 to 6/30/99	FTE	7/1/99 to 6/30/01	FTE
Program				
Victim Services	3,104,399	1.50	2,610,550	1.50
Institutional Offender Services	321,991	4.05	828,335	8.05
Community Offender Services	6,164,499	49.70	10,029,660	60.20
Total	9,590,889	55.25	13,468,545	69.75
North Dakota Parole & Probation Count as of 6/30/98				
	3,160			

ADULT SERVICES

Division of Field Services

A) Victim Services

> 2 percent salary increases per year instead of 3 percent \$1,942

B) Institutional Offender Services

> 2 percent salary increases per year instead of 3 percent \$8,981

C) Community Offender Services

1) 2 percent salary increases per year instead of 3 percent \$ 61,334

2) Reduced funding for various programs that provide alternatives to incarceration (see attached report). 149,800

3) Eliminated the following four (4.00) FTE's and associated operating expenses. 201,482

a) Two (2.00) Admin. Secretary III positions	\$95,436
Removed related operating expenses	41,848
Added funding for Temporary Salaries	(38,436)

b) One (1.00) Community Corrections Agent	\$53,024
Removed related operating expenses	2,531

c) One (1.00) Parole & Probation Officer II	36,657
Removed related operating expenses	10,422

Total \$412,616

D) Parole Supervision Fees

>An amendment was included that increased by \$144,000 the anticipated revenue from Parole supervision fees based on increasing fees from \$30 to \$35 per month as provided in Section 6 of the bill. This amendment reduced the general fund by the same amount (please see our proposed amendment).

E) TOTAL FIELD SERVICES DIVISION \$423,539

1) General Fund	\$567,539
2) Estimated Income	(144,000)

<p>Last Chance Program: This will be a pilot program. It is an intermediate measures intervention designed for offenders in the Fargo area. This program will target parole and probation cases that have technically violated terms of their supervision and would, if an intervention was not implemented, face revocation. This program would require participating offenders to reside in a structured home confinement program. A licensed addiction counselor would also provide necessary treatment related intervention as well as cognitive restructuring programming. The calculation is as follows:</p> <ul style="list-style-type: none"> • Candidates 75.0 • Return rate of 30% after 100 days <u>-22.5</u> <li style="padding-left: 100px;">52.5 • 167 days x 52.5 8,760 	<p style="text-align: right;">\$87,678</p> <p style="text-align: right;">8,760 prison days</p> <p style="text-align: center;"><u>BEDS SAVED</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><u>Now</u></td> <td style="width: 50%; text-align: center;"><u>99-01</u></td> </tr> <tr> <td style="text-align: center;">0</td> <td style="text-align: center;">13</td> </tr> <tr> <td></td> <td style="text-align: center;">add'l</td> </tr> </table>	<u>Now</u>	<u>99-01</u>	0	13		add'l																		
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<p>Alternatives to Incarceration:</p> <ul style="list-style-type: none"> • Community Placement Program: We anticipate having 30 offenders daily serving their sentences in the community using any variety of placement options ranging from residential half-way house to home confinement and day reporting. • Jail/Parole Violators – Parole violators determined inappropriate for the revocation center program or other programming would face revocation and serve their sentence in jail. We anticipate five parole violators in county jails serving their sentence at an average cost of \$45 per day. • House Arrest/Home Detention: This program would include contract services to effectively account for the movement and activity of higher risk offenders using technology such as EMS and tracking systems. We anticipate 25 offenders in residence per day averaging \$25 per day. • Halfway House: The existing program calculating 25 offenders in residence per day at a rate of \$40. 	<p style="text-align: right;">\$2,149,800</p> <p style="text-align: center;">-----</p> <p style="text-align: right;">21,900 prison days</p> <p style="text-align: center;"><u>BEDS SAVED</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><u>Now</u></td> <td style="width: 50%; text-align: center;"><u>99-01</u></td> </tr> <tr> <td style="text-align: center;">10</td> <td style="text-align: center;">20</td> </tr> <tr> <td></td> <td style="text-align: center;">add'l</td> </tr> </table> <p style="text-align: center;">-----</p> <p style="text-align: right;">3,650 prison days</p> <p style="text-align: center;"><u>BEDS SAVED</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><u>Now</u></td> <td style="width: 50%; text-align: center;"><u>99-01</u></td> </tr> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">0</td> </tr> <tr> <td></td> <td style="text-align: center;">add'l</td> </tr> </table> <p style="text-align: center;">-----</p> <p style="text-align: right;">18,250 prison days</p> <p style="text-align: center;"><u>BEDS SAVED</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><u>Now</u></td> <td style="width: 50%; text-align: center;"><u>99-01</u></td> </tr> <tr> <td style="text-align: center;">15</td> <td style="text-align: center;">10</td> </tr> <tr> <td></td> <td style="text-align: center;">add'l</td> </tr> </table> <p style="text-align: center;">-----</p> <p style="text-align: right;">18,250 prison days</p> <p style="text-align: center;"><u>BEDS SAVED</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><u>Now</u></td> <td style="width: 50%; text-align: center;"><u>99-01</u></td> </tr> <tr> <td style="text-align: center;">10</td> <td style="text-align: center;">15</td> </tr> <tr> <td></td> <td style="text-align: center;">add'l</td> </tr> </table>	<u>Now</u>	<u>99-01</u>	10	20		add'l	<u>Now</u>	<u>99-01</u>	5	0		add'l	<u>Now</u>	<u>99-01</u>	15	10		add'l	<u>Now</u>	<u>99-01</u>	10	15		add'l
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10	15																								
	add'l																								

Alternatives to Incarceration (continued):

- Three-Day Parole Hold: We intend on utilizing jail as an intermediate measure for parole violators. We anticipate one offender in jail custody status at any one time at a rate of \$45 per day.

730 prison days

<u>BEDS SAVED</u>	
<u>Now</u>	<u>99-01</u>
0	1
	add'l

- Day Reporting: An existing program that would provide greater application under the new strategy of the enhanced supervision policy. We anticipate 15 offenders in the programming daily at a rate of \$12 per day.

10,950 prison days

<u>BEDS SAVED</u>	
<u>Now</u>	<u>99-01</u>
0	15
	add'l

- DOCR Rooms: We intend on expanding our existing program to include 12 beds at a cost of \$10 per bed.

8,760 prison days

<u>BEDS SAVED</u>	
<u>Now</u>	<u>99-01</u>
6	6
	add'l

- TOTAL beds saved for Alternatives to Incarceration

<u>Now</u>	<u>99-01</u>
46	67 additional
- <u>30% violation rate</u>	- <u>30% violation rate</u>
32	47 additional net prison beds saved

TOTAL PRISON BEDS SAVED

	<u>Now</u>	<u>99-01</u>	<u>Total</u>
Revocation Center	0	55	55
Last Chance Program	0	13	13
Alternatives to Incarceration	<u>32</u>	<u>47</u>	<u>79</u>
TOTAL	32	115	147

PROJECTED 1999-2001 TOTALS

\$3,137,820
General Fund

Fifty-sixth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENT TO ENGROSSED HOUSE BILL NO. 1016

Page 1, line 3, after "probationers", insert "and to provide an effective date"

Page 3, line 29, replace "thirty-five" with "thirty-six"

Page 3, after line 31, insert:

SECTION 7. EFFECTIVE DATE. Section 6 of this act becomes effective July 1, 2001 for criminal offenses committed after July 1, 1999.

HOUSE APPROPRIATIONS
Human Resources Division
Representative Ken D. Svedjan, Chairman
JANUARY 13, 1999

WARREN R. EMMER, DIRECTOR
DEPARTMENT OF CORRECTIONS
FIELD SERVICES DIVISION
TESTIMONY IN SUPPORT OF HB 1016

I. OVERVIEW – THE COMMUNITY SIDE OF THE DEPARTMENT OF CORRECTIONS

A. Serve the District Court

1. Supervise 2,650 probation offenders
2. Conduct 739 ordered investigations
 - a. Sample report (see attachment #1)
 - b. Report discussion
3. Collect fees, fines and costs (all costs including supervision fees and in-kind services) GRAPH (see attachment #2)

B. Serve the Parole and Pardon Advisory Boards

1. Supervise 168 parole offenders
2. Conduct 2,770 ordered investigations

C. Serve the Department of Corrections and Rehabilitation (DOCR)

1. Manage and supervise 77% of all DOCR offenders
2. Manage contract halfway house and revocation center programming
3. Provide 2,770 offender sentencing reports to prison division

D. Serve Victims

1. Pass through agency for \$450,199 crime victims compensation, \$1,261,683 VOCA and \$200,000 CVA
2. Collect \$1,539,898 restitution
3. Primary contact to provide victims with offender information
4. Provide victim forum at Parole and Pardon Advisory Boards
5. Victim(s) response (see attachment #3)

E. Serve Community

1. Serve as a partner with law enforcement and social service agencies to enhance public safety
 - a. Arrest/return 704 offenders annually
 - b. Conduct 13,350 urinalysis annually
 - c. Conduct hundreds of warrantless searches annually
 - d. Assist agencies with important information

2. Develop and provide \$400,000 in funding for local/regional community service and restitution programs
 - a. Bulletin board discussion

II. DOCR RISK MANAGEMENT PHILOSOPHY

A. Offender Placement

1. Riskiest offenders need to be in prison
2. Less risky offenders should not be in prison
3. DOCR believes current population placement is skewed
 - a. Some of the riskiest offenders are not in prison
 - b. Some low risk offenders are in prison
 - c. Need to move low risk offenders out of prison to make room for high risk offenders

B. Community Offender Supervision

1. Deprioritize low risk offenders (bottom 20%)
2. Enhance supervision/programming for high risk offenders (middle 60-70%)
3. Prioritize surveillance for highest risk offenders (10-20%)
4. How it works (see attachment #4)
 - a. Review risk of re-offense (see attachment #5)
 - 1) Utilize intensive supervision
 - 2) Utilize drug testing
 - 3) Utilize surveillance officers
 - 4) Utilize electronic monitoring
 - b. Review criminogenic needs (see attachment #6)
 - 1) Family dynamics
 - 2) Alcohol/drug
 - 3) Education
 - 4) Employment
 - 5) Cognitive restructuring... (discussion with Rick Hoekstra)
 - c. Demonstration by Officer Terry Grumbo

III. SPECIALIZED PROGRAMMING THAT COMPLIMENTS DOCR'S RISK MANAGEMENT PHILOSOPHY (see attachment #7)

FURTHER DISCUSSION BY PROGRAM MANAGER, TRACY STEIN (see attachment #8)

- A. Revocation Center
- B. Last Chance Program
- C. Community Placement Program
- D. Jail for Parole Violators
- E. House Arrest/Home Detention
- F. Halfway House
- G. Three Day Parole Detention
- H. Day Reporting
- I. $\frac{3}{4}$ House (DOCR Rooms)

IV. ADDITIONAL STAFFING (see attachment #9)

- A. 3 FTE Secretaries
- B. 3.5 FTE Community Corrections Agents
- C. 3 FTE Parole/Probation Officers
- D. 1 FTE Addiction Counselor
- E. 3 FTE Release Team
- F. 1 FTE Crime Victim Coordinator
- G. Budgetary Changes (see attachment #10)
- H. Montana and Wyoming Comparisons (see attachment #11)



PRE-SENTENCE INVESTIGATION REPORT III
 NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
 FIELD SERVICES DIVISION
 SFN 16396 (1-98)

ATTACHMENT #1

(Deleted Official Court Information)

* * * * * PRIOR RECORD * * * * *

<u>Date</u>	<u>Offense</u>	<u>Arresting Agency</u>	<u>Disposition</u>
(Deleted actual dates and location)			
??	Driving w/o License		Convicted
??	Drunk and Disorderly		Convicted
??	DUI, and Carrying A Concealed Weapon		Convicted
??	Failure to Comply		Dismissed
??	Sexual Exploitation		Pending

Additional Data (Detainers, Charges Pending, Previous Parole/Probation, Inst. History, and Present Status):

The above offenses are the only known prior record of the Defendant. It should be noted that the offenses listed in (blank cities) were reported by the Defendant.

As indicated above, Mr. Blank also has one pending charge for Sexual Exploitation. He has pled guilty to this offense, and is currently awaiting sentencing inblank city.

Offense

Murder (Class AA Felony)

Date of Offense

??

Arresting Officer

N.D. Police officer

Complainant

The police officer

Address

North Dakota

A. Defendant's Version of the Crime:

At the time of the Pre-Sentence interview, Mr. Blank was asked if he wished to submit his version of the crime currently before the Court. (the defendant refused to submit his version but did make a statement that we must delete).

B. Victim's Version of the Crime:

We routinely interview the victim and/or the victim(s) family to obtain a version from the victim or their family. We deleted the version provided us.

C. Investigating Officer's Version of the Crime:

The complaint in this case alleges that on..... (We routinely obtain a version from law enforcement, and did in this case but must delete it).

D. Other Information Regarding the Crime:

In some special instances, we obtain additional information that aggravates or medicates the crime, we needed this information in this case but must delete it.

* * * * * PERSONAL AND FAMILY DATA * * * * *

Previous Addresses

How Long at Each Address

Information has been deleted

Family Background (Includes home, neighborhood, interests, support of family, associates, attitude of family members toward defendant, home atmosphere, etc.):

We spend a lot of time in this area, when necessary, we did in this case but must delete it.

* * * * * NAMES OF IMMEDIATE FAMILY (Include all living and deceased) * * * * *

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Present Address</u>	<u>Occupation</u>
Dad Blank		Father		
Mom Blank		Mother		
Sibling Blank		sibling		
Sibling Blank		sibling		
Sibling Blank		sibling		

* * * * * MARITAL (Present and previous marriages, including co-habitation) * * * * *

<u>Name of Spouse</u>	<u>Age</u>	<u>No. Children</u>	<u>Date/Place of Marriage</u>	<u>Marriage Outcome</u>
(We have deleted this information)				

Problems with Marriage: (This information has been deleted)

* * * * * CHILDREN (Including those from previous marriages) * * * * *

<u>Name</u>	<u>Age</u>	<u>Custody</u>	<u>Address</u>	<u>If Under 18 yrs. Support (Yes/No)</u>
(We have deleted this information)				

Education (Name & Address of School)

(We have deleted this information)

Other Training Received): deleted

Summary of School Data (Behavior, Academic Standing, Desire to Return, Present Status:

We have deleted this information

* * * * * EMPLOYMENT * * * * *

Occupation: deleted

<u>Employer</u>	<u>Employer's Address</u>
Deleted	

<u>Previous Employer</u>	<u>How Long Employed</u>
Deleted	? year

<u>Reason For Leaving</u>	<u>Beginning Income</u>	<u>Ending Income</u>
We deleted this information	\$??????/year	\$??????/year

COMMENTS AND RECOMMENDATIONS (Community Service and/or Treatment Proposals, etc.):
We give very detailed recommendations.....

Johnny Law
ND Parole/Probation Officer

Date

MANDATORY ATTACHMENTS:

Criminal Information/Complaint
Law Enforcement Investigation Report
Victim's Impact Statement (If applicable)

DOCR – FIELD SERVICES DIVISION ALTERNATIVES TO INCARCERATION

The Department of Corrections has developed a strategic plan that is designed to efficiently serve the state in the years ahead. In keeping with the intent of that plan, the department's Field Services Division must develop and implement viable alternatives to incarceration. It is important that the division accomplishes this task not only as a benefit to the offender but also to provide relief for the prison's division.

Field Services Division is in the process of developing a program that, when implemented, will better serve the offender as well the Department of Corrections. The division's program is predicated on providing the necessary services for its clientele while being mindful of potential risk programming may impose on the public.

The elements of the division's program now follows:

criminal thinking program thinking patterns

single client needs

saving of 48,000 beds over two years

PROGRAM	BUDGET/ PRISON BEDS
<p>Revocation Center: Non-prison beds contracted for revoked community-based offenders as well as offenders participating in the intermediate measures program. The revocation center would deliver appropriate treatment and cognitive restructuring programming. This program targets probation cases being revoked that would otherwise face incarceration. This program would be designed to complete treatment intervention within an average time period of 60 days, and return the offenders to the community. Calculations for the cost of this program are based on developing a contract 30-bed facility at \$45 per day. The revocation center would be staffed by three licensed addiction counselors. This program will save 167 prison days for every successful candidate. The calculation is as follows:</p> <ul style="list-style-type: none"> • Average sentence 461 • Max parole cut -245 • Return rate of 30% after 100 days -35 • Orientation <u>-14</u> • Net savings 167 	<p><u>\$1,018,709</u> \$658,709 General \$360,000 Federal</p> <p>40,080 prison days</p>

<p>Last Chance Program: This will be a pilot program. It is an intermediate measures intervention designed for offenders in the Fargo area. This program will target parole and probation cases that have technically violated terms of their supervision and would, if an intervention was not implemented, face revocation. This program would require participating offenders to reside in a structured home confinement program. A licensed addiction counselor would also provide necessary treatment related intervention as well as cognitive restructuring programming. The calculation is as follows:</p> <ul style="list-style-type: none"> • Candidates 120 • Return rate of 30% after 100 days <u>-36</u> <li style="padding-left: 100px;">84 • 167 days x 84 14,028 	<p>\$87,678/14,028 prison days</p>
<p>Other Alternatives to Incarceration:</p> <ul style="list-style-type: none"> • Community Placement Program: We anticipate having 30 offenders daily serving their sentences in the community using any variety of placement options ranging from residential half-way house to home confinement and day reporting. • Jail/Parole Violators – Parole violators determined inappropriate for the revocation center program or other programming would face revocation and serve their sentence in jail. We anticipate five parole violators in county jails serving their sentence at an average cost of \$45 per day. • House Arrest/Home Detention: This program would include contract services to effectively account for the movement and activity of higher risk offenders using technology such as EMS and tracking systems. We anticipate 25 offenders in residence per day averaging \$25 per day. • Halfway House: The existing program calculating 25 offenders in residence per day at a rate of \$40. • Three-Day Parole Hold: We intend on utilizing jail as an intermediate measure for parole violators. We anticipate one offender in jail custody status at any one time at a rate of \$45 per day. 	<p>\$2,149,800</p> <p>21,900 prison days</p> <p>3,650 prison days</p> <p>18,250 prison days</p> <p>18,250 prison days</p> <p>730 prison days</p>

<p>Other Alternatives to Incarceration (continued):</p> <ul style="list-style-type: none"> • Day Reporting: An existing program that would provide greater application under the new strategy of the enhanced supervision policy. We anticipate 15 offenders in the programming daily at a rate of \$12 per day. • DOCR Rooms: We intend on expanding our existing program to include 12 beds at a cost of \$10 per bed. 	<p>10,950 prison days</p> <p>8,760 prison days</p>
<p>PROJECTED 1999-2001 TOTALS</p>	<p>\$2,896,187 General Fund</p>

H:\WARRENBUDGET\ALTER2.DOC

CRIME VICTIMS COMPENSATION

BRIEF CASE SUMMARIES

1. THE VICTIM WAS A PASSENGER IN A VEHICLE DRIVEN BY A PERSON UNDER THE INFLUENCE OF ALCOHOL. THE DRIVER WAS CHARGED WITH VOLUNTARY MANSLAUGHTER WHEN THE VICTIM WAS KILLED AS A RESULT OF THE DRIVER LOSING CONTROL AND HITTING AN APPROACH. WE HELPED WITH BURIAL RELATED EXPENSES.

\$3,000 PAID

2. THE 14 YR. OLD VICTIM HAD BEEN SEXUALLY ABUSED BY AN UNCLE SINCE SHE WAS 9 YEARS OF AGE. SHE WAS FINALLY ABLE TO REPORT THE ABUSE TO HER MOTHER AND THE UNCLE WAS CHARGED WITH GSI. THE VICTIM REQUIRED AN EXTENSIVE MEDICAL EXAM ALONG WITH MENTAL HEALTH THERAPY. IT IS POSSIBLE FURTHER COUNSELING SESSIONS WILL BE REQUIRED.

\$ 2,000 PAID (SO FAR)

3. IN A ROBBERY, THE 67 YR. OLD VICTIM WAS ASSAULTED, TIED UP, BEATEN SEVERELY AND THEN LEFT TO LAY THERE ALL NIGHT. A FRIEND FOUND HIM IN THE MORNING AND HE WAS PROVIDED THE NECESSARY MEDICAL CARE. A SMALL AMOUNT OF MEDICAL COST WAS PAID SINCE HE WAS COVERED BY MEDICARE AND ANOTHER INSURANCE. AS A RESULT OF THE INJURIES, THE VICTIM WAS UNABLE TO DO THE WORK THAT WAS NECESSARY TO CARE FOR HIS CATTLE ETC. WE PAID FOR THE HELP REQUIRED TO MEET THE NEEDS.

\$25,000 PAID (MAXIMUM BENEFIT)

4. IN A DOMESTIC VIOLENCE SITUATION, THE VICTIM WAS CHOKED AND PUSHED THROUGH A PLATE GLASS WINDOW, CAUSING SEVERE INJURIES. THE HUSBAND WAS CHARGED WITH AGGRAVATED ASSAULT. ALTHOUGH THE VICTIM BECAME ELIGIBLE FOR MEDICAL ASSISTANCE TO COVER THE EXTENSIVE MEDICAL EXPENSES, WE ARE COVERING LOST WAGES UNTIL SHE CAN RETURN TO WORK.

\$4,000 PAID (SO FAR)

February 5, 1998

Paul Coughlin
Crime Victims Compensation
Parole and Probation
PO Box 5521
Bismarck, ND 58506-5521

Mr. Coughlin:

I wanted to take a few minutes and let you know how much the Crime Victims Compensation program has helped my brother. As you know, I am my brother's Durable Power of Attorney. His traumatic brain injury was a result of being victimized in a violent crime.

He was working and making good wages and supporting his family. Then he entered the hospital with head injury. Social Security Disability Determination takes ninety or more days to make a determination and then more months of appeals. The Medicaid Program eligibility is based on Social Security eligibility. Because he had no insurance benefits, he not only had no income, he also faced more than thirty thousand dollars of medical bills and he is still doctoring.

I don't know how he and his family would have lived without victims compensation. I wish I could make every state legislator aware of how necessary this program is for citizens of North Dakota that have been victims of a crime.

Again, thank you for all you have done.

Respectfully,

Signed by writer

-- AGGRAVATED ASSAULT --

We paid \$25,000 in Lost Wages

Risk-Needs Assessment and Treatment

One of the major tasks of any correctional agency is to enhance the protection of the public by managing the risk offenders pose for harmful acts. At a simple level, this can mean separating offenders from the community through imprisonment. Within North America, and for most offenders, this approach serves as a temporary measure. Sanctions that confine individuals indefinitely are reserved usually for the most serious crimes. The vast majority of offenders receive less restrictive sentences and they are eventually returned to the community.

Re-integrating offenders into the community or, in the case of probation and parole, maintaining offenders within the community depends upon two important strategies. One strategy involves making sound release decisions and the second involves effective treatment programming. The first strategy relies upon risk assessments and, as it is typically used in practise, seems to have little relevance to the second strategy, the planning and delivery of effective treatment or rehabilitation programming. The purpose of this paper is to show that risk assessment, along with other forms of assessment, are not only related to rehabilitation, but they are essential for good correctional practises.

The Assessment of Offenders

The assessment of offenders has long been appreciated as an essential task for those who work with offenders. Many of the early criminologists and students of human behaviour have recognized the importance of differentiating criminal offenders and they have developed complex models to assign offenders to different categories. Lombroso described "atavistic" features, Freud outlined differences in personality structure, and sociologists categorized deviance as a function of social values and structure. What is common to all is the view that not all offenders are alike and that the differences are important in terms of assessing their "criminality" and defining the approach for dealing with them.

Beginning with Burgess' (1928) classic study of parole releases we see the origins of efforts to systematically and empirically develop objective offender assessment tools; the so called "risk assessment instruments." I will refer to these as the "second generation" offender assessment approaches. The "first generation" of offender assessments has probably been with us since the first man (or woman) killed another human being. First generation assessments are described by various terms such as "subjective assessment", "professional judgement", "intuition" and "gut-level feelings". They are assessments that involve decision rules not easily observable and difficult to replicate. The second generation assessment instruments publicly identify the factors that contribute to the assessment process.

Using the terms "first generation" and "second generation" does not mean that subjective, professional judgement type assessments are no longer practised nor are they completely undesirable. First generation assessments are still used today and they play an important role in offender assessment. However, as I will soon argue, an over-reliance on these measures is wrought with problems and it has played an inhibiting role in the furthering of knowledge on criminal behaviour and effective interventions. This is

not to say that second generation assessments are wholly satisfactory. They are an improvement, but there is a "third" generation form of assessment, risk-needs assessments that finally link the assessment process to rehabilitation and advance us still further. Without a doubt, someday there will be a fourth generation. All we can say right now is that advances in offender assessment are proceeding at an exponential rate. It took a millennium to progress to the second generation, 50 years to the third (1928 to 1979), and we are on the verge of a fourth generation, less than 15 years from the beginning of risk-needs instrumentation.

First Generation Assessment. First generation assessments involve the collection of information on the offender and his/her situation and then interpreting this information in a meaningful manner (usually with respect to the propensity for violent behaviour and treatment needs). The most serious weakness of this approach is that the rules for collecting the information and formulating interpretations of the "data" are subject to considerable personal discretion. Correctional agencies may have policy manuals and procedures to guide them as to what information is important and where to place the emphasis but these guidelines are often vaguely defined. As a result, the correctional worker can too easily overlook or overemphasize information based upon personally held knowledge of criminal behaviour (which may or may not be correct) rather than upon empirically defensible theories of crime.

A dependency upon first generation type of assessments makes accountability and fairness difficult. Outside observers find it a challenge to identify the specific reasons why decisions are made and why sometimes offenders who appear similar are treated so differently by various professionals. Research on the inter-rater reliability of professional judgements has frequently shown that professionals are just as likely to disagree on the key features of a case as they are to agree.

Finally, the evidence as to how well clinicians and other experts can predict future criminal behaviour based upon their professional judgement clearly shows that their accuracy is legally, ethically and practically, unacceptable (Andrews & Bonta, 1993). This sorry state of affairs has fuelled the critics who argue that criminal behaviour cannot be predicted. In addition, the anti-prediction arguments have created the impression that research into individual differences is a wasteful exercise and that the focus on the person is misguided. Rather, it is argued, social factors are the true roots of crime. Fortunately, some researchers have continued to conduct studies that recognize the importance of individual differences and that the measurement of these factors must be done in an objective manner. This attitude has produced the second generation of offender assessments.

Second generation assessments. Objective, empirically based offender risk assessments can be traced back to Burgess' (1928) study of over 3,000 parolees. Burgess identified 21 factors that differentiated parole successes from parole failures and he used these factors to construct a risk scale. The presence of a factor was assigned a score of one and the higher the score, the greater the likelihood of failure while on parole. For example, the offenders who fell in the highest risk category had a failure rate of 76% and those in the minimum range had a failure rate of 1.5%. Burgess' empirical approach to offender assessment and his simple scoring system remains today the equal to modern day offender assessments (Gottfredson & Gottfredson, 1979).

The next major step in the development and use of second generation offender assessments is seen in Sheldon and Eleanor Glueck's (1950) prediction tables. Variables that differentiated delinquents and

Delinquents formed the basis for empirically derived estimates of the probability of delinquent behaviour. The new twist to the objective assessment process was that weights were assigned to the different variables (the Burgess method is simply a 0-1 scoring format). Today, nearly all objective risk instruments use either a 0-1 scoring method or a weighting methodology.

In the 1970's research on risk assessments virtually exploded. On a national scale we see the development of the Salient Factor Score (SFS; Hoffman, 1983) in the United States and, in Canada, there was the development of the Statistical Index of Recidivism (SIR; Nuffield, 1982). These risk scales were based on sound empirical research and they performed satisfactorily in differentiating lower risk offenders from the higher risk offenders. Their major weakness, however, was that the instruments provided little direction for treatment. And why? Mainly because the items comprising the scales are historical in nature. For example, six of the seven SFS items and 13 of the 15 SIR items deal with historical factors such as criminal history. Rehabilitation is based upon the premise that people can change and if assessment is to contribute to rehabilitation efforts it must be capable of measuring change. This notion of the measurement of change is what fundamentally separates the second generation assessment tools from the third generation.

Third generation assessments. Risk-needs assessments form what I call the third generation of assessment. These classification instruments go beyond statistical risk prediction where the major purpose is to make decisions about the degree of freedom an offender is granted. There is an acceptance of the need to deliver rehabilitation services if we are to manage risk. Furthermore, treatment services cannot be given to everyone because of the costs involved nor can they be randomly assigned as in a lottery. Treatment must be matched to the "needs" of the offender.

Although psychologists, psychiatrists, social workers and other social service providers have long noted the need to identify and attend to offender needs, wide scale application of needs assessment in the criminal justice system is only a recent phenomenon. Early applications, such as the Megargee MMPI classification system, Quay's AIMS and the I-level system attempted to classify offenders into groups assumed to differ in their treatment needs and therefore requiring different types of intervention. Studies of these classification systems showed some differentiation with respect to treatment responsiveness but evidence for their predictive validity was scant (Andrews & Bonta, 1993; Andrews, Bonta & Hoge, 1990). That is, they claimed to identify needs but whether or not they predicted criminal behaviour was unanswered.

The psychological classification systems reflected a belief that needs assessments were somehow fundamentally different from risk assessments. They were like apples and oranges. Scholarly discussions of offender needs assessments rarely raised the question of risk prediction (Clements, 1986; Duffee & Duffee, 1981). This tradition is best mirrored in the most widely used offender classification system in the United States: the Wisconsin classification system (Baird, 1981).

Wisconsin's classification system is composed of three parts: risk assessment, needs assessment, and client management classification (CMC). CMC involves its own assessment of offenders and a prescribed treatment strategy. The three parts operate relatively independently. The only overlap between the risk and needs scales is that the offender is assigned to supervision levels depending upon which scale he or she receives the highest score. In the published research with the Wisconsin classification instruments, information on predictive validity is available only for the risk scale. There is no information as to whether

the needs items and scale also predict future criminal behaviour. It seems as if nobody thought it was worth investigation - that needs assessment have little to do with criminal behaviour.

Recent research has identified a category of needs referred to as "criminogenic" needs (Andrews et al., 1990). Criminogenic needs are those needs that are linked to criminal behaviour. If we alter these needs, then we change the likelihood of criminal behaviour. Criminogenic needs are dynamic risk predictors. Perhaps the Wisconsin needs assessment is tapping criminogenic needs. If so, then use of the needs scale for treatment purposes would receive a added boost.

We have recently completed a project that provides some insight into the Wisconsin needs scale (Bonta, Parkinson, Pang & Barkwell, 1993). The province of Manitoba adopted the Wisconsin risk-needs scales and implemented it across the province in 1982 for use in probation services. Our research using seven years of data on over 14,000 probationers found, as expected, that the risk scale predicted failure on probation (r_s in the low .3 range). More importantly, we also examined the predictive validity of the needs scale. Although the magnitude of the relationship was not as large as with the risk scale (r_s in the .2 range), the combined scores of the needs assessment did predict failure on probation. That is, the needs assessment of the Wisconsin classification system showed predictive validity.

To our knowledge, there are only two offender classification instruments intentionally designed to measure criminogenic needs: the Level of Supervision Inventory or LSI (Andrews & Bonta, 1993) presently used in the Province of Ontario and the Correctional Services of Canada's Community Risk/Needs Management Scale (Motiuk, 1993). In fact, the need items are integrated with the more traditional risk items to form one scale (an example of some of the items is shown in Table 1). Furthermore, both scales are systematically re-administered to offenders in order to measure changes that may result from intervention.

Table 1. Examples of items comprising risk-needs classification

<u>Level of Supervision Inventory</u>	<u>Community Risk/Needs Management</u>
<u>Historical Risk Items:</u>	
- prior convictions	- criminal history
- violent offence	- sex offence
<u>Dynamic Need Items:</u>	
- financial management	- marital/family relationships
- antisocial friends	- living arrangement
- alcohol/drug abuse	- attitude

Both offender assessment instruments have consistently shown that they can predict recidivism across a wide range of offenders (cf., Andrews & Bonta, 1993; Motiuk, 1993). Some of the subcomponents of the LSI that identify needs have also demonstrated predictive validity (Bonta & Motiuk, 1985). Recently, the Correctional Services of Canada has embarked on an ambitious assessment project that has as a central feature a Case Needs Identification and Analysis protocol. That is, the identification of criminogenic needs is a central feature of offender classification in Canada's major correctional system.

A good example of the value placed on criminogenic needs in the LSI system is research measuring changes in LSI scores and future criminal behaviour. In a study by Andrews and Robinson (1984), 57 probationers were assessed at intake and 12 months later. During this time period, some probationers decreased in risk level (as measured by the LSI), some increased, and some stayed the same. A post-probation follow-up of these probationers (minimum of six months) found that these changes were associated with criminal behaviour. That is, those who showed reductions in risk level also showed reductions in criminal behaviour. Those who increased in risk level showed increases in recidivism and those who did not change in LSI scores showed no change in future criminal behaviour (see Table 2).

Table 2. Percent Recidivated by Changes in Risk Level (N)

At Intake	At Reassessment				Overall
	Low	Moderate	High	Very High	
Very High	---	---	50	100	75 (4)
High	---	00	27	100	41 (22)
Mod	00	33	40	---	27 (11)
Low	00	00	00	100	05 (20)
Overall	00	10	32	100	28
	(19)	(10)	(19)	(9)	(57)

(From Andrews & Robinson, 1984)

The importance of criminogenic needs or dynamic risk factors lies in the fact that they may serve as targets for correctional intervention. They are the treatment goals for staff who counsel offenders, run treatment programs and who, in general, attempt to reduce the risk of future criminal behaviour. Thus, third generation offender assessments are inextricably linked to rehabilitation efforts. These assessments are not only concerned about such questions as to who should be paroled or how closely to monitor the offender but also what must be changed about the offender or the offender's situation to minimize the risk for re-offending.

One note of caution: do not abandon risk assessments. Risk assessments are important from a treatment perspective in assigning intensive intervention programming to higher risk offenders and minimal interventions to low risk offenders. This matching of risk level to treatment services appears to be an

important factor in reducing recidivism (Andrews et al., 1990). However, once risk level is assessed and a decision is made as to how much treatment to provide, the assessment of criminogenic needs tells us what needs to be changed.

In summary, third generation assessments recognize types of offender needs that are related to criminal behaviour. In this regard criminogenic needs are also risk predictors, but they are *dynamic* risk predictors.

What is Effective Rehabilitation?

I will not review in detail the major characteristics of effective correctional rehabilitation programming. I leave that review to the papers by Paul Gendreau and Ted Palmer. However, I also cannot simply stop because the "assessment" function of the correctional process is complete. As noted in the previous paragraph, risk-needs assessment is directly linked to correctional treatment. For this reason, a few further comments need to be voiced.

Correctional rehabilitation can be defined as an intervention which reduces recidivism. Criminogenic needs are the intermediary links to recidivism. For the correctional interventionist, programs that target criminogenic needs form one of the basic approaches to reducing crime (other factors such as risk and responsivity are also important and discussed in more detail in Andrews & Bonta, 1993; Andrews et al., 1990). In other words, if criminogenic needs are not targeted then reductions in recidivism are unlikely.

Evidence for the importance of targeting criminogenic needs for effective rehabilitation have been documented by meta-analyses of the rehabilitation literature (Andrews, Zinger et al., 1990, Gendreau, this volume). I will not comment on this literature. However, what I do wish to emphasize is the general failure of criminal sanctioning to reduce recidivism (see Gendreau, 1993). The main reason for this failure is, quite simply, sanctions do not target criminogenic needs. Offenders are not classified as to their criminogenic needs and then assigned to different sanctions based on their needs. Can electronic monitoring programs, boot camps, intensive supervision programs really change the substance abuse of some offenders or their antisocial attitudes, etc? Beyond some general selection parameters (usually involving low risk offenders) how specific are the assignments? Not very.

Conclusions and Future Directions

Students of history like to say that the pendulum always swings back. It appears that we are returning to the rehabilitation days that were predominant in the 1960s and 1970s. It is no longer embarrassing to say the word "treatment" in public; interest in delivering rehabilitation programs, especially from front-line workers is on the rise. However, are we simply witnessing history repeating itself? Twenty years from now will the pendulum swing back to punishment?

If this emerging pro-rehabilitation climate is to be more than a blip on history's radar screen, then researchers, practitioners, and policy-makers must capitalize on the present climate by abandoning old models of criminal behaviour and embracing new approaches that are *empirically-based*. I emphasize "empirically-based" because the field of criminology has been notoriously anti-empirical (Andrews & Bonta, 1993). Research that failed to support favoured theories on the causes of criminal behaviour has been ignored while weak evidence that supported traditional theory was promoted. With such disrespect for evidence, is it little wonder that many past assessment and rehabilitation methodologies showed weak effects?

In order to build upon the present research, I would recommend the following steps:

- 1) Administer to offenders the best validated risk-needs assessment instruments. As we approach the 21st century it is becoming incomprehensible that so many jurisdictions still depend almost entirely on "professional judgement" to guide them with decisions affecting individual liberties.
- 2) Some agencies already may use well-validated risk instruments. These assessments may be quite appropriate for release and supervision decisions but they can also be helpful for planning interventions that reduce risk. Match the intensity of services to the risk level of the offender.
- 3) The "needs" in risk-needs assessments must include criminogenic needs. One of the major goals of corrections is to protect the public. In the short-term, this is accomplished through intensive monitoring and restrictions of liberty. However, in the long-term we can reach this goal by reducing the risk for recidivism through treatment. Effective treatment depends upon targeting those needs of offenders that are related to their offending behaviour and the assessment of those needs in a systematic and objective manner is highly desired.
- 4) Monitor changes in the offender and his/her situation by conducting re-assessments of their criminogenic needs. This serves two purposes. First, re-assessments assist the correctional agency in protecting the public by alerting the agency to changes in the offender's situation that may signal increased risk and a responsibility to intervene. Second, re-assessments facilitate evaluations of the agency's effectiveness. For example, demonstrable reductions in criminogenic needs at re-assessment indicate that something is going right.
- 5) Following from the fourth point, once we attend to measuring changes in offenders we are naturally led to inquiring into the practises that bring change. If we see reduced risk in our clients (or increased risk), then we ask what is it exactly that we are doing to produce such changes? The answer to this question is important in a time of fiscal restraint for choosing which rehabilitation programs to keep and which to discard. Even if we see no changes in our offender clientele we are further ahead for the alternative is to continue what we are doing in blissful and misleading ignorance.
- 6) In this paper I have emphasized the assessment of risk and criminogenic needs. There is a third aspect of assessment that is not as well understood but may play an important role in maximizing the effectiveness of a treatment program. This third aspect is what we refer to as "responsivity" (Andrews et al., 1990). Individuals differ not only in risk and needs but also in responsiveness to various therapists and treatment modalities. An agency may deal with high risk offenders with the

same criminogenic needs but within that group of offenders there are individuals differing along such dimensions as anxiety, intelligence, self-esteem, etc. These factors affect how well the client responds to the style and modes of therapy and necessitates a matching of client characteristics with treatment. For example, withdrawn and shy clients may respond best when treatment is given on an individual basis while extroverted, self-confident clients may respond well to group treatment. The assessment of possible "responsivity" factors can guide these decisions (perhaps the fourth generation assessment?).

All of the previous six points are held together a healthy respect for evidence. Continue asking yourselves if research supports your assessment methodology and intervention practices. Assessing risk, needs and responsivity must be rooted in research. Invoking re-assessments and investigating the practises that promote offender change is truly research in action. It is also research that has tremendous practical significance since it carries correctional agencies beyond the control of offenders in the immediate situation to reducing risk beyond the judicially mandated period.

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ADMISSION TO CASELOAD
NORTH DAKOTA PAROLE AND PROBATION DEPARTMENT
 SFN 13374 Page 1 (3-95)

Offender's Name: Last	First	MI	Offender's SID Number	Offender's Soc. Sec. No.	Officer's No./Radio No.
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The following information must be used to open up a case and then placed in the offender's case file:

- (1) Admission to Caseload
- (2) Criminal Judgment/Court Order
- (3) Appendix A (If not included in Criminal Judgment)
- (4) Criminal Information or Criminal Complaint (Class A Misdemeanors)
- (5) Copy of North Dakota B.C.I. Criminal Rap Sheet and Drivers License Rap Sheet
- (6) Case Supervision Plan

A - RACE/ETHNICITY

- A
- 1 White
 - 2 Black
 - 3 American Indian
 - 4 Asian
 - 5 Hispanic

B - SEX

- B
- 1 Male
 - 2 Female

C - MARITAL STATUS

- C
- 1 Single
 - 2 Married
 - 3 Divorced or Separated
 - 4 Widowed

D - NUMBER OF DEPENDENTS

D

E - LIVING ARRANGEMENTS

- E
- 1 Alone
 - 2 With Spouse Only
 - 3 With Child(ren) and Spouse
 - 4 With Child(ren) Only
 - 5 With Parent(s)
 - 6 With Sibling(s)
 - 7 With Friend(s)
 - 8 Non-legal Alliance
 - 9 Correctional Facility
 - 10 Other _____

F - VETERAN

- F
- 1 Yes
 - 2 No

G - GROSS MONTHLY INCOME

- G
- 1 None
 - 2 \$1-\$499
 - 3 \$500-\$999
 - 4 \$1,000-\$1,499
 - 5 \$1,500-\$1,999
 - 6 \$2,000 or more

H - EMPLOYMENT

- 1 Unemployed and Not Looking
- 2 Unemployed and Looking
- 3 Full-time (35 hrs/week and over)
- 4 Full-time but Seasonal
- 5 Part-time
- 6 Not Employable
- 7 Student
- 8 Homemaker
- 9 Retired

H

I - JOB CLASSIFICATION

- 1 Professional, Technical, Managerial
- 2 Clerical, Sales or Service
- 3 Farming
- 4 Skilled Trade
- 5 Unskilled Labor
- 6 Student/Homemaker
- 7 Not Employable

I

J - LAST GRADE COMPLETED

- 1-12 (Enter Specific Number)
- 13 High School Graduate
- 14 Some College
- 15 College Graduate
- 16 Some Graduate Work
- 17 Graduate Degree
- 18 GED or HED
- 19 Technical or Vocational School

J

K - CURRENTLY ON PUBLIC ASSISTANCE

- 1 Yes
- 2 No

K

L - Number of Prior Adult Misdemeanor Convictions

L

M - Number of Prior Adult Felony Convictions

M

N - Number of Previous Adult Probations

N

O - Number of Times Previously Released on Parole

O

P - Number of Prior Incarcerations in a Federal or State Institution

P

**HOUSE APPROPRIATIONS
Human Resources Division
Representative Ken D. Svedjan, Chairman
JANUARY 13, 1999**

**TRACY STEIN, PROGRAM MANAGER
DEPARTMENT OF CORRECTIONS
FIELD SERVICES DIVISION
TESTIMONY IN SUPPORT OF HB 1016**

Community Placement Program (CPP):

This program was designed to identify offenders that are sentenced to a Department of Corrections and Rehabilitation (DOCR) Facility for potential placement in the community. The offenders qualifying for this program are assessed at the time of their entry into a DOCR Facility, as lower risk offenders. They must have 1 year or less sentence or 1 year or less of a sentence to serve. Most of these offenders are identified by the Field Service Release Team, as potential candidates for the CPP within about three to four weeks after their entry into a DOCR Facility. Others are identified once they have reached the 1 year sentence left to serve of incarceration.

The Release Team accumulates file material that includes legal documents, chemical drug evaluation/treatment, medical information, and cell house behavior. They also meet with the offenders for information as to any residential/work plan they may have. In some cases, half-way houses and county jails are used once the placement occurs to accomplish offender treatment needs and/or work release.

Once the material is compiled, an offender packet is sent to the Field Service Office in that location for an investigation. Once the investigation is returned to Tracy Stein, Elaine Little gives final approval for release of the offender to the plan. If the offender is placed into a residential home confinement, the supervising officer may use curfews or electronic monitoring as tools to supervise the offender.

At the present time, DOCR has about 15 to 20 offenders on CPP in North Dakota.

Revocation Center or Revocation Treatment Program (RTP):

This program is new, in fact, on Thursday, January 14, 1999 we are moving about 18 offenders to the TRP located at the Stutsman County Corrections Center (SCCC) in Jamestown, ND. In March 1999, we plan on housing 30 offenders in the RTP.

The program is a contractual effort between ND DOCR Field Services, ND State Hospital and SCCC. The State Hospital will provide the treatment, component and

Stutsman County provides the building for custody, along with offender cell house case management.

The ND DOCR Release Team identifies offenders for this program that are sentenced to a DOCR Facility. The offenders will be identified within three to four weeks after their arrival at the DOCR Facility; just prior to classification.

Those that qualify will be first time revoked probationers. They will likely have violated their probation supervision due to technical violations, such as; continued alcohol/drug use, failure to report to the Parole Officer. Some may have minor misdemeanor convictions, such as; possession of Drug Paraphernalia, Disorderly Conduct, etc.

These offenders would be placed into the RTP for up to 60 days. In that 60 days, the offenders participate in up to 30 plus hours of treatment programming which involves chemical programming, cognitive restructuring, and other self-help programs.

If the offender completes the program successfully; prior to their release, the Release Team will attempt to reinstate the offender into the community by asking the Sentencing Court to return the offender onto probation supervision, ask the Parole Board to parole him/her, or place the offender on the CPP program with Elaine Little's approval.

Field Sanctions Program:

At the present time, officer's in the field use sanctions, prior to the revocation of an offender's parole or probation supervision. Sanctions are used instead of full revocation in front of the District Judge. The decision to use a sanction is determined by the severity of the behavior and the type of violation. The supervising officer and his/her supervisor makes a determination as to what type of sanction will occur.

The offender may have committed a technical violation such as using alcohol or drugs by violating their conditions of supervision. With the sanction, the officer and offender agree to modify the offender's supervision, which may include chemical programming or curfew restrictions and other conditions. An option the supervising officer and supervisor would have at the time of the implementation of the sanction is placement within the RTP, half-way houses and county jails. The supervising officer, with the approval of the supervisor would contact the Release Team for appropriate placement of the offender in those facilities. Final approval of the sanction would have to be order by the District Court or Parole Board depending on the type of supervision the offender was on.

TRACY G. STEIN
RELEASE TEAM PROGRAM COORDINATOR
ND DEPARTMENT OF CORRECTIONS, FIELD SERVICES DIVISION
(PAROLE AND PROBATION)

Mr. Steins current role with the Division of Field Services is involved with coordinating offender placement into various community release programs and personnel duties within the Department of Corrections (DOCR). These programs involve the Community Placement Program (CPP) and the Revocation Treatment Center (RTP) located at the Stutsman county Correction Center, Jamestown, ND.

One of his previous duties with the Field Service Division , from 1994 to 1998, involved completing sentencing report investigations for the ND Parole Board and Pardon Advisory Board along with coordinating the functions of the those Boards.

From 1991 to 1994 Mr. Stein was a Regional Supervisor with the Bismarck Field Service Office supervising 10 to 11 staff. Tasks involved the daily supervision of field staff on job functions along with interaction with the District Courts and Parole Board.

Prior to 1991 Mr. Stein was a parole officer in Williston and Bismarck, ND. His employment started with NDDOCR in July 1981.

Mr. Stein has attended many various training seminars throughout his career. Some of the training has included Management and Personnel schools with the National Institute of Corrections in Longmont, CO. He is a certified peace officer in ND. He attended the Law Enforcement Training Academy in Bismarck, ND from January through March 1982.

Mr. Stein attended NDSU from 1976 to 1981 and attained a BS degree in Sociology, Criminal Justice Emphasis with a Minor in Business Management. He has lived in Mandan, ND since 1983. Mr. Stein is originally from Forman, ND (Sargent Co.) were family members currently reside with some family members involved with farming and in the teaching fields.

RICHARD M. HOEKSTRA
RELEASE TEAM SUPERVISOR
DIVISION OF ADULT FIELD SERVICES

EDUCATION:

Effective Interventions with High Risk Offenders, National Institute of Corrections; Longmont, CO. 36 hours completed March 15, 1996.

Cognitive Restructuring, National Institute of Corrections; Longmont, CO. 36 hours completed November 18, 1994.

Correctional Leadership Development, National Institute of Corrections; Longmont, CO. 82 hours completed February 14, 1992.

Train the Trainers, National Institute of Corrections, 36 hours completed May 24, 1991.

Bachelor of Arts Degree: Major, Criminal Justice; Minor, Sociology.
Moorhead State University, Moorhead, MN. Graduated May 23, 1980.

Mr. Hoekstra is a 1984 graduate of the North Dakota Law Enforcement Academy. He has also been a Certified Law Enforcement Instructor since April, 1992. Since February 1991 he has been responsible for North Dakota's development and implementation of such alternative corrections programs as electronic monitoring, on-site drug testing, the Intensive Supervision Program to manage high risk offenders, and community confinement of inmates. In 1991, 1992, 1994, and 1996 the National Institute of Corrections Academy selected Mr. Hoekstra to attend specialized training as stated above.

Mr. Hoekstra has worked closely with others developing and managing many of the Division's contracts and grants enhancing community corrections in North Dakota. His current assignment as Supervisor is with the Community Confinement Program and Revocation Center Program.

Mr. Hoekstra began his career in juvenile group home care at the Dakota Boys Ranch in Minot and Charles Hall Youth Services in Bismarck between 1980 through 1983. In September 1983, Mr. Hoekstra began work in Adult Corrections in Williston as a State Parole/Probation Officer. As a Federal Probation/Pretrial Service Officer from November 1985 through December, 1990, Mr. Hoekstra served northeastern North Dakota, including the Turtle Mountain and Spirit Lake Reservations, the U.S./Canadian border, and North Dakota in Devils Lake and Grand Forks.

ATTACHMENT #10

ND FIELD SERVICES DIVISION, 97-99 AND 99-01 EXECUTIVE BUDGET RECOMMENDATIONS 12/21/98				
PROGRAM - GENERAL FUNDS				
	97-99 Biennial General Fund	99-01 Biennial General Fund Recommendation	Increase over present 97- 99 biennium	Budget Change Reason
VICTIM SERVICES	297,935	313,311	15,376	
			8,252	Continue Program
			7,124	Gov. Salary/Benefit Increase
IOSP	316,991	701,115	384,124	
			93,556	Continue Program
			30,691	Gov. Salary/Benefit Increase
			18,244	Crime Victim Coordinator
			241,633	Release Team
COSP	4,866,832	8,476,234	3,609,402	
			118,525	Continue Program
			239,746	Gov. Salary/Benefit Increase
			2,149,800	Alternative to Incarceration
			402,375	Low Risk Supervision
			211,375	3 new PO II
			202,735	Admin Secretaries
			658,709	Revocation Center
			-136,919	Converted to Special
			-324,622	Eliminated Community Service
			87,678	LAC Fargo
Total Field Services	5,481,758	9,490,660	4,008,902	

PROGRAM - SPECIAL FUNDS				
	97-99 Biennial Special Fund	99-01 Biennial Special Fund Recommendation	Increase over present 97- 99 biennium	Budget Change Reason
VICTIM SERVICES	348,964	389,239	40,275	
			40,275	Off Set Federal CVC apparent decrease
IOSP	5,000	51,000	46,000	
			6,600	Continue Program
			39,400	Additional work at JRCC
COSP	446,036	819,026	372,990	
			25,975	Continue Program
			147,015	Convert to Special Funds
			200,000	Overcrowding
Total Field Services	800,000	1,259,265	459,265	
PROGRAM - FEDERAL FUNDS				
	97-99 Biennial Federal Fund	99-01 Biennial Federal Fund Recommendation	Increase over present 97- 99 biennium	Budget Change Reason
VICTIM SERVICES	2,457,500	1,908,000	-549,500	
			-549,500	Federal apparent decrease
IOSP	0	76,220	76,220	
			3,243	Gov. Salary/Benefit Increase
			72,977	Crime Victim VOCA Grant
COSP	851,631	734,400	-117,231	
			-10,096	Converted to Special Funds
	-117,231		-82,390	Loss of COPS Grant
			-309,367	Edward Bryne Loss
			-75,378	Loss of Community Service Edward Bryne
			360,000	Edward Bryne Funds 99-01
Total Field Services	3,309,131	2,718,620	-590,511	

PROGRAM - TOTAL AUTHORITY			
	97-99 Biennial Budget	99-01 Biennial Budget Recommendation	Increase over present 97- 99 biennium
VICTIM SERVICES	3,104,399	2,610,550	-493,849
IOSP	321,991	828,335	506,344
COSP	6,164,499	10,029,660	3,865,161
Total Field Services	9,590,889	13,468,545	3,877,656

ATTACHMENT #11

Wyoming Parole & Probation Jerry Pieper - 307-777-7470			
Biennial Budget	7/1/98 to 6/30/00	FTE	
Total	17,415,534	123	
General	17,415,534		
Federal	0		
Special	0		
Program	7/1/98 to 6/30/00	FTE	
Admin/Traditional P & P	7,964,892	101	
Four 1/2 Way Houses	6,159,270	1	
County Jail Sentences	820,000	0	
ISP	2,471,372	21	
Total by Program	17,415,534	123	
Wyoming Parole & Probation Count as of 6/30/98			
	6,797		

Montana Community Corrections Becky Buska - 406-444-6949				
Biennial Budget	7/1/97 to 6/30/99	FTE	7/1/99 to 6/30/01	FTE
Total	30,424,415	183.0	41,371,190	228.0
General	30,424,415		41,342,390	
Federal	0		0	
Special	0		28,800	
Program	7/1/97 to 6/30/99	FTE	7/1/99 to 6/30/01	FTE
Pardon Board	580,889	6.0	623,067	8.0
Pre-Release	12,453,350	0.0	18,581,430	0.0
Admin	1,332,963	8.0	1,508,733	8.0
Boot Camp	2,244,126	25.5	2,593,710	25.5
Parole/Probation	13,813,087	143.5	18,064,250	186.5
Total	30,424,415	183.0	41,371,190	228.0
Montana Parole & Probation Count as of 6/30/98				
	5,729			

South Dakota Probation Jack Ellenbecker - 605-773-4873		
Annual Fiscal Budgets		FTE
FY 99	3,969,925	100.2
General	3,969,925	
Federal	0	
Special	0	
FY 00 * Does not include Gov compensation package	4,088,206	103.2
General	4,088,206	
Federal	0	
Special	0	
South Dakota Probation Count as of 6/30/98		
	3,380	

South Dakota Parole Richard Decker - 605-773-3478		
Annual Fiscal Budgets		FTE
FY 99	1,614,932	37
General	1,614,932	
Federal	0	
Special	0	
FY 00 * Does not include Gov compensation Package	1,672,316	39
General	1,672,316	
Federal	0	
Special	0	
South Dakota Parole Count as of 6/30/98		
	953	

ND Field Services Division
 Charles Placek - 701-328-6198

Biennial Budget	7/1/97 to 6/30/99	FTE	7/1/99 to 6/30/01	FTE
Total	9,590,889	55.25	13,468,545	69.75
General	5,481,758		9,490,660	
Federal	3,309,131		2,718,620	
Special	800,000		1,259,265	

Program	7/1/97 to 6/30/99	FTE	7/1/99 to 6/30/01	FTE
Victim Services	3,104,399	1.50	2,610,550	1.50
Institutional Offender Services	321,991	4.05	828,335	8.05
Community Offender Services	6,164,499	49.70	10,029,660	60.20
Total	9,590,889	55.25	13,468,545	69.75

North Dakota Parole &
 Probation Count as of 6/30/98 3,160

CRIME VICTIM SPECIALIST

Paul J. Coughlin
701-328-6195
1-800-445-2322

CRIME VICTIM COORDINATOR

Gay L. Vorachek
701-328-6183
1-800-445-2322



DIRECTOR

Warren R. Emmer
701-328-6193

PROGRAM MANAGER/
INTERSTATE COMPACT
COORDINATOR

Charles R. Placek
701-328-6198

Field Services Division
P.O. Box 5521
Bismarck, North Dakota 58506-5521
701-328-6190
Fax 701-328-6651

TO: Elaine Little
Director DOCR

FROM: Charles R. Placek
Program Manager

DATE: February 10, 1999

RE: CVC Questions

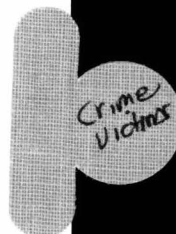
I understand that the House Appropriation sub committee asked the following questions regarding my response to their earlier questions on CVC expenditures:

1. How do we determine the percentage of payment of the presented bill?
Following the 93 -95 biennium the Division implemented a procedure to only pay 80% of the presented bill. That procedure was implemented following a review of payment practices of other 3rd party medical bill payers. We have asked our medical vendors to accept 80% payment for presented medical bills for North Dakota Crime Victims.

2. How is the funding source for CVC expenditures computed?
The information provided in my January 20, 1999 response showed expenditures but I failed to show the actual budgeted amount. The budgeted amount for CVC expenses has remained constant at 426,403 for the 95 - 97, 97 - 99, 99 - 01 biennium.

GENERAL FUNDING FOR THE CRIME VICTIM PROGRAM includes Admin, VOCA, CVC, CVA

Biennium	Actual	Only CVC 99 - 01
93 - 95	638,544	Total 426,403
95 - 97	348,204	General 129,164
		Federal 108,000
		Special 189,239
Biennium	Budgeted	
97 - 99	297,935	
99 - 01	306,187	



House Appropriations
Human Resources Division
Representative Ken D. Svedjan, Chairman
January 13, 1999

Richard M. Hoekstra, Supervisor
Field Services Division
701-328-6144
Testimony in Support of HB 1016

I am a Supervisor for the Division of Field Services in the Release Team Program. My duties include the further develop of the Division's Cognitive Approach. Most of this work will initially involve the Revocation Center Program and the offender's return to their community.

The concepts and theory surrounding the Cognitive Restructuring model initially can create questions. I will be brief in this testimony but will be available to respond to questions today or in the future concerning Cognitive Restructuring Programs in the Division.

Attached are 3 items to summarize an approach to manage risk and offenders to be most effective:

- The Power of Choice
- The Steps of Cognitive Self Change
- Risk management Strategies

I am excited about our future in Community Corrections. This approach will help all of us concerned about crime, punishment, and public safety move closer toward our goals.

The Power of Choice

The process of Cognitive Self Change / Cognitive Restructuring does not, in any manner, attempt to force an offender to change. The process does, however, require an offender to fully participate in the techniques, exercises and/or assignments established by the individual program expectations. In short, the client does not have to prove that he/she has "changed," but they do have to demonstrate the following basic Cognitive Self Change Skills:

- * The ability to practice objective self-observation
- * Ownership of Crime, other offending behaviors
- * Clear identification of Risk Thinking & Risk Cognitive structures
- * Fully understanding of the relationship between risk cognition and Criminal, Antisocial or harmful behaviors
- * Ability to create realistic, meaningful cognitive interventions that reduce risk
- * Demonstrate an ability to practice interventions in role plays and "real life" situations
- * Ability to work collaboratively with Correctional staff by maintaining an open channel of communication that includes the reporting of risk openly and honestly

The motivation to change can only come from the offender. The process of Cognitive Self Change / Cognitive Restructuring has the client see themselves for what and who they are, in total detail, without distortion, in full reality. It requires the client to look at how they see and do the world, what effect that has on their behavior, their lives and the lives of others. Staff are needed to guide offenders through the process of self discovery and challenge them to choose - stay the same, continue to operate as you always have or change your life- YOU CHOOSE.

The process of self change can be explained this way:

We don't lead the horse to water.....

We don't tell the horse where the water is.....

We work on developing a thirst in the horse.

Change only comes through choice; choice only is made when one sees the need - motivation only comes from seeing the need and having the choice. Challenge every step of the way, but avoid coercion. Coercion can bring compliance, but compliance is not real, lasting self-change.

Brian M. Bilodeau

STEPS OF COGNITIVE SELF CHANGE

1) SEE THE BEHAVIOR -

2) OBSERVE THE THINKING/FEELINGS ASSOCIATED WITH THE BEHAVIOR

3) IDENTIFY THE RISK THINKING

4) UNCOVER UNDERLYING COGNITION: ATTITUDES, BELIEFS & MINDSETS

5) SEE THE SCOPE AND CONSEQUENCES OF THE THINKING

6) DEVELOP INTERVENTIONS: ALTERNATIVE THINKING

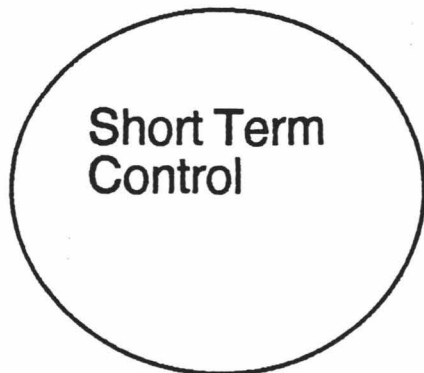
7) APPLY NEW THINKING: PRACTICE SELF RISK MANAGEMENT

Risk Management Strategies

- * Incapacitation / Incarceration
- * Direct Contact
- * Supervision of Conditions
- * Electronic Monitoring
- * Drug Testing/Screening
- * Restraints
- * Setting Limits / conditions
- * Graduated Sanctions



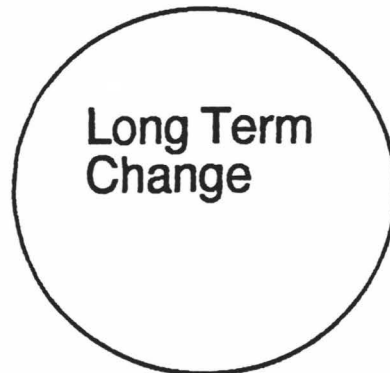
Risk Control



- * Treatment Programs
- * Cooperation/ Collaboration
- * Challenge Choice
- * Ownership / Responsibility
- * Teaching & supporting Self
- Risk Management
- * Cog Skills / Cog
- Restructuring
- * Setting Limits Clearly



Risk Reduction





DEPARTMENT OF CORRECTIONS
AND REHABILITATION
PRISONS DIVISION

3303 East Main Street, Bismarck, ND 58501
Mailing Address: P.O. Box 5521
Bismarck, ND 58506-5521

Tim Schuetzle, Director
Prisons Division

HOUSE BILL NO. 1016
TESTIMONY to FULL HOUSE APPROPRIATIONS COMMITTEE
JANUARY 7, 1998

Prisons Division

The Prisons Division consists of the three secure facilities, the North Dakota State Penitentiary and Missouri River Correctional Center in Bismarck, and the James River Correctional Center in Jamestown. As Elaine mentioned, 75% of the 20 million-dollar increase to the Department of Corrections budget will go to this division. She has touched on some of the major reasons for this increase, and I would like to expand a little further.

I. COSTS TO BOARD INMATES OUTSIDE THE SYSTEM - \$4,085,300 (GF)

We expect to have 1,000 inmates in our system at the start of the new biennium, and, if our growth remains at the same 15% rate as the past three years, we should add 150 inmates by July 1, 2000. Our projections conservatively drop to a 10% growth rate during the second year, ending the biennium with a total count of 1265 inmates. Since we currently only have beds for 861 inmates in the system, we will need funding to contract bed space with county jails or private prisons. The chart on the last page illustrates this cost for contracting, based on a \$55.00/day rate for the first year, and a \$60.00/day rate the second year. We have included in this illustration the additional 110 beds to our system in May of 2000 when we project the JRCC 5th and 6th floors will be completed.

The boarding costs come to \$8,912,425. We believe, however, that we can save about 115 beds per day through the proposed alternatives to incarceration measures such as community placement and the revocation center. If these programs are successful, it will mean a reduction of \$4,827,125 dollars to our total contracting costs. Because of this proposed savings, the total increase requested to board inmates is \$4,085,300 (\$8,912,425 - \$4,827,125).

II. FUNDING JRCC SALARIES and OPERATING for 24 MONTHS - \$3,241,124 (GF).

Because of the construction time schedule, the new prison at Jamestown was only operational for 13 months of the biennium. Now that there will be inmates and staff on board for the full 24 months, the amount needed for both salaries and operating expenses will increase.

State Penitentiary
PO Box 5521
Bismarck, ND 58506-5521
Phone: 701-328-6100
Fax: 701-328-6640
TDD 1-800-366-6888

James River Correctional Center
PO Box 3001
Jamestown, ND 58402-3001
Phone: 701-253-3660
Fax: 701-253-3666

Missouri River Correctional Center
PO Box 5521
Bismarck, ND 58506-5521
Phone: 701-328-9696
Fax: 701-328-9690

Rough Rider Industries
PO Box 5521
Bismarck, ND 58506-5521
Phone: 701-328-6161
Fax: 701-328-6164

III. STAFFING INCREASES

1) JRCC 5th and 6th Floor - \$732,233 (GF)

There are 41 new full time employees requested in this budget, 29 of them at the JRCC. The renovation of the 5th and 6th floors will require 20 new staff to supervise the additional 110 inmates that will be housed there. We expect this renovation will give us beds for an additional 80 inmates on the 5th floor, and 30 inmates on the smaller 6th floor area, bringing the total usable beds at the JRCC to 350. The twenty positions will allow us to have two officers per floor per daytime shift, one officer per floor during the night shift, and a case manager on each floor, eight hours per day, 5 days per week. The positions requested will begin around April 1, 2000, or for 15 months of the biennium.

2) New staff requests for NDSP, JRCC, and MRCC - \$1,239,519 (GF)

When the decision to construct the JRCC was made, the staffing plan was fairly conservative. Now that we have been operating at full capacity for 7 months, we've discovered a few areas that need additional supervision. There are 6 more Correctional Officer II's, an Account Technician, and 2 Addiction Counselors in this budget. We did not adequately fund work and educational programs during the first year of operation, and, because of that, we have a problem with too little activities to keep the inmates productive during the day. Four of the new officers will help by supervising general work crews, and the 2 Addiction Counselors will keep up to 30 inmates busy while undergoing therapy. We need the other two officers as support for covering the entrance gate. The officers assigned to that post are responsible for perimeter security, and to inspect every vehicle and person entering the facility to prevent the introduction of contraband. Our initial staffing plan only called for one officer at that post, 8 hours per day. We have found that the numbers of staff, visitors, and deliveries into the facility each day require that this post be staffed 16 hours daily.

There are 5 Correctional Officer II's added to the MRCC staff that will be responsible to transport MRCC inmates to offsite work and treatment programs and medical appointments. We had been using inmate drivers in the past, but our concerns for public safety, contraband smuggling, and accident liability forced us to start using staff drivers. We have staffed this post for the last 9 months by using overtime and filling in with the driver assigned to the prison, as time allows.

The remaining 7 new positions will go to the penitentiary. There are 3 Correctional Officer II's to staff our front entrance 16 hours per day, screening visitors, property, and new arrivals. The increase in our population has placed a great strain on the medical department. Two Registered Nurses have been added to staff to help with the intake screening for new inmate arrivals and transfers, increased numbers at doctor and dentist calls, and to provide coverage during the night shift. We are also having difficulty providing chemical dependency assessments on all the new arrivals, and subsequently meeting their treatment needs once in the system. A new Addiction Counselor position is needed to keep up with the demand. Finally, we have been operating with 5 case managers for 6 housing units, but as we have filled up and begun transferring

inmates to other facilities and jails, we have discovered it is not possible for these managers to successfully manage their workloads. A new Case Manager for the third floor unit will solve this problem.

IV. CAPITAL IMPROVEMENTS - \$1,191,739 (GF)

1) JRCC 5th and 6th floor renovation- \$584,469; Operating - \$721,600 (GF)

Remodeling the top two floors of the ET building will allow us to house 110 more inmates, at a cost of \$2,678,000. Approximately 2.1 million of the costs will be funded with federal "crime bill" dollars, leaving \$584,469 in general fund matching money to complete the project. We estimate renovation to be completed in time for us to move the inmates into the building by May 1, 2000.

Considering the population projections you've just heard, and the availability of the federal funds for prison construction, this project makes economic sense for the North Dakota taxpayers. It would cost \$2,718,650 to rent space at a private prison for 110 inmates during the last 14 months of the biennium [110 inmates X (\$55.00/day X 61days) + (\$60.00/day X 365 days)]. We project the salaries (\$752,233) and operating expenses (\$721,600) for us to operate these floors to be \$1,453,833 during this time frame. Even if you include the \$584,469 general fund match for the construction costs, we would still save about \$700,000 by completing the project and keeping these inmates in state, versus the private contracting option.

2) Security Fence and Man-barrier for NDSP - \$198,000 (GF)

Money was included in the 97-99 biennium to add fencing and electronic detection devices on the north perimeter of the penitentiary, but due to unexpected costs for the JRCC completion, that money went to complete the Jamestown project. We have a security concern with our current practice of using the exterior wall of the Industries building as our secure perimeter. The fencing project would place a double fence around that building, completing our goal of having a double fence around the entire institution. There is also money to complete the second phase of adding electronic detection devices to the fence perimeter in areas on the north, south and west fences.

3) MRCC Food Service/Multi-purpose Building- \$1,600,000 (Bonding)

Since the addition of 43 beds in 1992, we have been trying to fund the construction of a new food service and multi-purpose area at the MRCC. The kitchen and dining area is outdated and too small to meet the needs of the 150 residents. The wood frame building was built in the 1930's and does not meet any of the local building or life safety codes. The structure will be designed so the dining area could be converted to an indoor recreation space during non-meal times, improving security by having all inmates recreating in a controlled setting.

4) Administrative Segregation Renovations- \$433,000 (GF)

The Administrative Segregation unit is our "jail within the jail", where we must house those inmates that are a threat to harm themselves or others. These predators are a proven risk to the safety of other inmates and staff, and therefore, we segregate them from the rest of the population by placing them in a maximum security housing unit where they are held in their cells continuously except for 1 hour of daily recreation. As recently as five years ago we had between 6 to 10 inmates housed in our twenty bed AS unit. It is to be expected that as our total number of inmates rose, we would also see an increase in the people requiring AS placement. However, the number of assaultive and unruly inmates has grown at an even faster rate. The biggest contributing factor for this is the number of inmates with street gang affiliations. These gang members try to use their organization and numbers to control black market contraband, theft rings, or to intimidate other inmates to "pay for protection". We have a zero tolerance practice for gang activity in our facility, and have had success identifying the leaders, and locking them up in AS. Another reason for our growth in AS inmates comes from the growing number of protection/separation cases. Sometimes these come from ex-gang members who want to quit the gang but are then labeled and targeted by the gang leaders. Mostly though, these protection cases are drug offenders who have testified against others to receive a lesser sentence. When their crime partners come to prison, the informant is often no longer safe to stay in general population. We have success finding alternative housing for these people at another facility, private prison, or county jail in about 90% of the cases. Sometimes though, they misbehave at those facilities and we must bring them back to the penitentiary, where we have no recourse but to place them in this secure unit for their own protection.

The AS unit started with the 20 cells on the west side, first floor of the West Cell House. Last biennium, we took over the east-side of the tier, adding another 20 cells, but still find ourselves in the position of having to choose the least risky inmate to release to the general population when a new inmate requires placement. The cells we are using were not designed to hold this type of prisoner. The front of the cells are open bars, allowing inmates to throw objects, food, or body waste on staff making rounds on the tier, or into other inmates cells during their tier recreation. The 97-99 budget has funding that allows us to convert the original 20, open-fronted cells into maximum-security cells with a cinder block front and steel doors. Work on this conversion has already begun. This request is to continue with the same conversion on the other 20 cells, and to expand the unit into the second floor, west side, bringing the total number of cells to 60. Included in this proposal is funding for electronic surveillance alarms, controlled movement barriers, and plumbing for a shower. This will allow us to break this unit into 5 mini-units, providing greater security and flexibility in keeping certain inmates separated from each other.

5) JRCC improvements- \$437,960 (GF)

During the construction of the JRCC, agreements were made with the Jamestown building inspectors to postpone adding fire suppression devices in the Forensic Unit and the Amusement Hall until the 99-01 biennium, as funds were not available. The waiver we were granted enabled us to open the facility despite these building code issues. \$181,000 is requested for fire protection devices in both buildings, and to add smoke alarms in the Forensic Unit cells.

Due to the JRCC construction, the access to the pool via the tunnel system for the State Hospital patients was lost. An agreement with the hospital was reached where we would provide a new access for them during the 99-01 biennium. In order to become compliant with ADA, we also need to install a wheel-chair lift in the ET building, so handicapped inmates can have access to the recreation yard. Costs for these projects will be \$135,960.

There were some operational changes for the JRCC when it was determined that it would be in the Department's best interests to house the female inmates there. \$121,000 is requested to provide for fencing around a recreation yard, which would be separated from the male yard. This money would also be used for interior building security improvements, segregating female and male inmate movements, and for additional perimeter security devices.

6) Parking Lot Improvements for NDSP and JRCC-\$396,000 (GF)

Inadequate parking at the JRCC has caused considerable inconvenience for staff and visitors, and with the addition of the 5th and 6th floors, the problem will only become worse. Visiting parking is presently adjacent to the inmate recreation yard, making contraband smuggling and unauthorized communication a real security concern. Funding will allow us to construct a parking lot on a portion of the hospital grounds that is more accessible from public roads, closer to the front entrance, and away from the inmate recreation areas.

The existing parking lot at the penitentiary has 78 parking spaces, but during business and visiting hours there are 100+ vehicles parked in the lot and on the adjacent roadway. There is a safety concern because there is no walkway from the lot to the entrance, meaning people must walk in the roadway. The renovation would increase the size of the lot to 125 spaces, increase the lighting, and construct sidewalks to safely convey employees and visitors to the entrance.

V. EXTRAORDINARY REPAIRS and EQUIPMENT - \$750,413

There is an increase in the repair line item by about \$667,000 dollars from the current biennium, but there are good reasons for this increase. With the addition of the JRCC, we now have more square footage to maintain. Also, this line item has not received the same level of funding the past two biennia to keep up with the repair needs. There was \$669,121 funded in the 93-95 biennium, but that decreased to \$362,700 in 95-97, and fell even farther in the present biennium to \$286,250. This

has meant that projects we have requested for 5 years have finally made the budget, most notably \$62,000 to paint the cell houses and \$116,500 to pave the .4 mile entrance to the MRCC.

Our top priority is to add electrical outlets and toilets in the cells of the 400 and 500 wing of the Forensic Unit (\$49,000). Presently, there is one common bathroom in each wing's dayroom. Since the inmates must have unimpeded access to a restroom, staff are prohibited from locking the inmates in their cells during sleeping hours. Adding toilets will allow staff to secure these cells, increasing safety for both staff and other inmates living in the wing. Other projects that must be addressed, are ADA upgrades at the penitentiary and MRCC (\$27,700), sprinkling the Therapeutic Community building (\$85,470), installing utility metering at the JRCC (\$21,000), and upgrading surveillance cameras and electronic security devices in the tunnels, attics, and on the perimeter of the NDSP (\$134,000).

The equipment line item will increase from \$170,000 to about \$250,000. A high dollar item included in the budget is an X-ray scanner to screen property items and supplies entering the facility.

VI. OTHER GENERAL FUND INCREASES

1) Institutional Medical Fees - \$362,500 (GF).

Medical costs continue to rise, and the projected increase to the population at the JRCC will require additional money to provide for medical and dental care.

2) Funding Source Changes from Federal/Special to General Funds - \$577,141 (GF).

In the past the prison was able to generate some income by filling our empty beds with boarders from other prisons. Unfortunately, our growing population has forced us to discontinue this practice, as we don't even have enough space for our own North Dakota inmates. The 99-01 budget no longer includes expectations of revenue from boarding the 15 Federal Bureau of Prisons, and Alaskan State inmates that was in the 97-99 budget. This means that the \$520,130 that was supposed to have been generated this biennium must now be replaced with general funds for 99-01. We also lost a federally funded grant that provided for librarian services (\$57,011), and this funding must now come from the general fund.

3) Compensation Package for Existing Staff - \$1,174,593 (GF).

The proposed salary increases, and inflationary increases to the health benefits package for the existing staff result in this general fund increase.

4) Increase for Inmate Pay Based on Higher Population - \$229,950 (GF)

5) General Fund Match Requirement for RSAT Federal Grant - \$99,134 (GF)

6) Miscellaneous Increases in Operating Expenses - \$562,700 (GF)

These are caused by inflationary increases and other cost increases for food, supplies, utilities, and computer link/telephone lines that we expect in the 99-01 biennium.

HOUSE BILL 1016
Department of Corrections and Rehabilitation Appropriation Request
Testimony on Prisons Division Funding
Human Resources Division of the House Appropriation Committee
January 12,1999, 10:00 am

I. Agency Mission and Goals

This budget is submitted by the Governor's office to fund the operations of the Department of Corrections and Rehabilitation Prisons Division for the 99-01 biennium. This is our first year as a performance based budget, and is developed to meet the statewide goals:

- II B: Foster the development of responsible, productive, and self-sufficient citizens.
- IV C: Promote the distribution and use of ND goods and services.
- V A: Provide adequate, secure correctional facilities to keep repeat high-risk offenders incarcerated.
- V B: Strive to reduce recidivism.
- V H: Employ qualified and effective corrections, safety, and law enforcement personnel.

The mission of the Prisons Division is to protect the public by maintaining proper custody of the offenders sentenced by the courts; to provide a safe and healthy environment for staff and inmates; and to offer the best work, education, and treatment programs possible, encouraging inmates to make the needed changes to be law abiding and successful in society. This mission can be achieved through two major agency goals: 1) safety and security, and 2) rehabilitation. All the funding requested here is devoted to either protecting the public, staff, and inmates; meeting the legal requirements for prison operations set by the courts and the North Dakota Century Code; or providing programming to correct inmate's behavior so they don't return to the prison.

II. Overview of Current Biennium.

I believe the prisons division did an outstanding job of meeting its goals of public safety and rehabilitation, despite a biennium during which our prison population increased at an unprecedented rate. We started the biennium with 770 inmates, and reached an all time high of 970 inmates in early December of 1998. A major reason for this increase comes from more inmates being sentenced to prison on drug offenses, and for violent crimes. Today's count is 945, but we expect to have 1000 inmates by the start of the new biennium. Despite this growth, North Dakota continues to be the smallest prison system in the country. At 104 sentenced inmates per 100,000 state residents, we also have the lowest incarceration rate of any other state.

We continued to do a good job of protecting staff, inmates, and the general public. We are proud to report that there were no major inmate disturbances, homicides, or serious injuries to inmates or staff during the biennium. We are especially proud that there were no suicides. The number of assaults on staff was constant compared to

the previous biennium, but the rate of inmate on inmate assaults increased by 25%, corresponding to the higher number of inmates entering our system for violent crimes. Nonetheless, we continue to have one of the safest prison systems in the nation in terms of the above categories. There were three minimum security inmates that walked away from a community work project in October of 1997, and one medium security inmate escaped from the Therapeutic Community section of the main Penitentiary in July of 1998. All inmates were apprehended and returned to the facility. There is funding requested to improve the perimeter security of the Therapeutic Community to prevent a reoccurrence of this July, 1998 incident.

I am also proud to report that our recidivism rate for the biennium continued between 22 and 23%, once again one of the lowest in the nation. This shows that our rehabilitative programs are having a positive impact on keeping inmates from returning to prison. We continued to offer sex offender treatment, and intensified our efforts on gambling treatment, anger management therapy and cognitive restructuring. We also began a pilot program with the Department of Human Services to assist in preparing release plans for mentally ill inmates as they are returned to their community. This program showed some initial success in lowering the recidivist rate for this group. We again did a fine job of making sure that inmates leave prison with at least a GED, graduating over 125 inmates so far this biennium. I am concerned however, how the increased number of inmates strained these programming efforts. Since we have a limited number of inmate jobs, and suddenly more inmates, the number of unassigned inmates rose. This increase in inmate idleness and boredom is dangerous, and we must somehow increase employment at Rough Rider Industries so they can once again employ 25% of our population. Also, for the first time in my tenure, because of staff shortages we were unable to provide addiction treatment services for all the inmates that wanted to participate. This could possibly have a negative effect on our recidivism rate in the years to come.

There were three major changes to our operations during the current biennium, which impact our budget request. The greatest accomplishment for the past two years was the addition of a new prison in Jamestown. Don Redmann was named director of the James River Correctional Center, and opened that facility on June 1 of 1998 with 50 female inmates. The prison had a high percentage of staff with little or no corrections experience, but other than some growing pains the first six weeks, the unit has run smoothly. By the end of August we had filled the capacity of 240 inmates, and were again contracting for 50 beds at the private prison in Appleton, Minnesota. The cost of contracting for beds to house the higher number of inmates than projected was about 3 million dollars, but through savings and efficiencies in other budget areas, our expected deficiency will be approximately \$2,500,000.

Another change in our operations was the implementation of a tobacco ban in October of 1997. This has accomplished its desired results by eliminating the incidents of cell fires and providing a healthier environment for non-smoking inmates. It is also hoped that by keeping long-sentenced inmates tobacco free, it will save on future medical costs for the state taxpayers. Although initially the inmates were not happy with the change, now that it has been in place for 14 months, there is a general acceptance. The drawback to the tobacco ban has been the development of a black market for contraband, and a dramatic rise in the number of attempts to smuggle contraband into our prisons.

The last change to our operations was again related to the increase in population. In the past we would average 30 to 40 new arrivals each month, and we had room available in the Orientation Unit to handle those numbers. During the past 8 months, the number of new arrivals has averaged over 60 each month. A decision was made to move our intake unit into the area vacated by the female inmates. By double bunking, we could place up to 63 inmates in that space, an increase of 23 beds. This change helped meet the need for physical space, but even with the additional transportation officers and clerical positions we were given last biennium, we didn't have sufficient human resources to process all the inmates we had going through the system. By law, we must compile a legal, social, medical and treatment file for each inmate. All new arrivals must have entrance physicals within 24 hours of their arrival at the facility, whether as a new arrival to the system, or as a transfer from a facility we contract with to house our overflow. Education, psychological, and chemical addition evaluations must be compiled. Even though the inmates may not be staying in our facility very long, processing each new arrival is very staff intensive. We also discovered that transferring inmates between three "in-house" facilities, plus county jails and an out-of-state private prison, is also more staff intensive than was anticipated. Choosing which inmates to transfer, based on their custody level, programming needs, medical concerns etc. was a full time job for one staff person. Each move into or out of the prison requires staff time to pack and inspect the inmate's property for contraband. This unanticipated extra workload forced us to hire temporary staff in security and clerical positions, and caused our overtime to be 50% over budget.

III. The 99-01 Budget Request

The agency goals for the next biennium will remain the same; however, additional funding is needed if we hope to continue to protect the public and yet effect change on inmate behavior. The Prisons Division 99-01 budget requests an additional 12.1 million dollars, with an increase in general funds of 14.9 million dollars. As was the case in the 97-99 biennium, the greatest causative factor for this is the expected increase to our inmate population. The major changes to our general fund dollar increase are listed below.

A. Costs to board inmates outside the system- \$4,085,300

We expect to have 1,000 inmates in our system at the start of the new biennium, and, if our growth remains at the same 15% rate as the past three years, we should add 150 inmates by July 1, 2000. Our projections conservatively drop to a 10% growth rate during the second year, ending the biennium with a total count of 1265 inmates. Since we currently only have beds for 861 inmates in the system, we will need funding to contract bed space with county jails or private prisons. The chart on the last page illustrates this cost for contracting, based on a \$55.00/day rate for the first year, and a \$60.00/day rate the second year. We have included in this illustration the addition of 110 beds to our system in May of 2000 when we project the JRCC 5th and 6th floors will be completed.

The boarding costs come to \$8,912,425. We believe, however, that we can save about 115 beds per day through the proposed alternatives to incarceration measures such as community placement and the revocation

center. If these programs are successful, it will mean a reduction of \$4,827,125 dollars to our total contracting costs. Because of this proposed savings, the total increase requested to board inmates is \$4,085,300 (\$8,912,425 - \$4,827,125).

**B. Funding JRCC salaries and operating expenses for 24 months-
\$3,241,124 (GF).**

Because of the construction time schedule, the new prison at Jamestown was only operational for 13 months of the biennium. Now that there will be inmates and staff on board for the full 24 months, the amount needed for both salaries and operating expenses will increase.

C. Staffing Increases

1) Twenty staff to operate the 5th and 6th floor at the JRCC - \$732,233

There are 41 new full time employees requested in this budget, 29 of them at the JRCC. The renovation of the 5th and 6th floors will require 20 new staff to supervise the additional 110 inmates that will be housed there. We expect this renovation will give us beds for an additional 80 inmates on the 5th floor, and 30 inmates on the smaller 6th floor area, bringing the total usable beds at the JRCC to 350. The twenty positions will allow us to have two officers per floor per daytime shift, one officer per floor during the night shift, and a case manager on each floor, eight hours per day, 5 days per week. The positions requested will begin around April 1, 2000, or for 15 months of the biennium.

2) New staff requests for NDSP, JRCC, and MRCC - \$1,239,519 (GF)

When the decision to construct the JRCC was made, the staffing plan was fairly conservative. Now that we have been operating at full capacity for 7 months, we've discovered a few areas that need additional supervision. There are 6 more Correctional Officer II's, an Account Technician, and 2 Addiction Counselors in this budget. We did not adequately fund work and educational programs during the first year of operation, and, because of that, we have a problem with too little activities to keep the inmates productive during the day. Four of the new officers will help by supervising general work crews, and the 2 Addiction Counselors will keep up to 30 inmates busy while undergoing therapy. We need the other two officers as support for covering the entrance gate. The officers assigned to that post are responsible for perimeter security, and to inspect every vehicle and person entering and leaving the facility to prevent escapes or the introduction of contraband. Our initial staffing plan only called for one officer at that post, 8 hours per day. We have found that the numbers of staff, visitors, and deliveries into the facility each day require that this post be staffed 16 hours daily.

There are 5 Correctional Officer II's added to the MRCC staff that will be responsible to transport MRCC inmates to offsite work and treatment programs and medical appointments. We had been using inmate drivers in the past, but our concerns for public safety, contraband smuggling, and accident liability forced us to start using staff drivers. We have staffed this

post for the last 9 months by using overtime and filling in with the driver assigned to the prison, as time allows.

The remaining 7 new positions will go to the main penitentiary in Bismarck. There are 3 Correctional Officer II's to staff our front entrance 16 hours per day, screening visitors, property, and new arrivals. The increase in our population has placed a great strain on the medical department. Two Registered Nurses have been added to staff to help with the intake screening for new inmate arrivals and transfers, increased numbers at doctor and dentist calls, and to provide coverage during the night shift. We are also having difficulty providing chemical dependency assessments on all the new arrivals, and subsequently meeting their treatment needs once in the system. A new Addiction Counselor position is needed to keep up with the demand. Finally, we have been operating with 5 case managers for 6 housing units, but as we have filled up and begun transferring inmates to other facilities and jails, we have discovered it is not possible for these managers to successfully manage their workloads. A new Case Manager for the third floor unit will solve this problem.

D. Capital Improvements- \$1,191,739 (GF)

The total amount requested for Capital Improvements is \$5,742,960. Of this amount, \$2,049,429 will come from general fund, an increase in general fund money of about 1.9 million dollars from last biennium. The remaining 3.6 million dollars are funded with federal and special (bonding) funds.

1) JRCC 5th and 6th floor renovation- \$584,469; Operating - \$721,600 (GF)

Remodeling the top two floors of the ET building will allow us to house 110 more inmates, at a cost of \$2,678,000. Approximately 2.1 million of the costs will be funded with federal "crime bill" dollars, leaving \$584,469 in general fund matching money to complete the project. We estimate renovation to be completed in time for us to move the inmates into the building by May 1, 2000.

Considering the population projections and the availability of the federal funds for prison construction, this project makes economic sense for the North Dakota taxpayers. It would cost \$2,718,650 to rent space at a private prison for 110 inmates during the last 14 months of the biennium [110 inmates X (\$55.00/day X 61days) + (\$60.00/day X 365 days)]. We project the salaries (\$752,233) and operating expenses (\$721,600) for us to operate these floors to be \$1,453,833 during this time frame. Even if you include the \$584,469 general fund match for the construction costs, we would still save about \$700,000 by completing the project and keeping these inmates in state, versus the private contracting option.

2) Security Fence and Man-barrier for NDSP - \$198,000 (GF)

Money was included in the 97-99 biennium to add fencing and electronic detection devices on the north perimeter of the penitentiary, but due to unexpected costs for the JRCC completion, that money went to complete the Jamestown project. We have a security concern with our current practice of using the exterior wall of the Industries building as our secure perimeter. The fencing project would place a double fence around that building, completing our goal of having a double fence around the entire institution. There is also money to complete the second phase of adding electronic detection devices to the fence perimeter in areas on the north, south and west fences.

3) MRCC Food Service/Multi-purpose Building- \$1,600,000 (Bonding)

Since the addition of 43 beds in 1992, we have been trying to fund the construction of a new food service and multi-purpose area at the MRCC. The kitchen and dining area is outdated and too small to meet the needs of the 150 residents. The wood frame building was built in the 1930's and does not meet any of the local building or life safety codes. The structure will be designed so the dining area could be converted to an indoor recreation space during non-meal times, improving security by having all inmates recreating in a controlled setting.

4) Administrative Segregation Renovations- \$433,000 (GF)

The Administrative Segregation (AS) unit is our "jail within the jail", where we must house those inmates that are a threat to harm themselves or others. These predators are a proven risk to the safety of other inmates and staff, and therefore, we segregate them from the rest of the population by placing them in a maximum security housing unit where they are held in their cells continuously except for 1 hour of daily recreation. On a national average, wardens can expect to house between 6 to 10% of their prison populations in segregation. As recently as five years ago we only had between 6 to 10 inmates housed in our twenty bed AS unit. It is to be expected that as our total number of inmates rose, we would also see an increase in the people requiring AS placement. However, the number of assaultive and unruly inmates has grown at an even faster rate. The biggest contributing factor for this is the number of inmates with street gang affiliations. These gang members try to use their organization and numbers to control black market contraband, theft rings, or to intimidate other inmates to "pay for protection". We have a zero tolerance practice for gang activity in our facility, and have had success identifying the leaders, and locking them up in AS. Another reason for our growth in AS inmates comes from the growing number of protection/separation cases. Sometimes these come from ex-gang members who want to quit the gang but are then labeled and targeted by the gang leaders. Mostly though, these protection cases are drug offenders who have testified against others to receive a lesser sentence. When their crime partners come to prison, the informant is often no longer safe to stay in general population. We have success finding alternative housing for these people at another facility, private

prison, or county jail in about 90% of the cases. Sometimes though, they misbehave at those facilities and we must bring them back to the penitentiary, where we have no recourse but to place them in this secure unit for their own protection.

The AS unit started with the 20 cells on the west side, first floor of the West Cell House. Last biennium, we took over the east-side of the tier, adding another 20 cells, but still find ourselves in the position of having to choose the least risky inmate to release to the general population when a new inmate requires placement. The cells we are using were not designed to hold this type of prisoner. The front of the cells are open bars, allowing inmates to throw objects, food, or body waste on staff making rounds on the tier, or into other inmates cells during their tier recreation. The 97-99 budget has funding that allows us to convert the original 20, open-fronted cells into maximum-security cells with a cinder block front and steel doors. Work on this conversion has already begun. This request is to continue with the same conversion on the other 20 cells, and to expand the unit into the second floor, west side, bringing the total number of cells to 60. Included in this proposal is funding for electronic surveillance alarms, controlled movement barriers, and plumbing for a shower. This will allow us to break this unit into 5 mini-units, providing greater security and flexibility in keeping certain inmates separated from each other.

5) JRCC improvements- \$437,960 (GF)

During the construction of the JRCC, agreements were made with the Jamestown building inspectors to postpone adding fire suppression devices in the Forensic Unit and the Amusement Hall until the 99-01 biennium, as funds were not available. The waiver we were granted enabled us to open the facility despite these building code issues. \$181,000 is requested for fire protection devices in both buildings, and to add smoke alarms in the Forensic Unit cells.

Due to the JRCC construction, the access to the pool via the tunnel system for the State Hospital patients was lost. An agreement with the hospital was reached where we would provide a new access for them during the 99-01 biennium. In order to become compliant with ADA, we also need to install a wheel-chair lift in the ET building, so handicapped inmates can have access to the recreation yard. Costs for these projects will be \$135,960.

There were some operational changes for the JRCC when it was determined that it would be in the Department's best interests to house the female inmates there. \$121,000 is requested to provide for fencing around a separate recreation yard, which would be separated from the male recreation yard. This money would also be used for interior building security improvements, segregating female and male inmate movements, and for additional perimeter security devices.

6) Parking Lot Improvements for NDSP and JRCC-\$396,000 (GF)

Inadequate parking at the JRCC has caused considerable inconvenience for staff and visitors, and with the addition of the 5th and 6th floors, the problem will only become worse. Visiting parking is presently adjacent to the inmate recreation yard, making contraband smuggling and unauthorized communication a real security concern. Funding will allow us to construct a parking lot on a portion of the hospital grounds that is more accessible from public roads, closer to the front entrance, and away from the inmate recreation areas.

The existing parking lot at the penitentiary has 78 parking spaces, but during business and visiting hours there are 100+ vehicles parked in the lot and on the adjacent roadway. There is a safety concern because there is no walkway from the lot to the entrance, meaning people must walk in the roadway. The renovation would increase the size of the lot to 125 spaces, increase the lighting, and construct sidewalks to safely convey employees and visitors to the entrance.

D. Extraordinary Repairs and Equipment - \$750,413

The extraordinary repair budget is \$953,700, an increase of about \$667,000 dollars from the current biennium, but there are good reasons for this increase. With the addition of the JRCC, we now have more square footage to maintain. Also, this line item has not received the same level of funding the past two biennia to keep up with the repair needs. There was \$669,121 funded in the 93-95 biennium, but that decreased to \$362,700 in 95-97, and fell even farther in the present biennium to \$286,250. This has meant that projects we have requested for 5 years have finally made the budget, most notably \$62,000 to paint the cell houses and \$116,500 to pave the .4 mile entrance to the MRCC.

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The equipment line item will increase \$88,000, from \$170,000 to about \$258,000. High dollar items included in the budget are an X-ray scanner to screen property items and supplies entering the facility and self-contained breathing apparatus units for the cell houses.

F. OTHER GENERAL FUND INCREASES

Institutional Medical Fees - \$362,500 (GF).

We have noticed a trend over the past few years that our new inmates arrive with more serious ailments, and believe this is directly related to needle sharing by methamphetamine addicts. There has been a dramatic increase in the number of Hepatitis and HIV infected prisoners coming into our system, which has put an additional strain on our medical staff. Medical costs continue to rise, and the projected 110-bed increase at the JRCC will require additional money to provide medical and dental care. Increased funding for medical operating expenses is included in our request.

Funding Source Changes from Federal/Special to General Funds - \$577,141 (GF).

In the past the prison was able to generate some income by filling our empty beds with boarders from other prisons. Unfortunately, our growing population has forced us to discontinue this practice, as we don't even have enough space for our own North Dakota inmates. The 99-01 budget no longer includes expectations of revenue from boarding the 15 Federal Bureau of Prisons, and Alaskan State inmates that was in the 97-99 budget. This means that the \$520,130 that was supposed to have been generated this biennium must now be replaced with general funds for 99-01. We also lost a federally funded grant that provided for librarian services (\$57,011), and this funding must now come from the general fund.

Compensation Package for Existing Staff - \$1,174,593 (GF).

The proposed salary increases, and inflationary increases to the health benefits package for the existing staff result in this general fund increase.

Increase for Inmate Pay Based on Higher Population - \$229,950 (GF)

General Fund Match Requirement for RSAT Federal Grant - \$99,134 (GF)

Miscellaneous Increases in Operating Expenses - \$562,700 (GF)

These are caused by inflationary increases and other cost increases for food, supplies, utilities, and computer link/telephone lines that we expect in the 99-01 biennium.

IV. Future Concerns

I am concerned that we may have underestimated the population growth potential for our system. We have experienced more than a 15% increase in each of the past three years, but we only used a 10% growth rate for our second year projections. The proposed increase of 14 drug enforcement agents are certainly needed to help deter the growing methamphetamine problem, but this

will undoubtedly add more inmates to our system. Any increase above our projections will add to numbers of inmates we must house outside our system. And increase the likelihood we will be deficient again next biennium.

I am concerned that we have not included enough administrative support personnel in our request to operate the JRCC. We will be housing 350 inmates there in 16 months, yet we will have only two clerical staff, one maintenance worker, two account technicians, 1 teacher, 5.5 nurses, and 3 counselors to support the running of that facility.

I am concerned with the changing, more violent type of inmate coming into our prison, and the effect that will have on the maximum-security penitentiary. As we move our less risky, medium-security inmates to the JRCC, we are left with a higher percentage of more violent, anti-social inmates at the original penitentiary. Having a more balanced mix of custody levels has been a major reason why we have been able to keep control of the inmate violence here. The proposed addition to our administrative segregation unit will certainly give us better options to maintain control, but maximum security prisons are more staff intensive, and therefore, expensive, to operate.

I am concerned about the increased idleness at all three facilities. It is imperative that we find more work programs to keep our inmates busy during the day, and that responsibility falls squarely on Rough Rider Industries. I have directed Rough Rider Director Dennis Fracassi to increase the percentage of inmates he can employ in the industry program from its current 11%, to 25% over the next biennium. The difficulty of this task is for him to find projects for inmates that will not compete with private sector companies in our state. Mr. Fracassi has therefore been working with many private sector companies to form joint ventures with them, where our inmates would produce goods or perform services directly for these companies, rather than being in competition with them. He will explain some of these projects during his testimony shortly.

Finally, and most importantly, I am concerned about the effects this continuous growth of our prison population is having on my staff. While we appreciate the additional positions we have received over the past biennium to help supervise the inmates, it has not always been adequate, especially in the administrative support, and programming positions. As the inmates kept coming, our only option was to ask these employees to increase their production and efficiency to meet the needs. I am extremely proud of how they have met this challenge, and presently the morale among staff is high. It takes a different type of person to work with these negative people in this high stress environment, but I still believe the staff enjoys coming to work each day. But you can only expect people to continue to assume more work for so long before they begin to break down. I sense they are becoming tired. I think when the public looks at our budget, they hate seeing so much money being spent on criminals. But they forget that there are over 300 state employees who work with criminals every day to try to keep our state safe, and they need resources to do their jobs. These people have worked very hard the past three years, and the state is getting their money's worth from the prison employees.

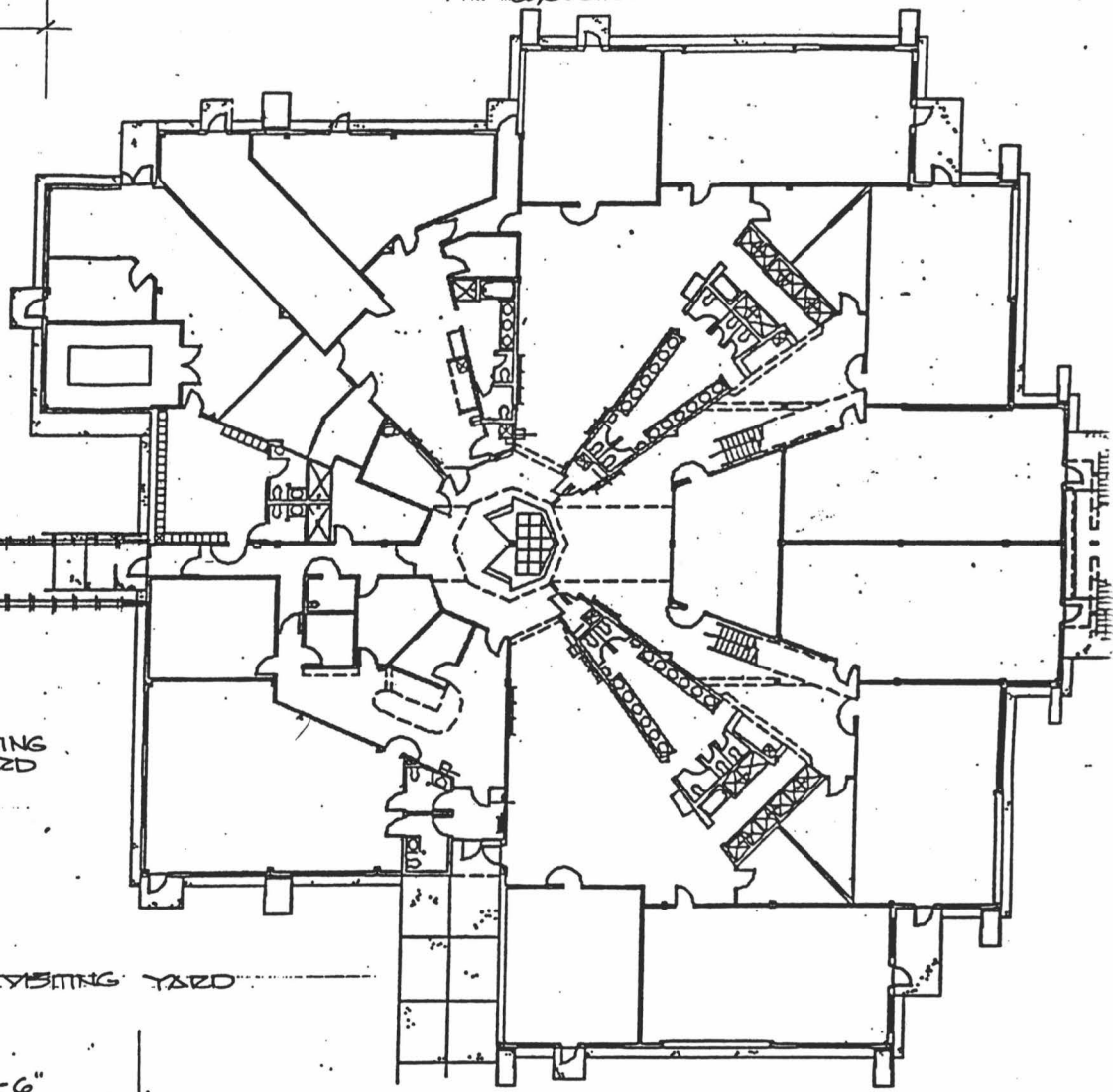
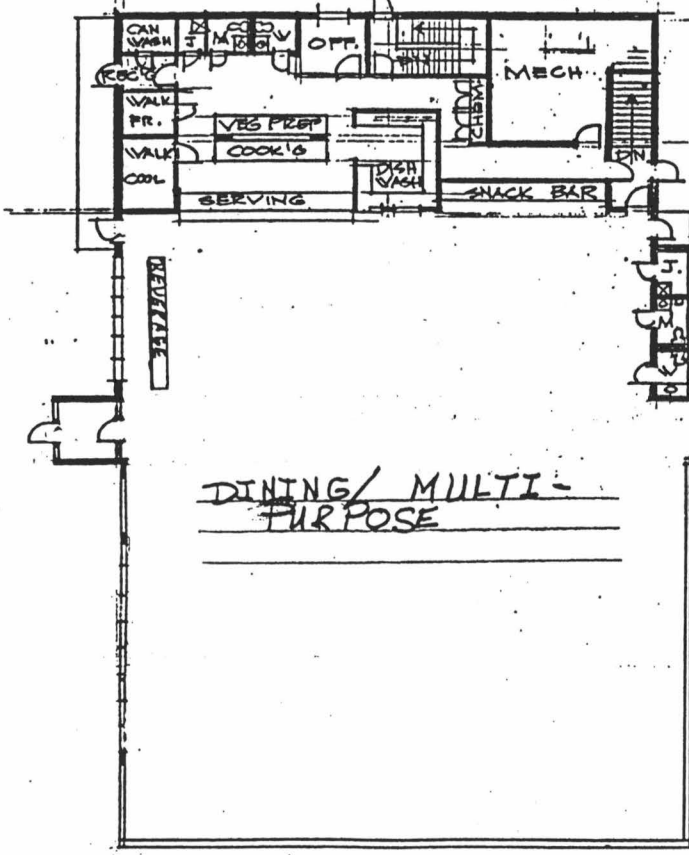
V. Final Comments

I have heard legislators call this budget discouraging, distressing, and even disgusting! I choose to believe that is not because they don't recognize the need to fund corrections and public safety, but because the growing cost of corrections is cutting into the state's ability to fund other important programs such as education, social services, and transportation. However, the situation we now find ourselves in is the result of a growing addiction problem in this state, and legislation passed in recent years to curb that problem. As Governor Schafer stated in his budget address, we can be tough on crime, but we also need to be smart on crime as well. It is possible that the creation of prevention programs, or changes to our statutes passed this biennium may turn around our growing prison population. I caution you though, that the impact of those changes will take some time to work through our system and will not be felt over the next two years. There is no fat in this budget, and we do not have a "Cadillac" prison system in North Dakota. Our costs per day are still below the average spent by other states, yet our emphasis on rehabilitation and our safe environment make us one of the best systems in the country. I urge your full support of this appropriation request.

PHASE I - 1992
28,000 SF

PHASE II - 1994
16,000 SF

46'-0"



VISITING YARD

VISITING YARD

52'-6"

MIRCC MASTER PLAN * BISMARCK, ND
GROUND FLOOR PLAN

12/3/92 SCALE: 1/4" = 20'

AEC, P.C.

PO Box 2755 533 AIRPORT ROAD
BISMARCK, ND 58502-2755

**ESTIMATED 1999-2001
INMATE HOUSING COSTS**

<u>Month and Year</u>	<u>Estimated Population</u>	<u>Prisons System</u>	<u>Contracted Housing</u>	<u>Rate</u>	<u>Housing Cost</u>
July 1999	1,000	861	139	\$55	\$ 236,995
August	1,012	861	151	\$55	\$ 257,455
September	1,024	861	163	\$55	\$ 268,950
October	1,036	861	175	\$55	\$ 298,375
November	1,048	861	187	\$55	\$ 308,550
December	1,060	861	199	\$55	\$ 339,295
January	1,072	861	211	\$55	\$ 359,755
February	1,085	861	224	\$55	\$ 344,960
March	1,098	861	237	\$55	\$ 404,085
April	1,111	861	250	\$55	\$ 412,500
May	1,124	971	153	\$55	\$ 260,865
June	1,137	971	166	\$55	\$ 273,900
July 2000	1,150	971	179	\$60	\$ 332,940
August	1,160	971	189	\$60	\$ 351,540
September	1,170	971	199	\$60	\$ 358,200
October	1,180	971	209	\$60	\$ 388,740
November	1,190	971	219	\$60	\$ 394,200
December	1,200	971	229	\$60	\$ 425,940
January	1,210	971	239	\$60	\$ 444,540
February	1,221	971	250	\$60	\$ 420,000
March	1,232	971	261	\$60	\$ 485,460
April	1,243	971	272	\$60	\$ 489,600
May	1,254	971	283	\$60	\$ 526,380
June 2001	1,265	971	294	\$60	\$ 529,200
Total Cost:					\$8,912,425

Contracting Cost With Alternatives to Incarceration:

1999-2001

Daily beds saved by alternatives to incarceration = 115 beds per day

1999-2000 = 115 beds X \$55 per day X 365 days = \$2,308,625

2000-2001 = 115 beds X \$60 per day X 365 days = 2,518,500

Total: \$4,827,125

Total projected cost without alternatives = \$8,912,425

Savings through use of alternatives = 4,827,125

Remaining contracting cost = \$4,085,300





Tim Schuetzle, Director
Prisons Division

710116
3/8/99
Tim Schuetzle
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION
PRISONS DIVISION**
3303 East Main Street, Bismarck, ND 58501
Mailing Address: P.O. Box 5521
Bismarck, ND 58506-5521

**HOUSE BILL NO. 1016
TESTIMONY TO SENATE APPROPRIATIONS COMMITTEE
PRISONS DIVISION BUDGET REQUEST
MARCH 8, 1999**

The Prisons Division consists of the three secure facilities, the North Dakota State Penitentiary and Missouri River Correctional Center in Bismarck, and the James River Correctional Center in Jamestown. The House Appropriations Committee made a number of cuts to our proposed budget, most significantly in our request for Capitol Improvements and for Extraordinary Repairs. As Elaine has mentioned, renovation of the 5th and 6th floors at the JRCC makes sound economic sense for our state, and that is our top priority for reinstatement. There are other needs however, that should not have been deleted from the Governor's budget that deserve your attention.

I. STAFFING

The house removed 25 positions from our budget request. 20 of these are for the operation of the 5th and 6th floor at the JRCC, and will need to be put back into the budget if you agree this renovation is necessary for our operations. Of the other 5 positions that were removed, the governor has agreed to the removal of two COII "drivers" positions for the MRCC from the budget. I respectfully request that this committee add money back into the budget for the remaining 3 positions that were cut by the house.

The Governor's budget included three COII positions to operate the front lobby position at the penitentiary. One of these positions was removed through action taken by the House. This leaves two people to operate a post that needs to be operated 14 hours per day, seven days a week. Their responsibilities include screening all persons who come inside the secure facility. This screening includes checking identification, passing visitors through the metal detector, pat searching when indicated, and running background checks on all visitor or volunteer applications. They also search all the inmates that come to the institution from the MRCC for sick call or to use the law library. Eliminating contraband entering the prison is vital to keeping the staff and inmates safe, and we have found that those times when we can free a security officer to operate the front lobby, their presence is a deterrent to the introduction of contraband. The three positions are needed to fill this post during all the operating hours, and

State Penitentiary
P.O. Box 5521
Bismarck, ND 58506-5521
Phone: 701-328-6100
Fax: 701-328-6640
TDD 1-800-366-6888

James River Correctional Center
PO Box 3001
Jamestown, ND 58402-3001
Phone: 701-253-3660
Fax: 701-253-3666

Missouri River Correctional Center
PO Box 5521
Bismarck, ND 58506-5521
Phone: 701-328-9696
Fax: 701-328-9690

Rough Rider Industries
PO Box 5521
Bismarck, ND 58506-5521
Phone: 701-328-6161
Fax: 701-328-6164

to provide for a relief factor for illness and vacation days. At those times when their shift may overlap, or when there is little front lobby traffic, these officers will be needed for general inmate supervision in the dining hall or recreation areas.

The other two positions that need to be reinstated are for COII's at the JRCC supervise inmate work crews. The original budget included four positions for this function. We did not adequately fund work and educational programs during the first year of operation, and, because of that, we have a problem with too little activities to keep the inmates productive during the day. Rough Rider Industries recently opened their operations, and we are using a temporary position to provide security in that coed area. Another temporary position is being used to oversee a coed Arts and Crafts room, which keeps 38 inmates active for 6 hours each day. These two temporary employees will take the two remaining positions, but without adding back the two positions that were in the original budget we won't have staff available to supervise the yard crew and the paint/maintenance crew. The yard crew will employ about 10 inmates maintaining the lawn and outside grounds, and completing much needed recreation yard improvements such as walking tracks and basketball courts. The maintenance/paint crew will employ 6 inmates to work on interior projects that can be completed with inmate labor, as opposed to hiring outside contractors. The supervisor is needed to oversee the use of tools required for completion of these projects.

II. CAPITAL IMPROVEMENTS

Not including the cost for renovating the 5th and 6th floors at JRCC, the House cut \$780,000 from other, much needed capitol improvement projects for the Prisons Division. It is concerning to me that our top three priorities, the 110 additional beds at the JRCC, the construction of the food service building at MRCC, and security fencing on the north side of the NDSP, were all deleted by the House. The food service building was part of HB1022, to be funded with bonding money, and I will be asking this committee to reconsider funding during testimony on 1022. Elaine has addressed the need for the JRCC renovation, so the next item, which was actually our top priority, is security fencing for the penitentiary.

A. Security Fence and Man-barrier for NDSP - \$198,000 (GF)

Money was included in the 97-99 biennium to add fencing and electronic detection devices on the north perimeter of the penitentiary, but due to unexpected costs for the JRCC completion, that money went to complete the Jamestown project. We have a security concern with our current practice of using the exterior wall of the Industries building as our secure perimeter. The fencing project would place a double fence around that building, completing our goal of needing a double fence around the entire institution. There is also money to complete the second phase of adding electronic detection devices to the fence perimeter in areas on the north, south and west fences. Since the building was completed in 1983 there have been two escape attempts through the backside air vents. If the inmates had been successful, there is no fence, or other impediment, to the free world. The metal shop occupies the building, and it contains a number of "hot tools" and cutting torches that could be used to cut through the metal bars that secure

the vents. These tools are accounted for twice each day, but the human error factor in this inventory, or the possibility taking the shop supervisor hostage allowing uncontrolled access to these tools, make this area our weakest link in our perimeter security. It is imperative that funding for this double fence be reinstated in our budget request.

B. Security Improvements – JRCC

Our fifth priority Capitol Improvement was for \$121,000 to construct a separate recreation yard for the female inmates at the JRCC, add security man-barrier and cameras along the top of the forensic unit building and adjacent tunnel, and to install security grid ceiling tiles in hallways and the dayrooms on the housing floors. The House removed \$21,000 from this request. This will mean that we will not have funds to replace the acoustic ceiling tiles with the more secure grid tiles. Drop-down ceilings have no place in a medium security prison, as they provide easy access for the inmates to hide contraband inside the false ceiling, and they are not sturdy enough to withstand the abuse from this type of population. Funding to replace the false ceiling during the renovation was not provided, even though many of the original acoustic tiles were missing. Staff have already salvaged all the tiles from the unfinished 5th and 6th floors to replace the damaged ceiling, and have now been purchasing replacement acoustic tiles as more become damaged. This expense would be unnecessary if we had a more sturdy and secure ceiling. The grid system tiles are more resistant to vandalism, and the tile "lock" into place, making it very difficult for inmates to lift the tiles to hide contraband. We ask that you reinstate the \$21,000 into our budget so we can improve the security, and wear and tear, on our ceilings.

C. JRCC Improvements as part of 5th and 6th floor renovation

Our budget requested a total \$2,678,000, \$2,353,000 was to renovate the top floors at JRCC, and \$325,000 was for three other projects. Those projects were: 1) construct a building to process visitors through the front gate and provide microwave detection system by the front gate (\$180,000); 2) develop security barriers between the inmates and the inmate visitors in the Forensic Unit (\$75,000); and 3) replace the twenty-year old camera system in the Forensic unit (\$70,000). The House eliminated the \$2,353,000 or the top floor renovation, and cut back \$125,000 of the \$325,000 requested for the other projects. Our top priority for the remaining \$200,000 is to build a reception area at the front gate for processing inmate visitors and other people entering the facility. We have received a number of complaints from the general public that they are required to stand outside in the elements while their visiting cards are being filled out and they are waiting for an officer to escort them from the front gate to the visiting area in the forensic unit building. Any money remaining after this project is completed will be used to construct part of the barrier we need in the forensic unit to separate the visiting public from the inmates housed there. We are requesting that the \$125,000 be reinstated so we can replace the camera system and complete the rest of the proposed renovation to the Forensic Unit lobby.

D. Administrative Segregation Renovations

The Administrative Segregation unit is our "jail within the jail", where we must house those inmates that are a threat to harm themselves or others. These predators are a proven risk to the safety of other inmates and staff, and therefore, we segregate them from the rest of the population by placing them in a maximum security housing unit where they are held in their cells continuously except for 1 hour of daily recreation. As recently as five years ago we had between 6 to 10 inmates housed in our twenty bed AS unit. It is to be expected that as our total number of inmates rose, we would also see an increase in the people requiring AS placement. However, the number of assaultive and unruly inmates has grown at an even faster rate. The biggest contributing factor for this is the number of inmates with street gang affiliations. These gang members try to use their organization and numbers to control black market contraband, theft rings, or to intimidate other inmates to "pay for protection". We have a zero tolerance practice for gang activity in our facility, and have had success identifying the leaders, and locking them up in AS. Another reason for our growth in AS inmates comes from the growing number of protection/separation cases. Sometimes these come from ex-gang members who want to quit the gang but are then labeled and targeted by the gang leaders. Mostly though, these protection cases are drug offenders who have testified against others to receive a lesser sentence. When their crime partners come to prison, the informant is often no longer safe to stay in general population. We have success finding alternative housing for these people at another facility, private prison, or county jail in about 90% of the cases. Sometimes though, they misbehave at those facilities and we must bring them back to the penitentiary, where we have no recourse but to place them in this secure unit for their own protection.

The AS unit started with the 20 cells on the west side, first floor of the West Cell House. Last biennium, we took over the east-side of the tier, adding another 20 cells, but still find ourselves in the position of having to choose the least risky inmate to release to the general population when a new inmate requires placement. The cells we are using were not designed to hold this type of prisoner. The front of the cells are open bars, allowing inmates to throw objects, food, or body waste on staff making rounds on the tier, or into other inmates cells during their tier recreation. The 97-99 budget has \$300,000 to allow us to convert the original 20, open-fronted cells on the east side of the first floor into maximum-security cells with cinder block front and steel doors. Electronic audio detection devices, and camera surveillance is also included in this project, and work on this conversion has already begun. The Governor's budget held \$433,000 to similarly renovate the west-side 20 cells on the first floor. It also has funds to make some modifications to the 2nd floor West Cell House to allow for less violent inmate placement on that floor, and to move the East Cell House office from out of 2 cells and into an area in the back of the laundry. The House reduced our request by ~~\$198,000~~ (from \$433,000 to \$245,000). This may be enough money to place solid steel doors on the west-side cells, but there will not be enough funds

\$ 188,000

for any of the much-needed electronic surveillance like we are installing on the east side. It also means that there will be no modifications for the second floor, and that we won't be able to free up 2 additional cells by moving the East Cell House Office. For all the reasons previously stated, we believe we need more than a 40 cell AS unit, and strongly request that you put back in the \$198,000 that was removed by the house.

E. Parking Lot Improvements for NDSP and JRCC

We asked for \$325,000 to remodel the parking lot at the penitentiary, and \$71,000 to black top the staff parking lot, and construct a 20-vehicle visitor parking lot at the JRCC. The House cut funding for these projects to \$100,000 for the penitentiary, and \$40,000 for the JRCC.

The existing parking lot at the penitentiary has 78 parking spaces, but during business and visiting hours there are 100+ vehicles parked in the lot and on the adjacent roadway. There is a safety concern because there is no walkway from the lot to the entrance, meaning people must walk in the roadway. The renovation would increase the size of the lot to 125 spaces, increase the lighting, and construct sidewalks to safely convey employees and visitors to the entrance. In order to maximize the limited space available, the plans call for a complete re-grading of the current lot, utilizing dirt from the higher areas to fill in the low spots to the south. The \$100,000 given this project by the house will not begin to cover the costs associated with re-constructing the lot the proper way. An alternate plan that would cost the \$100,000 given for this project would be to construct a 50 to 60 car lot to the south and west of the Deputy Warden's residence. This would meet our space needs, but is a greater walking distance from the facility and does nothing to correct the safety deficiencies, or lighting problems associated with the current lot. This is the only state building that I'm aware of that still has the roadway running through the middle of it's parking lot. We have many visitors with small children leaving the visiting room after dark, walking to their cars on the road through a poorly lit parking lot. We don't have space for a sidewalk without losing places for cars to park. This is a very unsafe condition, and a potential liability for the state. We have studied the best way to maximize our space, and increase safety for the employees and visitors, and it will cost \$325,000 to reconstruct the lot. The \$100,000 given us is only a band-aid. I encourage you to do the right thing, and reinstate the money that was in the Governor's budget.

Inadequate parking at the JRCC has caused considerable inconvenience for staff and visitors, and with the addition of the 5th and 6th floors, the problem will only become worse. Visiting parking is presently adjacent to the inmate recreation yard, making contraband smuggling and unauthorized communication a real security concern. The funding left in the budget will only provide enough funds to pave the employee parking lot. Without the additional \$31,000, we won't be able to properly light that lot, or construct the visitor parking lot on a portion of the hospital grounds that is more accessible from public roads, closer to the front entrance, and away from the inmate recreation areas.

III. EXTRAORDINARY REPAIRS

The Governor's budget called for an increase in our funding for extraordinary expenses to \$1,003,700. The house recommends reducing this amount to \$650,000, but we believe there is good justification for the governor's plan. With the addition of the JRCC, we now have more square footage to maintain. Also, this line item has not received the same level of funding the past two biennia to keep up with the repair needs. There was \$669,121 funded in the 93-95 biennium, but that decreased to \$362,700 in 95-97, and fell even farther in the present biennium to \$286,250. This has meant that projects we have requested for 5 years have finally made the budget, most notably \$62,000 to paint the cell houses and \$116,500 to pave the .4 mile entrance to the MRCC.

The proposed \$353,700 reduction by the house will mean we will only be able to fund down to our 14th priority, as opposed to funding to the 24th priority with the Governor's budget. Items that will not be funded include a master construction plan for the JRCC, money to paint the cell houses, recreation lighting at the MRCC, fire protection sprinkling system at the Therapeutic Community, and computer upgrades to our emergency management and fire alarm systems.

Department of Corrections and Rehabilitation

Prepared for the
House Appropriations Committee

Representative Jack Dalrymple, Chairman

January 7, 1999

By Elaine Little, Director
DOCR

Prison
Population

Overview

Department of Corrections and Rehabilitation

January 7, 1999

Outline:

1. Analysis of the inmate population growth
2. Analysis of the \$21.6 million general fund increase in 1999-2001 recommended budget
3. Explanation of the 1997-99 Deficiency Appropriation Request

NDSP Inmate Population Information

Population on December 31, 1998 is 942

NDSP 518, JRCC 222, MRCC 142 (The NDSP count includes 50 at Appleton, 15 in Jails and 7 on CPP)

Average Inmate Population, Arrivals, Releases and One Day Counts

	CY 93	CY 94	CY 95	CY 96	CY 97	CY 98	% Change
Average Daily Population	567	571	619	707	819	902	59%
Annual New Arrivals	452	482	473	581	572	778	72%
Annual Releases	459	481	451	514	519	657	43%
Inmate Count on June 30	573	592	677	694	770	910	59%

Inmate Admissions of Selected Offenses By Calendar Year

	CY 93	CY 94	CY 95	CY 96	CY 97	CY 98	% Change
Violent (Non-Sexual)	74	90	81	124	109	153	107%
Sex Offenders	41	43	30	37	43	55	34%
Drug Offenders	41	58	74	95	142	232	466%
Property Offenders	234	225	225	256	217	296	26%

Average Sentence (In Months) By Calendar Year

	CY 93	CY 94	CY 95	CY 96	CY 97	CY 98	% Change
All Inmates	42	49	42	43	46	38	-10%
* 85% Truth-in-Sentencing **	47	41	34	60	87	40	-15%
Violent Offenders	58	56	59	59	56	59	2%
Sex Offenders	71	85	99	87	91	93	31%
Drug Offenders	40	42	49	40	48	50	25%

* 85% TIS numbers not included in the Violent Offenders row; ** 85% TIS law passed in 1995 and these numbers reflect the inmates who would have been in this category had the law existed in 1993 and 1994

Current Inmate Count and Average Sentence

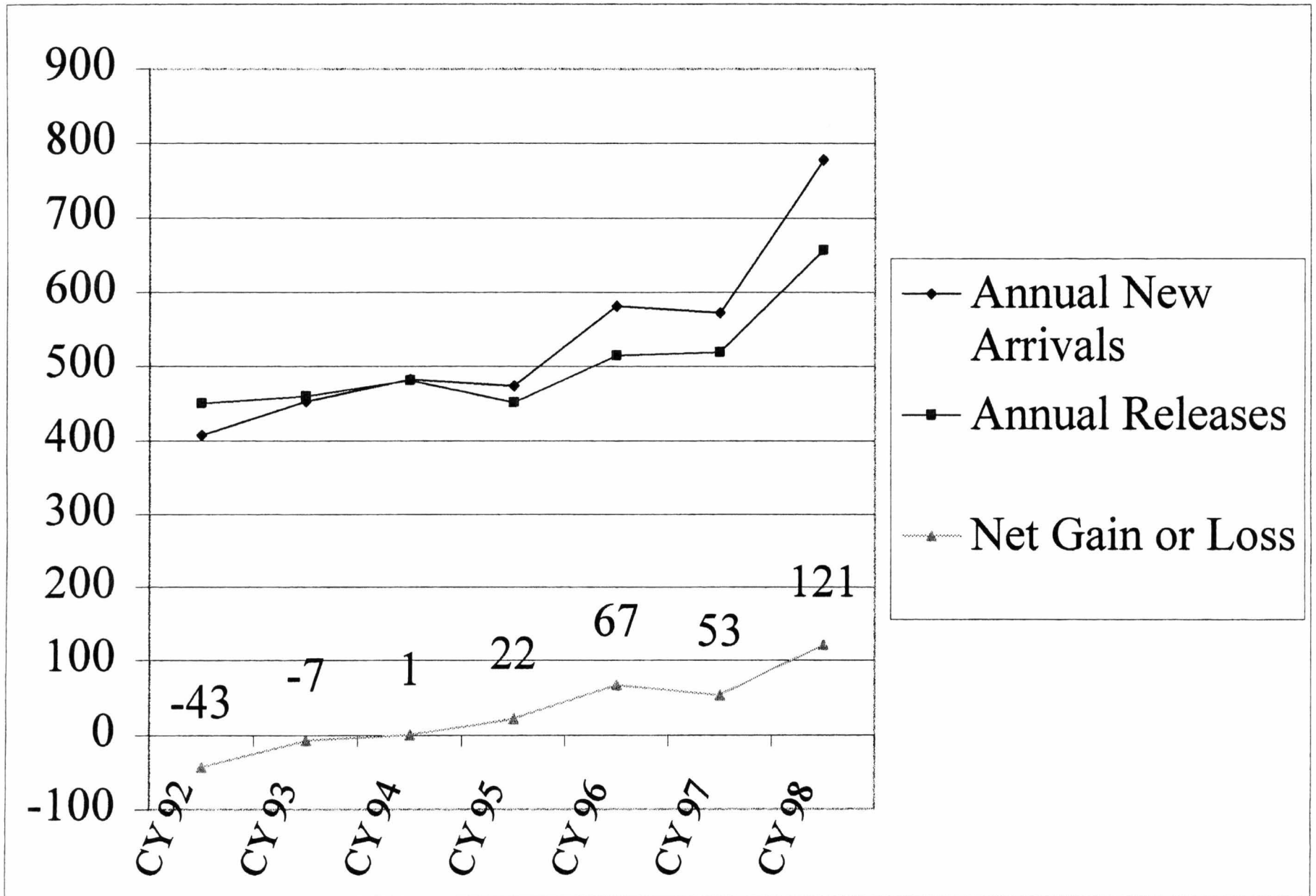
Offense	Inmate Count	Average Sentence
Violent Offenders (Excluding Sexual)	263	57 Months
Sex Offenders	123	122 Months
Drug Offenders	187	55 Months

149 Inmates Sentenced for Delivery, Manufacture or Intent

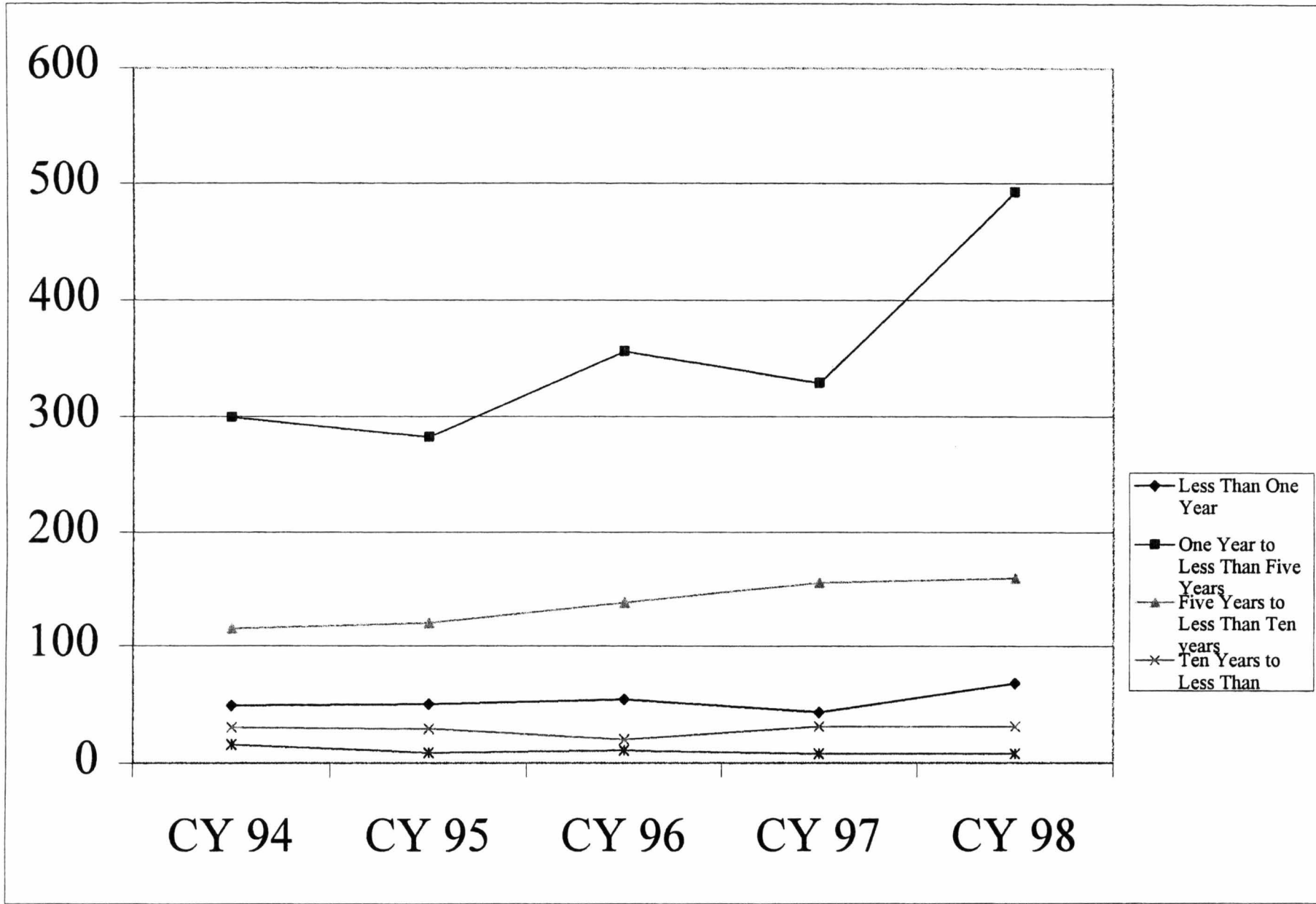
38 Inmates Sentenced for Simple Possession of Drugs

Number of Admissions By Sentence Length (Each Calendar Year)					
	CY 94	CY 95	CY 96	CY 97	CY 98
Less Than One Year	49	50	54	43	68
One Year to Less Than Five Years	299	282	356	329	492
Five Years to Less Than Ten years	115	120	138	156	160
Ten Years to Less Than Twenty Years	30	29	20	31	31
Twenty Years or More	16	9	11	8	8
Current Inmate Population By Sentence Length					
	Percent (Number) of Inmates		Average Sentence		
Less Than One Year	5% (45)		6 Months		
One Year to Less Than Five Years	48% (445)		30 Months		
Five Years to Less Than Ten years	27% (248)		82 Months		
Ten Years to Less Than Twenty Years	11% (101)		131 Months		
Twenty Years or More	9% (85)		413 Months		
Minimum mandatory sentenced inmates break out as follows (on Dec 31, 98):					
Offense	Inmate Count		Average Sentence		
DUI	32		21 Months		
Drug Offenses	67		63 Months		
Aggravated Assault (2 Year)	1		48 Months		
Aggravated Assault (4 Year)	4		42 Months		
Robbery	29		59 Months		
Terrorizing	1		60 Months		
Life With No Parole	4		*** 15% of the inmate population on 12-31-98 had a minimum mandatory sentence.		
Total	*** 138				
85% (Truth-in-Sentence) inmates break out as follows (on Dec 31, 98):					
	Inmate Count		Average Sentence		
	88		77 Months		

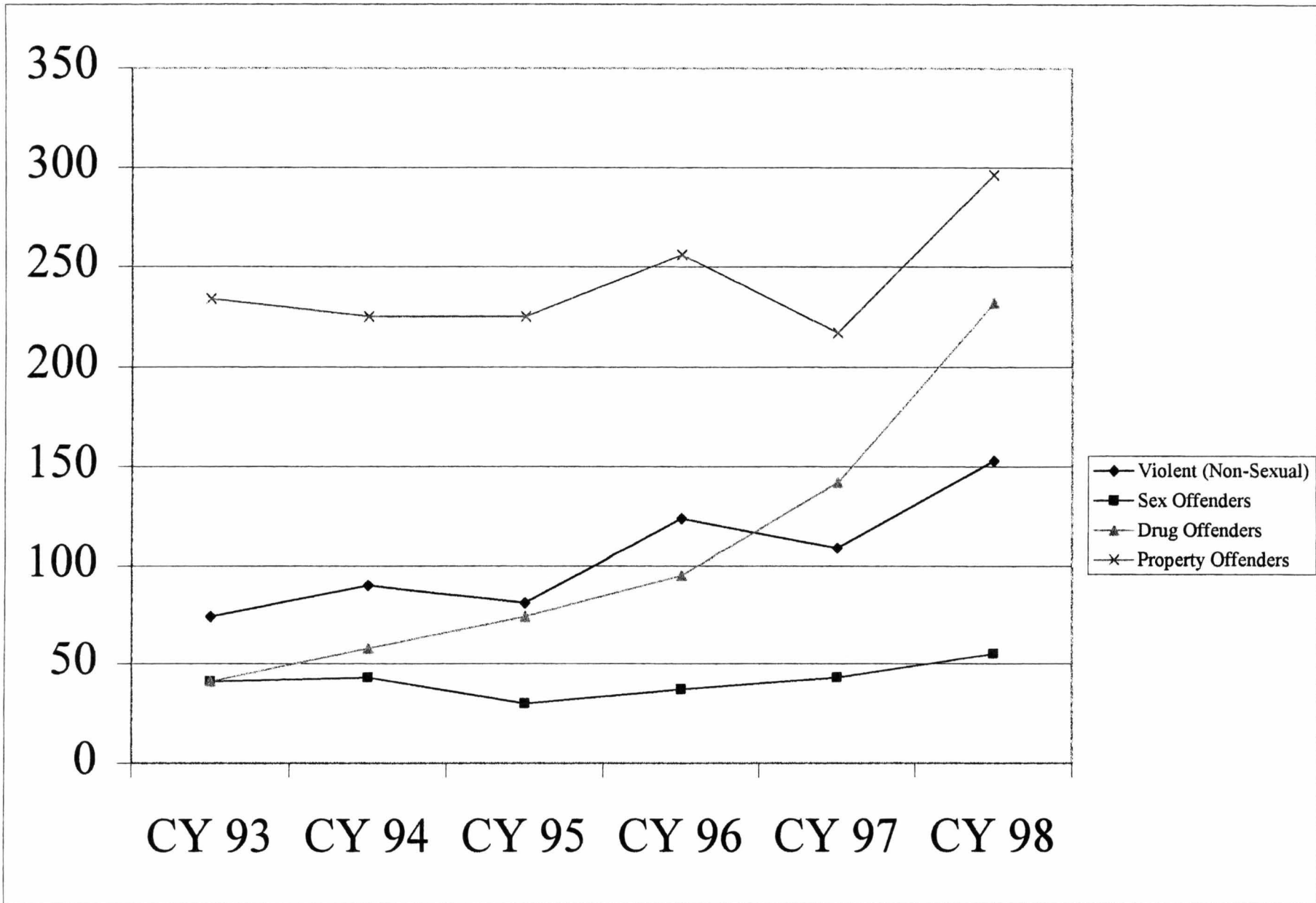
Arrivals and Releases With Net Gain or Loss



Number of Inmates by Sentence Length



Number of Inmates by Crime Type



Profile of Drug and Alcohol Offenders
 ND DOCR Prisons Division
 One Day Count on December 31, 1998

Drug Offense With Sentence Ranges				
Offense	Number of Cases	Shortest Sentence	Average Sentence	Longest Sentence
Possession of Controlled Substance By Driver	1	12	12	12
Actual Physical Control	5	6	19	48
DUI	27	1	21	60
Unlawful Possession of a Controlled Substance	3	24	34	42
Delivery of an Imitation Controlled Substance	2	12	36	60
Possession of a Controlled Substance	22	12	39	72
Unlawful Delivery of a Controlled Substance	5	18	50	72
Delivery of a Controlled Substance	80	4	55	240
Conspiracy to Deliver a Controlled Substance	20	12	58	180
Possession of a Controlled Substance With Intent	37	6	60	240

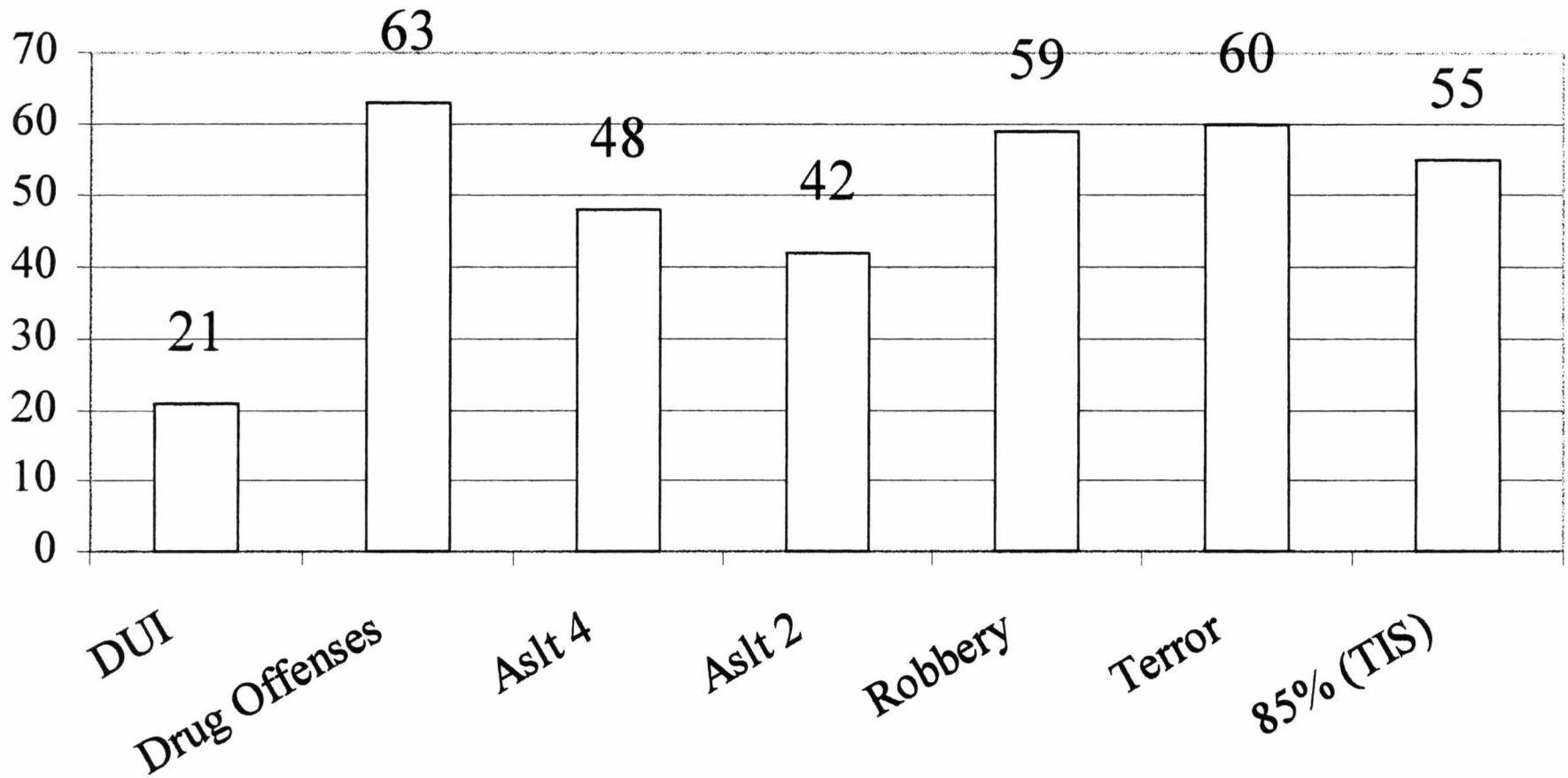
Profile of Drug and Alcohol Offenders
 ND DOCR Prisons Division
 One Day Count on December 31, 1998

Number of Cases Per County and Average Sentence (by month)			Number of Cases by Specific Drug	
COUNTY	CASES	SENTENCE	Number of Cases	Drug of Sentence
Adams	1	12	32	Alcohol (DUI or APC)
Barnes	2	48	5	Amphetamine
Burleigh	31	59	43	Cocaine
Cass	71	48	2	Codeine
Grand Forks	23	46	1	Diazepam
McIntosh	1	1	5	Heroin
McKenzie	2	66	2	Imitation Controlled Substance
Morton	22	41	3	LSD
Pembina	1	48	91	Marijuana
Pierce	1	12	53	Methamphetamine
Ramsey	2	96	1	Mushroom
Richland	4	60	1	Prescription Drug
Rolette	2	24	1	Ritalin
Stark	1	48	1	Steroids
Stutsman	7	41		
Walsh	4	36		
Ward	19	47		
Williams	8	47		

1997 - 1998 Admissions and Releases
(Total Admissions, Admissions for Drug Offenses, Alcohol Offenses and Violent Offenses)

	Jan-97	Feb-97	Mar-97	Apr-97	May-97	Jun-97	Jul-97	Aug-97	Sep-97	Oct-97	Nov-97	Dec-97	1997
Admissions	42	46	49	44	51	36	48	38	48	51	57	62	572
Property & Status Admits	20	18	21	14	24	23	22	9	29	30	22	29	261
Drug Admits	7	11	11	12	9	3	12	9	9	8	16	12	119
DUI Admits	3	2	2	3	3	2	5	3	1	4	4	9	41
Violent Admits	12	15	15	15	15	8	9	17	9	9	15	12	151
Releases	38	45	48	44	55	36	48	45	33	47	37	43	519
Release to Parole	11	18	17	11	28	9	15	20	12	20	19	13	193
	0.29	0.40	0.35	0.25	0.51	0.25	0.31	0.44	0.36	0.43	0.51	0.30	0.37
	Jan-98	Feb-98	Mar-98	Apr-98	May-98	Jun-98	Jul-98	Aug-98	Sep-98	Oct-98	Nov-98	Dec-98	1998
Admissions	69	45	84	58	74	67	76	67	60	64	61	52	778
Property & Status Admits	29	16	37	30	30	29	30	37	22	27	22	25	334
Drug Admits	11	13	21	11	21	20	21	10	15	17	15	11	186
DUI Admits	4	2	7	4	3	3	5	3	7	1	6	5	50
Violent Admits	25	14	19	13	20	15	20	17	16	19	18	12	208
Releases	51	52	49	61	54	42	52	62	58	40	67	70	658
Release to Parole	24	16	21	22	27	10	21	27	31	18	36	33	286
% Released to Parole	0.47	0.31	0.43	0.36	0.50	0.24	0.40	0.44	0.53	0.90	0.54	0.47	0.43
								1997	1998	Change			
								572	778	36%			
								261	334	28%			
								119	186	56%			
								41	50	22%			
								151	208	38%			
								519	658	27%			
								193	286	48%			
								37%	43%				

Average Sentence Length in Months (Minimum Mandatory and TIS)



**DEPARTMENT OF CORRECTIONS AND REHABILITATION
1997-99 GENERAL FUND BUDGET AS COMPARED TO THE
1999-2001 GENERAL FUND EXECUTIVE RECOMMENDATION**

1997-99 Biennial Budget	1999-2001 Executive Recommendation	Increase Over Present Budget (Including Governor's Salary Package)
\$45,480,097	\$67,120,012	\$21,639,915

Analysis of Major Increases:

Division of Juvenile Services):

\$1,233,780	Funding Source Change from Special to General Fund for Foundation Aid (YCC)
252,925	Twelve (12) month school at YCC
184,600	Contracting fees for psychiatric, psychological, nursing, and medical services at YCC
<u>175,900</u>	DJS Community Programming (Tracking, Intensive In-Home, Partnership Program)
\$1,847,205	Subtotal – Major Increases DJS

Division of Adult Services (Prisons Division and Field Services Division):

\$4,085,300	Contracting for external housing of inmates
3,241,124	JRCC Salary and Operating Increases to fund operation for 24 months
1,453,833	JRCC 5 th and 6 th Floor Addition (20 FTE's - \$732,233 and operating - \$721,600)
1,191,739	Capital Projects – Prisons Division
717,347	New FTE's for State Penitentiary and MRCC (12 FTE's)
522,172	New FTE's for JRCC (9 FTE's)
750,413	Extraordinary Repairs and Equipment – Prisons Division
577,141	Loss of Revenue from housing federal/other state inmates
362,500	Institutional Medical Fees
2,149,800	Alternatives to Incarceration – Field Services
658,709	Revocation Center
<u>1,164,040</u>	New FTE's (14.5) – Field Services (salaries and operating)
\$16,874,118	Subtotal Adult Services Division – Major Increases

Departmentwide:

\$1,953,399	Governor's Salary/Benefit Funding
<u>965,193</u>	Miscellaneous operating adjustments systemwide (food, utilities, etc.)
<u>\$21,639,915</u>	Total General Fund Increase 1999-2001



DEPARTMENT OF CORRECTIONS AND REHABILITATION

3303 East Main, PO Box 1898 • Bismarck, ND 58502-1898
(701) 328-6390 • FAX (701) 328-6651 • TDD 1-800-366-6888

January 7, 1999

Explanation of Deficiency Appropriation

The Department of Corrections and Rehabilitation estimates that expenditures for the Prison's Division will exceed its 1997-1999 biennium appropriation by \$2.5 million. The primary reasons for this deficiency include the delay of the renovation of the James River Correctional Center (JRCC) and the need to house excess inmates in jails and a private prison for the majority of the biennium. The prison's 1997-99 appropriation did not include any funding for the contracting of inmates to other facilities. Our current budget estimated that the James River Correctional Center would be operational and ready to house inmates by October 1997, however, because of construction delays we were not able to house inmates at the JRCC until June 1998. Costs incurred to contract out inmates until the JRCC was operational were \$1,708,874. Also, \$1,355,306 of the total estimated contracting costs for the biennium will be attributable to the higher than estimated inmate population for the biennium. Following is an analysis of the costs of housing inmates in facilities outside of our system (also see attached schedule) and for operational costs for the JRCC.

1997-99 salary and operating appropriation for the JRCC.....	\$6,316,611
Actual & estimated salary and operating 1997-99 for JRCC	<u>5,356,674</u>
Balance in JRCC appropriation	\$ 959,937
External housing/contracting costs to date	\$2,009,678
Estimated housing/contracting costs for remainder of biennium	<u>1,450,259</u>
Total external housing costs	\$3, 459,937
Total external housing costs	\$3,459,937
Less the balance in the JRCC appropriation	<u>959,937</u>
Deficiency appropriation required.....	<u><u>\$2,500,000</u></u>
Estimated Income	\$ 250,000
General Fund.....	\$2,250,000

DOCR PRISONS DIVISION 1997-1999 EXTERNAL HOUSING OF INMATES

Month/Year	Original Projected Inmate Population	Actual Average Daily Population	Inmates Placed at Appleton	Inmates Placed In Jails/Community Placement Program	Total Inmates Contracted Externally	TOTAL
July 1997	813	774	0	70	70	\$ 81,634
August	817	768	0	70	70	82,587
September	822	771	50	53	103	136,583
October	827	779	50	61	111	147,963
November	832	794	50	75	125	159,892
December	837	820	70	73	143	199,266
January 1998	842	837	70	79	149	208,811
February	847	840	80	75	155	177,583
March	852	851	84	77	161	219,834
April	857	864	95	68	163	228,850
May	862	878	93	73	166	241,460
June 1998	867	878	0	52	52	125,215
TOTAL FY1998						\$2,009,678
July 1998	873	928	0	40	40	49,215
August	876	942	50	40	90	99,017
September	879	938	50	17	67	97,103
October	882	955	50	19	69	89,939
November	885	956	50	19	69	92,635
December	888	954	50	20	70	104,160
January 1999	891	964	50	30	80	117,490
February	895	1000	50	66	116	149,464
March	899	1000	50	66	116	165,478
April	903	1000	50	66	116	160,140
May	907	1000	50	66	116	165,478
June 1999	912	1000	50	66	116	160,140
TOTAL FY1999						\$1,450,259
97-99 GRAND TOTAL						*\$3,459,937

* Actual expenditures are shown for July 1997 through November 1998.



DEPARTMENT OF CORRECTIONS AND REHABILITATION

3303 East Main, PO Box 1898, Bismarck, ND 58502-1898
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August 4, 1998

Elaine Little
Director, DOCR
PO Box 1898
Bismarck, ND 58502-1898

RE: Inmate Population Projections for 1999-2001 Biennium

Dear Director Little:

Preparation of the budget for the upcoming biennium requires certain assumptions about the inmate population under the care and custody of the Department of Corrections and Rehabilitation (DOCR). Absent an expensive array of tools to accurately predict future populations, staff uses their best judgment and experience to develop estimates. Even with sophisticated methods of prediction, estimates of future populations are just that...predictions. Since no predictions involving human behavior can be totally accurate, we attempt to do the best we can. The attached table (page 3) shows possible inmate populations during the next biennium. The methodology for determining these numbers follows:

The inmate population for each day of fiscal years 1997 and 1998 (July 1, 1996 through June 30, 1998) was taken from the monthly population rollup published by inmate records. The number of federal and Alaskan borders was removed, leaving an "adjusted population." These numbers were entered on an Excel spreadsheet. Each day was then assigned a number, starting with one for July 1, 1996, two for July 2 and so on throughout the two years.

Three pools from this data set were analyzed. The first consisted of data from the entire two-year period. The second was data from only fiscal year 1998. The third was data from the last six months of fiscal year 1998.

The Pearson Product Moment Correlation was established for each of the three pools. The r^2 for each group was very high and is shown below:

0.891	FY 97 & FY 98
0.948	FY 98
0.928	Last six months of FY 98

A scatter plot for the FY 97 & FY 98 pool was created and the line of best fit was graphed (page 4).

Regression analysis was conducted on each of the three pools (pages 5-7). The predictor variable (x) was the number assigned to represent the date. The predicted variable (y) was the adjusted population. A slope (b) and y-intercept (c) were calculated. Then a linear regression equation for each pool was established.

Exponential smoothing was performed on the FY 97 & FY 98 pool, followed by an additional regression analysis. The y-intercept, slope and r^2 were similar to the initial analysis of the raw data of the FY 97 & FY 98 pool (page 8).

Based on the scatter plot and associated correlation, the data was determined to be adequately linear to use linear regression to project future population.

Finally, the equation for linear regression ($y = bx + c$) was used to predict the population at selected six and 12 month intervals. These results are provided in the table on page 3.

The table shows actual "adjusted populations" at six-month intervals from July 1, 1996 through July 1, 1998. It also shows selected population estimates made by DOCR management staff, independent of this research. It then shows the projections based on characteristics of each of the three pools.

Examination of the scatter plot clearly shows periods of rapid population growth as well as fairly flat growth periods. Use of the two-year data pool projects lower population growth than either the one-year or the six-month data set. The management staff projection is somewhere in the middle. Although each method of population projection used here has limitations, it seems reasonable that the management staff projection (which is a middle-of-the-road projection) is likely to be the closest estimate available at this time. It falls between the FY 97 & FY 98 analysis and the analysis using the shorter-term data sets.

Previous models using regression (linear growth) and auto-regressive integrated moving average time series analysis (logistic growth) (Meredith, 1996) have under predicted the inmate population in North Dakota. The Meredith study examined average populations over a four-year period. The current study examines actual daily populations for each of the data pools, but over a shorter period of time. I expect that this study will give us a reasonable estimate of the population for the next biennium and recommend that we construct our budget using populations no lower than those projected by management staff.

It is important that the DOCR eventually develop a sophisticated population projection model that can control for a variety of fluctuating variables. This would require an extensive investment and should provide a more reliable model that can be manipulated as the variables change.

Sincerely,

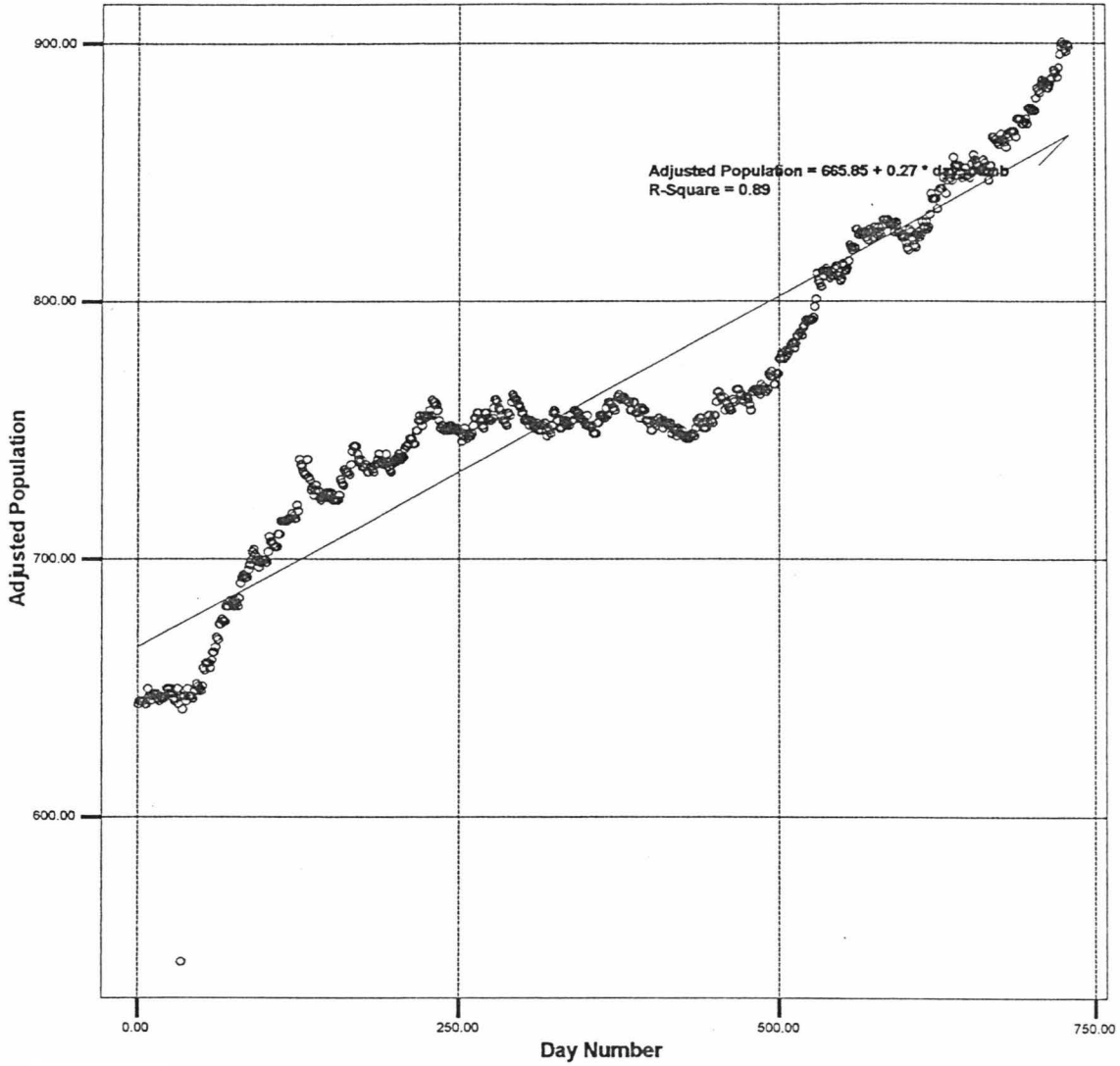


Patrick W. Foley
Program Coordinator

Comparison of Population Projections for Different Models and Comparison Pools

Target Date	Actual Population	Estimated Population (Management Team Estimates)	Estimated Population (Linear Regression based on FY 97 & FY 98)	Estimated Population (Linear Regression based on FY 98 only)	Estimated Population (Linear Regression based on last 6 months of FY 98)
July 1, 1996	644		666		
January 1, 1997	739		716		
July 1, 1997	759		765	732	
January 1, 1998	809		815	809	810
July 1, 1998	899		865	886	888
January 1, 1999			915	963	967
July 1, 1999		1,000	964	1,040	1,045
January 1, 2000			1,014	1,117	1,124
July 1, 2000		1,150	1,064	1,194	1,203
January 1, 2001			1,113	1,271	1,281
June 30, 2001		1,265	1,163	1,348	1,359

Scatterplot (x = date, y = adjusted count)



Regression

RECEIVED

DEC 31 1998

DEPT. OF CORRECTIONS

Lorraine T. Fowler, Ph.D.
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(803) 896-1748 (SCDC)

December 29, 1998

Elaine Little, Director, DOCR
P. O. Box 1898
Bismarck, ND 58502-1898

Dear Director Little,

Reviewing Pat Foley's letter of August 4, 1998, RE: Inmate Population Projections for 1999-2001 Biennium and talking with Pat twice (once at some length) to date have assured me that Pat has worked what is available to him very responsibly. I agree that

“Absent an expensive array of tools to accurately predict future populations, staff [used] their best judgement and experience to develop estimates.”

Using actual inmate population for each day of FYs '97 and '98; adjusting by removing federal and Alaskan numbers; portioning the two-year pool further into the most recent one year (FY '98), and six-month (last of FY '98) pools; comparing estimates resulting from analyses of these three pools with population estimates made by DOCR management staff – all show ingenuity and conscientious planning.

Pat's analytic tools were certainly “heavy” enough, given the short time-frames utilized and the (relatively) small numbers involved. Indeed, purists could question the usefulness of subjecting these data sets to even this level of analysis. However, I believe that the “scatter plot” created (with “line of best fit...graphed”) should be very useful as you meet with the legislature regarding biennial NDDOCR plans and budgets. Further, it

indeed shows why Pat chose such short time periods for analysis: "Examination of the scatter plot clearly shows periods of rapid population growth as well as fairly flat growth periods." When 1) statutes (e.g., affecting violent offenders-truth-in-sentencing), 2) revocations and post-release recidivism, 3) offender characteristics per se are suddenly changing significantly – often, at the same time – analysis based on longer time periods will "under" predict (or, conceivably, "over" predict, if the changes are in "reverse").

In summary, Pat appears to have been exceptionally thoughtful and to have benefited from reviewing a previous study (which this reviewer has not seen), "Meredith, 1996," that did use four years of data, average (rather than actual daily) population, and more sophisticated analytic tools but – probably as a result of its approach – under predicted. That the data analyses done this year provide upper and lower parameters around the "management staff projection" makes considerable sense. I would certainly make a point of that fact when sharing this information because while "subjective" judgments without corroboration from empirical data are less good than chance, conversely, when combined with "objective" analyses, they are usually considerably better than chance.

Why, then, develop a more "sophisticated population projection model" as Pat suggests at the end of his letter/report to you?

As Pat and I talked, several points emerged that made particular kinds of improvements make investment sense for NDDOCR. Precisely because 1) numbers are relatively small and, thus, per unit costs are probably comparably high (especially in regard to capital and fixed costs); 2) your jurisdiction includes community placements as well as incarceration and (Pat tells me) you are, and will be, getting more "returns" and/or fewer "send offs," as the case may be; 3) tougher" statutes, judicial policies, and program guidelines do not look like "easing up" – you need to be looking not only at base population numbers, but at other characteristics.

I've included in this package SCDC's "presentation" that discusses how-currently-we "project": we look at how base population is affected by number of admissions and number of releases year-by-year and also at who those folks are. For example, revocators (now about 20% of our admissions of 11,000 per year) require very different types of beds and lengths of time-to-serve than do the majority of new admissions each year (see enclosed Annual Report for a descriptive picture). At the release end, Truth-in-Sentencing (passed here in 1995) offenders are now truly serving 85%, rather than 40% to 60% of their (usually, long) sentences as their comparables did in the past.

That said, the more Pat and I talked, the more clear it seemed to me that DOCR's first priority regarding both internal and external information (operational, management, policy) is not more sophisticated methodologies or "fancy" consultants (!), but a good, solid information system, probably, an on-line, offender-based system that follows an offender from (conviction to) commitment to institutional placement to community placement (or any order and combination thereof) to release from (total) jurisdiction. Cathy (Jensen) and David (Huhncke) kindly supplied information I requested through Pat. I'll leave it to Pat to discuss apparently serious and long-standing problems with AIMS; I am impressed with David's DOCSTAR - these are the kinds of screens and the types of data elements that should provide you and your staff (at several levels -- our third-shift "count" officers enter, check, and balance directly on their post terminals, e.g.) with what you need on a daily basis. Collecting, using, and monitoring day-to-day data then enables your staff to produce such reports (weekly or monthly) as the NDPP Census Pat sent.

In short, I believe the very best, and first investment North Dakota could make for you would be a coordinated, perhaps even an integrated, offender management system that could certainly ultimately provide you with a database useful for more sensitive projections, as Pat suggests, but - meanwhile -- would provide all (levels of) staff with the data each needs to do her/his job daily, weekly, and monthly (as well as biennially).

Pat was rather startled to hear from "CJI" that my division at SCDC has 51 staff - we've been "building" our 83-site (32 institutions + Attorney General's Office + Department of Social Services Regional Offices + etc.) network since 1976 (I, since 1982); 1 is our (only) administrative assistant; 5 are analysts, primarily statisticians; the other 45 are network technicians (lay "wire", maintain 4,000 devices for over 5,000 users, install equipment), system developers and programmers (for not only Offender Management but also Fiscal, and Human Resource Systems), and "24/7" computer operators and "help-desk" personnel. (We've over 7,300 staff and 21,000 inmates on any given day.)

Clearly, your system could NOT justify such a level of resources. But it is now possible to have either a client-server, intranet/internet or a combination-based system, especially in a smaller jurisdiction, that can tie all, or most of the necessary pieces together in a cost-efficient, as well as a cost-effective way. Thus, while I am awaiting Pat's "other pieces" for the January 7, 1999, presentation because I think that how you "frame" Pat's work is probably critical, I'm going to recommend strongly to you and to CJI/OJP that a first-rate corrections system developer (I have a young fellow that has been our primary "Offender Management" person for the last 13 years, originally from Michigan) come see Pat, Cathy and David "ASAP", his primary purpose being to assess what may, or may not actually be "salvageable" from your current system(s).

I plan to talk with Pat again and do a follow-up letter to you after he sends me his additional material. Meanwhile, I shall be sending CJI a copy of this letter with attachments and talking with John Blackmore about a possible change in near-term visiting plans. (More "complex" projections need, above all, very good data.)

The reason I've attached all these "products" from SCDC's Division of Resource and Information Management is that I wanted you to see what I mean when I say that a good, basic "client"-based system can give you from the simplest (Annual Report) data through more complex (Data Summaries), to very sophisticated (our "Propensity to Commitment Projection Model") information. The point is that the last product, like the second, is only as sound and useful as the basic data are 1) timely, 2) accurate, and 3) complete. (See enclosed speech given to ACA Congress in 1979.)

I've much enjoyed working with Pat; he's a real asset. I also hope that this (and my follow-up) letter will be helpful to you and your staff.

Sincerely,

Lorraine Fowler

Lorraine T. Fowler, Ph.D.



DEPARTMENT OF CORRECTIONS
AND REHABILITATION

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March 30, 1999

Overview – Increases in the North Dakota Corrections Populations

The prison population in North Dakota grew by 59% from 1993 through 1998 (567 to 902). From just 1997 to 1998 the number of inmate admissions increased by 36%. Also, the parole and probation population has grown by 32% (from 2386 to 3161) since 1993.

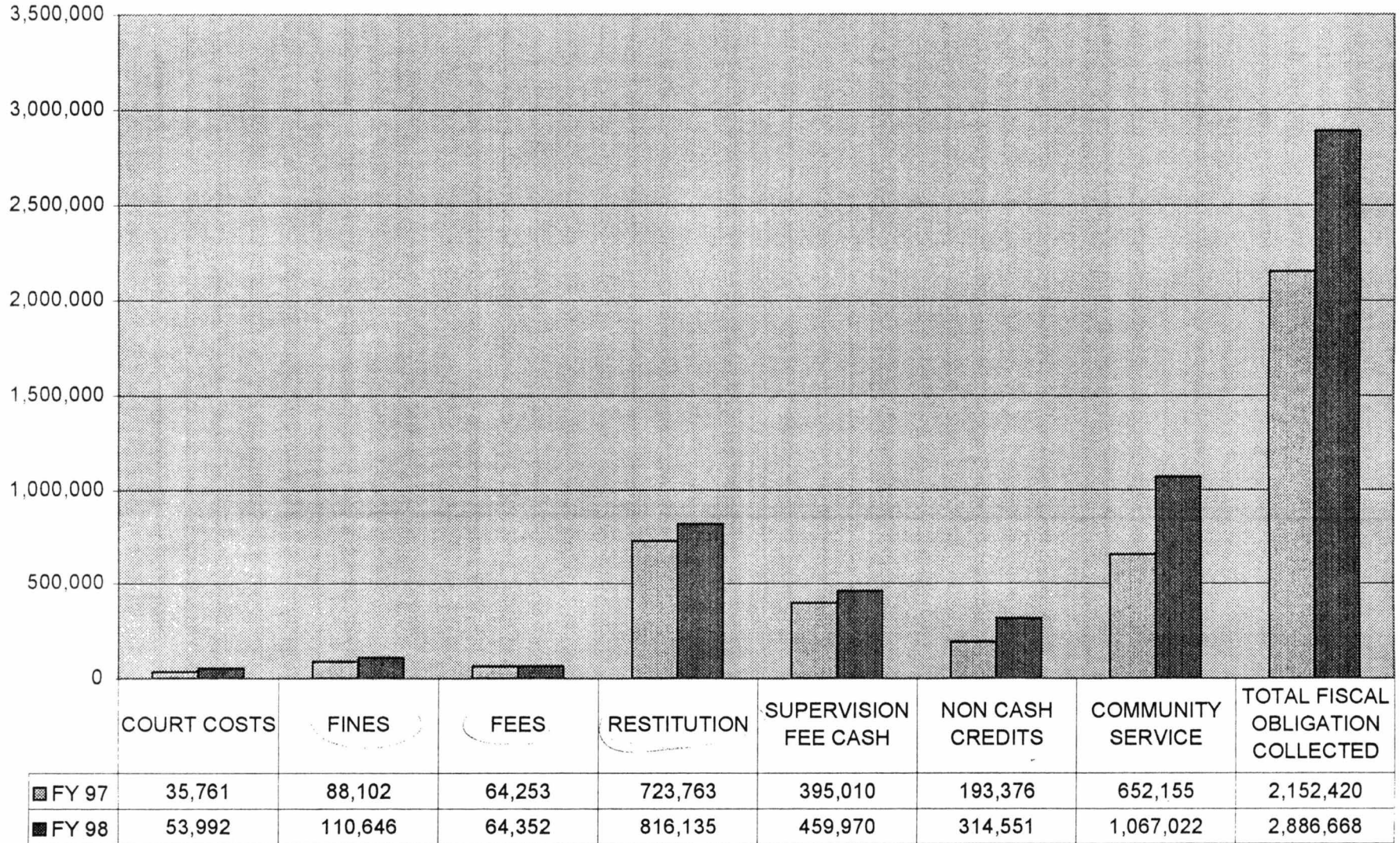
The data indicates that there are three primary reasons for the growth in the prison population; 1. Generally judges are sentencing more harshly resulting in more people being sentenced to prison for longer periods of time; 2. The number of drug offenders sentenced to prison has increased dramatically. The penitentiary admitted 232 drug offenders in 1998, up from 41 in 1993 (466% increase). At least some of this increase is due to the mandatory sentencing drug laws enacted in 1995; and 3. The number of admissions in comparison to the number of releases over the years has increased. In 1993 there were seven more releases than admissions whereas the number of releases in 1998 were 121 less than the number of admissions.

The increase in the inmate population has required the addition of new prison beds to the corrections system. The 1997 legislative assembly approved the renovation of three State Hospital buildings to serve as a 240-bed medium custody prison (the James River Correctional Center). Even with this increase in prison beds the inmate population has again grown beyond the prison's bed capacity of 861. The prisons division is presently contracting for 43 prison beds to house inmates over its capacity.

The DOCR projects that the inmate population will continue to grow during the 1999-2001 biennium so that by July 1, 2001, the estimated population will be 230 over the present bed capacity. Based upon these numbers, the Governor's budget included funding to renovate the 5th and 6th floors of the James River Correctional Center (JRCC) which would provide an additional 110 beds to the prison's capacity. The cost analysis shows that \$548,367 in general funds would be saved during the next biennium by renovating the 5th and 6th floors compared to the cost of contracting for housing for the inmates over the prison's capacity. During the 2001-2003 biennium the cost savings would be \$2,615,100.

The Governor's budget also included \$2,149,800 to fund alternative to incarceration programs. It is estimated that through the alternative programs there will be an average of 115 prison bed days saved each day of the next biennium. It is the DOCR's goal that through the next two biennia the prison population be stabilized through alternative programs so that the state will not need to build additional prison beds after the completion of the 5th and 6th floors at the JRCC. The alternative programs as well as the additional staff and resources provided in the Governor's budget to the Field Services Division of the DOCR will be critical to controlling the growth of the prison population.

FY 97 & FY 98 FISCAL OBLIGATIONS COLLECTED BY FIELD SERVICES DIVISION



Comparison of Boarder States Prison Population and Expenses

Looked at the cost of running the prisons taking out expenditures for construction costs and industries.

State & Fiscal Year	Average Daily Inmate Population (ADP)	Prison Expenses (exclude construction and industries)	Annual Cost Per Inmate
North Dakota FY 98	821	\$13,842,909.00	\$16,861.03
South Dakota FY 98	2,267	\$26,954,013.00	\$11,889.73
Montana FY 98	1,804	\$36,854,592.48	\$20,429.37
Wyoming FY 98	1,373	\$26,295,757.00	\$19,152.04
Minnesota FY 98	5,425	\$179,375,000.00	\$33,064.52

State & Fiscal Year	ADP	Prison Budget	Annual Cost Per Inmate
North Dakota FY 97	749	\$11,752,750.00	\$15,691.26
South Dakota FY 97	2,119	\$23,769,107.00	\$11,217.13
Montana FY 97	1,637	\$30,180,986.12	\$18,436.77
Wyoming FY 97	1,328	\$26,295,757.00	\$19,801.02
Minnesota FY 97	5,047	\$182,810,000.00	\$36,221.52

Points of Contact for Information

Bev Johnson & Kim Kary	ND	328-6135 & -6101	
Mike Winder & State Finance (Lori & Jami)	SD	605-773-3438 & -3411	
Dwey Hall	MT	406-444-4907	
Pat Stata & Jerry Piper	WY	307-777-7470	
Margaret (Adult Facilities Division)	MN	651-642-0257	

Each state calculates budget differently and this represents the closest we can get to replicating the way North Dakota computes the prisons division budget. We attempted to get at the cost of running the prisons without counting construction or industries expenses.

Minnesota: Only general fund appropriations reported

Minnesota: FY 98 reporting structure changed from FY 97

South Dakota: ADP reported on telephone differs slightly from adding the faxed numbers (not big)

Prison Admissions by County (1992 through 1998)

County	1992	1993	1994	1995	1996	1997	1998	Tot 92-98
Adams	2	1	3	1	1	1	2	11
Barnes	5	10	12	9	10	10	12	68
Benson	3	1	5	4	6	1	0	20
Billings	1	0	0	0	0	1	0	2
Bottineau	6	5	1	3	7	3	4	29
Bowman	0	1	0	0	1	2	1	5
Burke	1	0	0	0	0	2	0	3
Burleigh	55	60	70	90	123	130	139	667
Cass	96	127	148	90	129	126	289	1005
Cavalier	2	1	3	2	4	2	1	15
Dickey	2	5	2	3	0	2	5	19
Divide	2	0	1	1	0	0	1	5
Dunn	1	3	2	1	1	0	0	8
Eddy	1	3	6	7	3	2	4	26
Emmons	4	5	0	3	1	2	5	20
Grand Forks	37	42	49	63	65	47	56	359
Foster	0	1	4	4	0	1	0	10
Grant	0	0	1	1	2	0	2	6
Griggs	1	2	0	2	2	1	1	9
Golden Valley	1	2	3	0	0	0	0	6
Kidder	1	3	2	0	1	3	2	12
Lamoure	1	1	1	3	3	6	1	16
Logan	1	2	1	2	0	1	0	7
McHenry	3	2	0	4	2	2	6	19
McIntosh	2	0	2	2	3	1	4	14
McKenze	4	5	6	3	4	6	5	33
McLean	1	0	5	4	8	4	5	27
Mercer	1	3	3	5	3	6	3	24
Morton	14	18	14	19	37	36	34	172
Mountrail	0	0	2	2	0	2	2	8
Nelson	1	1	1	3	1	0	1	8
Oliver	0	1	0	0	0	2	0	3
Pembina	3	4	3	4	2	8	11	35
Pierce	5	6	4	4	6	4	3	32
Ramsey	26	27	20	29	41	33	39	215
Ransom	5	4	5	3	3	2	1	23
Renville	0	1	3	0	1	2	0	7
Richland	11	5	4	7	6	6	5	44
Rolette	16	2	4	2	2	6	5	37
Sargent	0	1	0	0	0	2	1	4
Sheridan	0	0	1	0	0	0	1	2
Stark	21	11	7	10	11	10	13	83
Steele	0	0	0	2	1	1	0	4
Stutsman	21	20	17	7	21	20	17	123
Towner	4	1	4	6	6	5	4	30
Traill	3	5	5	6	3	4	2	28
Walsh	4	5	8	5	11	12	15	60
Ward	28	42	36	30	37	41	54	268
Wells	0	2	0	0	0	0	2	4
Williams	10	11	14	27	13	14	20	109
TOTALS	406	452	482	473	581	572	778	3744

HUMAN RESOURCES DIVISION

Questions For Field Services Division (Community Offender Services)

1. Number, percentage of low-risk inmates and description of proper placements
2. What is age differences among inmates?
 - a. differences in treatment by age
3. Number of offenders expected to process through the revocation center?
4. Provide information on the Wahpeton employment example
5. Further explanation on victim restitution (compensation) fund
 - a. demand for funds
 - b. carry over
6. Comparative costs of tracing offenders on home confinement vs. other community offender proposals

CRIME VICTIM SPECIALIST

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DIRECTOR

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PROGRAM MANAGER/
INTERSTATE COMPACT
COORDINATOR

Charles R. Placek
701-328-6198

Field Services Division

P.O. Box 5521
Bismarck, North Dakota 58506-5521
701-328-6190
Fax 701-328-6651

TO: Warren R. Emmer
Director

FROM: Charles R. Placek 
Program Manager

DATE: January 20, 1999

RE: HB 1016

The Division's response to the House Appropriation's Committee's questions of January 14, 1999.

1. Number, % of low risk inmates and description of proper placements?

On January 18, 1999 we had 872 (33%) offenders that had a risk score within established Low Risk range. Proper placements of these offenders would be with Community Corrections Agents or Low Risk Contract agencies.

2. What is the age differences among inmates? See "DOB of Community Offenders"

a. Differences in treatment by age? None

3. Number of offenders expected to process through the revocation center?

97 – 99 Biennium – 60
99 – 01 Biennium – 200

4. Provide information on the Wahpeton employment example. See Wahpeton material

5. Further explanation on victim restitution (compensation) fund

- a. demand for funds
- b. carry over

Crime Victims Compensation Expenditures 1/18/99

Biennium	General Fund	Federal Fund	Special Fund	Total	Reimbursements Presented by Victims	Carry Forward
93 - 95	334,403.00	76,000.00	0.00	410,403.00	469,411.18	59,008.18
95 - 97	51,570.09	156,000.00	276,758.91	484,329.00	425,320.82	0.00
97 - 99	103,310.53	98,880.02	123,829.38	326,019.93	326,019.93	Projected
as of 11/30/98						33,860

6. Comparative cost of tracking offenders on home confinement vs. other community offender proposals?

The Division proposes to utilize the following alternatives to incarceration:

Type	Projected Daily Cost
a. House Arrest/ Home Detention	\$25
b. Community Placement Program	\$25
c. Jail/Parole Violators	\$45
d. Halfway House	\$40
e. Three-Day Parole Hold	\$45
f. Day Reporting	\$12
g. DOCR Room	\$10

AGE OF COMMUNITY BASED OFFENDERS ON JANUARY 19, 1999

AGE	Total Number of Offenders	AGE	Total Number of Offenders
17	3	59	5
18	12	60	6
19	71	61	10
20	140	62	4
21	180	63	6
22	189	64	2
23	175	65	3
24	156	66	4
25	146	67	3
26	123	68	2
27	107	69	3
28	122	70	3
29	94	71	0
30	110	72	4
31	92	73	1
32	89	74	0
33	73	75	3
34	86	76	0
35	74	77	0
36	72	78	0
37	82	79	1
38	90	80	0
39	78	81	0
40	60	82	1
41	60		3,003
42	58		
43	54		
44	44		
45	46		
46	48		
47	32		
48	29		
49	18		
50	26		
51	19		
52	17		
53	13		
54	8		
55	16		
56	19		
57	8		
58	3		

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	<i>(average 115 beds)</i> Adjusted for Alternatives		Prison Capacity	Inmates Contracted/Housed Outside of System		Cost
July 1999	1000	(63)	937	861	76	(x31x\$55)	= \$129,580
August 1999	1012	(73)	939	861	78	(x31x\$55)	= 132,990
September 1999	1024	(84)	940	861	79	(x30x\$55)	= 130,350
October 1999	1036	(95)	941	861	80	(x31x\$55)	= 136,400
November 1999	1048	(107)	941	861	80	(x30x\$55)	= 132,000
December 1999	1060	(109)	951	861	90	(x31x\$55)	= 153,450
January 2000	1072	(112)	960	861	99	(x31x\$55)	= 168,795
February 2000	1085	(114)	971	861	110	(x28x\$55)	= 169,400
March 2000	1098	(117)	981	861	120	(x31x\$55)	= 204,600
April 2000	1111	(119)	992	861	131	(x30x\$55)	= 216,150
May 2000	1124	(121)	1003	971	32	(x31x\$55)	= 54,560
June 2000	1137	(122)	1015	971	44	(x30x\$55)	= 72,600
July 2000	1150	(123)	1027	971	56	(x31x\$60)	= \$ 104,160
August 2000	1159	(124)	1035	971	64	(x31x\$60)	= 119,040
September 2000	1168	(126)	1042	971	71	(x30x\$60)	= 127,800
October 2000	1177	(127)	1050	971	79	(x31x\$60)	= 146,940
November 2000	1186	(128)	1058	971	87	(x30x\$60)	= 156,600
December 2000	1195	(128)	1067	971	96	(x31x\$60)	= 178,560
January 2001	1205	(128)	1077	971	106	(x31x\$60)	= 197,160
February 2001	1215	(128)	1087	971	116	(x28x\$60)	= 194,880
March 2001	1225	(128)	1097	971	126	(x31x\$60)	= 234,360
April 2001	1235	(128)	1107	971	136	(x30x\$60)	= 244,800
May 2001	1245	(128)	1117	971	146	(x31x\$60)	= 271,560
June 2001	1255	(128)	1127	971	156	(x30x\$60)	= 280,800
July 2001	1265						
TOTAL CONTRACTING COST							<u>*\$3,957,535</u>

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

ordered
 inmate
 population

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	Adjusted for Alternatives	Prison Capacity	Inmates Contracted/Housed Outside of System	Cost
July 1999	1000	(63) 937	861	76 (x31x\$55) =	\$129,580
August 1999	1011	(73) 938	861	77 (x31x\$55) =	131,285
September 1999	1022	(84) 938	861	77 (x30x\$55) =	127,050
October 1999	1033	(95) 938	861	77 (x31x\$55) =	131,285
November 1999	1044	(107) 937	861	76 (x30x\$55) =	125,400
December 1999	1056	(109) 947	861	86 (x31x\$55) =	146,630
January 2000	1068	(112) 956	861	95 (x31x\$55) =	161,975
February 2000	1080	(114) 966	861	105 (x28x\$55) =	161,700
March 2000	1092	(117) 975	861	114 (x31x\$55) =	194,370
April 2000	1104	(119) 985	861	124 (x30x\$55) =	204,600
May 2000	1116	(121) 995	971	24 (x31x\$55) =	40,920
June 2000	1128	(122) 1006	971	35 (x30x\$55) =	57,750
July 2000	1140	(123) 1017	971	46 (x31x\$60) =	\$ 85,560
August 2000	1148	(124) 1024	971	53 (x31x\$60) =	98,580
September 2000	1156	(126) 1030	971	59 (x30x\$60) =	106,200
October 2000	1164	(127) 1037	971	66 (x31x\$60) =	122,760
November 2000	1172	(128) 1044	971	73 (x30x\$60) =	131,400
December 2000	1180	(128) 1052	971	81 (x31x\$60) =	150,660
January 2001	1189	(128) 1061	971	90 (x31x\$60) =	167,400
February 2001	1198	(128) 1070	971	99 (x28x\$60) =	166,320
March 2001	1207	(128) 1079	971	108 (x31x\$60) =	200,880
April 2001	1216	(128) 1088	971	117 (x30x\$60) =	210,600
May 2001	1225	(128) 1097	971	126 (x31x\$60) =	234,360
June 2001	1234	(128) 1106	971	135 (x30x\$60) =	243,000
July 2001	1243				
			TOTAL CONTRACTING COST		<u>*\$3,530,265</u>

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	Adjusted for Alternatives		Prison Capacity	Inmates Contracted/Housed Outside of System		Cost
		()					
July 1999	1000	(63)	937	861	76	(x31x\$55)	= \$129,580
August 1999	1010	(73)	937	861	76	(x31x\$55)	= 129,580
September 1999	1020	(84)	936	861	75	(x30x\$55)	= 123,750
October 1999	1031	(95)	936	861	75	(x31x\$55)	= 127,875
November 1999	1042	(107)	935	861	74	(x30x\$55)	= 122,100
December 1999	1053	(109)	944	861	83	(x31x\$55)	= 141,515
January 2000	1064	(112)	952	861	91	(x31x\$55)	= 155,155
February 2000	1075	(114)	961	861	100	(x28x\$55)	= 154,000
March 2000	1086	(117)	969	861	108	(x31x\$55)	= 184,140
April 2000	1097	(119)	978	861	117	(x30x\$55)	= 193,050
May 2000	1108	(121)	987	971	16	(x31x\$55)	= 27,280
June 2000	1119	(122)	997	971	26	(x30x\$55)	= 42,900
July 2000	1130	(123)	1007	971	36	(x31x\$60)	= \$ 66,960
August 2000	1137	(124)	1013	971	42	(x31x\$60)	= 78,120
September 2000	1144	(126)	1018	971	47	(x30x\$60)	= 84,600
October 2000	1151	(127)	1024	971	53	(x31x\$60)	= 98,580
November 2000	1158	(128)	1030	971	59	(x30x\$60)	= 106,200
December 2000	1165	(128)	1037	971	66	(x31x\$60)	= 122,760
January 2001	1172	(128)	1044	971	73	(x31x\$60)	= 135,780
February 2001	1180	(128)	1052	971	81	(x28x\$60)	= 136,080
March 2001	1188	(128)	1060	971	89	(x31x\$60)	= 165,540
April 2001	1196	(128)	1068	971	97	(x30x\$60)	= 174,600
May 2001	1204	(128)	1076	971	105	(x31x\$60)	= 195,300
June 2001	1212	(128)	1084	971	113	(x30x\$60)	= 203,400
July 2001	1220						
				TOTAL CONTRACTING COST			<u>*\$3,098,845</u>

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	(Average 115 Beds) Adjusted for Alternatives		Prison Capacity	Inmates Contracted/Housed Outside of System			Cost
July 1999	1000	(63)	937	861	76	(x31x\$55)	=	\$129,580
August 1999	1008	(73)	935	861	74	(x31x\$55)	=	126,170
September 1999	1016	(84)	932	861	71	(x30x\$55)	=	117,150
October 1999	1024	(95)	929	861	68	(x31x\$55)	=	115,940
November 1999	1032	(107)	925	861	64	(x30x\$55)	=	105,600
December 1999	1040	(109)	931	861	70	(x31x\$55)	=	119,350
January 2000	1048	(112)	936	861	75	(x31x\$55)	=	127,875
February 2000	1056	(114)	942	861	81	(x28x\$55)	=	124,740
March 2000	1064	(117)	947	861	86	(x31x\$55)	=	146,630
April 2000	1073	(119)	954	861	93	(x30x\$55)	=	153,450
May 2000	1082	(121)	961	971	(10)	(x31x\$55)	=	0
June 2000	1091	(122)	969	971	(2)	(x30x\$55)	=	0
July 2000	1100	(123)	977	971	6	(x31x\$60)	=	\$ 11,160
August 2000	1109	(124)	985	971	14	(x31x\$60)	=	26,040
September 2000	1118	(126)	992	971	21	(x30x\$60)	=	37,800
October 2000	1127	(127)	1000	971	29	(x31x\$60)	=	53,940
November 2000	1136	(128)	1008	971	37	(x30x\$60)	=	66,600
December 2000	1145	(128)	1017	971	46	(x31x\$60)	=	85,560
January 2001	1154	(128)	1026	971	55	(x31x\$60)	=	102,300
February 2001	1163	(128)	1035	971	64	(x28x\$60)	=	107,520
March 2001	1172	(128)	1044	971	73	(x31x\$60)	=	135,780
April 2001	1181	(128)	1053	971	82	(x30x\$60)	=	147,600
May 2001	1190	(128)	1062	971	91	(x31x\$60)	=	169,260
June 2001	1200	(128)	1072	971	101	(x30x\$60)	=	181,800
July 2001	1210							
				TOTAL CONTRACTING COST				<u>*\$2,391,845</u>

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

**PROJECTED INMATE POPULATION
1999-2001 BIENNIUM**

Month and Year	Estimated Population	Adjusted for Alternatives		Prison Capacity	Inmates Contracted/Housed Outside of System			Cost
		(75)	925					
July 1999	1000	(75)	925	861	64	(x31x\$55)	=	\$109,120
August 1999	1008	(95)	913	861	52	(x31x\$55)	=	88,660
September 1999	1016	(115)	901	861	40	(x30x\$55)	=	66,000
October 1999	1024	(135)	889	861	28	(x31x\$55)	=	47,740
November 1999	1032	(135)	897	861	36	(x30x\$55)	=	59,400
December 1999	1040	(135)	905	861	44	(x31x\$55)	=	75,020
January 2000	1048	(135)	913	861	52	(x31x\$55)	=	88,660
February 2000	1056	(135)	921	861	60	(x28x\$55)	=	92,400
March 2000	1064	(135)	929	861	68	(x31x\$55)	=	115,940
April 2000	1073	(135)	938	861	77	(x30x\$55)	=	127,050
May 2000	1082	(135)	947	971	(24)	(x31x\$55)	=	0
June 2000	1091	(135)	956	971	(15)	(x30x\$55)	=	0
July 2000	1100	(135)	965	971	(6)	(x31x\$60)	=	\$ 0
August 2000	1109	(135)	974	971	3	(x31x\$60)	=	5,580
September 2000	1118	(135)	983	971	12	(x30x\$60)	=	21,600
October 2000	1127	(135)	992	971	21	(x31x\$60)	=	39,060
November 2000	1136	(135)	1001	971	30	(x30x\$60)	=	54,000
December 2000	1145	(135)	1010	971	39	(x31x\$60)	=	72,540
January 2001	1154	(135)	1019	971	48	(x31x\$60)	=	89,280
February 2001	1163	(135)	1028	971	57	(x28x\$60)	=	95,760
March 2001	1172	(135)	1037	971	66	(x31x\$60)	=	122,760
April 2001	1181	(135)	1046	971	75	(x30x\$60)	=	135,000
May 2001	1190	(135)	1055	971	84	(x31x\$60)	=	156,240
June 2001	1200	(135)	1065	971	94	(x30x\$60)	=	169,200
July 2001	1210							
							TOTAL CONTRACTING COST	<u>*\$1,831,010</u>

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

**PROJECTED INMATE POPULATION
1999-2001 BIENNIUM**

Month and Year	Estimated Population	Adjusted for Alternatives	Prison Capacity	Inmates Contracted/Housed Outside of System	Cost
July 1999	1000	(75) 925	861	64 (x31x\$55)	= \$109,120
August 1999	1010	(95) 915	861	54 (x31x\$55)	= 92,070
September 1999	1020	(115) 905	861	44 (x30x\$55)	= 72,600
October 1999	1031	(135) 896	861	35 (x31x\$55)	= 59,675
November 1999	1042	(135) 907	861	46 (x30x\$55)	= 75,900
December 1999	1053	(135) 918	861	57 (x31x\$55)	= 97,185
January 2000	1064	(135) 929	861	68 (x31x\$55)	= 115,940
February 2000	1075	(135) 940	861	79 (x28x\$55)	= 121,660
March 2000	1086	(135) 951	861	90 (x31x\$55)	= 153,450
April 2000	1097	(135) 962	861	101 (x30x\$55)	= 166,650
May 2000	1108	(135) 913	971	2 (x31x\$55)	= 3,410
June 2000	1119	(135) 984	971	13 (x30x\$55)	= 21,450
July 2000	1130	(135) 995	971	24 (x31x\$60)	= \$ 44,640
August 2000	1137	(135) 1002	971	31 (x31x\$60)	= 57,660
September 2000	1144	(135) 1009	971	38 (x30x\$60)	= 68,400
October 2000	1151	(135) 1016	971	45 (x31x\$60)	= 83,700
November 2000	1158	(135) 1023	971	52 (x30x\$60)	= 93,600
December 2000	1165	(135) 1030	971	59 (x31x\$60)	= 109,740
January 2001	1172	(135) 1037	971	66 (x31x\$60)	= 122,760
February 2001	1180	(135) 1045	971	74 (x28x\$60)	= 124,320
March 2001	1188	(135) 1053	971	82 (x31x\$60)	= 152,520
April 2001	1196	(135) 1061	971	90 (x30x\$60)	= 162,000
May 2001	1204	(135) 1069	971	98 (x31x\$60)	= 182,280
June 2001	1212	(135) 1077	971	106 (x30x\$60)	= 190,800
July 2001	1220				
TOTAL CONTRACTING COST					<u>*\$2,481,530</u>

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	Adjusted for Alternatives	Prison Capacity	Inmates Contracted/Housed Outside of System		Cost
July 1999	1000	(75) 925	861	64	(x31x\$55)	= \$109,120
August 1999	1011	(95) 916	861	55	(x31x\$55)	= 93,775
September 1999	1022	(115) 907	861	46	(x30x\$55)	= 75,900
October 1999	1033	(135) 898	861	37	(x31x\$55)	= 63,085
November 1999	1044	(135) 909	861	48	(x30x\$55)	= 79,200
December 1999	1056	(135) 921	861	60	(x31x\$55)	= 102,300
January 2000	1068	(135) 933	861	72	(x31x\$55)	= 122,760
February 2000	1080	(135) 945	861	84	(x28x\$55)	= 129,360
March 2000	1092	(135) 957	861	96	(x31x\$55)	= 163,680
April 2000	1104	(135) 969	861	108	(x30x\$55)	= 178,200
May 2000	1116	(135) 981	971	10	(x31x\$55)	= 17,050
June 2000	1128	(135) 993	971	22	(x30x\$55)	= 36,300
July 2000	1140	(135) 1005	971	34	(x31x\$60)	= \$ 63,240
August 2000	1148	(135) 1013	971	42	(x31x\$60)	= 78,120
September 2000	1156	(135) 1021	971	50	(x30x\$60)	= 90,000
October 2000	1164	(135) 1029	971	58	(x31x\$60)	= 107,880
November 2000	1172	(135) 1037	971	66	(x30x\$60)	= 118,800
December 2000	1180	(135) 1045	971	74	(x31x\$60)	= 137,640
January 2001	1189	(135) 1059	971	83	(x31x\$60)	= 154,380
February 2001	1198	(135) 1063	971	92	(x28x\$60)	= 154,560
March 2001	1207	(135) 1072	971	101	(x31x\$60)	= 187,860
April 2001	1216	(135) 1081	971	110	(x30x\$60)	= 198,000
May 2001	1225	(135) 1090	971	119	(x31x\$60)	= 221,340
June 2001	1234	(135) 1099	971	128	(x30x\$60)	= 230,400
July 2001	1243					
TOTAL CONTRACTING COST						*\$2,912,950

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	Adjusted for Alternatives		Prison Capacity	Inmates Contracted/Housed Outside of System			Cost
		(75)	925					
July 1999	1000	(75)	925	861	64	(x31x\$55)	=	\$109,120
August 1999	1012	(95)	917	861	56	(x31x\$55)	=	95,480
September 1999	1024	(115)	909	861	48	(x30x\$55)	=	79,200
October 1999	1036	(135)	901	861	40	(x31x\$55)	=	68,200
November 1999	1048	(135)	913	861	52	(x30x\$55)	=	85,800
December 1999	1060	(135)	925	861	64	(x31x\$55)	=	109,120
January 2000	1072	(135)	937	861	76	(x31x\$55)	=	129,580
February 2000	1085	(135)	950	861	89	(x28x\$55)	=	137,060
March 2000	1098	(135)	963	861	102	(x31x\$55)	=	173,910
April 2000	1111	(135)	976	861	115	(x30x\$55)	=	189,750
May 2000	1124	(135)	989	971	18	(x31x\$55)	=	30,690
June 2000	1137	(135)	1002	971	31	(x30x\$55)	=	51,150
July 2000	1150	(135)	1015	971	44	(x31x\$60)	=	\$ 81,840
August 2000	1159	(135)	1024	971	53	(x31x\$60)	=	98,580
September 2000	1168	(135)	1033	971	62	(x30x\$60)	=	111,600
October 2000	1177	(135)	1042	971	71	(x31x\$60)	=	132,060
November 2000	1186	(135)	1051	971	80	(x30x\$60)	=	144,000
December 2000	1195	(135)	1060	971	89	(x31x\$60)	=	165,540
January 2001	1205	(135)	1070	971	99	(x31x\$60)	=	184,140
February 2001	1215	(135)	1080	971	109	(x28x\$60)	=	183,120
March 2001	1225	(135)	1090	971	119	(x31x\$60)	=	221,340
April 2001	1235	(135)	1100	971	129	(x30x\$60)	=	232,200
May 2001	1245	(135)	1110	971	139	(x31x\$60)	=	258,540
June 2001	1255	(135)	1120	971	149	(x30x\$60)	=	268,200
July 2001	1265							
TOTAL CONTRACTING COST								<u>*\$3,340,220</u>

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	Adjusted for Alternatives		Prison Capacity	Inmates Contracted/Housed Outside of System			Cost
		()						
July 1999	950	(75)	875	861	14	(x31x\$55)	=	\$ 23,870
August 1999	957	(95)	862	861	1	(x31x\$55)	=	1,705
September 1999	965	(115)	850	861	0	(x30x\$55)	=	0
October 1999	973	(135)	838	861	0	(x31x\$55)	=	0
November 1999	981	(135)	846	861	0	(x30x\$55)	=	0
December 1999	989	(135)	854	861	0	(x31x\$55)	=	0
January 2000	997	(135)	862	861	1	(x31x\$55)	=	1,705
February 2000	1005	(135)	870	861	9	(x28x\$55)	=	13,860
March 2000	1013	(135)	878	861	17	(x31x\$55)	=	28,985
April 2000	1021	(135)	886	861	25	(x30x\$55)	=	41,250
May 2000	1029	(135)	894	971	0	(x31x\$55)	=	0
June 2000	1037	(135)	902	971	0	(x30x\$55)	=	0
July 2000	1045	(135)	910	971	0	(x31x\$60)	=	\$ 0
August 2000	1058	(135)	923	971	0	(x31x\$60)	=	0
September 2000	1071	(135)	936	971	0	(x30x\$60)	=	0
October 2000	1084	(135)	949	971	0	(x31x\$60)	=	0
November 2000	1097	(135)	962	971	0	(x30x\$60)	=	0
December 2000	1110	(135)	975	971	4	(x31x\$60)	=	7,440
January 2001	1123	(135)	988	971	17	(x31x\$60)	=	31,620
February 2001	1136	(135)	1001	971	30	(x28x\$60)	=	50,400
March 2001	1149	(135)	1014	971	43	(x31x\$60)	=	79,980
April 2001	1162	(135)	1027	971	56	(x30x\$60)	=	100,800
May 2001	1175	(135)	1040	971	69	(x31x\$60)	=	128,340
June 2001	1188	(135)	1053	971	82	(x30x\$60)	=	147,600
July 2001	1202							
TOTAL CONTRACTING COST								*\$657,555

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	Adjusted for Alternatives		Prison Capacity	Inmates Contracted/Housed Outside of System		Cost
		(75)	875				
July 1999	950	(75)	875	861	14	(x31x\$55)	= \$ 23,870
August 1999	957	(95)	862	861	1	(x31x\$55)	= 1,705
September 1999	965	(115)	850	861	0	(x30x\$55)	= 0
October 1999	973	(135)	838	861	0	(x31x\$55)	= 0
November 1999	981	(135)	846	861	0	(x30x\$55)	= 0
December 1999	989	(135)	854	861	0	(x31x\$55)	= 0
January 2000	997	(135)	862	861	1	(x31x\$55)	= 1,705
February 2000	1005	(135)	870	861	9	(x28x\$55)	= 13,860
March 2000	1013	(135)	878	861	17	(x31x\$55)	= 28,985
April 2000	1021	(135)	886	861	25	(x30x\$55)	= 41,250
May 2000	1029	(135)	894	971	0	(x31x\$55)	= 0
June 2000	1037	(135)	902	971	0	(x30x\$55)	= 0
July 2000	1045	(135)	910	971	0	(x31x\$60)	= \$ 0
August 2000	1056	(135)	921	971	0	(x31x\$60)	= 0
September 2000	1067	(135)	932	971	0	(x30x\$60)	= 0
October 2000	1078	(135)	943	971	0	(x31x\$60)	= 0
November 2000	1089	(135)	954	971	0	(x30x\$60)	= 0
December 2000	1100	(135)	965	971	0	(x31x\$60)	= 0
January 2001	1111	(135)	976	971	5	(x31x\$60)	= 9,300
February 2001	1122	(135)	987	971	16	(x28x\$60)	= 26,880
March 2001	1133	(135)	998	971	27	(x31x\$60)	= 50,220
April 2001	1144	(135)	1009	971	38	(x30x\$60)	= 68,400
May 2001	1156	(135)	1021	971	50	(x31x\$60)	= 93,000
June 2001	1168	(135)	1033	971	62	(x30x\$60)	= 111,600
July 2001	1180						
TOTAL CONTRACTING COST							*\$470,775

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	Adjusted for Alternatives	Prison Capacity	Inmates Contracted/Housed Outside of System	Cost
July 1999	950	(75) 875	861	14 (x31x\$55) =	\$ 23,870
August 1999	957	(95) 862	861	1 (x31x\$55) =	1,705
September 1999	964	(115) 849	861	0 (x30x\$55) =	0
October 1999	971	(135) 836	861	0 (x31x\$55) =	0
November 1999	978	(135) 843	861	0 (x30x\$55) =	0
December 1999	985	(135) 850	861	0 (x31x\$55) =	0
January 2000	992	(135) 857	861	0 (x31x\$55) =	0
February 2000	999	(135) 864	861	3 (x28x\$55) =	4,620
March 2000	1006	(135) 871	861	10 (x31x\$55) =	17,050
April 2000	1013	(135) 878	861	17 (x30x\$55) =	28,050
May 2000	1020	(135) 885	971	0 (x31x\$55) =	0
June 2000	1028	(135) 893	971	0 (x30x\$55) =	0
July 2000	1036	(135) 901	971	0 (x31x\$60) =	\$ 0
August 2000	1046	(135) 911	971	0 (x31x\$60) =	0
September 2000	1056	(135) 921	971	0 (x30x\$60) =	0
October 2000	1066	(135) 931	971	0 (x31x\$60) =	0
November 2000	1076	(135) 941	971	0 (x30x\$60) =	0
December 2000	1086	(135) 951	971	0 (x31x\$60) =	0
January 2001	1096	(135) 961	971	0 (x31x\$60) =	0
February 2001	1106	(135) 971	971	0 (x28x\$60) =	0
March 2001	1116	(135) 981	971	10 (x31x\$60) =	18,600
April 2001	1127	(135) 992	971	21 (x30x\$60) =	37,800
May 2001	1138	(135) 1003	971	32 (x31x\$60) =	59,520
June 2001	1149	(135) 1014	971	43 (x30x\$60) =	77,400
July 2001	1160				
TOTAL CONTRACTING COST					*\$268,615

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

PROJECTED INMATE POPULATION 1999-2001 BIENNIUM

Month and Year	Estimated Population	Adjusted for Alternatives	Prison Capacity	Inmates Contracted/Housed Outside of System	Cost
July 1999	950	(75) 875	861	14 (x31x\$55) =	\$ 23,870
August 1999	956	(95) 861	861	0 (x31x\$55) =	0
September 1999	962	(115) 847	861	0 (x30x\$55) =	0
October 1999	968	(135) 833	861	0 (x31x\$55) =	0
November 1999	974	(135) 839	861	0 (x30x\$55) =	0
December 1999	980	(135) 845	861	0 (x31x\$55) =	0
January 2000	986	(135) 851	861	0 (x31x\$55) =	0
February 2000	992	(135) 857	861	0 (x28x\$55) =	0
March 2000	998	(135) 863	861	2 (x31x\$55) =	3,410
April 2000	1005	(135) 870	861	9 (x30x\$55) =	14,850
May 2000	1012	(135) 877	971	0 (x31x\$55) =	0
June 2000	1019	(135) 844	971	0 (x30x\$55) =	0
July 2000	1026	(135) 891	971	0 (x31x\$60) =	\$ 0
August 2000	1035	(135) 900	971	0 (x31x\$60) =	0
September 2000	1044	(135) 909	971	0 (x30x\$60) =	0
October 2000	1053	(135) 918	971	0 (x31x\$60) =	0
November 2000	1062	(135) 927	971	0 (x30x\$60) =	0
December 2000	1071	(135) 936	971	0 (x31x\$60) =	0
January 2001	1080	(135) 945	971	0 (x31x\$60) =	0
February 2001	1089	(135) 954	971	0 (x28x\$60) =	0
March 2001	1099	(135) 964	971	0 (x31x\$60) =	0
April 2001	1109	(135) 974	971	3 (x30x\$60) =	5,400
May 2001	1119	(135) 984	971	13 (x31x\$60) =	24,180
June 2001	1129	(135) 994	971	23 (x30x\$60) =	41,400
July 2001	1139				
TOTAL CONTRACTING COST					*\$113,110

*This number will vary somewhat depending upon the scenario used for adjusting the inmate population for the alternative to incarceration impact.

**PROJECTED INMATE POPULATION
1999-2001 BIENNIUM**

Month and Year	Estimated Population	(Average 115 Prison Beds Saved) Adjusted for Alternatives	Prison Capacity	Inmates Contracted/Housed Outside of System	Cost
July 1999	975	(63) 912	861	51 (x31x\$55) =	\$ 86,955
August 1999	983	(73) 910	861	49 (x31x\$55) =	83,545
September 1999	991	(84) 907	861	46 (x30x\$55) =	75,900
October 1999	999	(95) 904	861	43 (x31x\$55) =	73,315
November 1999	1007	(107) 900	861	39 (x30x\$55) =	64,350
December 1999	1015	(109) 906	861	45 (x31x\$55) =	76,725
January 2000	1023	(112) 911	861	50 (x31x\$55) =	85,250
February 2000	1031	(114) 917	861	56 (x28x\$55) =	86,240
March 2000	1039	(117) 922	861	61 (x31x\$55) =	104,005
April 2000	1047	(119) 928	861	67 (x30x\$55) =	110,550
May 2000	1055	(121) 934	971	15 (x31x\$55) =	25,575
June 2000	1063	(122) 941	971	15 (x30x\$55) =	24,750
July 2000	1072	(123) 949	971	15 (x31x\$60) =	\$ 27,900
August 2000	1085	(124) 961	971	15 (x31x\$60) =	27,900
September 2000	1098	(126) 972	971	15 (x30x\$60) =	27,000
October 2000	1111	(127) 984	971	15 (x31x\$60) =	27,900
November 2000	1124	(128) 996	971	25 (x30x\$60) =	45,000
December 2000	1137	(128) 1009	971	38 (x31x\$60) =	70,680
January 2001	1150	(128) 1022	971	51 (x31x\$60) =	94,860
February 2001	1163	(128) 1035	971	64 (x28x\$60) =	107,520
March 2001	1177	(128) 1049	971	78 (x31x\$60) =	145,080
April 2001	1191	(128) 1063	971	92 (x30x\$60) =	165,600
May 2001	1205	(128) 1077	971	106 (x31x\$60) =	197,160
June 2001	1219	(128) 1091	971	120 (x30x\$60) =	216,000
July 2001	1233				
TOTAL CONTRACTING COST					<u>*\$2,049,760</u>

*This amount was reduced from \$4,085,300 in the Executive Budget pursuant to the revised inmate population projections.

P1

HOUSE BILL 1000
PROJECTED INMATE POPULATION
1999-2001 BIENNIUM

Month and Year	Estimated Population	(Average 135 Prison Beds Saved) Adjusted for Alternatives	Prison Capacity	Inmates Contracted/Housed Outside of System	Cost
July 1999	950	(75) 875	861	15 @ \$47 =	\$ 21,855
August 1999	957	(95) 862	861	15 @ \$47 =	21,855
September 1999	965	(115) 850	861	15 @ \$47 =	21,855
October 1999	973	(135) 838	861	15 @ \$47 =	21,855
November 1999	981	(135) 846	861	15 @ \$47 =	21,855
December 1999	989	(135) 854	861	15 @ \$47 =	21,855
January 2000	997	(135) 862	861	15 @ \$47 =	21,855
February 2000	1005	(135) 870	861	15 @ \$47 =	21,855
March 2000	1013	(135) 878	861	17 @ \$47 =	24,769
April 2000	1021	(135) 886	861	25 @ \$47 =	36,425
May 2000	1029	(135) 894	861	33 @ \$47 =	48,081
June 2000	1037	(135) 902	861	41 @ \$47 =	59,737
July 2000	1045	(135) 910	861	49 @ \$47 =	\$ 71,393
August 2000	1058	(135) 923	861	62 @ \$47 =	90,334
September 2000	1071	(135) 936	861	75 @ \$47 =	109,275
October 2000	1084	(135) 949	861	88 (82@\$47, 6@\$60) =	130,634
November 2000	1097	(135) 962	861	101 (82@\$47, 19@\$60) =	154,814
December 2000	1110	(135) 975	861	114 (82@\$47, 32@\$60) =	178,994
January 2001	1123	(135) 988	861	127 (82@\$47, 45@\$60) =	203,174
February 2001	1136	(135) 1001	861	140 (82@\$47, 58@\$60) =	227,354
March 2001	1149	(135) 1014	861	153 (82@\$47, 71@\$60) =	251,534
April 2001	1162	(135) 1027	861	166 (82@\$47, 84@\$60) =	275,714
May 2001	1175	(135) 1040	861	179 (82@\$47, 97@\$60) =	299,894
June 2001	1188	(135) 1053	861	192 (82@\$47, 110@\$60) =	324,074
July 2001	1202				
TOTAL CONTRACTING COST					<u>*\$2,661,040</u>

*The estimated cost is based on the assumption that an average of 82 beds will be available at county correctional facilities at an average cost of \$47 per day. It is assumed that any prison beds in excess of 82 would be contracted with out-of-state facilities at a daily rate of \$55 for FY2000 and \$60 for FY2001.

DOCK DIVISION
PROJECTED INMATE POPULATION
1999-2001 BIENNIUM

Month and Year	Estimated Population	(Average 115 Prison Beds Saved) Adjusted for Alternatives	Prison Capacity	Inmates Contracted/Housed Outside of System	Cost
July 1999	975	(63) 912	861	51 (x31x\$55) =	\$ 86,955
August 1999	983	(73) 910	861	49 (x31x\$55) =	83,545
September 1999	991	(84) 907	861	46 (x30x\$55) =	75,900
October 1999	999	(95) 904	861	43 (x31x\$55) =	73,315
November 1999	1007	(107) 900	861	39 (x30x\$55) =	64,350
December 1999	1015	(109) 906	861	45 (x31x\$55) =	76,725
January 2000	1023	(112) 911	861	50 (x31x\$55) =	85,250
February 2000	1031	(114) 917	861	56 (x28x\$55) =	86,240
March 2000	1039	(117) 922	861	61 (x31x\$55) =	104,005
April 2000	1047	(119) 928	861	67 (x30x\$55) =	110,550
May 2000	1055	(121) 934	861	73 (x31x\$55) =	124,465
June 2000	1063	(122) 941	861	80 (x30x\$55) =	132,000
July 2000	1072	(123) 949	861	88 (x31x\$60) =	\$ 163,680
August 2000	1085	(124) 961	861	100 (x31x\$60) =	186,000
September 2000	1098	(126) 972	861	111 (x30x\$60) =	199,800
October 2000	1111	(127) 984	861	123 (x31x\$60) =	228,780
November 2000	1124	(128) 996	971	25 (x30x\$60) =	45,000
December 2000	1137	(128) 1009	971	38 (x31x\$60) =	70,680
January 2001	1150	(128) 1022	971	51 (x31x\$60) =	94,860
February 2001	1163	(128) 1035	971	64 (x28x\$60) =	107,520
March 2001	1177	(128) 1049	971	78 (x31x\$60) =	145,080
April 2001	1191	(128) 1063	971	92 (x30x\$60) =	165,600
May 2001	1205	(128) 1077	971	106 (x31x\$60) =	197,160
June 2001	1219	(128) 1091	971	120 (x30x\$60) =	216,000
July 2001	1233				
TOTAL CONTRACTING COST					<u>*\$2,923,460</u>

*This amount is reduced from \$4,085,300 in the Executive Budget pursuant to the revised inmate population projections and reflects an operational date of Nov. 2000 for the 5th and 6th floors.

**DOCR VERSION (Using Inmate Contracting Costs)
PROJECTED INMATE POPULATION
1999-2001 BIENNIUM**

Month and Year	Estimated Population	(Average 115 Prison Beds Saved)		Prison Capacity	Inmates Contracted/Housed Outside of System			Cost
		Adjusted for Alternatives						
July 1999	975	(63)	912	861	51	(x31x\$47)	=	\$ 74,307
August 1999	983	(73)	910	861	49	(x31x\$47)	=	71,393
September 1999	991	(84)	907	861	46	(x30x\$47)	=	64,860
October 1999	999	(95)	904	861	43	(x31x\$47)	=	62,651
November 1999	1007	(107)	900	861	39	(x30x\$47)	=	54,990
December 1999	1015	(109)	906	861	45	(x31x\$47)	=	65,565
January 2000	1023	(112)	911	861	50	(x31x\$47)	=	72,850
February 2000	1031	(114)	917	861	56	(x28x\$47)	=	73,696
March 2000	1039	(117)	922	861	61	(x31x\$47)	=	88,877
April 2000	1047	(119)	928	861	67	(x30x\$47)	=	94,470
May 2000	1055	(121)	934	861	73	(x31x\$47)	=	106,361
June 2000	1063	(122)	941	861	80	(x30x\$47)	=	112,800
July 2000	1072	(123)	949	861	88	82@\$47, 6@\$60	=	\$ 130,634
August 2000	1085	(124)	961	861	100	82@\$47, 18@\$60	=	152,954
September 2000	1098	(126)	972	861	111	82@\$47, 29@\$60	=	167,820
October 2000	1111	(127)	984	861	123	82@\$47, 41@\$60	=	195,734
November 2000	1124	(128)	996	971	25	(x30x\$47)	=	35,250
December 2000	1137	(128)	1009	971	38	(x31x\$47)	=	55,366
January 2001	1150	(128)	1022	971	51	(x31x\$47)	=	74,307
February 2001	1163	(128)	1035	971	64	(x28x\$47)	=	84,224
March 2001	1177	(128)	1049	971	78	(x31x\$47)	=	113,646
April 2001	1191	(128)	1063	971	92	82@\$47, 10@\$60	=	133,620
May 2001	1205	(128)	1077	971	106	82@\$47, 24@\$60	=	164,114
June 2001	1219	(128)	1091	971	120	82@\$47, 38@\$60	=	184,020
				Sub Total				\$2,434,509
July 2001	1233			Travel Costs				46,000
				TOTAL CONTRACTING, STAFF, & TRAVEL COST				\$2,480,509

*This amount is reduced from \$4,085,300 in the Executive Budget pursuant to the revised inmate population projections and reflects an operational date of Nov. 2000 for the 5th and 6th floors.

DEPARTMENT OF CORRECTIONS AND REHABILITATION COSTS TO CONTRACT FOR INMATE HOUSING
JULY 1, 1997, TO NOVEMBER 30, 1998

I. Total cost and number of inmates

	Total Cost for Contracted Inmate Housing	Cost for Contracted Inmate Housing at Minnesota Facility	Cost for Contracted Inmate Housing at North Dakota County and Community Facilities	Total Number of Inmates ¹	Total Number of Inmates Housed Externally ²	Number of Inmates Housed Under Contract With Minnesota Facility ²	Number of Inmates Housed Under Contract With North Dakota County Facilities ²	Number of Inmates Housed Under Contract With North Dakota Community Facilities ²
July 1997	\$81,634	\$0	\$81,634	774	70	0	55	15
August 1997	82,587	0	82,587	768	70	0	53	17
September 1997	136,583	71,900	64,683	771	103	50	41	12
October 1997	147,963	77,500	70,463	779	111	50	49	12
November 1997	159,892	75,000	84,892	794	125	50	67	8
December 1997	199,266	95,500	103,766	820	143	70	64	9
January 1998	208,811	107,590	101,221	837	149	70	66	13
February 1998	177,583	98,950	78,633	840	155	80	62	13
March 1998	219,834	125,400	94,434	851	161	84	62	15
April 1998	228,850	135,700	93,150	864	163	95	61	7
May 1998	241,460	144,000	97,460	878	166	93	58	15
June 1998	125,215	66,750	58,465	878	52	0	40	12
July 1998	49,215	0	49,215	928	40	0	25	15
August 1998	99,017	70,000	29,017	942	90	50	25	15
September 1998	97,103	75,000	22,103	938	67	50	8	9
October 1998	89,939	76,250	13,689	955	69	50	8	11
November 1998	92,635	74,450	18,185	956	69	50	10	9
Total	\$2,437,587	\$1,293,990	\$1,143,597					

II. Costs per day per inmate

	Cost Per Day Per Inmate at County Correctional Facilities Contracted With During Month														Centre, Inc.	Sharehouse, Inc.	Cost Per Day Per Inmate at Appleton, Minnesota, Prison
	Barnes	Bottineau	Grand Forks	Lake Region	McKenzie	Morton	Pierce	Richland	Roleta	Stutsman	Trail	Walsh	Ward	Williams			
July 1997	\$45	\$35		\$40		\$40		\$35	\$35	\$45		\$40	\$40	\$40	\$40	\$40	
August 1997	45			40				35	35	45		40	40	40	40	40	
September 1997	45			40	\$35			35	35	45		40	40	40	40	40	
October 1997	45		\$45	40				35	35	45		40	40	40	40	40	\$50
November 1997	45		45	40	35	40		35	35	45		40	40	40	40	40	50
December 1997	45		45	40	35	40		35	35	45	\$35	40	40	40	40	40	50
January 1998	45		45	40		40		35	35	45	35	40	40	40	40	40	50
February 1998	45		45	40		40		35	35	45	35	40	40	40	40	40	50
March 1998	45		45	40		40		35	35	45	35	40	40	40	40	40	50
April 1998	45	35	45	40		40		35	35	45	35	40	40	40	40	40	50
						40		\$35	35	45	35	40	40	40	40	40	50

Contract
for
inmate
housing

	Barnes	Bottineau	Grand Forks	Lake Region	Cost Per Day Per Inmate at County Correctional Facilities Contracted With During Month									Cost Per Day Per Inmate at Community Facilities (Halfway Houses) Contracted With During Month		Cost Per Day Per Inmate at Appleton, Minnesota, Prison	
					McKenzie	Morton	Pierce	Richland	Rolette	Stutsman	Trail	Walsh	Ward	Williams	Centre, Inc.		Sharehouse, Inc.
May 1998	45	35	45	40		40	35			35	45	35	40	40	40	40	50
June 1998	45		45	40	35	40	35		35	45	35	40	40	40	40	40	
July 1998	45	35		40	35	40	35			45			45	40	40	40	
August 1998	45			40	35	40	35			45	35			40	40	40	50
September 1998	45			40	35		35						45	40	40	40	50
October 1998	45			40	35								45	40	40	40	50
November 1998	45			40	35					45			45	40	40	40	50

III. Estimated inmate beds available and cost per day - Selected North Dakota county facilities

	Current Number of Prison Beds Available	Current Daily Rate	Estimated Number of Prison Beds Available for the 1999-2001 Biennium 13	Estimated Daily Rate for the 1999-2001 Biennium
Barnes	8	\$45	4-5	\$45
Bottineau	0	\$35-\$40	0	\$35-\$40
Grand Forks	0	\$55	5	\$55
Lake Region	15	\$40	15	\$40
McKenzie	2-4	\$35	2	\$35
Morton	0-3	\$40	0	\$40
Pierce	5	\$40	0-1	\$40-\$45
Richland	0	\$40	5	\$45
Rolette	6-8	\$35	4	\$35
Stutsman	10-15	\$45	10-15	\$45
Trail	3-4	\$35	3-4	\$35
Ward	0-5	\$45	0	\$45-\$50
Williams	0	\$40	0	\$40
Stark	30	\$50	30	\$55

11 Average daily inmate population during month.

12 Actual number of inmates at end of month.

13 The number shown is the number of prison beds each facility indicated could be provided for housing Penitentiary inmates if occupancy was guaranteed by the Penitentiary. The department's recommended budget for the 1999-2001 biennium includes \$4,085,300 to contract for the housing of inmates. Through June 30, 1999, the department has a contractual agreement to house 50 inmates per month at a cost of \$50 per day with the Appleton, Minnesota, prison.

For the 1999-2001 biennium, the department has not determined the number of inmates to be housed in Minnesota. The department has indicated that inmates will be housed instate with county facilities, to the extent possible, occupying the beds listed above. The department's budget for contracted inmate housing is based on the renovation of the 5th and 6th floors of the James River Correctional Center to provide 110 inmate beds on May 1, 2000.

The department's budget includes contracted inmate housing costs of \$55 per day during the first year of the 1999-2001 biennium and \$60 per day during the second year for the following number of inmates:

1999	2000	2001
July	109	January 96
August	106	February 109
September	103	March 122
October	95	April 135
November	87	May 38
December	84	June 51
		July 44
		August 54
		September 64
		October 74
		November 84
		December 91



DEPARTMENT OF CORRECTIONS AND REHABILITATION

3303 East Main, PO Box 1898 • Bismarck, ND 58502-1898
(701) 328-6390 • FAX (701) 328-6651 • TDD 701-366-6888

MEMO

TO: Human Resources Division committee members

FROM: Elaine Little

DATE: February 10, 1999

RE: Minimum of 15 beds needed for contracting out inmates

The most recent estimates in the various inmate population growth scenarios show that in a number of months throughout the biennium fewer than 15 inmates would need to be contracted out to facilities outside of the DOCR prisons division. This raises an issue that we have not had to deal with in the past two years or in any of the previous scenarios.

During the past year we have housed an average of 15 inmates in the county jails and at Appleton who for various security reasons cannot be housed within our system. The most common reason that inmates can't be housed in any of the DOCR facilities is because they have testified against other inmates in the system. We have many examples of this and for most cases we can either house them in different facilities or get the inmates to agree to not act upon their animosities. Sometimes, because of their custody level or the nature of the offense, in order to keep them separated and to assure their safety we have no other option but to house them outside of the DOCR facilities.

In order to assure that there would be a minimum of 15 beds available each day for inmates we must keep separated, the following dollar amount would need to be added to each of the attached scenarios:

10 percent and 15 percent -- \$ 367,820	(Total scenario cost = \$1,025,375)
10 percent and 13 percent -- \$393,860	(Total scenario cost = \$ 864,635)
9 percent and 12 percent -- \$455,590	(Total scenario cost = \$ 724,205)
8 percent and 11 percent -- \$530,015	(Total scenario cost = \$ 643,125)

Inmate placement services, LLC

BEDSPACE LOCATOR NEWSLETTER

VOLUME 3, NUMBER 1

JANUARY 1999

"A bed for every inmate and an inmate for every bed"



FOR FURTHER INFORMATION CONTACT:

Eileen Tremblay, Director
Inmate Placement Services
3905 Estes Road
Nashville, TN 37215

Phone: (615) 292-3345
Fax: (615) 298-2827
E-mail: bedspace@aol.com

REGION ONE

ADULT:

- 150 beds. Male and female minimum security inmates. Drug/alcohol programming. Halfway house beds are also available. Per diem is negotiable.
- 50 beds. Male medium and minimum security. Newer facility with podular design, utilizing direct supervision. Per diem: \$50-\$55.

JUVENILE:

- 240 beds. Male minimum to maximum security. Brand new residential facility with boot camp, intensive secure, and intermediate secure programs on same campus. Per diem: \$135-\$185.

REGION TWO

ADULT:

- 180 beds. Male or female, medium security. Newly constructed facility just opened. Publicly owned with private operator. Per diem: ~~\$60~~.
- 60 beds. Male or female, community or minimum security. Brand new construction, ideal for geriatric or work release. Therapeutic community model. Per diem: \$50.

JUVENILE:

- 36 beds. Residential substance abuse treatment facility for males with accredited chemical dependency program. Licensed education services, vocational program, and lots of recreation. Per diem: \$150-\$160.

REGION THREE

ADULT:

- 250 beds. Female, minimum security. Renovated facility which meets ACA Standards on Administration & Management. Per diem: \$35-\$45.
- 200 beds. Male, medium security. Facility opened July 1997. Programming available depending on sending jurisdiction's needs. Per diem: \$35-\$40.
- 196 beds. Male or female, light medium or minimum security. New facility in great location. Forty single cells and 26 6-person cells. Experienced management will provide tailored programs in addition to standard offerings. Per diem: \$45.
- 150 beds. Male medium and minimum security. Dormitory housing with lockdown cells, direct supervision, full programming, correctional industry coming on line, legal materials on CD rom, variety of recreation activities. Per diem: \$40-\$45.
- 100 beds. Male, medium security. Modern dormitory design, located in rural area but adjacent to airport. Video conferencing for hearings and visiting. Per diem: \$35-\$40.

**TESTIMONY ON HB1016
HOUSE APPROPRIATIONS COMMITTEE**

**ROUGH RIDER INDUSTRIES
DENNIS FRACASSI, DIRECTOR
JANUARY 12, 1999**

Inmate programs are vital not only in our efforts to change behaviors, but also as a security tool to maintain control within the prison. Our three major programming tools consist of treatment, education and work. The work program at RRI is the only one of the three that pays for itself without using general fund dollars.

Inmates who work at RRI earn on the average \$1.30 **per/hour** as opposed to \$1.35 **per/day** for those inmates who work at institutional jobs such as kitchen, laundry or maintenance. This difference in pay creates a strong incentive for inmates to work at RRI. That in turn, allows RRI to structure itself as a preferred job and place eligibility requirements that force the inmate to address behavioral needs that might otherwise be ignored. For example, to be eligible to work at RRI, the inmate must first obtain their GED if they haven't completed high school. The inmate must also comply with all treatment recommendations. The opportunity to work at RRI provides such incentive that an inmate will agree to comply with treatment needs and pursue their GED.

Equally important to addressing treatment and educational needs, is maintaining good behavior. Inmates must also be free of disciplinary infractions to work at RRI. Inmates will think twice about acting out against prison rules if it means losing their industry job or the opportunity to work at industries. Accordingly, RRI has a significant positive impact on maintaining discipline and security within our prison.

For reasons the Warden has already discussed, RRI has set a goal to employ 25% of the ND prison population. In order to accomplish this goal, RRI must change the way it does business. We can not expect our traditional industries to support this kind of growth without complaints from those with whom we compete. This is why RRI has, for the past few years, spent considerable resources trying to develop

relationships with the private sector under the auspices of the federal Prison Industry Enhancement (or PIE) program. We believe the opportunity presents itself today to form partnerships with the private sector using inmate labor for products that neither unfairly compete with ND business, nor displace ND workers, while simultaneously preparing inmate workers for their eventual return to society.

Such an arrangement produces many winners, and no losers. The private sector partner wins because they get a steady reliable labor pool and building space to operate. Business that does not partner with RRI wins because the growth no longer comes from areas in which we compete with them. The prison wins, because a large portion of the population is taken off the hands of security for forty hours a week allowing them to use their resources elsewhere. The inmates win because they are given a chance to productively occupy their day while earning minimum or prevailing wages. The ND taxpayer wins because the program is self-supporting saving hundreds of thousands of general fund dollars that would otherwise be needed for additional programming.

Perhaps the most significant difference between RRI and the private sector is the motivation behind growth. A private sector business will expand when the company has financial resources available to pursue and capture new business. Their success is measured in terms of dollars. RRI's growth on the other hand, is based on the need to reduce idleness within the prison by creating new jobs. Another way of saying this is that **the private sector adds jobs based on business, whereas RRI adds business based on jobs.** The RRI approach to expansion defies all business logic. But then again, unlike the private sector, our success is not measured in terms of dollars; it is measured by our effectiveness in absorbing inmates into a work program and to prepare them for their release.

Knowing that the prison expansion into Jamestown would require an industry program, RRI spent the last year and a half developing relationships with business in Jamestown and the surrounding areas. Our message was simple. **"If you as a business are looking for a steady reliable labor pool, and are willing**

to use our facility to manufacture your products, then you might want to consider doing business with us. However, you must understand that we cannot, and will not form partnerships that result in displacing ND private sector workers”.

Because of these efforts, RRI was introduced to two businesses in Fargo. Raslan Kahlil from the ND Manufacturing Technology Partnership introduced RRI to Global Electric Motors (GEM). This company manufactures road - worthy electric cars for retirement communities and resorts. There are a number of fabric and canvas options available with the car and they are all presently manufactured out of state by several different companies. GEM would like their suppliers to come from North Dakota.

John VanMiddlesworth and Rebecca Bosch from ND Economic Development and Finance introduced us to John Frappier who owns Acceleration Products, Inc. Mr. Frappier has invented and patented a device called the Multi Sport Cord. The product is made from an assortment of elastic materials that needs to be cut and sewn together in a variety of sizes. They too, would like their product to be manufactured in North Dakota, but they were unable to find a cut and sew operation large enough to meet their needs. They have tried companies in Seattle and Red Wing MN, but since learning of RRI, they are giving us the opportunity to work for them.

Since these two companies compliment one another in terms of work (cut and sew), and the fact that there are no cut and sew operations located in North Dakota large enough to take on this business, it presents the perfect opportunity for us. These operations will not be competing with other business in North Dakota and inmates have the opportunity to learn manufacturing processes and more importantly, develop work ethics necessary to succeed once they are released. These two companies have the market potential to help us achieve our goal of employing 25% of the inmate population.

The expansion into Jamestown is the reason behind the 6% increase to our budget request from 8.7 to 9.2 million dollars. Since no general or federal funds are provided, we cannot spend the requested dollars for expenditures until we generate the income to pay for it. In other words, our budget is a request for authority to spend self-generated revenues derived from the sale of products, up to the limits contained in our budget request. Our largest line item request is in raw materials, which accounts for five million dollars or 54% of our total budget. 27%, or 2.5 million dollars is requested for staff salaries and benefits. The remaining 19%, or 1.7 million dollars is targeted for equipment and operating expenses.

Any new business generally needs some time to turn the corner to where revenues exceed expenses. They must also arrange to ensure that cash flows are protected during the expansion period. RRI is no different. Current cash flows are expected to dwindle as a result of start-up operations in Jamestown, and we need to be prepared to obtain short-term alternative financing to protect ourselves. We were counting on pledging accounts receivables from the general issue of license plates to secure a loan from the Bank of North Dakota, but now it is uncertain whether or not a general issue will pass this legislative session. If it doesn't, we will have to determine what other forms of collateral can be used to obtain financing to help us turn the corner.

In closing, the opportunity for RRI to change the way it does business has never looked brighter. There are many hurdles to overcome, but we would be remiss in our duties as public servants to turn our backs on these opportunities. There are many other correctional industry programs throughout the country that experienced difficulty forming partnerships with the private sector. They have overcome the same kind of problems we face and are now experiencing successful programs. We have the advantage to learn from their mistakes and draw from their knowledge.

RRI is committed to working with the private sector and to provide work for 25% of the inmate population. This is what the legislature has asked for in previous biennia and RRI is now looking for legislative support to make these opportunities a reality.

HB 1016
3/8/99
Dennis Fracassi

#4

**TESTIMONY ON HB 1016
SENATE APPROPRIATIONS COMMITTEE**

**ROUGH RIDER INDUSTRIES
DENNIS FRACASSI, DIRECTOR
MARCH 8, 1999**

As veteran lawmakers, you already have a good understanding of Rough Rider Industries, so I will forego talking about the basis of our program and briefly talk about some exciting things that are happening at RRI, before I address the numbers in our budget.

Knowing that the prison expansion into Jamestown would require an industry program, RRI spent the past year and a half developing relationships with businesses in Jamestown and the surrounding areas. Our message was simple. **"If you as a business are looking for a steady reliable labor pool, and are willing to use our facility to manufacture your products, then you might want to consider doing business with us. However, you must understand that we cannot, and will not form partnerships that result in displacing ND private sector workers."**

Because of these efforts, RRI was introduced to two businesses in Fargo. Raslan Kahlil from the ND Manufacturing Technology Partnership program introduced us to Global Electric Motors (GEM). This company manufactures road-worthy electric cars for retirement communities and resorts. There are a number of fabric and canvas options available with the car and their source of suppliers are scattered all over the United States, mostly in the eastern coastal states. Mr. Kahlil was helping them find a single source supplier, preferably in ND that could make the variety of products they offer with the car. They could not find any company in ND (or in the upper Midwest for that matter), who was set up to meet their needs. That is when we were approached to see if we were interested in supplying their products.

At about the same time, John VanMiddlesworth and Rebecca Bosch from ND Economic Development and Finance introduced us to John Frappier who owns Acceleration Products, Inc. Mr. Frappier is well established in the fitness and sports medicine markets. He has invented and patented a device called the Multi Sports Cord. This product is made from an assortment of materials that need to be cut and sewn together in a variety of sizes. His story is similar to GEM's in that he too, was looking for a ND company to supply this product and was unable to find one. They have tried companies in Seattle WA and Red Wing MN, but since learning of RRI, they are giving us the opportunity to work for them.

Since these two companies compliment each other in terms of work (cut and sew), and the fact that there are no other cut and sew operations in ND large enough to meet their needs, it presents the perfect opportunity for us to change the way we do business. These operations will not be in competition with other ND businesses and inmates will have the opportunity to learn manufacturing processes, and more importantly, develop work ethics necessary to succeed once they are released. These two companies have the market potential to employ 50 to 70 inmates and possibly even more.

As far as our budget is concerned, the expansion into Jamestown, and the general issue of license plates are the reasons behind the 6% increase from 8.7 to 9.2 million dollars. The dollars to support this budget are 100% special funds derived from the sale of products and services we provide. Our largest line item request is for raw materials, which account for five million dollars or 54% of the budget. 2.5 million dollars or 27% is requested for staff salaries and benefits. The remaining 1.7 million dollars is targeted for equipment and operating expenses.

Any new start up business generally needs some time to turn the corner to where revenues exceed expenses. It must also arrange to ensure that cash flows are protected during the expansion

period. RRI is no different. Current cash flows are expected to dwindle as a result of start-up operations in Jamestown, and we need to be prepared to obtain short-term outside financing to protect ourselves. We were counting on pledging accounts receivable from the general issue of license plates to secure a loan from the Bank of North Dakota. However, the House removed the general issue from our budget and 1.7 million dollars in associated costs. We are currently working with the bank to determine what other forms of collateral can be used to obtain financing to help us turn the corner.

In closing, the opportunity for RRI to change the way we do business has never looked brighter. There are many hurdles we still need to overcome, but I am confident that we are on track in building long lasting relationships with the private sector. This is what you have asked for in previous biennia and you have my assurances that the RRI staff will continue to work hard in this direction. I welcome all of you to visit our Jamestown facility at any time to see for yourself the positive changes taking place at RRI.

HB 1016
3/8/99
Sen. Nething

#3

To: Tim Schuetzle, Director Prisons Division
Elaine Little, Director Corrections and Rehabilitation

From: Dennis Fracassi, Director Rough Rider Industries

Date: December 20, 1998

Subj: Summary of Trip to Utah Correctional Industries

As you know, Bill Goetz, Senator Dave Nething and I recently traveled to Utah to see the Utah Correctional Industries program. This trip was funded through the Technical Training Assistance Program from the Correctional Industries Association. The purpose of the trip was to allow state leaders outside of corrections to see a prison industry program that is certified under the Private Sector/Prison Industry Enhancement Program (PIE). Utah was selected because it is the smallest of the states that has a successful PIE program. Still, Utah is five times larger than North Dakota.

Our visit began with a dinner Thursday evening. In attendance was Dick Clasby - director of UCI, his deputy director Lilian Anthony, Dan Leatham - Drapper Prison chief of Security, Monty Tremont - a private sector partner from U.S. Technologies, Bill Goetz, Senator Nething, and myself. Topics discussed during dinner included:

- The importance to maintain good communication and flexibility between prison security and industries.
- How industries relieve tensions in the cell houses.
- Challenges of maintaining self-sufficiency under a government umbrella.
- The importance of public relations as it relates to prison industries.
- Business interruptions such as callouts, lockdowns and shakedown.
- Difficulties encountered with starting a PIE project.
- PIE success stories / PIE failures.
- Opportunities for the private sector using inmate labor and building space.
- Drawbacks for the private sector using inmate labor and building space.
- Deductions taken from inmate wages in PIE programs.
- Comparisons of UCI to RRI in terms of population and inmates working.

Based on questions and discussion over dinner, our host prepared an organizational structure of UCI to help us absorb the complexity and layout of the prison industries.

The following morning we met in the UCI conference room. We reviewed the UCI organizational structure and discussed the difference between traditional industries and PIE industries, as well as internal industries and external industries. Utah, due to their size, have a full time marketing representative, a new business development coordinator, a PIE coordinator and PIE contract coordinator. These positions are very important for attracting and maintaining private sector partnerships.

After receiving security clearance, we then toured the prison industries at Drapper. One of our first stops was a telemarketing PIE shop operated by Sandstar Entertainment. This company sells family-oriented videos absent profanity, vulgarity, violence and sexual content. Their telephones operate on a predictive dialer so inmates have no way of selecting what number is called. When a

sale is made the call is transferred to one of Sandstar's operations outside the prison where information is collected. The average number of inmates employed is 87. We talked to two of the inmate workers to see what they thought of the job. Both inmates were serving long sentences for violent crimes and one in particular had recently spent 3 years in maximum security where he was locked up 21 hours each day with a cell mate. Although he appeared angry, he made it very clear to us that this job was very important to him. He stated that this was the closest he could get to some sense of normalcy and fully understood the consequences of any misbehavior. The other inmate claimed he loved his job even though he experiences a lot of rejection, because it gave him a chance to communicate with a "real person" as opposed to other inmates and correctional officers who have the same attitudes every day. He also felt that his training was helping him learn communication skills he could put to practice with other inmates and staff. Both inmates stated that the opportunity to work and earn some money was important to them to overcome boredom in prison.

We toured several traditional industries including furniture, upholstery, and license plates. An interesting note on license plates is that Utah does not have a general issue. They currently have three different plates authorized. The first is their "Ski Utah" plate that came out in the early 90's, and they have a 1996 Centennial plate that is now being replaced with Olympic promotional plates. The owner retains plates when vehicles are sold and have the option to convert to new plates with any new issue or keep their old up to seven years. This practice enables UCI to produce 500,000 pairs of plates each year for a state with a population of 2.2 million. In doing so, UCI is assured a steady source of profitable income to help offset startup costs for new industries.

From my perspective, the most interesting part of the tour was the PIE cut and sew operation UCI has with Northern Outfitters. This partnership arrangement employs 85 inmates and manufactures a large variety of high quality winter clothing. Prior to hooking up with UCI, the owner experienced a very high turnover after spending significant dollars in training. He was considering moving his operation offshore when he heard about prison industries. The thought of having a labor pool readily available with free manufacturing space to set up operations was very attractive to him. He is also proud of the fact that his products bear a made in the U.S.A. tag, and felt that was an important selling feature he would lose by taking his business out of the country. He claims that the inmate workforce consistently puts out a higher quality and volume than that of his free world workforce. However, he went on to say that working in a correctional facility also has its drawbacks. His biggest frustration is the security procedures involved in moving raw materials and products in and out of the facility. He stated that if he knew then what he knows now about working in a prison, that he probably would not have proceeded. Even though he expressed frustrations, he also acknowledged that he is making money and with all things considered, it's been a good business venture. As we were leaving the industry, Dick explained the importance of getting a contract with private sector businesses, so they can't just pick up and leave when they start experiencing frustration with security procedures that interfere with production. Unless contractually bound with dollars on the line, the temptations to give up, rather than put up, with security control is often the choice private sector companies will make.

The other cut and sew operation we wanted to see was shut down for security reasons. Some of the inmates that work in that shop were involved in a scuffle the day before. Security placed all inmates working in that shop on cell confinement until their investigation was completed.

The other industries we looked at were a data entry operation for various state agencies, a micrographics operation with the Utah State Archives, a print shop, and their sign shop. Utah

inmates are also trained to assist with the correctional industry operations. Jobs are available in construction, maintenance, finance, purchasing, marketing, office work and computer support.

Utah was one of seven states authorized to develop a PIE program in the early 1980's. Their initial goal was to attract an employer model partnership. However, many of the businesses that expressed an interest in working with prison industries, incorrectly assumed they could establish their markets using "cheap inmate labor". The inherent problems associated to managing a prison work force with a company whose markets were not matured resulted in several failures. At one point, they were over three million dollars in debt, prompting their legislature to appropriate general fund dollars in the form of a loan that has since been paid back in full.

In closing, the trip from my perspective was very successful. I know that Bill and Senator Nething walked away with a much deeper understanding of the challenges prison industries face in forming partnerships with the private sector. The amount of flexibility needed between security within the prison and industries was a real revelation to them. I think we all walked away believing that a private sector partnership with RRI will be difficult, but achievable and the right thing to do for North Dakota.

When the 1997 Legislative Assembly met our estimates for the first three years of crime bill funding, based on available information at the time were as follows:

FY1996 award -----	\$1,349,055
Estimated FY1997 award ---	1,618,864
Estimated FY1998 award ---	<u>1,618,864</u>
Total available -----	\$4,586,783

Based on these estimates the legislature appropriated \$200,000 for engineering and architectural costs in the deficiency bill for the 1995-97 biennium and appropriated \$4,386,783 for the renovation of and purchase of the JRCC buildings.

When the bids for the JRCC renovation were \$1,501,605 over budget, we asked the October 1997 Emergency Commission to approve authority to accept and spend 4th year Crime Bill funding (to be received in April 1999) in the amount of \$1,351,445 and to transfer \$150,160 (10% match) from salaries and wages to the capital improvement line, in order to go ahead with the JRCC project. We also asked the October 1998 Emergency Commission to approve \$285,077 in 4th year Crime Bill funding and \$31,675 in RRI funding (10% match) to complete the RRI building at the JRCC. We estimate that the total 4th year funding will be \$1,783,449. When the 1997 legislature was in session we did not know that the 4th year funding would be received during this biennium. Total fifth year funding is also estimated at \$1,783,449.

The balance in 4th year funding and the fifth year funding are included in the 1999-2001 budget for the 5th and 6th floor renovation at the JRCC.

*Also see attached page for a more detailed analysis of the crime bill funding

James
River
Comptroller
Center

VOI-TIS GRANT AWARDS AND REQUIRED MATCH

Grantee IRS/Vendor Number	450309765
Award Number	96-CV-VX-0038
Grant Manager	Kimberly Dolise (was Gene Contatore)
	1-800-848-6325 Commercial: (202) 305-2903
	fax 202-307-2019
	e-mail: dolisek@ojp.usdoj.gov

Award Date	Tier One	Tier Two	Tier Three	TIS	Total	Required Match
09/30/96	1,248,453				1,248,453	138,717
01/10/97		29,169	0	71,433	100,602	11,178
06/09/97	1,502,767				1,502,767	166,974
09/30/97		36,581	0	105,322	141,903	15,767
04/02/98	1,622,484				1,622,484	180,276
09/30/98		43,784	0	117,181	160,965	17,885
Apr-99					0	0
Sep-99					0	0
Apr-00					0	0
Sep-00					0	0
Total	4,373,704	109,534		293,936	4,777,174	530,797

Actual Awards plus Projected Awards

Award Date	Tier One	Tier Two	Tier Three	TIS	Total	Required Match
09/30/96	1,248,453				1,248,453	138,717
01/10/97		29,169	0	71,433	100,602	11,178
06/09/97	1,502,767				1,502,767	166,974
09/30/97		36,581	0	105,322	141,903	15,767
04/02/98	1,622,484				1,622,484	180,276
Sep-98		43,784	0	117,181	160,965	17,885
Apr-99	1,622,484				1,622,484	180,276
Sep-99		43,784	0	117,181	160,965	17,885
Apr-00	1,622,484				1,622,484	180,276
Sep-00		43,784	0	117,181	160,965	17,885
Total	7,618,672	197,102		528,298	8,344,072	927,119

5th FLOOR

17,500 S.F.
x 64.50 S.F. Based on remodel costs
\$1,128,750 Construction

\$140,000 Lead abatement asbestos (floor tile)
\$75,000 Forensic improvements; lobby
\$180,000 Front entrance checkpoint improvements
\$1,523,750

\$131,042 Fees and Expenses 8.6%
\$1,654,792

\$72,000 Cell furniture 80 x \$900
\$1,726,792

\$44,800 Electrical Repairs 56 rooms @ \$800 per room
\$1,771,592

\$50,000 Heating systems repair
\$1,821,592

\$145,000 Security improvements, hardware, voice cameras, sallyports, ET and Amusement (70,000)
\$1,966,592

\$157,327 8% Construction Security & Contingency
\$2,123,920 TOTAL PROJECT COST

6TH FLOOR

5,750 S.F.
x \$67.72 5% Escalator S.F. Cost
\$389,390 Construction

\$70,000 Lead abatement asbestos (floor tile)
\$459,390

\$40,886 Fees & Expenses 8.9%
\$500,276

\$28,350 Cell furniture 30 x \$945
\$528,626

\$3,360 Elec. Repairs 4 rooms x \$840
\$531,986

\$10,500 Heating systems repairs
\$542,486

\$15,750 Security monitor and surveillance
\$558,236

\$55,824 Site security and contingency
\$614,060 TOTAL PROJECT COST

Elaine,

Ben asked if I would get this info to you. I've attached my work sheet for determining square footage costs at JRCC based on actual construction costs. (See attached)

My discussions with local Architects and Contractors indicate that this will be another very busy construction year. No one has indicated that prices will be going down but rather we should expect slight increases.

Call if you have ?

Thanks
Dick

Budget 4,805,589

Fees - 362,000

\$4,443,589

- 703,600

\$3,739,989

÷ 58,000 S.F.

\$64.48 S.F.

Actual Construction Cost. Just ET.

Fence 249,000

Site Demo 62,000

Earthwork 21,000

Fireproof spray 124,000

Tunnels 90,000

Forensic 5,000

Amusement 35,000

Tunnel sec. 29,000

Fence light. 45,600

Camera system 23,000

Micro-wave 15,000

Door Control 8,000

703,600

New Construction Equal to above

BACKCOUNT 11/12 E.T.

Responses to Human Resources Division questions for the Prisons Division

What is our plan for the excess 20 female beds at the JRCC?

Over the past three years, our female population has grown from 38 in January of 1996 to 67 today, approximately an 80 percent increase during the past 3 years. There are currently 52 women at the JRCC and 15 at the MRCC for a total of 67. Based on the rate of growth we have seen for female inmates, we fully expect that the 80 bed JRCC will be full by the 1999-2001 biennium. We have searched for female boarders from other states and the Federal Bureau of Prisons (BOP). The warden spoke to the BOP again last Friday about the possibility of us accepting more Federal female boarders. They informed him, however, that there were no females available to house outside of their system at this time.

The reason the female inmates were moved to the JRCC was because we no longer had room in the 40 bed women's unit. Before we moved the female inmates, we looked at a number of options within the Penitentiary where they could be housed, but there were no good options available. For example, the South Unit has 60 beds that we have double bunked now to hold 87 beds; however, its physical location within the facility does not provide enough separation between the female and male inmates to house the women inmates in this unit. Also, we would lose the 27 double bunked male beds. The women's unit must also be "self contained," requiring its own showers, dining room, and rec space, if we are to ensure that male and female inmates do not mix. Only one of the newly remodeled floors at the JRCC provided the separation that we required and could be turned into the self-contained unit we needed.

We will continue to contact other states to determine if there are any medium custody women available for contracting.

Projections/Prison Population

In addition to the 15% and 10% per year inmate growth projections already presented to the committee, we have provided alternative projections and associated costs for inmate growth rates at 14% and 9%, 13% and 8% and 10% and 10%. (see attached schedules). In these schedules (two sets) we've also adjusted the alternatives to incarceration numbers to more accurately reflect the phase-in of the impact of these alternatives through the biennium. We've included two scenarios for the alternatives to incarceration adjustments; the first scenario provides for a savings of 115 beds per day as provided for in the budget and the second scenario provides for saving 135 beds per day. The second scenario would not include any failure rate of inmates placed in most of the alternatives.

You asked whether the population growth trend in 1998 was lower than expected. The population growth in 1998 grew more rapidly than expected. The population was 823 on Jan. 1, 1998 and was 941 on Jan. 1, 1999. This represents a 14.3%

increase. We had estimated a 10% increase for the first year of the biennium and a 5% increase for the second year of the biennium.

Can we do more with double bunking at the facility?

We currently double bunk roughly half of the beds in the South Unit and all of the beds in our orientation unit. Both of these are relatively new dormitories that meet the square foot requirement to place two inmates in a cell. In the past we have double bunked 20 cells in the West Cell House, 10 on each floor, but have, from experience, found that this is not an acceptable security situation. The physical layout of the West Cell House does not allow for direct staff supervision and we experienced an increase in the number of fights on the tiers where we double bunked inmates as well as an increase in contraband on those floors.

It is not illegal to double bunk inmates; however, there are conditions of confinement issues that we must address. The American Correctional Association(ACA) requires that each inmate have a cell that provides 80 square feet with 35 square feet to be unencumbered space. The cells in the East Cell House are too small and the ceiling too low to provide double bunking, and therefore the East Cell House cannot be considered a double bunk option. Cells in the West Cell House could be an option even though they do not meet any of the square foot standards for a single inmate in a cell, much less two inmates in one cell. There is a risk that inmates would file a conditions of confinement law suit if we double bunked the West Cell House cells. We decided to take that risk in 1997 for approximately 10 months prior to the renovation of the JRCC. We believe that it was an appropriate risk to take considering that it was for a short period, but would have very definite concerns if we looked at double bunking this unit for a longer period of time. We also have concerns that throughout the corrections business it is rare that you will find any state that double bunks maximum security inmates. It is ACA's position that maximum security inmates not be double bunked. Although not all the inmates housed at the State Penitentiary are maximum security, it would be difficult to find compatible bunk mates from only the few medium security inmates remaining at the penitentiary. We also found that the present number of inmates housed at the state penitentiary is all that the auxiliary services can accommodate (food service, recreation space, etc.) To overcrowd these areas becomes very dangerous for staff working in these areas.

Can we decrease or do a better job of negotiating the daily rate we are projecting with the Appleton prison?

No. As we stated during the appropriation hearing, right now prison bed spaces are at a premium and it is a seller's market. (See attached "Bedspace Locator Newsletter") Other states that are contracting with the facility at Appleton are paying a higher rate than we are; in fact one state is paying \$60 a day now. We

believe our budget request of \$55 for the first year of the biennium with an increase to \$60 for the second year of the biennium is conservative. We were not able to contract with three of the class I jails in the state during this biennium because their rate requests were \$55 and \$60 per day.

Staffing at the JRCC. Is it necessary to have a case manager on the sixth floor for 30 inmates?

We believe it is necessary because of the need for more administrative personnel at that prison and because of the type of inmate we plan to house on the sixth floor. In our system we have approximately 170 inmates who have an Axis I mental illness diagnosis. We also have approximately 25 inmates with learning disabilities/mental retardation issues. These inmates seem to be targets from the more aggressive prisoners and require special attention from staff. It is our intention to take 30 of these people and put them on the same floor at the JRCC, away from the daily verbal harassment they receive, but this will not be considered a normal case load because of the extra needs this segment of our population possess.

We also have all of our case managers perform administrative functions. We need to have experienced/managerial staff provide due process hearings for disciplinary reports, classification decisions, housing placements and job assignments. The JRCC currently has one director, one unit manager, and one chief of security that would be considered the management level staff. They have been using the three case managers on the floors to assist in these committee hearings; however, they are unable to keep up with the workload. It was hoped that the addition of two more case managers, one for each floor, would help decrease that workload. Also, the JRCC does not have the administrative assistance of captains and a deputy warden as does the state penitentiary.

Is it necessary that the transportation officers are Correctional Officer II's or could they be hired at a lower grade level?

It is important that we keep these drivers at the correctional officer II level. They are responsible to make sure the inmates are not bringing contraband onto the van or back to the facility, and perform random searches and strip searches of the inmates as they are loaded and unloaded into the vehicle. We also want to retain the flexibility to be able to rotate correctional officer staff through many positions. Security suffers when a staff person gets too comfortable in the same role or is not trained to fill in for other security positions at the institution. Inmates pick up on the staff person's tendencies, habits or abilities and this makes contraband smuggling and other inappropriate actions much easier to accomplish.

JRCC front gate security. Do we really need someone for 16 hours a day or could we get by with a half-time person?

The two officers we are requesting would join the one 8 hour a day post we presently have. This would give us three people to man a post 16 hours a day, 7 days a week. Realistically, we need to have someone at the front gate for 14 hours a day, to check in staff, delivery people, and visitors, beginning at about 6:30 a.m. Five days a week we run visiting until 8 p.m. and on those days it is necessary to have the gate officer on duty until 8:30 p.m. The officer assigned to work that post would fill in the extra two hours each day inside the prison from 8:30 p.m. until 10:30 p.m. while the inmates are still awake on the floors. It is important to note also that there is no shift relief factor built in to this request meaning there is no relief for these officers when they use vacation or sick leave or are away from their post for annual training.

Analysis of the Crime Bill funding. (please see attached analysis)

What is the cost break down between the JRCC 5th and 6th floor?

The total cost for the project is \$2,678,000. The cost to do the 5th floor renovation alone would be \$2,123,920 and the cost to do the 6th floor renovation at a later date would be \$614,060. (detail is attached) You can see that when you add these two numbers together it adds up to more money than if we requested to complete both floors at the same time. This is caused by the contractors needing to bring their cranes, heavy equipment, out again to do the 6th floor at a later time and because of an inflationary escalator clause. The cost to contract bed spaces for 30 more inmates for the last 14 months (\$757,650) of the next biennium would be more expensive than the staffing and operating costs (\$586,940) would be to operate the 6th floor for the same 14 months.

The percentage of the general fund match (\$584,469) is greater than the 10% required. What would happen if we would just fund the 10% match?

The federal funds included for the 5th and 6th floor request is \$2,093,531. The general fund match on this funding would be \$209,353. Therefore, projects totaling \$375,116 (\$584,469 – \$209,353) would need to be deleted from the proposed renovation.

Without carefully reading the detail included in the 5th and 6th floor request, we were under the impression that the \$2,678,000 was entirely for the 5th and 6th floor renovation. However, the detail for this request shows that there are several smaller projects also included in the request. There is \$75,000 to improve the lobby of the Forensic Unit. Currently, our visiting room is located in the Forensic Unit. Visitors from the general public must pass through a day room area that is also being used by inmates to reach this room. The \$75,000 requested would allow us to have a secure pathway so that the general public would not need to come in contact with the inmates.

Also included in this request was \$180,000 to construct a front entrance checkpoint building. We have received complaints from visitors, vendors, and state employees who must wait outside for periods of time up to 15 minutes while they are processed into the facility. The building would house a metal detector and be a shelter from the elements while visitors are waiting to be admitted.

Finally, there is \$70,000 included for cameras and electronic security devices for the Amusement Hall building. This \$70,000, along with the \$180,000 for the front entrance building, and the \$75,000 for the Forensic Unit lobby, are all necessary improvements for the security of the JRCC. However, the total 5th and 6th floor request could be reduced by this \$325,000 by delaying these projects.

Is there another way to accommodate the accessibility by the State Hospital residents to their swimming pool without building a new tunnel?

We have examined all possible options and this proved to be the least expensive plan that would still meet the needs of the State Hospital and its residents. Disabled residents must be able to get into the building either by the use of an elevator or ramp. This walkway must also be enclosed whether it is underground, on the ground, or above the ground. The JRCC was constructed without any towers because it was more cost efficient to place a perimeter rover in a vehicle to drive the fence lines. Because the pool for the State Hospital is only four feet from the prison's amusement hall building, it is necessary for this perimeter security officer to drive around the pool while making his rounds. If we were to build an enclosed handicapped walkway on the ground level, there would be no way for this rover to get around the enclosed walkway. We looked at having a raised walkway so the patients could walk over the top of the security path but there were ADA issues associated with that plan. We also discussed the possibility of making a bridge over the enclosed walkway for the vehicle to cross; however, the least expensive option was to put the walkway underground.

Are there any other ways to handle the problems resulting from the loss of federal funding for your library operations?

Not all of the \$57,000 loss in federal funds is due to just the loss of the library grant. The amount of federal funding received next biennium for JTPA and vocational education will also be reduced. Of the total, \$30,000 is being requested so that we can continue to operate some of the vocational education programs that otherwise will cease to function with the loss of federal funding. We did make the decision to eliminate the carpentry program at the MRCC, but believe this additional \$30,000 will enable us to continue with the restaurant management program, welding program, and auto mechanics program. Our request to replace the federal grant no longer available for the library operations is \$10,000. There is also a general fund request for \$10,191 for GED testing materials for the James River Correctional Center GED program.

Are the additional 20 positions you have asked for to operate the 5th and 6th floor funded for the entire biennium or only funded from the time the renovation is completed to the end of the biennium?

We expect that it will take approximately one year to renovate the 5th and 6th floors. Therefore we are hoping to be able to move inmates into those areas on May 1, 2000. We want to have the staff in place by April 1, 2000 so that they can complete the mandatory training and building shakedown prior to bringing the inmates onto those floors. Funding for the 20 positions was calculated for the last 15 months of the biennium, from April 1, 2000 through June 30, 2001.

Minimum and medium security daily rate costs.

After review of the prisons division expenditures we realized that it would be very difficult to calculate a daily rate cost for minimum security. Presently costs are not separated by individual inmates for medical costs, inmate pay, food costs or for other expenditures like utilities between the MRCC and the penitentiary. These costs are included in one cost center for the prisons division and expenditure records are not kept separately by facility or inmate.

We did however calculate a daily cost per inmate for the entire prisons division based upon the estimated budget for the 1999-2001 biennium. Our calculations indicate that the daily cost per inmate for the next biennium would be \$53.99 (this excludes the contracting costs for outside inmate housing).

What was the amount of unanticipated cost to your budget for transporting inmates to/from Appleton and the county jails?

So far this biennium we have made 130 trips on 100 different days. We anticipated and used an "on duty" driver for most of these trips, however, sometimes more than one driver was needed. For example, when we transported 50 inmates to Appleton we used 5 large vans, therefore we needed 4 "overtime" officers to complete the trip. The need to provide 2 officers per trip, dependent upon the custody level of the inmate being transported, has added to our overtime costs. We estimate we have spent an additional \$38,740 for overtime and mileage costs to transport prisoners outside the facility.

Description of unfilled FTE positions. (see attached schedule)

Attorney General's opinion/memorandum on minimum mandatory drug sentences and their eligibility for parole. (attached) We've also included the legislative history on this issue.

**ANALYSIS OF ESTIMATED COSTS FOR CONTRACT INMATE HOUSING WITHOUT RENOVATION OF
FIFTH AND SIXTH FLOORS OF THE JAMES RIVER CORRECTIONAL CENTER**

	Estimated Number of Inmates ¹	DOCR Capacity ²	Number of Inmates in Excess of Capacity	Number of Additional Beds Needed for Minimum Requirement of 15	Total Number of Contracted Beds Needed	Estimated Cost for Contracted Beds ³
Fiscal Year 2000						
July	875	861	14	1	15	\$21,855
August	862	861	1	14	15	21,855
September	850	861		15	15	21,855
October	838	861		15	15	21,855
November	846	861		15	15	21,855
December	854	861		15	15	21,855
January	862	861	1	14	15	21,855
February	870	861	9	6	15	21,855
March	878	861	17		17	24,769
April	886	861	25		25	36,425
May	894	861	33		33	48,081
June	902	861	41		41	59,737
Fiscal Year 2001						
July	910	861	49		49	71,393
August	923	861	62		62	90,334
September	936	861	75		75	109,275
October	949	861	88		88	130,634
November	962	861	101		101	154,814
December	975	861	114		114	178,994
January	988	861	127		127	203,174
February	1,001	861	140		140	227,354
March	1,014	861	153		153	251,534
April	1,027	861	166		166	275,714
May	1,040	861	179		179	299,894
June	1,053	861	192		192	324,074
Estimated 1999-2001 biennium cost of contract housing of inmates ³						\$2,661,040 ³
Less estimated cost of contract inmate housing assuming 5th and 6th floors of James River Correctional Center (JRCC) finished by May 2000 ¹						<u>1,025,375 ¹¹</u>
Estimated additional cost of contract inmate housing without renovation of JRCC 5th and 6th floors						\$1,635,665
Less estimated 1999-2001 biennium general fund costs to renovate and operate JRCC 5th and 6th floors included in 1999-2001 biennium executive budget:						
5th and 6th floor renovation ⁴					\$259,469 ⁴	
20 FTE positions to staff the 5th and 6th floors					749,560	
Operating costs for the 5th and 6th floors					<u>730,185</u>	
Total renovation and operating costs						<u>\$1,739,214</u>
Estimated 1999-2001 biennium savings to contract for additional inmate housing rather than renovate 5th and 6th floors of the James River Correctional Center ⁵						<u>\$103,549 ¹⁵</u>

¹¹ Based on projections prepared by the Department of Corrections and Rehabilitation and presented to the House Appropriations Committee - Human Resources Division on February 10, 1999 (assuming a 10 percent growth in the inmate population during fiscal year 2000 and 15 percent during 2001 and also assuming 135 inmates being removed from the prison for alternative programs).

¹² This number includes the capacity of the Penitentiary, Missouri River Correctional Center, and the James River Correctional Center, but does not include the proposed renovation of the fifth and sixth floors of the JRCC, which would add an additional 110 inmate beds.

¹³ The estimated cost is based on the assumption that an average of 82 beds will be available at county correctional facilities at an average daily cost of \$47. It is also assumed that any prison beds needed in excess of 82 would be contracted with out-of-state facilities at a daily rate of \$55 for fiscal year 2000 and \$60 for fiscal year 2001.

⁴ The 1999-2001 executive recommendation includes a total of \$2,678,000 for this project, \$584,469 from the state general fund. However, the department has indicated that included in the proposed JRCC fifth and sixth floor renovation project is \$75,000 for improvements to the forensic building lobby, \$180,000 for front entrance improvements, and \$70,000 for other improvements. The amounts unrelated to the fifth and sixth floors have been deducted to arrive at the estimated general fund cost of the project.

¹⁵ The estimated savings is only applicable to the 1999-2001 biennium. Savings in future bienniums would be less due to the one-time costs being considered for the 1999-2001 biennium to renovate the fifth and sixth floors of the JRCC.

Additional Contracting Out of Inmates From May 2000 – June 2001 If 5th and 6th Floors at JRCC are not Renovated

Month and Year	Estimated Population	(Average 115 Prison Beds Saved) Adjusted for Alternatives	Prison Capacity (861) and Separation Cases (15)	Inmates That Would Need to be Contracted/Housed Outside of System	Cost
May 2000	1055	(121) 934	876	58 (x31x\$55) =	98,890
June 2000	1063	(122) 941	876	65 (x30x\$55) =	107,250
July 2000	1072	(123) 949	876	73 (x31x\$60) =	135,780
August 2000	1085	(124) 961	876	85 (x31x\$60) =	158,100
September 2000	1098	(126) 972	876	96 (x30x\$60) =	172,800
October 2000	1111	(127) 984	876	108 (x31x\$60) =	200,880
November 2000	1124	(128) 996	876	120 (x30x\$60) =	216,000
December 2000	1137	(128) 1009	876	133 (x31x\$60) =	247,380
January 2001	1150	(128) 1022	876	146 (x31x\$60) =	271,560
February 2001	1163	(128) 1035	876	159 (x28x\$60) =	267,120
March 2001	1177	(128) 1049	876	179 (x31x\$60) =	332,940
April 2001	1191	(128) 1063	876	187 (x30x\$60) =	336,600
May 2001	1205	(128) 1077	876	201 (x31x\$60) =	373,860
June 2001	1219	(128) 1091	876	215 (x30x\$60) =	387,000
July 2001	1233				
TOTAL CONTRACTING COST					<u>*\$3,306,160</u>

P.3

March 4, 1999

Cost Comparison of Completing 5th and 6th Floor at the JRCC
Vs. Contracting For Inmate Housing

Cost to Renovate 5th and 6th Floors

Renovation of 5th and 6th floor:

Crime Bill Funding	\$2,093,531
General Fund Match	<u>259,469</u>
Total Cost.....	<u>\$2,353,000</u>

Staff and Operating Costs:

Salaries and Wages (20 staff April 2000 – June 2001)	\$ 733,494
Operating expenses	<u>730,185</u>
Total Staff and Operating Costs.....	\$1,463,679

Grand Total Renovation and Operating Costs	\$3,816,679
General Funds	1,723,148
Federal Funds	2,093,531

**Additional 1999-2001 Cost to Contract For Inmate Housing
If 5th and 6th Floors are not renovated (see attached schedule) \$3,306,160**

Savings In General Fund By Renovating 5th and 6th Floors

Biennium 1999 – 2001 (\$3,306,160 – 1,723,148)	\$1,583,012
Biennium 2001 – 2003 (\$9,417,000* – 7,110,500**)	\$2,306,500

* 215 inmates x 730 days x \$60 per day = \$9,417,000

** \$1,259,755 salaries; \$1,251,745 operating costs and \$4,599,000 contracting costs (inmates that would need to be contracted out even with the 5th and 6th floors) = \$7,110,500

ESTIMATED INMATE CONTRACTING COSTS FOR THE 1999-2001 BIENNIUM BASED ON NOT COMPLETING THE 5TH AND 6TH FLOORS OF THE JAMES RIVER CORRECTIONAL CENTER DURING THE 1999-2001 BIENNIUM

(Based on estimated inmate population growth of 10 percent the first year and 15 percent the second year; July 1, 1999, estimated inmate population of 950; and an average of 115 inmates being removed from the prison for alternative programs)

	Estimated Number of Inmates ¹	DOCR Capacity ²	Number of Inmates in Excess of Capacity	Number of Additional Beds Needed for Minimum Requirement of 15 Beds	Total Number of Contracted Beds Needed	Estimated Cost for Contracted Beds
Fiscal Year 2000						
July	887	861	26	0	26	\$37,882
August	884	861	23	0	23	33,511
September	881	861	20	0	20	28,200
October	878	861	17	0	17	24,769
November	874	861	13	2	15	21,150
December	880	861	19	0	19	27,683
January	885	861	24	0	24	34,968
February	891	861	30	0	30	39,480
March	896	861	35	0	35	50,995
April	902	861	41	0	41	57,810
May	908	861	47	0	47	68,479
June	915	861	54	0	54	76,140
Fiscal Year 2001						
July	922	861	61	0	61	88,877
August	934	861	73	0	73	106,361
September	945	861	84	0	84	119,220
October	957	861	96	0	96	145,514
November	969	861	108	0	108	162,420
December	982	861	121	0	121	192,014
January	995	861	134	0	134	216,194
February	1,008	861	147	0	147	217,112
March	1,021	861	160	0	160	264,554
April	1,034	861	173	0	173	279,420
May	1,047	861	186	0	186	312,914
June	1,060	861	199	0	199	326,220

Estimated 1999-2001 biennium cost of contract inmate housing without renovation of the JRCC 5th and 6th floors ³	\$2,931,887	¹³
Less estimated cost of contract inmate housing assuming renovation of 5th and 6th floors of the JRCC during 1999-2001 biennium (Senate version) ⁴	2,923,460	¹⁴
Estimated additional cost of contract inmate housing without renovation of the JRCC 5th and 6th floors	\$8,427	
Less estimated 1999-2001 biennium general fund costs to renovate and operate the JRCC 5th and 6th floors (Senate version):		
5th and 6th floor renovation (general fund cost) ⁴	\$39,469	¹⁴
20 FTE positions and operating expenses for 5th and 6th floors ⁴	857,345	¹⁴
Total renovation and operating costs ⁴	896,814	¹⁴
Estimated 1999-2001 biennium additional cost (savings) to contract for inmate housing rather than renovate and operate the 5th and 6th floors of the JRCC ⁵	(\$888,387)	¹⁵

¹¹ Based on projections prepared by the Department of Corrections and Rehabilitation pursuant to Representative Svedjan's request to use the following assumptions: 10 percent growth in the inmate population during fiscal year 2000 and 15 percent during 2001; 115 inmates being removed from the prison for alternative programs; and a July 1, 1999, inmate population of 950.

¹² This number includes the capacity of the Penitentiary, Missouri River Correctional Center, and the JRCC, but does not include the proposed renovation of the 5th and 6th floors of the JRCC, which would add an additional 110 inmate beds.

¹³ The estimated cost is based on the assumption that an average of 82 beds will be available at county correctional facilities at an average daily cost of \$47. It is also assumed that any prison beds needed in excess of 82 will be contracted at a daily rate of \$55 for fiscal year 2000 and \$60 for fiscal year 2001.

¹⁴ Based on the Senate version. The estimated inmate population is based on completion of the 5th and 6th floors of the JRCC by November 2000, 10 percent growth in the inmate population during fiscal year 2000 and 15 percent during 2001; 115 inmates being removed from the prison for alternative programs; and a July 1, 1999, inmate population of 975.

¹⁵ This amount does not include \$262,600 the department has indicated will be required for 2 FTE positions relating to transporting and coordinating the transfer of inmates and \$46,000 for transportation costs to contract with county facilities for 82 inmate beds. If the estimated savings is adjusted by these amounts, the estimated savings is reduced to \$579,787.

**Cost Comparison of Completing 5th and 6th Floor at the JRCC
Vs. Contracting For Inmate Housing
(Assuming a November 2000 Operational Date
and Assuming House Contracting Rates)**

Cost to Renovate 5th and 6th Floors

Renovation of 5th and 6th floor:

Crime Bill Funding	\$1,913,531
General Fund Match	<u>259,469</u>
Loss of Crime Bill funding	<u>180,000</u>
Total Cost.....	\$2,353,000

Staff and Operating Costs:

Salaries and Wages (20 staff Nov. 2000 – June 2001)	\$ 440,096
Operating expenses (8 months)	<u>417,249</u>
Total Staff and Operating Costs.....	\$857,345

Grand Total Renovation and Operating Costs	\$3,210,345
General Funds	<u>1,296,814</u>
Federal Funds	1,913,531

Additional 1999-2001 Cost to Contract For Inmate Housing

If 5th and 6th Floors are <u>not</u> renovated (see attached schedule)	\$1,536,581
ADD: Staff & travel for contracting program	<u>308,600</u>
Total	\$1,845,181

Savings In General Fund By Renovating 5th and 6th Floors

Biennium 1999 – 2001 (\$1,845,181 – 1,296,814)	\$548,367
Biennium 2001 – 2003 (\$9,604,420* – 6,989,320**)	\$2,615,100 ***

* 82@730x\$47 and 148@730x\$60 = \$9,229,820 + \$308,600 = \$9,604,420
 ** \$1,259,755 salaries; \$1,251,745 operating costs and \$4,477,820 contracting costs (inmates that would need to be contracted out even with the 5th and 6th floors) = \$6,989,320
 *** A more detailed analysis is attached

**Additional Contracting Out of Inmates
November 2000 - June 2001
If 5th and 6th Floors Are Not Renovated**

Month/Year	Contracting Cost If 5 th & 6 th Floor Renovated			Contracting Costs <u>Without</u> 5 th & 6 th Floors Renovated		
November 2000	996 - 971 = 25 inmates	X \$47	X 30 days = \$35,250	996 - 861 = 135 =	82 X \$47 X 30 = \$115,620 53 X \$60 X 30 = 95,400	
December 2000	1009 - 971 = 38 inmates	X \$47	X 31 days = 55,366	1009 - 861 = 148 =	82 X \$47 X 31 = 119,474 66 X \$60 X 31 = 122,760	
January 2001	1022 - 971 = 51 inmates	X \$47	X 31 days = 74,307	1022 - 861 = 161 =	82 X \$47 X 31 = 119,474 79 X \$60 X 31 = 146,940	
February 2001	1035 - 971 = 64 inmates	X \$47	X 28 days = 84,224	1035 - 861 = 174 =	82 X \$47 X 28 = 107,912 92 X \$60 X 28 = 154,560	
March 2001	1049 - 971 = 78 inmates	X \$47	X 31 days = 113,646	1049 - 861 = 188 =	82 X \$47 X 31 = 119,474 106 X \$60 X 31 = 197,160	
April 2001	1063 - 971 = 92	82 X \$47 10 X \$60	X 30 days = 133,620	1063 - 861 = 202 =	82 X \$47 X 30 = 115,620 120 X \$60 X 30 = 216,000	
May 2001	1077 - 971 = 106	82 X \$47 24 X \$60	X 31 days = 164,114	1077 - 861 = 216 =	82 X \$47 X 31 = 119,474 134 X \$60 X 31 = 249,240	
June 2001	1091 - 971 = 120	82 X \$47 38 X \$60	X 30 days = <u>184,020</u>	1091 - 861 = 230 =	82 X \$47 X 30 = 115,620 148 X \$60 X 30 = <u>266,400</u>	
			Total		Total	
			<u>\$844,547</u>		<u>\$2,381,128</u>	

Difference: **\$2,381,128**
 - 844,547
 \$1,536,581 (Savings in contracting if 5th and 6th floors are renovated)

Savings in General Fund By Completing 5th and 6th Floors in 2001-2003 Biennium

Contracting Without 5th and 6th Floors:

1091 - 861 = 230 inmates need to be contracted

82 @ 47 @ 730 =	\$2,813,420	
148 @ 60 @ 730 =	<u>6,482,400</u>	
	\$9,295,820	
Plus Staff & Travel	<u>308,600</u>	
	<u>\$9,604,420</u>	- Without 5 th and 6 th

Contracting With 5th and 6th Floors:

1091 - 971 = 120 inmates need to be contracted

82 @ 47 @ 730 =	\$2,813,420	
38 @ 60 @ 730 =	<u>1,664,400</u>	
	<u>\$4,477,820</u>	- With 5 th and 6 th

Savings =	\$9,604,420	
	- 4,477,820	Contracting
	- 1,259,755	Salaries
	- <u>1,251,745</u>	Operating
	<u>\$2,615,100</u>	

**COMPARISON OF COSTS - COMPLETION OF THE 5TH AND 6TH FLOORS OF THE
JAMES RIVER CORRECTIONAL CENTER AND CONTRACTING FOR ADDITIONAL
INMATE BEDS - 1999-2001 BIENNIUM**

(Based on inmate population growth of 10 percent/15 percent; July 1, 1999, population of 962; 125 inmates removed from the prison for alternative programs; and contracting rates of \$47 for the first 82 inmate beds and additional beds at the rate of \$55 the first year and \$60 the second year.)

	1999-2001 Biennium
Estimated cost of contract inmate housing WITHOUT renovation of the James River Correctional Center (JRCC) 5th and 6th floors	\$3,278,496 ¹¹
Less estimated cost of contract inmate housing WITH renovation of the JRCC 5th and 6th floors by November 2000	1,766,491 ^{12,3}
Estimated contract savings because of renovation of the JRCC 5th and 6th floors	<u>\$1,512,005</u>
Less estimated general fund cost to renovate and operate the JRCC 5th and 6th floors (Senate version amounts):	
Renovation (general fund cost)	\$39,469
20 FTE positions and operating expenses	<u>857,345</u>
Total renovation and operating costs	<u>\$896,814</u>
Estimated 1999-2001 biennium savings because of renovation of the 5th and 6th floors of the JRCC	<u>\$615,191 ¹⁴</u>

¹¹ This amount does not include \$308,600 (\$262,600 for two FTE positions relating to transporting and coordinating the transfer of inmates and \$46,000 for transportation costs) the department has indicated will be needed if the 5th and 6th floors of the JRCC are not completed and contracting costs are based on rates of \$47 for the first 82 beds and additional beds at \$55 the first year and \$60 the second year.

¹² This amount does not include \$46,000 for transportation costs the department has indicated will be needed if the 5th and 6th floors of the JRCC are completed and contracting costs are based on rates of \$47 for the first 82 beds and additional beds at \$55 the first year and \$60 the second year.

¹³ This amount is \$1,156,969 less than the \$2,923,460 included in the Senate version for contracting costs. The Senate version was based on the following:

- Estimated inmate population growth of 10 percent the first year and 15 percent the second year.
- Estimated July 1, 1999, inmate population of 975.
- An average of 115 inmates being removed from the prison population for alternative programs.
- Contracting for inmate housing in excess of capacity at the rate of \$55 the first year and \$60 the second year.
- Completion of the JRCC 5th and 6th floors by November 2000.

¹⁴ This amount does not include \$262,600 for two FTE positions relating to transporting and coordinating the transfer of inmates, which the department has indicated will be needed if contracting costs are based on rates of \$47 for the first 82 beds and additional beds at \$55 the first year and \$60 the second year and if the 5th and 6th floors of the JRCC are not completed during the 1999-2001 biennium. This amount increases the cost to contract for inmate housing rather than complete the 5th and 6th floors of the JRCC and has not been included in this calculation.

NOTE: Based on the following:

1. Estimated inmate population growth of 10 percent the first year and 15 percent the second year.
2. Estimated July 1, 1999, inmate population of 962.
3. An average of 125 inmates being removed from the prison population for alternative programs.
4. Contracting rates for inmate housing in excess of capacity of \$47 for the first 82 inmate beds and additional beds at the rate of \$55 the first year and \$60 the second year.

	Estimated Number of Inmates	WITHOUT Completion of the JRCC			WITH Completion of the JRCC		
		DOCR Capacity\1	Total Number of Contracted Beds Needed	Estimated Cost for Contracted Beds	DOCR Capacity\2	Total Number of Contracted Beds Needed	Estimated Cost for Contracted Beds
Fiscal Year 2000							
July	887	861	26	\$37,882	861	26	\$37,882
August	875	861	15	21,855	861	15	21,855
September	863	861	15	21,150	861	15	21,150
October	861	861	15	21,855	861	15	21,855
November	869	861	15	21,150	861	15	21,150
December	877	861	16	23,312	861	16	23,312
January	885	861	24	34,968	861	24	34,968
February	893	861	32	42,112	861	32	42,112
March	901	861	40	58,280	861	40	58,280
April	909	861	48	67,680	861	48	67,680
May	917	861	56	81,592	861	56	81,592
June	925	861	64	90,240	861	64	90,240
Fiscal Year 2001							
July	933	861	72	104,904	861	72	104,904
August	946	861	85	125,054	861	85	125,054
September	959	861	98	144,420	861	98	144,420
October	972	861	111	173,414	861	111	173,414
November	985	861	124	191,220	971	15	21,150
December	998	861	137	221,774	971	27	39,339
January	1,011	861	150	245,954	971	40	58,280
February	1,024	861	163	243,992	971	53	69,748
March	1,037	861	176	294,314	971	66	96,162
April	1,050	861	189	308,220	971	79	111,390
May	1,064	861	203	344,534	971	93	139,934
June	1,078	861	217	358,620	971	107	160,620
Estimated 1999-2001 biennium cost of contract inmate housing				<u>\$3,278,496</u>	<u>\$1,766,491</u>		

¹¹ This number includes the capacity of the Penitentiary, Missouri River Correctional Center, and the JRCC, as indicated by the department, but does not include the proposed renovation of the 5th and 6th floors of the JRCC, which would add an additional 110 inmate beds.

¹² This number includes the capacity of the Penitentiary, Missouri River Correctional Center, and the JRCC, assuming occupancy of the 5th and 6th floors of the JRCC in November 2000, which adds an additional 110 inmate beds.

April 9, 1999

**ESTIMATED INMATE CONTRACTING COSTS FOR THE 1999-2001 BIENNIUM BASED ON NOT COMPLETING
THE 5TH AND 6TH FLOORS OF THE JAMES RIVER CORRECTIONAL CENTER DURING THE 1999-2001 BIENNIUM**

(Based on estimated inmate population growth of 10 percent the first year and 15 percent the second year; July 1, 1999, estimated inmate population of 950; and an average of 115 inmates being removed from the prison for alternative programs)

	Estimated Number of Inmates ¹	DOCR Capacity ²	Number of Inmates in Excess of Capacity	Number of Additional Beds Needed for Minimum Requirement of 15 Beds	Total Number of Contracted Beds Needed	Estimated Cost for Contracted Beds	Adjusted Costs Based on House Population and Contracting Daily Rate Estimates
Fiscal Year 2000							
July	887	861	26	0	26	\$37,882	
August	884	861	23	0	23	33,511	
September	881	861	20	0	20	28,200	
October	878	861	17	0	17	24,769	
November	874	861	13	2	15	21,150	
December	880	861	19	0	19	27,683	
January	885	861	24	0	24	34,968	
February	891	861	30	0	30	39,480	
March	896	861	35	0	35	50,995	
April	902	861	41	0	41	57,810	
May	908	861	47	0	47	68,479	
June	915	861	54	0	54	76,140	
Fiscal Year 2001							
July	922	861	61	0	61	88,877	
August	934	861	73	0	73	106,361	
September	945	861	84	0	84	119,220	
October	957	861	96	0	96	145,514	
November	969	861	108	0	108	162,420	
December	982	861	121	0	121	192,014	
January	995	861	134	0	134	216,194	
February	1,008	861	147	0	147	217,112	
March	1,021	861	160	0	160	264,554	
April	1,034	861	173	0	173	279,420	
May	1,047	861	186	0	186	312,914	
June	1,060	861	199	0	199	326,220	
Estimated 1999-2001 biennium cost of contract inmate housing without renovation of the JRCC 5th and 6th floors ³						\$2,931,887 ¹³	\$2,931,887 ¹³
Less estimated cost of contract inmate housing assuming renovation of 5th and 6th floors of the JRCC completed by November 2000						2,923,460 ¹⁴	1,488,336 ^{11,3}
Estimated additional cost of contract inmate housing without renovation of the JRCC 5th and 6th floors						\$8,427	- \$1,443,551
Less estimated 1999-2001 biennium general fund costs to renovate and operate the JRCC 5th and 6th floors (Senate version):							
5th and 6th floor renovation (general fund cost) ⁴					\$39,469 ¹⁴		
20 FTE positions and operating expenses for 5th and 6th floors ⁴					857,345 ¹⁴		
Total renovation and operating costs ⁴						896,814 ¹⁴	896,814 ¹⁴
Estimated 1999-2001 biennium additional cost (savings) to contract for inmate housing rather than renovate and operate the 5th and 6th floors of the JRCC ¹⁵						(\$888,387) ¹⁵	\$546,737 ¹⁶

- ¹¹ Based on projections prepared by the Department of Corrections and Rehabilitation pursuant to Representative Svedjan's request to use the following assumptions: 10 percent growth in the inmate population during fiscal year 2000 and 15 percent during 2001; 115 inmates being removed from the prison for alternative programs; and a July 1, 1999, inmate population of 950.
- ¹² This number includes the capacity of the Penitentiary, Missouri River Correctional Center, and the JRCC, but does not include the proposed renovation of the 5th and 6th floors of the JRCC, which would add an additional 110 inmate beds.
- ¹³ The estimated cost is based on the assumption that an average of 82 beds will be available at county correctional facilities at an average daily cost of \$47. It is also assumed that any prison beds needed in excess of 82 will be contracted at a daily rate of \$55 for fiscal year 2000 and \$60 for fiscal year 2001.
- ¹⁴ Based on the Senate version. The estimated inmate population is based on completion of the 5th and 6th floors of the JRCC by November 2000, 10 percent growth in the inmate population during fiscal year 2000 and 15 percent during 2001; 115 inmates being removed from the prison for alternative programs; and a July 1, 1999, inmate population of 975. The estimated cost is based on an average of 82 beds being available at county correctional facilities at an average daily cost of \$47 and additional beds at the daily cost of \$55 and \$60 the first and second years of the biennium, respectfully.
- ¹⁵ This amount does not include \$262,600 the department has indicated will be required for 2 FTE positions relating to transporting and coordinating the transfer of inmates and \$46,000 for transportation costs to contract with county facilities for 82 inmate beds. If the estimated savings is adjusted by these amounts, the estimated savings is reduced to \$579,787.
- ¹⁶ This amount does not include \$262,600 the department indicated will be required for 2 FTE positions relating to transporting and coordinating the transfer of inmates and \$46,000 for transportation costs to contract with county facilities for 82 inmate beds. This additional \$308,600 cost was not included in the estimated contracting costs without completion of the JRCC or the estimated contracting costs with completion of the JRCC. Because this amount was excluded from both calculations, no adjustment is required to the additional cost to contract for inmate housing.

PEMBINA COUNTY JOB DEVELOPMENT AUTHORITY

Red River Regional Council
1004 Hill Avenue
Grafton, ND 58237

01/15/98

December 16, 1998

To: Members of the 56th Legislative Assembly
State of North Dakota

The Pembina County Job Development Authority (PCJDA) Correctional Facility Committee met with Elaine Little, Dept. of Corrections (DOC), and Governor Schafer's assistant William Goetz at the Capitol on September 3, 1998. As you know, the PCJDA is investigating the possibility of establishing a correctional facility in Pembina County. The focus of the meeting was to determine the level at which the North Dakota DOC might provide North Dakota prison inmates to the proposed facility.

The PCJDA recognizes that rural North Dakota is experiencing a serious decline in population. The PCJDA views the proposed facility as a provider of a good number of higher paying jobs and therefore an economic development project worthy of serious attention.

The meeting discussions resulted in a request from Mr. Goetz to present a brief informational statement describing the proposed facility and the economic benefits derived. Also, how the State of North Dakota and DOC might facilitate the economic development process in Pembina County.

The proposed facility could be planned, financed, owned and operated under several scenarios:

- ★ The County or sponsoring community would finance, construct, own and operate the facility. Not likely.
- ★ The County or sponsoring community would finance, construct, own or partner with a private agency, and contract for management of the facility. Most likely and favorable.
- ★ The County or sponsoring community would allow financing, ownership, and operation of the facility by a private agency. Likely and favorable under certain circumstances.

Any of these scenarios would provide the jobs and population stabilization desired.

Prison
at
Pembina

Understanding that you will soon consider a proposed budget for the upcoming biennium, we ask that you consider our plan for housing inmates as a politically acceptable alternative to spending on additional state facilities or out-of-state housing. The success of our plan depends, in part, upon your willingness to use our proposed facility as such an alternative.

For the members of the Pembina County JDA, thank you for your concern. We hope you might review the information provided. Should you have any questions, please contact Dennis Dame at the Red River Regional Council or any member of the PCJDA Correctional Facility Committee.

PCJDA Correctional Facility Committee

Walter Hurst, Chairman, St. Thomas, ND	701-257-6872	
Chuck Thacker, Neche, ND	701-265-8981	
Wayne Levang, Cavalier, ND	701-265-8417(W)	701-265-4565(H)
Leon Dubourt, Walhalla, ND	701-549-3761(W)	701-265-3621(H)
Tom Trenbeath, Cavalier, ND	701-265-8800(W)	701-265-3184(H)
Dennis Dame, Red River Regional Council	701-352-3550(W)	701-549-3737(H)

PEMBINA COUNTY CORRECTIONAL FACILITY

This report is prepared and intended to be in "brief" form. The information, ideas and concepts provided herein are just that, brief. The information is factual, if unsupported in some cases, and should give rise to many unanswered questions. The purpose of this brief is to promote discussion and debate with any and all interested parties or individuals. We fully intend that all information and subsequent debate be apolitical in nature. We hope that an understanding of the concept and all possible circumstances can be reviewed with reason. Throughout this brief the term "prison", in brevity, will be used to describe any or all correctional facilities.

The concept and reality of prison is both old and new in keeping with our most outdated laws and innovations in crime and punishment. We have Alcatraz as our tourist attraction and \$100,000,000, super maximum 4,400 bed correctional institutions. We still have murder, rape and robbery but also drug trafficking, terrorism and computer fraud. As communities, states and a nation, we have experienced and attempted to deal with the ever-changing concerns of crimes, punishment, and prisons. One constant has remained from our earliest civilized attempts to our most recent determinations to resolve these concerns; and that constant is: we want the criminals in prison, the longer the better! Truth-in-sentencing laws and stiffer penalties for drug related offenses have increased prison terms for offenders.

Our present system of incarcerating criminals, although under constant review and critical examination, exists as the underdeveloped remains of an early twentieth century program. The reasons for slow growth in prison reform are many are varied, with cost most prevalent. Social and political expediencies, however, have become the determinant factor for new thinking, new response, and new demand for more prisons. The "I'm mad as hell and I'm not going to take it anymore" syndrome has saturated the public wronged by criminals. Cost and methods to build cells have become secondary concerns when compared to the rampant rise in crime rates. Additional concerns regarding our system of jurisprudence and the attendant "right of prisoners or criminals" vs. "rights of victims" have added major fuel to an already good-sized blaze. Most citizens view a dramatic change in the legal system as dream state but also most agree we can "put them away" until the system changes. To this end, we arrive at the purpose of this brief: can we build a correctional facility? See the legal definition in ND Code Title 12, Part VIII, Chapter 12-44.1.

The question is not easily answered, or asked. On the surface, yes, we can build a correctional facility. After all, we have the land, maybe we can find the money, and then there is that great public outcry, "I'm mad as hell...." We should, before we order concrete and steel bars, examine several obvious questions or comments and perhaps many less obvious:

1. Who says we need a prison or correctional facility?
2. Where would we put this prison?
3. What would this facility costs?

Northeast ND.

The total concept for the project must originate with cooperation between all existing agencies and responsible parties. We would prefer to begin with discussions with the Governor's Office and the Department of Corrections. We feel it is essential and foremost that we have approval and support from the Governor and the Department of Corrections. They will be instrumental in the decision to pursue the project. They will be crucial to the allocation of state inmates to the facility. Without this support the project would most likely be doomed from the outset.

Secondly, and as important, we will need support from county and local officials to determine the need and eventual location for the project.

In the final estimate, we will need public awareness, appreciation and support for the project, most importantly in the final phases.

We hope we can all agree to investigate the possibilities that the project might provide and arrive at a joint determination.

If we agree that this basic concept is sound, we can address the plan directly. We would like to provide timely and factual information. Our plan is to focus our attention on similar, successful projects in other states. We might also review several programs not so successful in the learning process. Our initial investigations will attempt to answer basic questions:

1. How do we construct the prison? (size, style, floor plan etc.)
2. How do we finance the project? (revenue bonds, loans, grant etc.)
3. Are there companies that will construct and operate a prison for us, and what are the consequences?
4. How do we establish an inmate population? Contracts?
5. How do we secure contracts with other facilities? (states and federal)
6. What does it cost to house a prisoner?
7. How do we determine the profitability of a prison?
8. Who can answer our questions and provide assistance in our investigation?

We have answered some of these questions and preliminary investigation results indicate we are on the right track.

We hope this brief can provide you with information sufficient to become aware of the concerns of the Pembina County Job Development Authority (PCJDA). We anticipate questions, suggestions, and offers of assistance to find solutions to these concerns. We believe all of North Dakota would benefit from this project.

DIVISION OF JUVENILE SERVICES

**Budget Overview
and
Community Services Budget**

**HOUSE APPROPRIATIONS
HUMAN RESOURCES DIVISION**

Representative Ken Svedjan, Chairman

DJS
January 13, 1999

Juvenile
Services
Division

**STATUS OF JUVENILE CORRECTIONS
IN
NORTH DAKOTA**

- Tracking the number of juveniles within DJS (Attachment One)
- Arrest data (Attachment Two)
- Violent juvenile arrests (Attachment Three)
- Continuum of Care – Juvenile Corrections in North Dakota (Attachment Four)
- Breakdown of numbers within the Division by Regional Office (Attachment Five)
- Common foster system and the implications of that
- Recidivism studies
 - ◆ 1994 – 20.4 percent
 - ◆ 1996 – 20.0 percent
 - ◆ 1997 – 12.8 percent
 - ◆ 1998 – 12.4 percent
- Yearly community office audits (Attachment Six)

reason
1 - state family are close
2 - High school grad. TI rate

DJS Statewide Custody Analysis

Juveniles in Custody Over Time

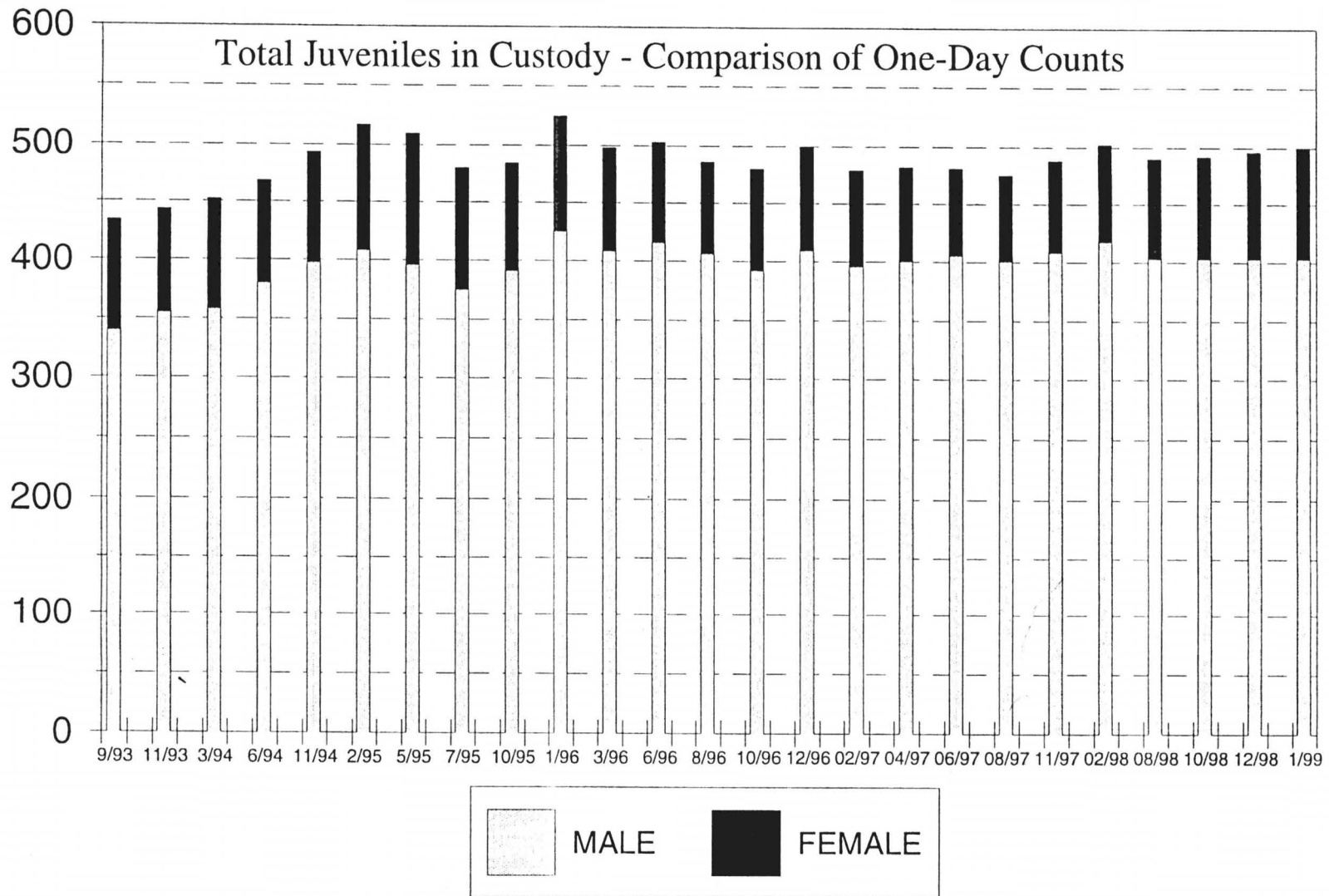
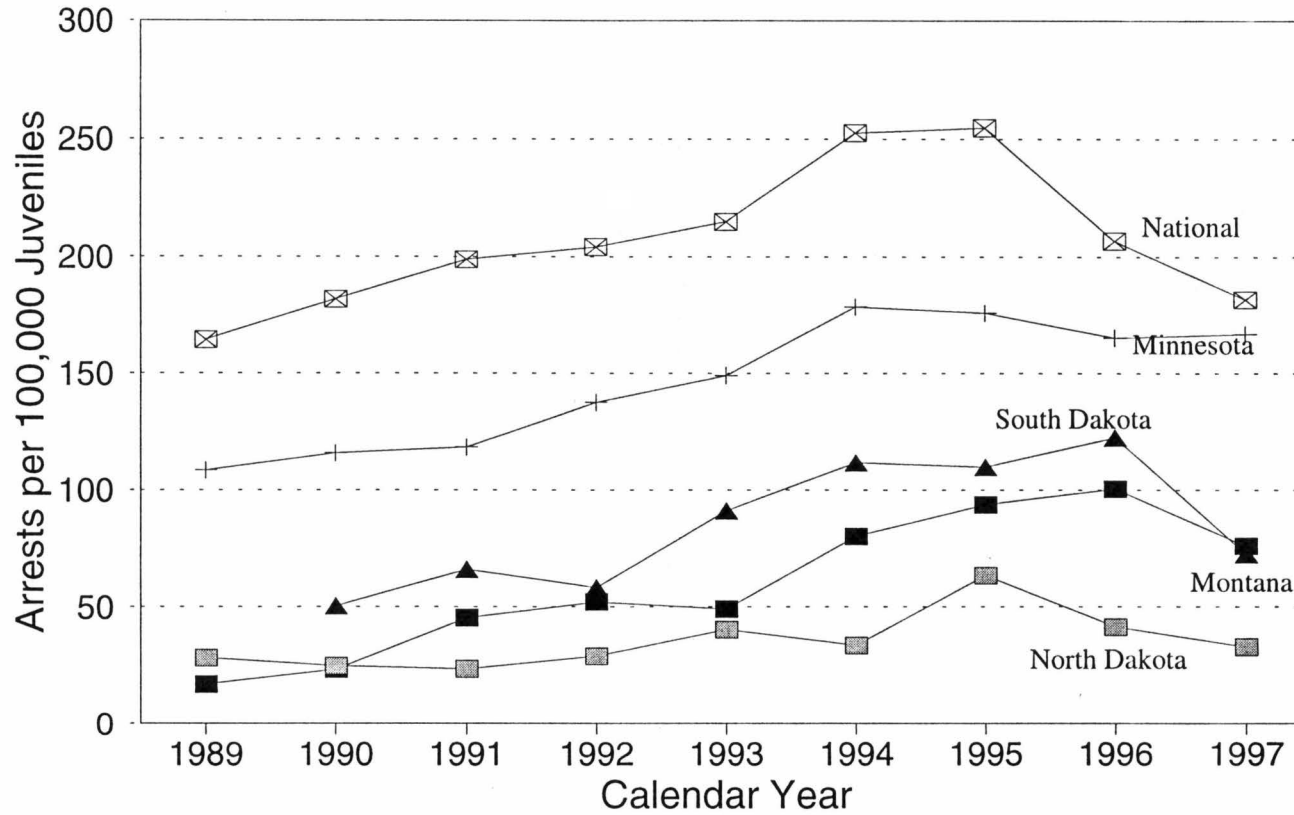


Table 4
 Juvenile Arrests
 by Offense and Year
 North Dakota, 1988-1997

Offense	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
Murder/Non-Neg. Manslaughter						2		9	1	
Negligent Manslaughter				2			1			
Forcible Rape	1	10	8	6	13	8	13	16	12	6
Robbery	2	7	8	1	8	14	8	13	10	13
Aggravated Assault	26	34	28	34	30	47	37	68	45	35
Burglary	232	216	171	166	272	228	197	208	201	222
Larceny/Theft	1,640	1,535	1,602	1,847	1,972	1,900	1,848	2,066	2,056	1,771
Motor Vehicle Theft	117	163	160	178	211	196	223	262	198	205
Other Assaults	160	146	193	247	316	368	379	467	517	424
Arson	32	7	17	47	28	19	19	24	20	25
Forgery and Counterfeiting	51	62	77	49	52	51	77	65	54	46
Fraud	19	11	12	11	13	23	19	16	28	20
Embezzlement						1		1		
Stolen Property Offenses	112	132	159	132	93	109	86	83	138	105
Vandalism	329	377	444	455	551	605	609	569	420	654
Weapons Offenses	67	34	42	40	56	64	61	62	50	34
Prostitution									2	
Other Sex Offenses	39	38	30	28	28	34	25	31	30	32
Drug Offenses	66	48	94	28	27	63	84	136	205	229
Gambling			1							
Off. Against Family/Children	4	17	3	41	155	126	97	142	109	95
Driving Under the Influence	121	74	75	83	86	85	77	77	62	104
Liquor Law Violations	1,486	1,179	1,279	1,149	1,297	1,281	1,426	1,712	1,900	1,976
Disorderly Conduct	303	311	315	346	315	366	454	579	575	611
Vagrancy		1			2					
All Other Offenses	809	737	636	571	689	801	975	1,303	1,635	1,643
Suspicion	4	10	6	30	3					
Curfew and Loitering	257	400	359	337	364	409	495	414	561	486
Runaways	966	878	766	705	862	951	1,038	1,109	1,109	1,043
Total	8,843	6,427	6,485	6,625	7,441	7,743	8,246	9,432	9,938	9,780

RATE OF VIOLENT JUVENILE CRIME

National vs. Area States



4

Attachment Three

JUVENILE ARREST DATA - VIOLENT CRIMES *

	Violent Crime - 1989		Violent Crime - 1990		Violent Crime - 1991		Violent Crime - 1992		Violent Crime - 1993		Violent Crime - 1994		Violent Crime - 1995		Violent Crime - 1996		Violent Crime - 1997	
	Arrests	Rate/100,000	Arrests	Rate/100,000	Arrests	Rate/100,000	Arrests	Rate/100,000	Arrests	Rate/100,000	Arrests	Rate/100,000	Arrests	Rate/100,000	Arrests	Rate/100,000	Arrests	Rate/100,000
UNITED STATES**	84732	164.3	91317	181.7	95677	198.8	112409	204.2	119678	215.0	125085	252.6	115592	254.8	102231	206.8	86462	181.6
MINNESOTA	1266	108.5	1352	115.9	1383	118.5	1660	137.6	1767	149.1	2126	178.5	2106	175.7	2026	165.0	2070	166.7
MONTANA	38	17.1	52	23.4	101	45.5	116	52.2	109	49.1	178	80.2	218	93.7	232	100.6	175	76.2
SOUTH DAKOTA	na	na	100	50.4	118	66.1	93	53.3	145	88.0	173	111.8	180	109.8	202	122.8	98	72.6
NORTH DAKOTA	51	28.5	44	25.1	41	23.7	51	29.1	71	40.5	58	33.8	106	63.6	68	41.6	54	33.0

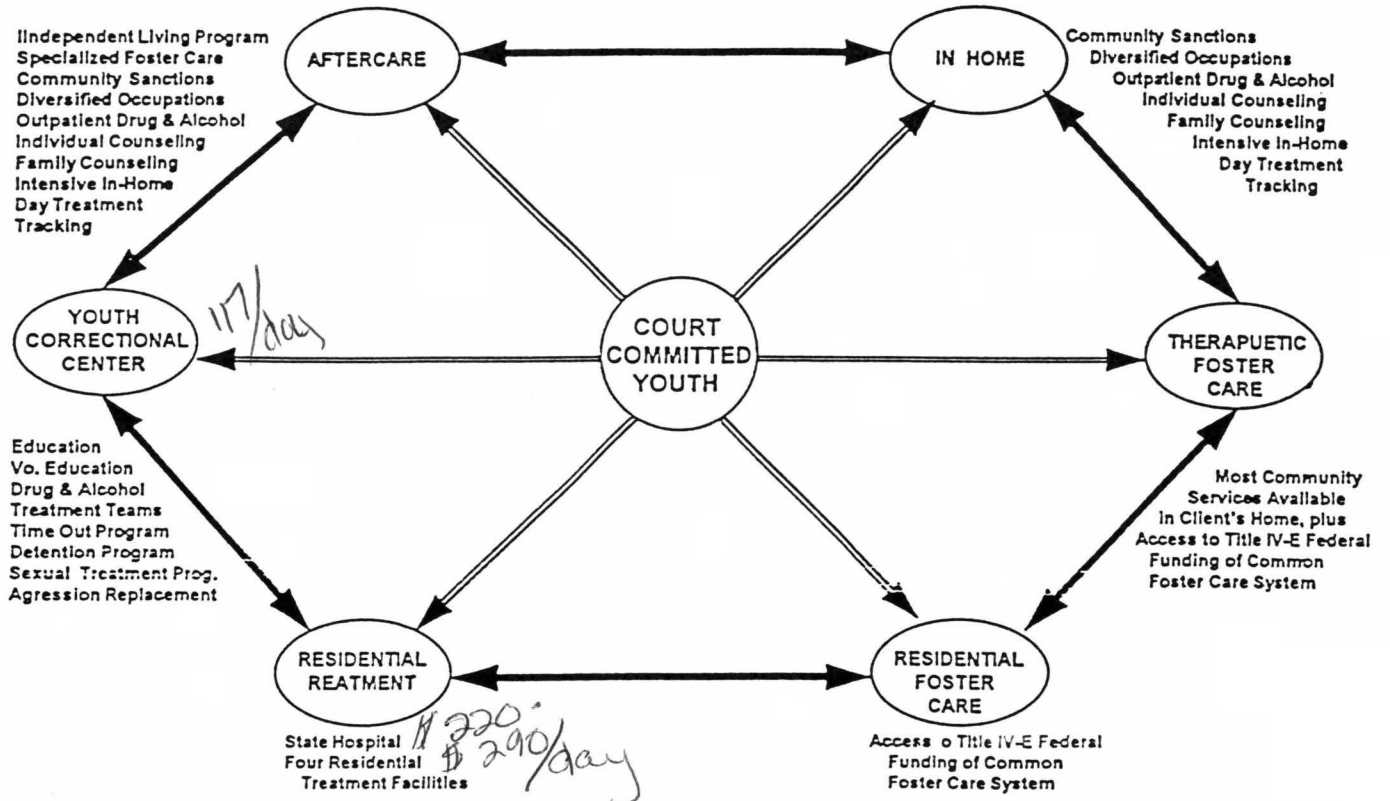
* "Violent Crime" includes murder, rape, robbery, and aggravated assault.

** National statistics for 1997 from 9,271 reporting agencies representing 68.5% of U.S. population.

h:\aaa\cooperative services\juvenile justice -jip\crime analysis\arrest data\violent2

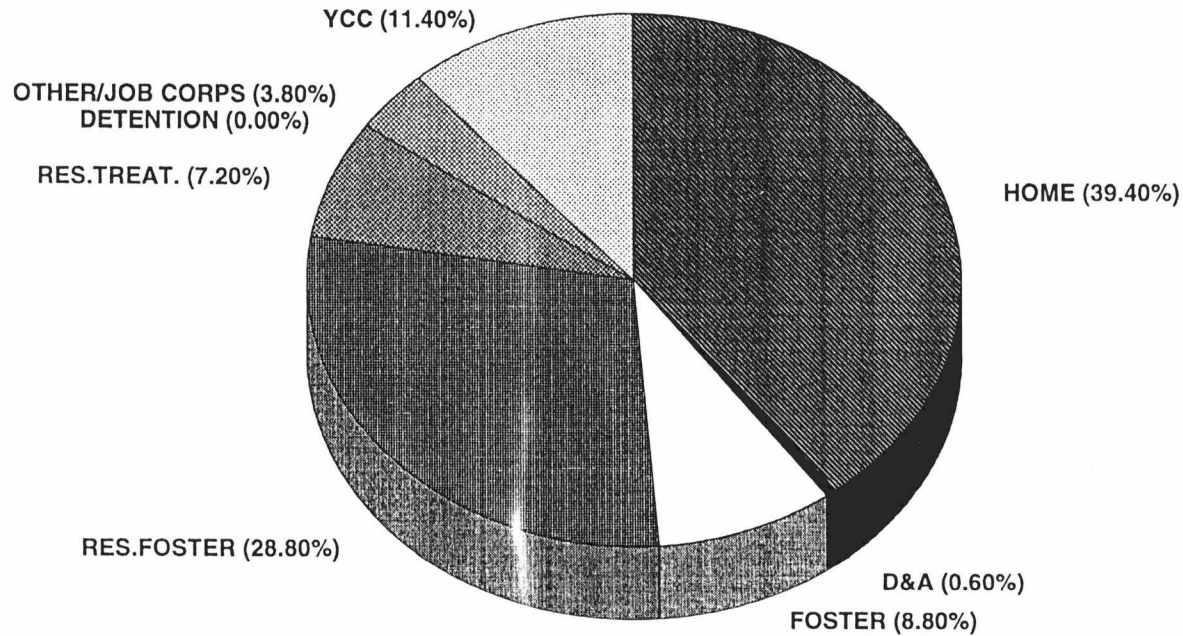
DIVISION OF JUVENILE SERVICES

Treatment/Service Continuum



STATEWIDE CUSTODY ANALYSIS

ONE-DAY COUNT - 1/1/99 - STATEWIDE



9

CARE & CUSTODY ANALYSIS - DIVISION OF JUVENILE SERVICES

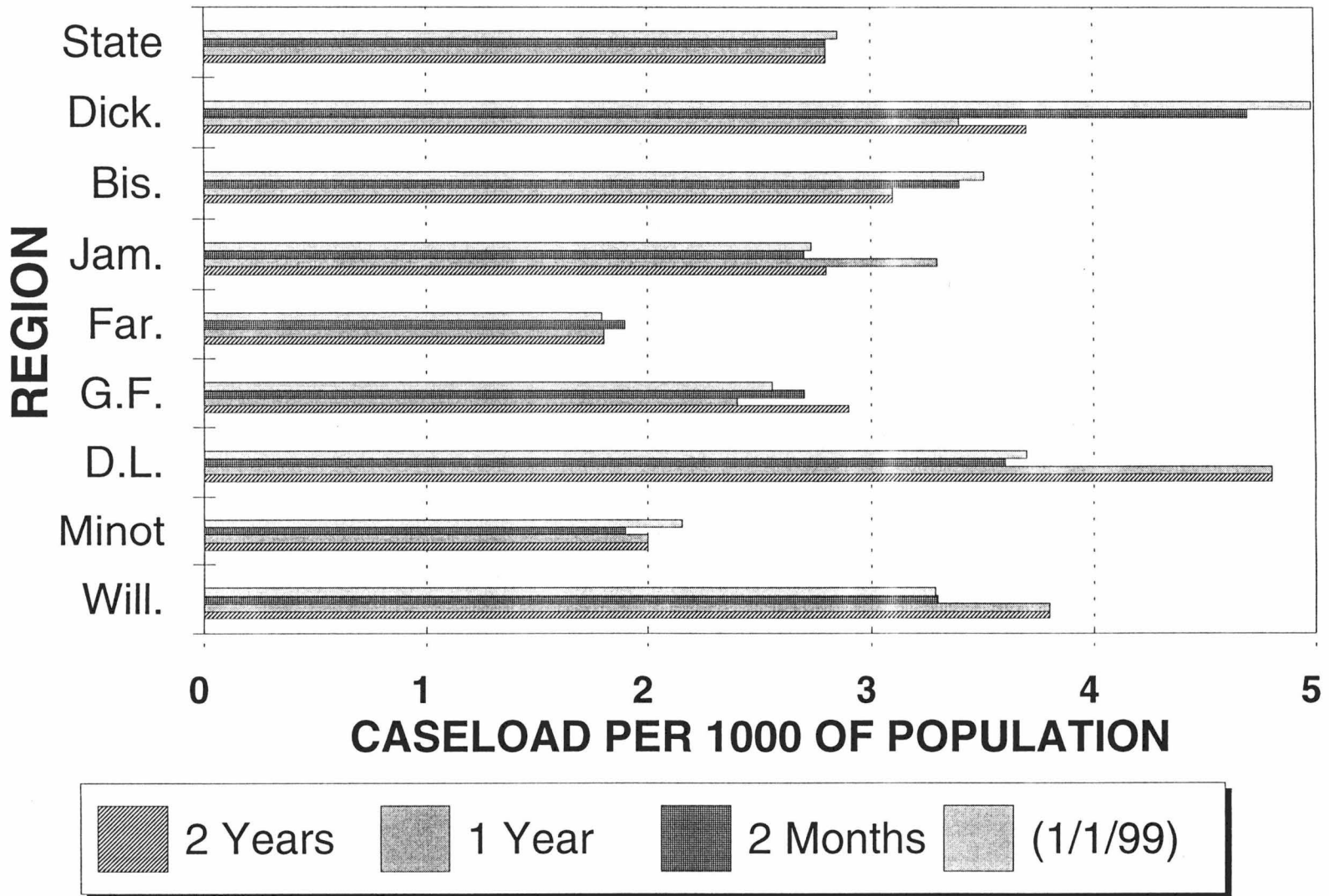
				PLACEMENT LOCATION - ONE-DAY COUNT (1/1/99)							
REGION/1990 YOUTH POPULA.	MALE	FEMALE	TOTAL	HOME	DRUG & ALCOHOL	THERAPEUTIC & FAMILY FOSTER	RESIDENTIAL FOSTER CARE	RESIDENTIAL TREATMENT	DETENTION	OTHER JOB CORPS	YCC EVAL. & TREATMENT
NORTHWEST 9129	23	7	30	17	0	0	10	2	0	0	1
NORTH CENTRAL 25095	41	13	54	10	0	8	13	9	0	0	14
LAKE REGION 14070	41	11	52	17	0	8	13	4	0	2	8
NORTHEAST 25812	54	12	66	39	1	3	7	5	0	3	8
SOUTHEAST 36238	51	14	65	18	0	9	23	3	0	6	6
SOUTH CENTRAL 16833	37	9	46	16	0	8	16	2	0	0	4
WEST CENTRAL 36175	105	22	127	51	1	5	40	11	0	6	13
SOUTHWEST 12033	51	9	60	29	1	3	22	0	0	2	3
TOTAL 175385	403	97	500	197	3	44	144	36	0	19	57
AVERAGE	0.806	0.194		0.394	0.006	0.088	0.288	0.072	0	0.038	0.114

* Other includes other families, independent living, AWOL's, and job corps.

Residential Foster Care includes in- and out-of-state

REGIONAL CUSTODY ANALYSIS

TOTAL CASELOAD PER 1000



AUDIT PROCESS

- I. Standards Review
 - A. Records
 - 1. Case Files
 - a. Compliance with timeframes for completing forms
 - b. Compliance with standards for contact with juveniles
 - c. Quality of contact with juveniles, family members, professionals, etc.
 - 2. Summary of findings
- II. Staff Review
 - A. Direct services to youth and families
 - B. Treatment and Rehabilitation Planning process
 - C. Supervision/Case Management
 - D. Case Review/Staff Supervision and Professional Development
 - E. Office Space and Equipment Considerations
- III. Telephone Contacts
 - A. Parents
 - B. Juveniles
 - C. Professionals
 - 1. Juvenile Court
 - 2. Human Service Staff : regional supervisors, treatment providers
 - 3. Trackers
 - 4. Law Enforcement
 - 5. Private treatment providers
 - 6. Foster Care providers : foster parents, group home staff, residential center staff
 - 7. YCC staff
 - 8. Any other local service provider or agency pertinent to the region
- IV. Summary and recommendations

DIVISION OF JUVENILE SERVICES

COMMUNITY SERVICES

1999-2001 GOVERNOR'S BUDGET RECOMMENDATIONS

Salaries and Wages - \$2,422,423

- 30.5 FTE's – No new positions requested in 1999-2001 budget.
- Governor's Salary Package - \$122,422.
- Salary funding requested to support reclassification of case managers and their supervisors.
- Temporary and overtime salaries reduced based on the filling of all authorized case management positions.

Operating Expenses - \$2,380,775

- Increased funding requested to support case management motor pool and travel expenses.
- Funding requested to relocate Fargo office.
- Elimination of passthrough funding from the Department of Human Services for the Independent Living Projects in Devils Lake and Dickinson - \$86,460.

- Tracking fees increased by \$70,000 from \$530,000 to \$600,000 (\$170 of this request was moved out of the base budget to an optional adjustment).

<u>Year</u>	<u>Cases</u>	<u>Goals Met</u>	<u>Goals Partially Met</u>	<u>Goals Not Met</u>
1997	339	90	79	34
1998	350	99	92	31

- Funding included in base budget to support Day Treatment at six schools around the state - \$480,000. [Beach, Dunseith, Grand Forks (2), Belcourt, Dickinson, and Jamestown.] *20,000 school meals*
- Funding included in base budget to support the Intensive In-Home Projects in seven regions of the state - \$114,000. (Shared with the Juvenile Courts and DJS.)
- Continuation funding for the Mental Health Partnership Project in Bismarck and Fargo - \$74,080. (This was an optional adjustment in our budget request.)
- Information technology funding to support the management information system being developed to pull data together from the Community Services offices and the Youth Correctional Center. Also supports our involvement in the CCWIPS system developed by Children and Family Services.
- Diversified Occupations Program in six schools - \$206,820. (Was an optional adjustment in our budget request.) [Williston, Belcourt, Devils Lake, Grand Forks, Bismarck, and Dickinson.] This program provides an opportunity for schools, the referring agencies, and the business community to work together to educate

students. The teacher coordinator correlates classroom learning experience with practical on-the-job training to assist in developing job skills.

Equipment - \$7,000

- A large amount of the equipment budget relates to the information technology plan.

Delinquency Prevention Consortium - \$200,000

- Federal and Special Funds to establish worthy prevention projects – Keep youngsters in school, in their home communities, and in the family.

Grants - \$2,870,900

- OJJDP Funding - \$1,553,000
- JAIBG Funding - \$1,317,900

What Will We Be Doing? - 1999-2001

- Continue to more effectively manage, treat, and attempt to rehabilitate juveniles in our custody
- Philosophy – Put juvenile corrections out of business
- Keep adolescents in school
 - ◆ Dr. Elliot study
 - ◆ Grades 7-9 lost contact with school 85 percent chance of being in juvenile corrections
- Continue to assist the reservations in the development of services
- Increase drug and alcohol services for troubled adolescents and their families
- Prevention –
 - ◆ Where does it fit with the deepest part of the system?
 - ◆ How DJS involves itself in prevention.

HUMAN RESOURCES DIVISION

Questions For Division of Juvenile Services

1. Tracking Fees
 - a. Amount
 - b. Impact on Program
 - c. How much time is being spent
2. Explain two Federal Grants and what they are used for
3. List number of computers/other technology
4. Why two-day treatment programs in Grand Forks?
5. Further justify 12-month school year
 - a. plan at a reduced level
 - number of courses
 - 11-month program
6. Further breakdown on Psychiatry, Psychology, Carpentry
 - a. any grants, job corps money to satisfy
7. Breakout of Equipment request – technology & other
8. House Building Project/Contract – Can it be done to generate revenue for the division?
9. Clarification on material costs for shop & garage
10. Justification for increased Temp/OT/OTS
11. Full explanation of Pine Cottage, divine and life safety systems

Responses to Human Resources Division questions for the Division of Juvenile Services

1. Explanation of tracking fees

- a. Amount - \$600,000
- b. This is a program we contract with Lutheran Social Services to provide. In 1997-99 we are paying \$15.00 per hour and we will pay \$16.0 per hour in 1999-2001 for the services of a tracker. We have two levels of tracking services. The first level is a person who acts as a mentor, role model for the juvenile in our custody. The second level is called intensive supervision and the contract provides for being able to perform urinalysis and hook offenders up to electronic monitoring. The primary responsibility of the tracker is to report directly to the case manager the progress of the clients who are assigned to them. They are an extension of the services provided by the case manager. Not having a tracker has a direct bearing on how many offenders we can manage in the community, which is the least costly placement.
- c. The average number of tracker hours assigned an offender is 3.5 hours per week.

2. Explain two Federal Grants and how they are used

OJJDP - \$1,553,000

The allocation of this money is administered by the State Advisory Group, which is appointed by the Governor. The dollars are distributed according to criteria established by federal guidelines.

\$1,000,000 – funding for statewide (23 locations) county level attendant care and detention programs.

448,000 – grants to schools, cities, counties, and other non-profits to divert juveniles from the corrections system.

105,000 – school based programs to keep juveniles in school.

JAIBG - \$1,317,900

The allocation of these dollars is based upon allowable federal criteria and on a plan approved by the Governor..

\$200,000 – juvenile courts for intensive tracking

160,000 – juvenile courts for victim mediation

240,000 – Tribal court probation officers

80,000 – Administration (Contract with the Association of Counties)

637,900 – Pass through to counties and cities

3. List Number of Computers/Other technology

Equipment budget - \$7,000

A three to five year replacement schedule is utilized to adequately support DJS/Community Services needs. Estimated PC replacement costs are \$2,300 per unit. The budget anticipates the replacement of 3 units.

4. Why two day treatment programs in Grand Forks?

40
~~4000~~/yrs
6 schools

In mid-summer of 1998, we were told by the Mayville-Portland consortium that they were not going to continue their day treatment program. It was too late to go to a RFP process for the upcoming school year. Grand Forks had asked for funding for a high school day treatment model, which we had denied because of a lack of funding. We then informed Grand Forks we would fund the high school model for one year.

Grand Forks is one of the most aggressive schools districts when it comes to starting and being actively involved in programs that address the needs of at risk students.

- 5. Further justify 12-month school year
 - a. Plan at a reduced level
 - Number of courses
 - 11-month program

A juvenile entering the North Dakota Youth Correctional Center is on the average two grade levels behind. Therefore, the ability to immediately address their education problem is of utmost importance. Approximately 260 young people pass through the NDYCC in the period of one year's time.

Having the ability to find success in school is one of the most important parts of a troubled adolescent's life.

NDYCC participated in the statewide school testing program in the past year. We are able to advance a student two months educationally for every one month they are placed with us. This is very important because on the average, each student is 8.5 credits behind when they come to us.

We hope you do not pursue a reduction in the 12-month school program, but if you did, each month educationally, costs us approximately \$70,000.

If we taught a basic core curriculum, that would cost us approximately \$35,000 per month.

6. Further breakdown on Psychiatry, Psychology

1999-2001 Biennium

Psychiatric Fees	\$2,400/mo	16 hrs/mo	\$150/hr	\$57,600
	*Based on negotiated contract.			
Psychological Fees	\$2,400/mo	16 hrs/mo avg	\$120/hr	\$48,000
	*Based on survey of local provider costs			

Funding is requested to contract for the services of a child psychologist as follows:

1. At the request of NDYCC's contract psychiatrist, the services of a psychologist are needed to assist in implementing and monitoring juvenile treatment plans and programs; and
2. Many of the treatment facilities juveniles are transferred to upon release from NDYCC require a psychological assessment prior to acceptance at that facility.

We are not aware of any grant funding that is available to fund these services.

7. Breakout of Equipment Request – Technology & Other

<u>Biennial Budget Item:</u>	<u>Amount</u>	<u>Notes</u>
1. Dust Collector – Tech Ed Shop (Life Safety Issue)	\$15,000	In January 1999, YCC received a Vocational Education grant to accomplish this purchase before the end of the 1997-1999 biennium. The Committee could deduct \$15,000 from our equipment request.
2. Tractor (Used) – Grounds maintenance	15,000	
3. Carpet Cleaning Machine	1,500	
4. Thrash Pump – Swimming Pool (Safety Issue)	1,200	
5. Refrigerators (2 replacements)	1,800	
6. Air Conditioners (5 replacements)	4,000	
7. Security Radios (10 replacements) (Security Issue)	5,000	
8. Institution Furniture Replacements (Living Units)	10,000	
9. Desk Replacements	6,000	
10. Replacement computers (Technology Plan) (The majority of these computers are for classroom use.)	50,000	Included in Technology Plan submitted to ISD. Twenty-five (25) replacement computers on a 3-year cycle.
11. Gym Mats/Mat Truck	<u>10,300</u>	
	TOTAL: <u>\$119,800</u>	

8. House Building Project/Contract – Can it be done to generate revenue for the division?

If the program was required to operate for profit, \$50,000 would be required to purchase materials up front for the house we just finished building.

Reasons for not getting into the home building industry:

1. Risk factor in investing \$50,000.
2. We would need to get into the home selling market.
3. Home Builder's Association is markedly opposed to this concept.
4. Taxes on the sale.

We have been asked to provide homes for the Community Action Agency through UBC.

Breakdown of CARPENTRY PROGRAM costs

Teacher Compensation:	97-98 Contract	\$33,633
	98-99 FTE Teacher	<u>36,600</u>
		\$70,233
Operating Expenditures to-date:	Transportation	\$2,400
	Spiffy Biffy	1,360
	Foundation Cement Work	4,000
	Small Tools	1,340
	Safety Clothing	<u>300</u>
		\$9,400

Planned:

1) Double Set Cement Pads for New House Construction	\$5,000 *
2) Access Door/Slab Addition to accommodate shop access and deliveries	5,000 *
3) Dust Collector System (Independent from separate request for Tech Ed shops)	15,000 *
4) Garage/Slab/Driveway	10,000 *
5) Small Tools	5,367

*Preliminary estimates from the local contractor. 1997-1999 budget ———\$120,000

9. Clarification on material costs for shop & garage.

UBC has agreed to provide the supplies for the shop/garage from the profit generated from the sale of the home at no cost to YCC. This would be our classroom and storage area for the Carpentry Program.

10. Justification for increased Tem/OT/OTS.

In addition to regular overtime required to operate a twenty-four hour a day facility, NDYCC has utilized the Temp/Overtime budget to provide staff coverage in special needs areas this biennium, without adding new positions.

Maintenance	Seasonal Grounds worker (\$7.00/hr)	\$17,050
Food Service	Temporary Cook (\$7.00/hr)	17,600
Special Programs	Supervisors – Summer Youth Employment Program	23,436

(Supervisors for this program enabled YCC to accept \$63,000 in federal grants for juveniles to earn minimum wage for jobs on campus. These paid job opportunities enabled juveniles to make \$10,362 in restitution payments.)

Education	Substitute Teachers (\$75/day)	\$22,000
Resident Care	Overtime	70,062
	Holiday Pay	90,000
	Temp:	
	Resident Care Workers (2.5)	74,412
	Night Security (.75)	21,840
	Rover (7.5)	<u>21,840</u>
		<u>118,092</u>
		\$358,240

Nursing fees are included in the operating budget as contracted services. The increase from the 1997-1999 to the 1999-2001 biennium in this budget item is spread among the seasonal grounds worker, temporary cook, supervisors for the summer youth employment program and the substitute teachers.

11. Full explanation of Pine Cottage, Devine, and Life Safety Systems.

PINE COTTAGE

See Testimony by Al Lick delivered on January 18, 1999, to the full House Appropriations Committee. (Attached.)

DEVINE HALL - \$120,000

Campus Administration Center – Remodel Devine Hall (1927) as a Campus Administration Center. The campus Administration Center would house the offices of the Superintendent, Assistant Superintendent, related support services (finance, data processing, secretarial pool), as well as conference rooms. These offices are currently located in the School Administration Building.

Devine was vacated in 1984. Devine Hall has been nominated by the State Historical Society to be placed on the register of historical buildings.

The space vacated by Administration in the school building would become the Education, Testing, and Assessment Center. It would continue to house classrooms and school offices, but in addition, would provide office space for testing evaluation and counseling staff, programs currently housed in basement facilities throughout the campus.

Funding is requested at this time to prevent further deterioration of the building structure. The following would be accomplished.

- \$60,000 to re-roof the remainder of facility, replace the gutters, downspouts, and to repair the fascia boards.
- \$20,000 for exterior weatherproofing, including spot tuckpointing of the mortar joints and weatherization or replacement of windows.
- \$30,000 for installation and temporary heat/utilities to prevent freeze-up.
- \$10,000 for professional services to provide preliminary design and cost estimates for renovation.

LIFE SAFETY SYSTEMS BROWN AND MAPLE COTTAGES - \$101,000

Installation of fire suppression systems in Brown and Maple Cottages are at the recommendation of the State Fire Marshall (copy of letter attached).

The installation of the fire sprinkler systems in Brown and Maple Cottage will provide the juveniles and staff the required level of life safety that has been recommended by the office of the State Fire Marshall.

The fire sprinkler systems in Brown and Maple Cottages will include the installation of sprinkler heads located at all strategic locations throughout the buildings. Zone controls for the systems annunciator panels for the fire alarm control and signaling, and connection to the main water supply.



OFFICE OF ATTORNEY GENERAL
STATE OF NORTH DAKOTA

Heidi Heitkamp
ATTORNEY GENERAL

June 13, 1995

CAPITOL TOWER

State Capitol
800 E. Boulevard Ave.
Bismarck, ND 58505-3040
701-328-2210
FAX 701-328-2226

Consumer Protection
and Antitrust Division
701-328-3404 (VTDD)
800-472-2600 (VTDD)
Toll Free in North Dakota
FAX 701-328-3535

Gaming Division
701-328-4848
FAX 701-328-3535

Cleaning Section
701-328-4848
FAX 701-328-3535

CAPITOL COMPLEX

State Office Building
900 E. Boulevard Ave.
Bismarck, ND 58505-3041
FAX 701-328-4300

Civil Litigation
701-328-3640

Natural Resources
701-328-3640

Racing Commission
701-328-4220

Bureau of Criminal
Investigation
P.O. Box 1054
Bismarck, ND 58502-1054
701-328-5500
800-472-2185
Toll Free in North Dakota
FAX 701-328-5510

Fire Marshal
Northbrook Mall
1929 N. Washington
Bismarck, ND 58501-1616
701-328-5470
FAX 701-328-6474

Fargo Office
P.O. Box 1773
Fargo, ND 58107-1773
701-239-7126
FAX 701-239-7129

Keith Rasmussen
Plant Services
State Industrial School
701-16th Ave. SW
Mandan, ND 58554

Dear Keith:

This is a recap of the meeting that was held on June 1, 1995.

New bathroom facilities are being added to resident rooms in Brown Cottage, and two bath rooms will share ventilation. Dampers would be required if the building is not provided with a complete automatic sprinkler system. Brown Cottage is required to be sprinklered, but due to budgetary constraints this cannot be done until at least 1997.

This office would approve the above project without dampers, with the assurance that the sprinkler system will be installed in 1997. The reason this will be acceptable for this period of time is that several safety features are already present so the lack of the sprinkler system should not present a hazard to life and safety for a short time. The facility has electric door locks (operated from a remote location), smoke detection in each resident room, an intercom system, and visual inspections are done at least every 30 minutes.

Again, this is acceptable only if the complete automatic sprinkler system is installed in 1997, otherwise the dampers will need to be installed.

Sincerely,

Barb Skogen
Deputy State Fire Marshal

TESTIMONY ON PINE COTTAGE

The North Dakota Youth Correctional Center (NDYCC) provides the most secure environment for juvenile offenders in the state.

There are many important reasons for the addition and renovation of Pine Cottage.

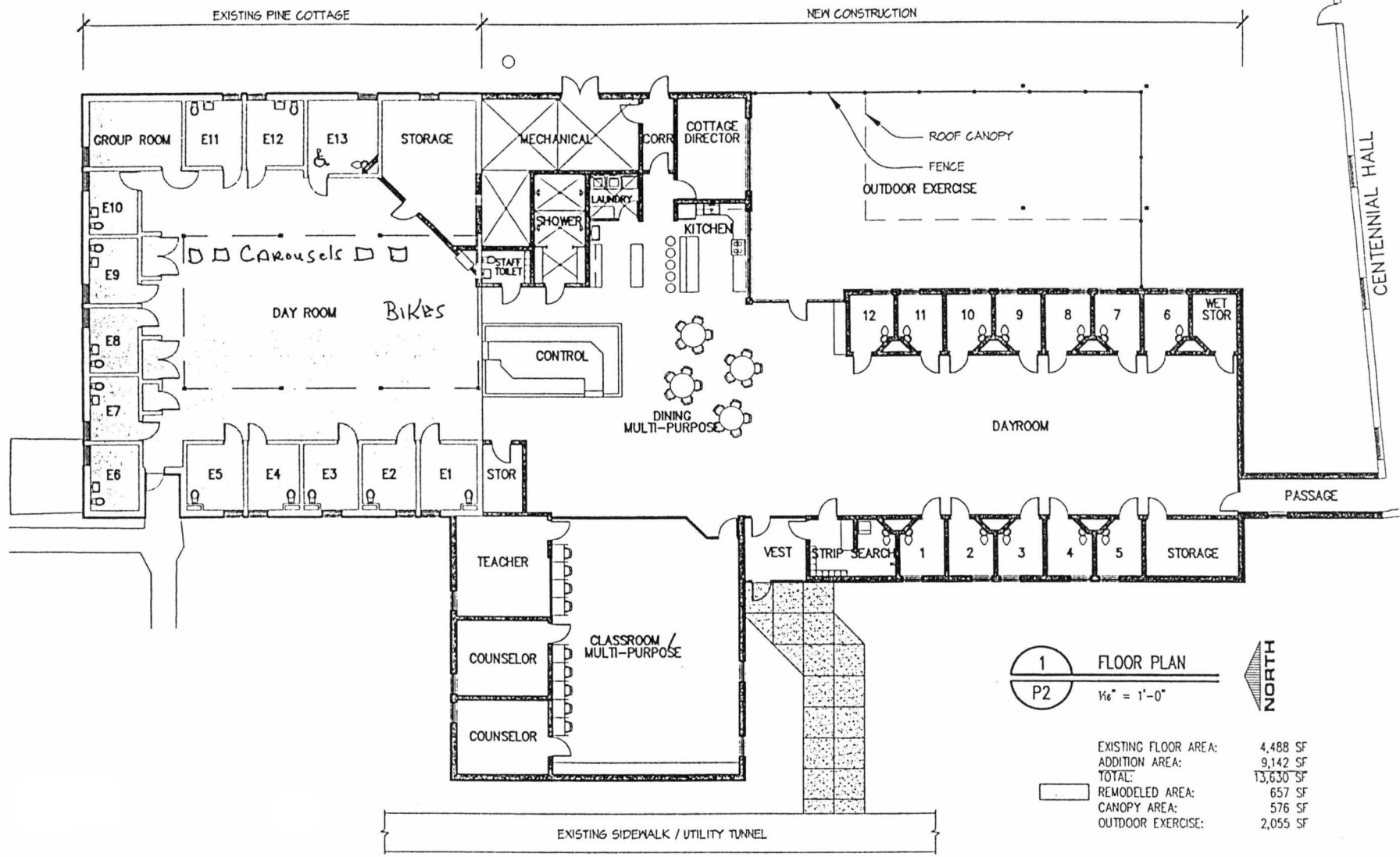
When we are implementing our most severe level of discipline, which is lockdown with no privileges, we need that individual in isolation in a single housing unit. There are times now, when because of our population, we cannot provide that isolation. Because we will be able to assure consequences with the addition to Pine Cottage, that enhances our ability to provide discipline in other cottages.

The North Dakota Century Code provides that adolescents 14 and over who commit murder, rape, robbery, or aggravated assault, must be waived to adult court, and tried as an adult. In some instances, because of the physical maturity or various other reasons, the Department of Corrections and Rehabilitation can house that individual at the NDYCC and transfer them to the State Penitentiary at a later date. Presently, that cannot be done with solid assurances of providing the level of public security with which we feel comfortable.

We need more space in the cottage to provide both indoor and in-season outdoor recreation. Presently, it is next to impossible to provide any type of meaningful form of exercise, which is a very important component of maintaining order, discipline, and staff safety. This project would provide a completely self-contained environment for individuals whose behavior has shown they need it.

Presently, we are bringing education service to Pine Cottage in the form of one teach committed entirely to the cottage. We use teaching carousels so that we can provide some semblance of privacy because the teaching is very individualized. The addition would provide a self-contained classroom.

We have been able to obtain \$500,000 of federal money to dedicate to this project. The total project is 1.975 million, with the remaining \$1,475,000 included as bonding money.



AL FITTNER, ARCHITECT PC
 200 THIRD AVE NW
 PO BOX 129
 MANDAN, NORTH DAKOTA 58554
 VOICE 701-663-7543
 FAX 701-663-7544

HB 1016
3/8/99

#6

Division of Juvenile Services

SENATE APPROPRIATIONS

David Nething, Chairman

DJS
March 8, 1999

Detailed Explanation of Requested Reinstatements

Salaries and Wages

The House reduced the twelve-month school program to a basic core curriculum for July and August. It means instead of a full curriculum, we would teach the following classes during that time period.

- | | | | |
|----------------|------------|---------------------|----------------------|
| 1. Mathematics | 3. English | 5. G.E.D | 7. Special Education |
| 2. Science | 4. History | 6. Reading/Language | 8. Middle School |

The following classes would not be taught.*

- | | | | |
|---------------------|--------------------------|------------------------------|-------------------------|
| 1. Computer Science | 4. Automotive Technology | 6. Technology Education | 8. Vocational Resources |
| 2. JTPA | | | |
| 3. Library | 5. Welding | 7. Carpentry/Building Trades | Education/Health |

*These classes are all very important to clients in the corrections system.

Operating Expenses

YCC

Medical Budget:	Adjusted 1997-99 Medical Budget	\$309,090
	1999-01 Requested Medical Budget	319,484

Community Services

Intensive In-Home	\$114,000
Day Treatment	480,000
Diversified Occupations	206,820

Divine Hall Improvements

\$120,000

Divine Hall – tuck pointing, windows, heating system, downspouts, roof

Life Safety Systems

\$101,000

The installation of fire sprinkler systems in Brown and Maple cottages will include the installation of sprinkler heads located at all strategic locations throughout the buildings. Zone controls for the systems, annunciatory panels for fire alarm control and signaling, and the connection to the main water supply.

Extraordinary Repairs Requested \$180,900 Cut \$115,900 \$65,000

- \$19,000 - Fire Alarm system in Administration Bldg. – Fire Marshall
- 30,000 - Remodel front office
- 22,000 - Caulking of various buildings
- 15,000 -Assistant Superintendent house; roof, siding, soffets, facias
- 48,500 - Asbestos removal: Pine, Hickory Cottages and old apartments
- 37,400 - Demolition of campus buildings
- 9,000 - Overlay parking lot

Juvenile Accountability Block Grant Program -- Attachment 2 Program Purpose Areas

The purpose of the JAIBG Program is to provide States and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. Funds are available for the following eleven program purpose areas, as enumerated in H.R. 3. In addition, the Appropriations Act provides a twelfth area for which funds may be expended: the implementation of a State or local policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system.

Purpose Area 1

Building, expanding, renovating, or operating temporary or permanent juvenile correction or detention facilities, including training of correctional personnel;

Purpose Area 2

developing and administering accountability-based sanctions for juvenile offenders;

Purpose Area 3

hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

Purpose Area 4

hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced;

Purpose Area 5

providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

Purpose Area 6

providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

Purpose Area 7

providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

1-20-99: 9:28AM: DASH OF COURTESY 707020000

Purpose Area 8

the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

Purpose Area 9

the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

Purpose Area 10

establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

Purpose Area 11

establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence; and,

Purpose Area 12

implementing a policy of controlled substance testing for appropriate categories of juveniles within the juvenile justice system.

VIOLENT OFFENDER INCARCERATION/TRUTH IN SENTENCING (VOI/TIS)

L.4 QUESTION: Is the State required to obtain approval from OJP prior to using grant funds for juvenile facilities for nonviolent juvenile offenders?

ANSWER: No. The State must provide a certification that exigent circumstances exist which require it to expend funds for facilities to confine nonviolent juvenile offenders.

L.5 QUESTION: If funds are to be used to construct facilities for violent juvenile offenders, will the State be required to submit separate data on juvenile incarceration?

ANSWER: No. The statutorily defined criteria used to demonstrate eligibility for the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants apply only to offenders in the adult system, except that under Tier 1 of the Violent Offender Incarceration Program the State must assure that it has implemented, or will implement, correctional policies and programs, including Truth-in-Sentencing laws, that among other things "are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders." The application must include a description of how the State has demonstrated or plans to demonstrate a commitment to this and the other criteria outlined in the assurance. States will be asked in future applications to provide information on the number and type of beds built with grant funds, including those in juvenile correctional facilities.

M. Private Facilities

M.1 QUESTION: Can grant funds be used to engage a private entity to build or expand a correctional facility on land owned by the State?

ANSWER: Yes, as long as ownership of the completed facility resides with the State.

M.2 QUESTION: Can grant funds be used to engage a private entity to build or expand a correctional facility that will be privately owned?

ANSWER: No. Ownership of facilities built or expanded with grant funds must reside with the public agency.

M.3 QUESTION: Can a unit of local government use grant funds it receives from the State under this program for privatization?

ANSWER: No. As currently written, the statute only permits States to use the grant funds for privatization. Although a State may use grant funds to privatize a facility or lease beds for adult or juvenile offenders, the privatization provisions do not apply to the 15 percent that may be made available to units of local government.

NORTH DAKOTA YOUTH CORRECTIONAL CENTER



Better Choices, Brighter Future

1999 - 2001 Biennial Budget

House Bill #1016

Presented By:

Darrell Nitschke, Superintendent

January 13, 1999

Youth
Correctional
Center

NORTH DAKOTA YOUTH CORRECTIONAL CENTER (NDYCC)

1999-2001 BUDGET PRESENTATION

HOUSE APPROPRIATIONS/HUMAN RESOURCES

CHAIRMAN: REPRESENTATIVE KEN SVEDJAN

VICE CHAIRMAN: REPRESENTATIVE LEROY BERNSTEIN

I. Introduction

- A. Mr. Chairman and members of the House Appropriations/Human Resource Committee. I appreciate the opportunity to meet before you to discuss NDYCC's 1999-2001 Budget Proposal. However, before we discuss our budget request for the coming biennium, I would also like to take a little time to highlight expenditures from this past biennium.
- B. I realize that you have a monumental task before you and I hope that the information I am about to share will be helpful in your decision making process. I'll be happy to answer any questions you may have and if I cannot give you an answer today – or if my staff present cannot answer, I will research your question and get it to you as soon as possible.
- C. As most of you are aware, NDYCC is the most RESTRICTIVE environment within the continuum of care provided by the Division of Juvenile Services. The NDYCC has the statutory obligations for the care, custody, education, and rehabilitation of juvenile offenders.
- D. NDYCC's Mission is *"to protect society while providing education and therapeutic services to troubled adolescents within a safe and secure environment."* Juveniles at NDYCC are prepared to return to a less restrictive placement in their communities with the skills to choose more appropriate behavior and to find success in life.
- E. We are accomplishing our mission through good and caring staff who want to make a difference and good programming which emphasizes:
 - 1) Structure
 - 2) Accountability
 - 3) Relationship
- F. This biennium NDYCC implemented a new treatment modality entitled, "EQUIP" which was developed by Granville Potter and Dr. John Gibbs. EQUIP is an identity oriented treatment approach focusing on cognitive restructuring, anger management, social skills, and social decision making.

II. Budget Highlights for the 1997-1999 Biennium

- A. **Gymnasium.** The 1997 Legislature appropriated \$1.4M to renovate the campus gymnasium which was constructed in 1925. All work on the renovation was completed in December, 1998. The renovation included installation of fire alarm and air handling systems, renovated locker and shower facilities, a physical fitness room, office and storage space, window replacement, roof replacement, and gym floor surface refinishing. Physical recreation appropriately directs the energy of students in a positive, competitive way through controlled activities.
- B. **Carpentry Program.** In conjunction with the North Dakota Association of Builders, NDYCC began offering a Carpentry Trades Program in 1997. This program was initially supported through a federal grant for adjudicated juveniles through the U.S. Department of Labor. The Carpentry Trades Program includes classroom education, a 360-hour apprenticeship program and the potential of job placement upon release.

Upon expiration of federal funding, the 1997 Legislature appropriated continuation funding for the Carpentry Trades Program. This biennium NDYCC combined its financial and personnel resources with the State Penitentiary (MRCC) and offered the Carpentry Program half days at both facilities.

- C. **Medical Expenses.** This biennium, medical expenses for juveniles committed to NDYCC have increased significantly. Improved psychiatric services have resulted in increased medications and medication reviews to address juveniles' emotional disorders. Addressing the emotional problems of juveniles has enabled staff to better address the criminal behavior that resulted in placement at NDYCC. Deficiencies in medical and dental care for juveniles prior to placement, has required immediate attention upon entry into the institution. NDYCC anticipates that these juvenile medical, dental, and emotional needs will continue to increase and is reflected in our budget proposal.

D. Capital Improvements and Extraordinary Repairs.

1. **Bank Stabilization.** As a result of Spring 1997 flooding, NDYCC received and expended \$25,061 in Federal Emergency Management Agency (FEMA) funds for bank stabilization on the Heart River.
2. **Additional Capital Improvements.** Completed this biennium: (1) removal of the asbestos containing material and re-insulation of the steam lines in Hickory Cottage; (2) roof replacements on the School/Administration building and the Heating Plant; and (3) installation of a backup boiler as Phase II of the Boiler Replacement Plan.
3. **Extraordinary Repairs.** The following projects have been accomplished: (1) Fire Alarm/Life Safety System (Hickory Cottage); (2) window replacement (Power House and Hickory Cottage); (3) sidewalk repair and replacement; (4) renovation of the former Laundry Building into a Campus Maintenance Center; (5) replacement of overhead doors in the Vocational Education Shop; (6) interior painting (School, Centennial, Hickory and Pine Cottages); and (7) remodeling of the shower, restroom/laundry area (Maple Cottage) to accommodate a co-ed population.

III. North Dakota Youth Correctional Center Budget Request – 1999-2001

Line Item	97-99	99-01	Inc/(Dec)	Explanation
SALARIES				
(77% of Total Budget)				
FTE	85.89	89.46	3.57	<u>Increase Includes:</u> 1) 12-Mos School 296,783
Salaries	4,662,120	5,236,726	574,606	Incr FTE 3.57
Temp/OT/OTS	341,740	358,240	16,500	2) Carpentry Program 68,788
Fringe	<u>1,528,206</u>	<u>1,747,566</u>	<u>219,360</u>	(transfer from operating)
Total Salaries	\$6,532,066	\$ 7,342,532	\$ 810,466	3) Sal Inc + Fringe 348,259
				4) Inc Temp/OT/OTS 16,500
				(Night Security)
				5) Health Plan 80,136
				Total 810,466
OPERATING				
Auxiliary Services	983,992	993,992	10,000	1) Inc Food – Fed Funds
Administration	206,153	176,570	(29,583)	2) Education-Carpentry Prog
Education	252,341	183,553	(68,788)	(Trans to Sal)
Resident Care:				3) Inc Grant Funding – Fed Funds
Cottage Life	190,000	190,000		4) Inc Medical Exp – Gen Funds
Sp Programs (Grants)	2,000	20,000	18,000	Psychiatrist - \$57,600
Medical	<u>164,884</u>	<u>399,484</u>	<u>234,600</u>	Psychologist - \$48,000
Total Res Care	356,884	609,484	252,600	Med Exp - \$95,000
				Nurse - \$34,000
Total Operating	\$ 1,799,370	\$ 1,963,599	\$ 164,229	
EQUIPMENT				
Equipment	119,771	119,771		
Equipment-Grants	<u>18,708</u>	<u>15,000</u>	<u>(3,708)</u>	1) Dec Fed Grant Funding
Total Equipment	\$ 138,479	\$ 134,771	\$ (3,708)	
CAPITAL IMPROV				
Capital Improvements	<u>2,175,916</u>	<u>2,345,900</u>	<u>170,984</u>	<u>Approved:</u>
Total Capital Improv	\$ 2,175,916	\$ 2,345,900	\$ 170,984	Special Mgmt Unit - \$1,975,000
				(High Security)
				Life Safety Systems - \$101,000
				Devine - \$120,000
TOTAL BUDGET	\$10,695,831	\$11,787,802	\$1,091,971	(Fire Alarm Systems) (Brown
				Maple Cottages)
Funding:				<u>General Funds:</u>
General	5,788,669	8,036,124	2,247,456	1) Education Funding Source Chg
Federal	1,293,331	1,671,008	377,677	DPI to GF - \$1,242,200
Special	3,613,831	2,080,670	(1,533,161)	2) Inc Medical Expense - \$234,600
				3) Salary Increase

IV. Goals (1999-2001)

- A. Completion of ACA/Performance Based Accreditation
- B. Enhance Education Programming
 - 1. Fully funded 12-month school program.
 - 2. Continued cooperation with Missouri River Correctional Center and the Building Trades Program.
 - 3. Experiment with the implementation of block scheduling to better meet the educational needs of our students.
- C. Resident Care
 - 1. Enhance Drug and Alcohol services.
 - 2. Enhance high security programming.
 - 3. Implementation of a volunteer program at NDYCC to involve local community members.

V. Closing Remarks

I view our population not as children at risk, but rather children of promise. I thank you for your time this morning and openly invite you to visit NDYCC at your convenience.

**NORTH DAKOTA YOUTH CORRECTIONAL CENTER
STATISTICAL DATA
JULY 1, 1997 – JUNE 30, 1998**

Total Number of Admissions = 531 to include: Evaluation, Time-Out, Treatment, and Detention								
DAILY AVERAGE						AVERAGE LENGTH OF STAY		
Month	Total	Evaluation	Time Out	Detention	Treatment	Treatment = 7 months Time-Out = 14 days Evaluation = 40 days Detention = 8 days		
7/97	86	8	3	5	70			
8/97	97	23	0	2	72	TYPES OF ADMISSION		
9/97	103	19	1	3	80		Total Number of Students	Percentage of Students
10/97	99	12	0	5	82	Evaluation: Court Requested: 38 DJS: 78	116	22%
11/97	104	13	2	2	87			
12/97	101	12	0	2	87	Time-Out	43	8%
1/98	96	8	4	3	81	Treatment	266	50%
2/98	89	8	2	0	79	Detention	106	20%
3/98	98	7	1	1	89	SEX		
4/98	98	4	1	2	91	Male	430	81%
5/98	100	12	0	5	83	Female	101	19%
6/98	89	11	0	1	77	RACE		
Average	97/daily	11	1.17	2.58	82	White	324	61%
COMMITTING AGENCY = 425 students (Doesn't include Detention)						Black	15	3%
Court requested Evaluations		38		9%		American Indian	184	35%
Division of Juvenile Services		372		88%		Other	8	1%
Bureau of Indian Affairs		2		1%		CLASSIFICATION = 425 students (Does not include Detention)		
Bureau of Prisons		13		2%		Delinquent Offenders	419	99%
						Status Offenders	6	1%

NDYCC EQUIPMENT REQUEST 1999-2001 BIENNIUM

Dust Collector – Carpentry Shop (\$15,000): Life Safety Issue. Purchase of a portable dust collector for use in the Carpentry Shop/Building Trades.

Dust Collector – Tech Ed Shop (\$18,200): NDYCC has received a grant from Vocational Education (\$18,200) to accomplish purchase and installation of a dust collector system in the Tech Ed Shop in the current biennium. An Emergency Commission to accept and expend these federal dollars has been submitted.

Residential Cottage Furniture Replacements (\$10,000): Equipment dollars are requested to either replace or modify juvenile bed frames. Bed frame changes are necessary to: (1) preclude beds from being dismantled and the parts used as weapons against staff, and (2) eliminate bed parts that can be used by juveniles to deliberately cut or otherwise maim themselves. This is a critical life-safety need (for both juveniles and staff). Any dollars remaining after this project has been completed will be used to purchase group counseling room tables and chairs.

Exercise/Safety Mats (\$10,075) and Mat Truck (\$225) – Gymnasium: Exercise/Safety Mats for use around and under gym apparatus to provide additional cushioning and to build juveniles' confidence. The Exercise/Safety mats will also be used in mandatory staff training sessions, including Self-Defense and First-Responder courses.

Replacement Computers: The Youth Correctional Center has approximately 100 computers on campus. Most of these computers (75) are essential, either: (1) in the school for juvenile education and training, or (2) in day-to-day business operations by staff. The remaining computers (25) are located in the residential cottages for use by juveniles.

The YCC Technology plan is to replace one-third (25) of YCC's essential computers on a three year rotation cycle (25 computers per year x \$2,000/computer = \$50,000). As essential computers are replaced, the old computers are transferred to the cottages for use by juveniles.

Used Tractor (\$15,000): The Maintenance Department is requesting the purchase of a used replacement tractor for maintaining the grounds at the North Dakota Youth Correctional Center. The current tractor, a 1950's model Massey Ferguson, is inoperable. This tractor will be used to perform the cultivation required in the tree belt areas, the mowing of the grass in the areas that are too rough for the regular law equipment, pulling the water tank for watering new trees, weed control with the sprayer, and other uses.

We are looking at purchasing a tractor in the 40 horsepower range with a 3-point hitch and live power take-off.

Double Set Cement Pads – Carpentry Program: (Cost for material and labors \$5,000.00) (1 set- 3 pads – 45' long and 4' wide and 6" deep): A double set of cement pads for house cribbing used in construction of houses (1 set equals three pads) allows YCC Carpentry Program to work on the construction of two houses during the warm weather. When the winter weather arrives YCC Carpentry Program will have two houses enclosed for winter finishing work. Thus house construction will not come to a slow down or stoppage because of weather.

Access Door/Slab Addition – Carpentry Program: An access door will be cut to the side of the existing overhead door. The access door and installation cost is \$3,500. The existing cement driveway to the overhead door will be expanded on both sides to accommodate access doors, a pad for the dumpster, and a pad for the dust collector system. (Estimated cost for cement and labor = \$1,500.00).

Storage Garage – Carpentry Program: A slab of cement will be poured for the floor of the construction of a building for the storage of tools and materials to be used in house construction as well as space for blueprint layouts, clothing, safety equipment, and other construction related materials and supplies. (30' x 40' x 6" - size of slab) (Cost for cement, reinforcement, and labor: \$10,000)

ALTERNATIVE CORRECTIONS, INC

Post Office Box 1121
Moorhead, Minnesota 56561-1121
Phone (218) 291-0896
Fax (218) 291-0899

January 13, 1999

Representative Rick Berg
North Dakota House of Representatives
6437 13th Street North
Fargo, North Dakota 58102



RE: ELECTRONIC HOME DETENTION AND ALCOHOL MONITORING

Dear Representative Berg:

The purpose of this letter is to inform you about the services that my company provides and how those services may be helpful to the state of North Dakota. My company provides home detention for criminal offenders. The attached letter explains the technology utilized to insure that the offender is at home and does not consume alcohol. Home detention is most often served by persons who have multiple convictions for driving under the influence, although, the offenses range from theft to welfare fraud to assault.

Specifically, my services could save North Dakota millions of dollars annually. Alternative Corrections currently saves Clay County, Minnesota, over \$30,000 per month (Clay County has less than 60,000 residents). These savings are achieved by requiring the offender to pay for his own punishment and by keeping the offender out of jail.

North Dakota would save millions of dollars annually if Judges had the option of sentencing alcohol offenders to jail, jail and home detention, or home detention. In a state where the penitentiary houses offenders who serve more than 30 days, the savings to the state would be substantial. From July 1, 1997 through June 30, 1998, the North Dakota Department of Corrections spent \$2,025,584.00 housing inmates outside of the penitentiary. The average cost to the state is \$40.00 per person per day. See attached memo from the State Penitentiary. For each inmate that is sentenced to home detention, the savings to the state would be \$14,600.00 per year. Additionally, the rate of growth of the state's penal institutions could be slowed.

The problem lies in the fact that electronic home detention has not been legislatively recognized as an alternative to incarceration for criminal offenders. I am asking that you legislatively recognize home detention with alcohol monitoring as an alternative to incarceration.

Please call me if you have any questions or concerns.

Sincerely,
ALTERNATIVE CORRECTIONS, INC


Thomas P. Martin, President

-Enclosures

electronic
home
detention



MEMORANDUM
NORTH DAKOTA STATE PENITENTIARY
SFN 10061 (11-90)

To	Angie, Alternative Corrections, Inc.
From	Kim Kary, Business Manager
Date	July 10, 1998
Subject	External Housing Information

Per your letter dated July 7, 1998, the following information was requested:

The cost to house inmates in county jails, community placement and Appleton Correctional Facility for July 1, 1997 through June 30, 1998 is approximately \$2,025,584 (the month of June was estimated). The cost per inmate per day averages approximately \$40, with the exception of those inmates housed at Appleton which charged \$50 per inmate per day. We had monthly, approximately 60 to 100 inmates in county jails, 15 in community placement and 95 at Appleton. With the opening of our medium security facility in Jamestown, the only external housing will be 15 inmates in community placement.

As I stated to you on the phone, we are in the process of working on our 1999-01 budget and those numbers are not available at this time.

ALTERNATIVE CORRECTIONS, INC

Post Office Box 1121
Moorhead, Minnesota 56561-1121
Phone (218) 291-0896
Fax (218) 291-0899

October 12, 1998

Representative Rick Berg
North Dakota House of Representatives
6437 13th Street North
Fargo, North Dakota 58102



RE: ELECTRONIC HOME DETENTION AND ALCOHOL MONITORING

Dear Representative Berg:

The purpose of this letter is to let you know about the services that my company provides and how those services may be helpful to the state of North Dakota. Further, I am a lifelong resident of North Dakota and wish to do business in my home state.

Alternative Corrections, Inc provides electronic home detention and alcohol monitoring services to four counties in western Minnesota. Electronic home detention is achieved by installing a small video camera in an offender's home and calling that on a random basis to make sure that the offender stays home. The unit is approximately twice as large a standard desk phone (the camera may not be activated without the assistance of the offender). When a call is placed to the offender, the offender is required to go to the unit and press a button to transmit the offender's image to assure that the offender is home.

Alcohol monitoring is achieved by coupling the video supervision outlined above with a breathalyzer. In the alcohol monitoring scenario, the offender is required to submit a breath sample in addition to a video image. The video image not only assures that the offender is home, but also assures that the person that is submitting the breath test is the offender. I have attached a product summary for your review.

The reason that this service has been so successful is that Minnesota has legislatively recognized home detention with alcohol monitoring as an alternative to jail for DUI offenders. The benefits to the North Dakota would be immediate. Fewer felony level DUI offenders would be housed in state correctional facilities. The most popular thing about this program is that the offender pays for this service out of his/her own pocket. The State of North Dakota would not be required to expend in excess of \$32.00 per day per person for the offenders on an alcohol monitoring program.

I am interested in your thoughts regarding legislatively recognizing home detention and alcohol monitoring (especially because the Governor recently announced that the new Jamestown facility would be full soon). Thank you for your attention in this matter. I look forward to hearing from you.

Sincerely,
ALTERNATIVE CORRECTIONS, INC

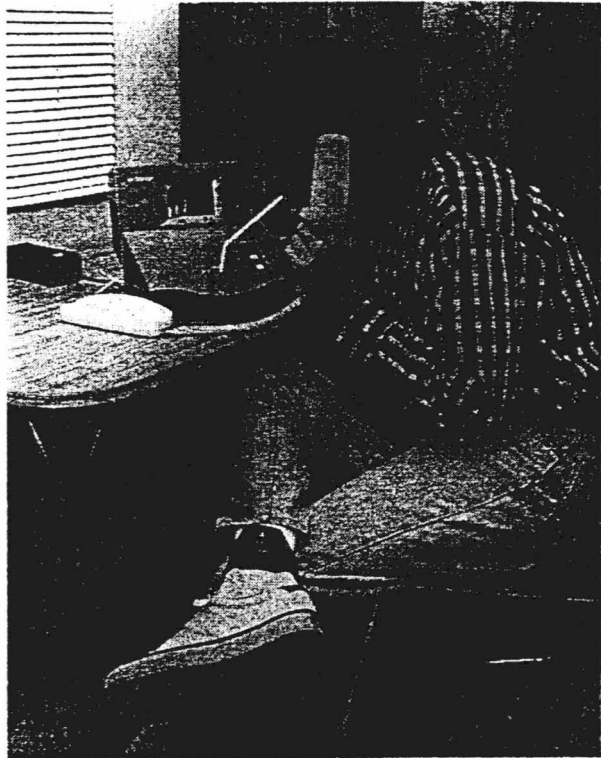
Thomas P. Martin, President
-Enclosure

MEMS 2000 HomeStation Diamond Series VBR

The MEMS 2000 VBR HomeStation is an electronic monitoring device that is comprised of a Video Display Telephone, a Breath Alcohol Tester and a radio frequency Receiver/Monitor. The three components are housed in one fully integrated unit measuring just 11"x 11"x 9.5"(LxWxH). The two tone gray unit consists of a top half made from ABS flame retardant plastic. The bottom half of the case is a metal chassis designed for durability. The operational switches are covered for easy cleaning and tamper resistance and the vents are filtered to prevent the intrusion of debris into the chassis.

The HomeStation attaches easily to a participants telephone. It will operate with either a standard rotary or touch tone telephone, using a modular telephone connector jack or plug.

The HomeStation is powered by a standard 110V AC power source. No permanently attached wires or cables are visible on the outside of the unit, as the HomeStation utilizes connection jacks for telephone, telephone line, and power. It is equipped with an internal back up battery capable of providing up to 18 hours of emergency power in the event of a commercial electrical failure at the home site.



The Video Display Telephone

The Video Display Telephone sends a still black and white image to the WorkStation in 9 to 12 seconds, using a CCD camera with external infrared LEDs to provide lighting. The camera is mounted behind a two-way mirror for the purpose of positioning the client's image properly prior to sending a picture. With resolution of 242 pixels x 200 lines and a gray scale level of 50, the client's image is transferred to the monitoring center by pushing a single button.

The Breath Alcohol Tester

The HomeStation utilizes an Electro-Chemical Breath Alcohol Tester(BAT) that is capable of providing highly accurate alcohol consumption assessments by analyzing a deep lung sample, achieving an accuracy rate of +/- 5%. The BAT is used in conjunction with the Video Display Telephone to identify and confirm that the subject taking the test is the program participant. The BAT sends commands to advance the voice prompts from the computer and to inform the computer of test results or any errors that occur.

An interface circuit combines the Video Display Telephone with the Breath Alcohol Tester. The interface circuit tells the Video Display Telephone when to capture and send the client's image and tells the BAT when to send the test results.

The Receiver/Monitor

The Receiver/Monitor module is factory integrated into the MEMS 2000 VBR HomeStation. It receives signals from the transmitter that is worn on the ankle of the client. The Receiver/Monitor sends and receives information about the participants presence and absence and relays the information to the WorkStation via standard local and long distance telephone lines. The Receiver/Monitor can detect the transmitter signal from a distance of 200 feet.

The Receiver/Monitor features electrical surge protection for both power and phone lines, tamper sensitive enclosure, an internal clock for time/date stamping of events, and modem interface for data transmission. The Receiver/Monitor automatically calls the WorkStation for maintenance checks at programmable intervals, and is equipped with a local memory capable of storing 1,024 events.

Each Receiver/Monitor has a specific transmitter programmed to it at the time of enrollment. This transmitter code can be changed at any time, and a new transmitter paired with the Receiver/Monitor. While a transmitter is paired with a specific Receiver/Monitor, it will respond to events from that transmitter only.

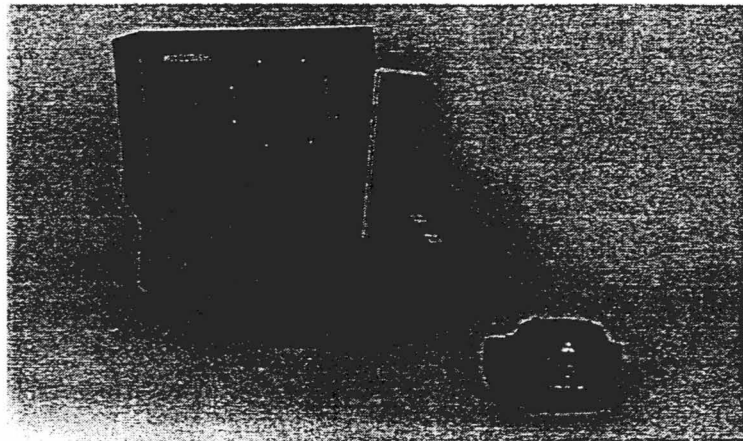
The Transmitter

The Transmitter is a unit worn by the client around the ankle using a tamper resistant strap. It features dual tamper design and will detect any efforts by the participant to tamper with or remove the device. The Transmitter sends signals to the Receiver/Monitor, automatically and accurately confirming the participant's presence when the Transmitter comes within 200 feet of the Receiver/Monitor.

The Transmitter measures 1.75" x 1.56" x 0.69" and weighs just 1.6 ounces. Utilizing futuristic mold technology, it features a unique one piece design, attaching easily and comfortably to the ankle of the participant with a disposable locking clasp. Constructed of non-toxic, non-irritant, non-flammable plastic, the Transmitter poses no health or safety hazards and, in no way, unduly restricts the physical movements or activities of the participant. The strap measures 11.4" x 0.87" x 0.12" and is fully adjustable, allowing easy fitting for both juveniles and adults.

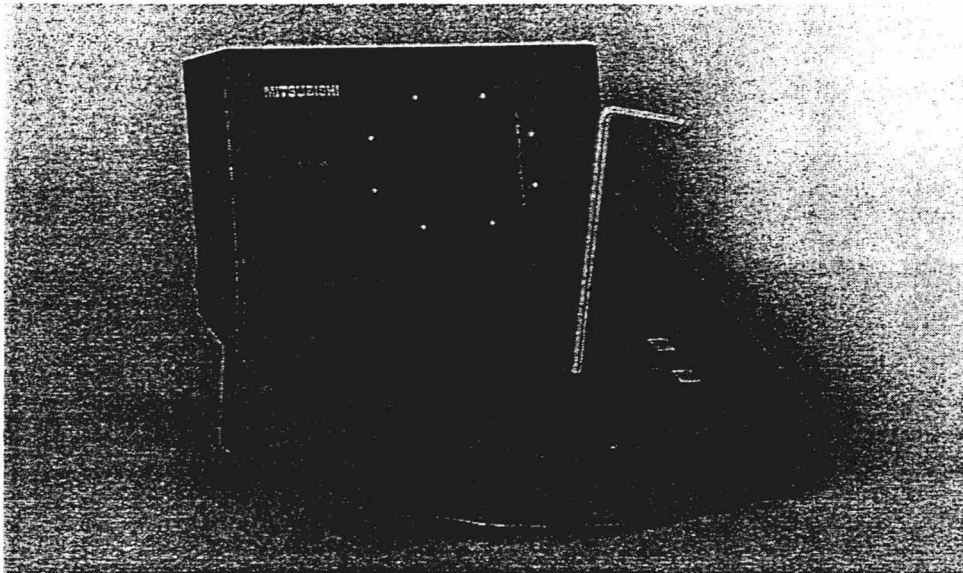
The Transmitter is powered by a 7 volt DC Lithium battery with an operational life of 18 months and a shelf life of five years. Because of the long life of the battery and the Transmitter's one piece design, replacing the battery does not require cutting the strap.

The Transmitter is shock resistant and fully water proof. It functions reliably under normal atmospheric and human environmental conditions. The Transmitter's operational temperature range is -10°C to 55°C, levels well outside those experienced in a typical client environment.



The Transmitter features a digital ID signature and status that is unique to each individual Transmitter and is not used by any commercial or consumer products. The Transmitter will detect any attempt to duplicate the unique signature by anything other than the Transmitter itself. The MEMS 2000 radio frequency and Transmitter comply with all applicable FCC and UL Rules and Regulations.

MEMS 2000 HomeStation Diamond Series VB

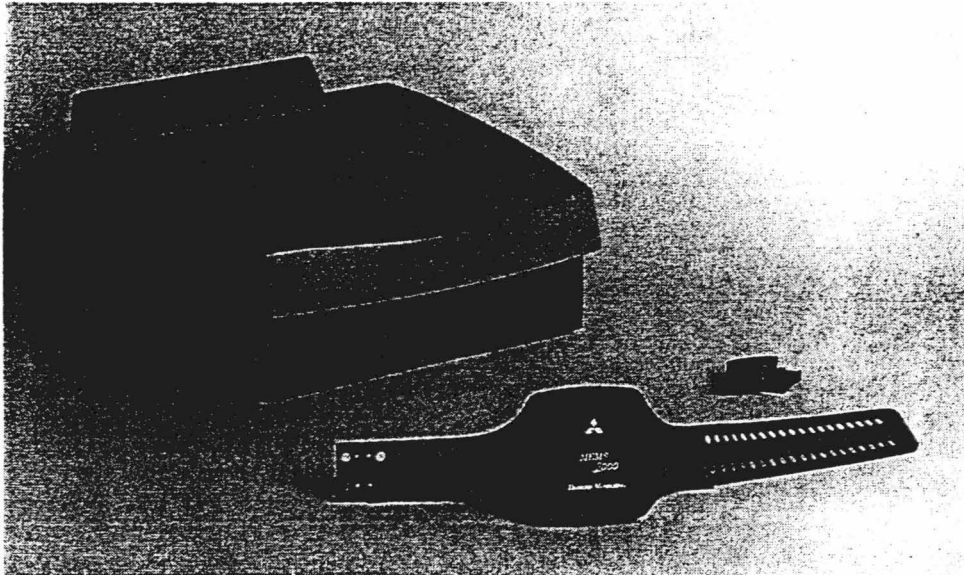


The MEMS 2000 HomeStation is available in several models. The VB HomeStation gives corrections agencies the option of monitoring a participant's presence in the home and/or the participant's alcohol consumption.

The VB HomeStation can be used with or without the optional Breath Alcohol Tester(BAT), further customizing the system. This allows the agency to utilize the electronic monitoring technologies it needs most.

Where the alcohol consumption of a participant is restricted, the optional electro-chemical Breath Alcohol Tester can be utilized in conjunction with the Video Display Telephone. This provides verification that the subject performing the alcohol test is actually the program participant. This confirmation is provided without the need to make a home visit.

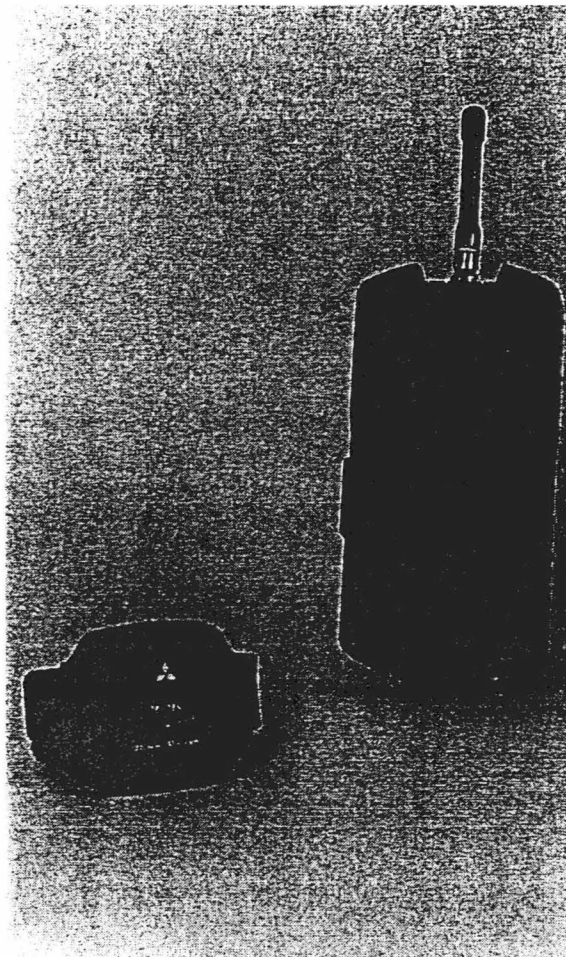
MEMS 2000 HomeStation Diamond Series RF



The flexibility of the MEMS 2000 Diamond Series equipment is further demonstrated with the RF HomeStation. The RF HomeStation features all of the continuous signaling capabilities of the VBR HomeStation in a smaller unit for agencies with no need for video verification or breath alcohol testing. The customization capability of the MEMS 2000 Diamond Monitoring System allows an agency to categorize program participants, thus reducing per diem costs for corrections agencies.

The RF HomeStation utilizes the same transmitter as the VBR HomeStation and is compatible with the MEMS 2000 WorkStation. Alarm reporting, preprogrammed maintenance checks, self diagnostics, RF range, and ease of installation are characteristics that remain consistent with all Diamond Series radio frequency equipment.

MEMS 2000
Mobile Monitor Unit



The MEMS 2000 Mobile Monitor Unit is a small, hand-held, portable unit designed to receive and display any valid transmitter status within its range. The unit's memory is capable of storing 1000 readings, which include transmitter identification number, strap and body sensor tamper status, transmitter battery status, and date and time of any occurrences.

The Mobile Monitor has an RF range of up to 700 feet and will detect signals with the use of its 4" antenna and/or its optional car mounted antenna. The unit is operational for up to six hours when powered by its 12 volt DC rechargeable NiCad battery. Additionally, the Mobile Monitor is able to access an automobile's DC power source with the optional cigarette lighter accessory cord.

All events and readings detected are capable of being downloaded to the WorkStation through a laptop via a modem, or directly to a printer. All cables and software are included in the MEMS 2000 Mobile Monitor package.

ALTERNATIVE CORRECTIONS, INC

Post Office Box 1121
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Fax (218) 291-0899



January 28, 1999

Representative Rick Berg
North Dakota House of Representatives
North Dakota State Capitol
600 East Boulevard Avenue
Bismarck, North Dakota 58577

Sent By Fax
(701) 328-1997
4 Pages

RE: Ideal Statutory Change

Dear Rick:

I have distilled my wishes for this legislative session into one proposed legislative change. I have included the entire section with this fax for your review. The change would be a mere addition to the existing DUI statute.

My proposal is to add the following paragraph to N.D.C.C. § 39-08-01.

- h. For purposes of this section, "imprisonment" means commitment to the Department of Corrections to serve a term, commitment to the County Sheriff to serve a term, or enrollment in a program of electronic home detention wherein the defendant is tested at least twice daily for the consumption of alcohol.

I will give you a call to discuss this tonight.

Sincerely,
ALTERNATIVE CORRECTIONS, INC

A handwritten signature in black ink, appearing to read "Tom".

Thomas P. Martin, President

Enclosure

REGULATIONS GOVERNING OPERATORS

39-08-01

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- Section**
- 39-08-04.1. Emergency care or services rendered — Liability.
 - 39-08-05. Accidents involving damage to vehicle — Penalty.
 - 39-08-06. Duty to give information and render aid.
 - 39-08-07. Duty upon striking unattended vehicle — Penalty.
 - 39-08-08. Duty upon striking highway fixtures or other property.
 - 39-08-09. Immediate notice of accident — Penalty.
 - 39-08-10. Officer to report.
 - 39-08-10.1. Investigating agency responsible to notify immediate family.
 - 39-08-11. When driver unable to report.
 - 39-08-12. False reports — Repealed.
 - 39-08-13. Accident report forms.

- Section**
- 39-08-14. Public inspection of reports relating to accidents.
 - 39-08-15. Director of the department of transportation to tabulate and analyze accident reports.
 - 39-08-16. Any incorporated city may require accident reports.
 - 39-08-17. Magistrates to report convictions to highway commissioner — Repealed.
 - 39-08-18. Open container law — Penalty.
 - 39-08-19. Penalty for harassment of domestic animals.
 - 39-08-20. Driving without liability insurance prohibited — Penalty.
 - 39-08-21. Medical qualifications exemption for intrastate drivers.

39-08-01. Persons under the influence of intoxicating liquor or any other drugs or substances not to operate vehicle — Penalty.

1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has an alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.
 - b. That person is under the influence of intoxicating liquor.
 - c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
 - d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.

2. A person violating this section or equivalent ordinance is guilty of a class B misdemeanor for the first or second offense in a five-year period, of a class A misdemeanor for a third offense in a five-year period, of a class A misdemeanor for the fourth offense in a seven-year period, and of a class C felony for a fifth or subsequent offense in a seven-year period. The minimum penalty for violating this section is as provided in subsection 4. The court shall take judicial notice of the fact that an offense would be a subsequent offense if

39-08-01

MOTOR VEHICLES

indicated by the records of the director or may make a subsequent offense finding based on other evidence.

3. Upon conviction, the court may order the motor vehicle number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded for the duration of the period of suspension or revocation of the offender's driving privilege by the licensing authority. The impounded number plates must be sent to the director who must retain them for the period of suspension or revocation, subject to their disposition by the court.
4. A person convicted of violating this section, or an equivalent ordinance, must be sentenced in accordance with this subsection.
 - a. For a first offense, the sentence must include both a fine of at least two hundred fifty dollars and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - b. For a second offense within five years, the sentence must include at least four days' imprisonment of which forty-eight hours must be served consecutively, or ten days' community service; a fine of at least five hundred dollars; and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - c. For a third offense within five years, the sentence must include at least sixty days' imprisonment, of which forty-eight hours must be served consecutively; a fine of one thousand dollars; and an order for addiction evaluation by an appropriate licensed addiction treatment program.
 - d. For a fourth or subsequent offense within seven years, the sentence must include one hundred eighty days' imprisonment, of which forty-eight hours must be served consecutively and a fine of one thousand dollars.
 - e. The execution or imposition of sentence under this section may not be suspended or deferred under subsection 3 or 4 of section 12.1-32-02 except that a fine or a sentence of imprisonment may be suspended in any of the following instances:
 - (1) Upon conviction of being in actual physical control of a motor vehicle in violation of this section or equivalent ordinance.
 - (2) If the defendant is under age eighteen when convicted except that if the defendant has, within the preceding five years, previously been convicted of violating section 39-08-01 or equivalent ordinance, the sentence must include at least forty-eight consecutive hours imprisonment or in a minimum security facility or at least ten days of community service. The execution of the sentence may not be suspended nor the imposition of sentence deferred under subsection 3 or 4 of section 12.1-32-02.
 - f. For purposes of this section, conviction of an offense under a law or ordinance of another state which is equivalent to this section must be considered a prior offense if such offense was committed within the time limitations specified in this subsection.

REGULATIONS GOVERNING OPERATORS

39-08-01

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g. If the penalty mandated by this section includes imprisonment upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program and the time spent by the defendant in the treatment must be credited as a portion of a sentence of imprisonment under this section.

Sources: S.L. 1923, ch. 254, §§ 1, 2; 1925 Supp., §§ 2976t10, 2976t11; S.L. 1927, ch. 162, §§ 2, 62; R.C. 1943, § 39-0801; S.L. 1949, ch. 250, § 1; 1953, ch. 247, § 1; 1957 Supp., § 39-0801; S.L. 1959, ch. 286, § 13; 1961, ch. 259, § 1; 1969, ch. 242, § 1; 1971, ch. 371, § 1; 1973, ch. 302, § 1; 1975, ch. 106, §§ 434, 673; 1975, ch. 342, § 1; 1975, ch. 343, § 1; 1975, ch. 344, § 2; 1977, ch. 350, § 2; 1977, ch. 356, § 1; 1981, ch. 394, § 1; 1981, ch. 395, § 1; 1981, ch. 486, § 16; 1983, ch. 415, § 21; 1985, ch. 429, § 8; 1987, ch. 460, § 1; 1989, ch. 158, § 14; 1991, ch. 394, § 6; 1993, ch. 362, § 2; 1993, ch. 387, § 1; 1993, ch. 388, § 1; 1997, ch. 323, § 2.

Effective Date.

The 1997 amendment to this section by section 2 of chapter 323, S.L. 1997 became effective August 1, 1997.

Cross-References.

Applicability of provisions relating to driving under the influence, see § 39-10-01.

Arrest without warrant authorized, see § 29-06-15.

Attempt to contact parents of child taken into custody for violating this section to explain implied consent chemical testing requirements, see § 39-20-01.

City's power to prohibit driving while intoxicated, see § 40-05-02.

Implied consent law, see ch. 39-20.

Implied consent to determine alcoholic and drug content of blood, see § 39-20-01.

Licensing addiction treatment programs, see ch. 23-17.1.

Notice to enroll in treatment program, enforcement, see § 39-06.1-10.

Open bottle law, see § 39-08-18.

Procedure for disposition of noncriminal violations unavailable for certain offenses, see § 39-06.1-06.

Temporary restricted license, limitation on issuance to violators, see § 39-06.1-11.

Constitutionality.

This statute provided adequate notice of proscribed conduct to defendant who was found intoxicated but unconscious behind the wheel of his parked car, and therefore, this

section was not constitutionally vague as applied to that defendant. *State v. Schwalk*, 430 N.W.2d 317 (N.D. 1988).

The application of the offense of being in actual physical control of a motor vehicle to private property is not an unnecessary and unprotected intrusion upon private property. Persons in their houses or curtilages are still protected from unlawful search and seizure and from arrest without probable cause. *Wiederholt v. Director*, N.D. DOT, 463 N.W.2d 445 (N.D. 1990).

Subsection 1(x) of this section and section 39-20-07(3) are not unconstitutionally overbroad and did not violate appellants substantive due process rights guaranteed by the Fourteenth Amendment to the United States Constitution and N.D. Const., Art. I, § 12. *City of Fargo v. Stensland*, 492 N.W.2d 591 (N.D. 1992).

There is no constitutional right to drink and drive even if a person's blood-alcohol content does not meet or exceed the statutory blood-alcohol content limit while operating or controlling a vehicle. *City of Fargo v. Stensland*, 492 N.W.2d 591 (N.D. 1992).

"Actual Physical Control".

—In General.

A person may be in "actual physical control" of a motor vehicle within meaning of this section even though he has parked it; motorist's allegation that ignition was off and transmission not engaged did not preclude finding that he was in "actual physical control". *State v. Ghylin*, 250 N.W.2d 262 (N.D. 1977).

Individual who sat alone in vehicle on passenger side, and started the vehicle so that the heater could be used, was in "actual physical control" of the vehicle when it lurched forward and struck a building. *City of Valley City v. Berg*, 394 N.W.2d 690 (N.D. 1986).

A person may be in "actual physical control" of a vehicle under this section even though they are asleep or unconscious when found by the arresting officer. *State v. Schwalk*, 430 N.W.2d 317 (N.D. 1988).

Defendant who was found slumped over the steering wheel of his pickup, which was



DEPARTMENT OF CORRECTIONS AND REHABILITATION

3303 East Main, PO Box 1898 • Bismarck, ND 58502-1898
(701) 328-6390 • FAX (701) 328-6651 • TDD 1-800-366-6888

March 24, 1999

Supervision Fees Program Analysis

There are presently 2684 offenders on probation status. During the past year there were 1645 releases from probation, or a 62% turnover rate of the population in one year. Based upon these numbers, approximately 81% of the probation population will turnover in 18 months. This means that based upon the above numbers, as of January 1, 2001 (an 18 month delayed effective date for the \$36 fee) only 19% or about 510 offenders would remain on probation under the \$30 supervision fee; the remaining offenders would have been sentenced since July 1, 1999 and would come under the \$36 fee. Also, the majority of those offenders still subject to the \$30 fee would come off probation within six months.

If the \$36 supervision fee became effective July 1, 2000 (a one year delayed effective date) approximately 1039 offenders would still remain subject to the \$30 supervision fee.

The management of the supervision fee program would be so much less complicated if the majority of the offenders on probation were subject to paying the same supervision fee. As you know, many offenders do community service in lieu of paying the supervision fee. At the present supervision fee of \$30, we deduct \$5.00 for each hour of community service completed. We will deduct \$6.00 for each community service hour completed under the \$36 fee. It will be difficult to justify deducting different rates for community service completed, just because the supervision fee is different between two offenders. The most manageable delayed effective date for the supervision fee increase would be July 1, 2001. However, if the date chosen by the legislature is earlier, a January 1, 2001 date would certainly be more manageable than July 1, 2000.

Parole
and
Probation



DEPARTMENT OF CORRECTIONS AND REHABILITATION

3303 East Main, PO Box 1898 • Bismarck, ND 58502-1898
(701) 328-6390 • FAX (701) 328-6651 • TDD 1-800-366-6888

April 7, 1999

Parole Board Action

September 1998 – April 1999

	<u>Cases Reviewed</u>	<u>Paroled</u>
SEPTEMBER 1998	148	30
OCTOBER 1998	156	46
NOVEMBER 1998	142	36
DECEMBER 1998	89	31
JANUARY 1999	105	39
FEBRUARY 1999	110	37
MARCH 1999	89	39
APRIL 1999	75	27

The parole board recently adopted a new policy that utilizes an inmate's risk score to determine when an inmate is eligible to first be reviewed by the parole board for release. This policy was first utilized for the September 1998 parole docket. Since a number of inmates in the population were eligible under the new policy to come before the board, the number of inmates seen by the parole board in the first few months of the new policy were increased from previous parole dockets. Gradually over the past few months all of the inmates eligible to see the board under the new policy have been seen and the number of inmates on the docket, and subsequently paroled has steadily decreased since September. Therefore, the data does not indicate that the number of paroles given in future months would support a downward trend in the inmate population for the next biennium.



OFFICE OF ATTORNEY GENERAL
STATE OF NORTH DAKOTA

MEMORANDUM

Heidi Heitkamp
ATTORNEY GENERAL

To: Warren Emmer, Director, DOCR Division of
Field Services and Clerk, North Dakota
Parole Board

CAPITOL TOWER

State Capitol
600 E. Boulevard Ave.
Bismarck, ND 58505-0040
701-328-2210
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From: Ken Sorenson, Assistant Attorney General

Date: August 14, 1998

Consumer Protection

and Antitrust Division
701-328-3404
800-472-2600
Toll Free in North Dakota
701-328-3409 (TDD)
FAX 701-328-3535

Subject: Parole Eligibility, Violations of
N.D.C.C. chap. 19-03.1.

Gaming Division

701-328-4848
FAX 701-328-3535

Licensing Section

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The North Dakota parole statutes, found in N.D.C.C. chapter 12-59, do not create any statutory expectation of release or liberty interest in parole. Instead, parole is a matter of legislative grace.

CAPITOL COMPLEX

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With parole being a matter of legislative grace, the Legislative Assembly has specifically required that for a number of offenses, offenders must serve some minimum component of a sentence without benefit of, or eligibility for parole, see, e.g., N.D.C.C. §§ 12.1-32-02.1, 12.1-32-09.1, 39-08-01.2, and 39-30-02.

Civil Litigation

701-328-3640

Natural Resources

701-328-3640

Racing Commission

701-328-4290

Where the Legislative Assembly has not otherwise statutorily limited parole, it has delegated very broad discretion to the North Dakota Parole Board under N.D.C.C. chapter 12-59 to determine whether an inmate's term of imprisonment may be shortened through parole.

Bureau of Criminal Investigation

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The Legislative Assembly has provided that for some offenses, such as certain violations of the Uniform Controlled Substances Act, N.D.C.C. chapter 19-03.1, the courts must sentence an offender to a mandatory minimum term of imprisonment. In so doing, the Legislative Assembly did not statutorily preclude or restrict the Parole Board from considering such offenders for parole within the term of the mandatory minimum imprisonment.

Fire Marshal

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The Parole Board's powers, authority, and discretion may be illustrated by way of the following example. If

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an offender is guilty of a second non-narcotic Schedule I controlled substance offense under the Uniform Controlled Substances Act, the offender is subject to N.D.C.C. § 19-03.1-23(1)(b). Under the provisions of N.D.C.C. § 19-03.1-23(1)(b) the district court must sentence the offender to a mandatory term of imprisonment for at least three years. Unless there are aggravating factors which would have made the offense a class A felony, the offender is guilty of a class B felony which carries a maximum term of imprisonment of up to ten years. If the district court sentenced the offender to the Department of Corrections and Rehabilitation for ten years and suspended five years of the sentence, the offender would initially serve five years, which is two years longer than the mandatory minimum sentence the district court is statutorily obligated to impose. The mandatory minimum imprisonment sentencing provisions of N.D.C.C. chapter 19-03.1 do not preclude the Parole Board from considering whether it may grant the offender parole anytime within that initial five-year period. However, in the exercise of its powers, authority, and discretion, the Parole Board may require the offender to serve all or part of the sentence imposed by the district court. This includes the power, authority, and discretion of the Parole Board to require the offender to serve the same minimum term of imprisonment the district courts are statutorily obligated to impose for a violation under the Uniform Controlled Substances Act. In the above example, the Parole Board would be acting well within its power, authority, and discretion by requiring the offender to serve at least the first three years of the sentence before it considers whether or not it should parole the offender.

Therefore, while the Parole Board may parole an offender before completion of a mandatory minimum sentence of imprisonment under the Uniform Controlled Substances Act, the Parole Board may also require the offender to serve the same mandatory minimum periods of imprisonment the Legislative Assembly set forth in N.D.C.C. chapter 19-03.1 before making a determination whether or not to parole the offender.

cc: Elaine Little, DCCR
Dan Wrolstad, NDSP