

**Department of Corrections and Rehabilitation
House Bill Nos. 1016, 1506, 1023, Senate Bill No. 2339**

	FTE Positions	General Fund	Other Funds	Total
2003-05 executive budget (bills as introduced)	717.18	\$82,916,611	\$33,760,982	\$116,677,593
2003-05 legislative appropriations	644.18	81,736,611	32,580,087	114,316,698
Legislative increase (decrease) to executive budget	(73.00)	(\$1,180,000)	(\$1,180,895)	(\$2,360,895)
Legislative increase (decrease) to 2001-03 appropriations	29.00	\$4,379,787	\$6,879,720	\$11,259,507

NOTE: House Bill No. 1016 was approved by the 2003 Legislative Assembly; however, the bill was vetoed by Governor Hoeven. Therefore, House Bill No. 1506 was approved by the Legislative Assembly during the May 2003 special session to provide a 2003-05 appropriation for the Department of Corrections and Rehabilitation.

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

Salaries and Wages

The legislative action affecting the recommended appropriation for the Department of Corrections and Rehabilitation is in accordance with legislative salary and fringe benefits guidelines as contained in Senate Bill No. 2423, which allows agencies to provide salary increases of up to 1 percent on January 1, 2004, and up to 2 percent on January 1, 2005, to be funded in part from pooled savings accumulated from agency FTE position reductions.

The Legislative Assembly did not change the executive recommendation to provide an appropriation of \$99,856 from the general fund to increase teacher salaries to fully fund and maintain teachers at the level provided on the composite salary schedule developed by Central Personnel.

Major Items

	FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Juvenile Services Division				
Removed funding recommended in the executive budget for state employee salary increases		(\$111,309)	(\$6,511)	(\$117,820)
Reduced funding recommended in the executive budget for state employee health insurance premiums from \$493 to \$488.70 per month per policy		(12,249)	(821)	(13,070)
Reduced funding for information technology. The amount reduced represents a reduction in information technology funding of approximately 5 percent.		(33,327)		(33,327)
Restored funding to fully fund the department's pay plan. The executive budget had reduced funding for the department's pay plan by 3 percent to recognize anticipated savings from vacant FTE positions.		279,259		279,259

Adult Services Division

Removed funding recommended in the executive budget for state employee salary increases		(463,049)	(44,906)	(507,955)
Reduced funding recommended in the executive budget for state employee health insurance premiums from \$493 to \$488.70 per month per policy		(55,139)	(5,166)	(60,305)
Reduced funding for information technology. The amount reduced represents a reduction in information technology funding of approximately 5 percent. (See Related Legislation section below)		(61,600)	(24,567)	(86,167)
Restored funding to fully fund the department's pay plan. The executive budget had reduced funding for the department's pay plan by 3 percent to recognize anticipated savings from vacant FTE positions.		1,337,458		1,337,458
Removed funding and 65 FTE positions for the recommended women's prison at the State Hospital LaHaug Building	(65.00)	(6,265,971)	(1,294,603)	(7,560,574)
Added funding to contract with county facilities to house female inmates		6,689,164		6,689,164
Changed funding for the transition center from the general fund to federal funds		(695,582)	695,582	0
Removed 10 new FTE positions as follows: Field Services Division (\$90,376) 1 FTE parole and probation officer II position Prisons Division (\$664,903) 3 FTE positions for the State Penitentiary 6 FTE positions for the James River Correctional Center	(10.00)	(90,376)	(664,903)	(755,279)
Added funding for Hepatitis A and B vaccines		250,000		250,000
Added 2 FTE transportation officer positions for transporting women prisoners	2.00	148,908		148,908
Reduced general fund support for the Field Services Division (\$721,412) and the Prisons Division (\$2,374,775)		(3,096,187)		(3,096,187)
Added funding for the Prisons Division		1,000,000		1,000,000
Added funding in Senate Bill No. 2339 from the probationer violation transportation fund for costs of returning to the state probationers who violate their conditions of supervision (See Related Legislation section below)			165,000	165,000

Total

(73.00)

(\$1,180,000)

(\$1,180,895)

(\$2,360,895)

FTE Changes

The following table summarizes FTE position changes:

Position	Proposed FTE Changes Included in Executive Budget	FTE Changes Included in Legislative Appropriation	Legislative Increase (Decrease) from Executive Budget
Juvenile Services Division	0.00	0.00	
Adult Services Division			
Field Services Division			
Correctional caseworker	1.00	1.00	
Administrative assistant	1.00	1.00	
Parole and probation officer II	3.00	2.00	(1.00)
Prisons Division			
Account technician II	1.00		(1.00)
Correctional officer II	2.00		(2.00)
Training officer III	1.00		(1.00)
Instructor	1.00		(1.00)
Correctional officer III	4.00		(4.00)
Positions related to James River Correctional Center Phase II			
General trades maintenance worker	1.00	1.00	
Carpenter II	1.00	1.00	
Maintenance mechanic III	1.00	1.00	
Plumber III	1.00	1.00	
Electrician II	1.00	1.00	
Food service operations supervisor I	5.00	5.00	
Food service operations supervisor II	6.00	6.00	
Food service director II	1.00	1.00	
Food service director I	1.00	1.00	
Laundry worker III	3.00	3.00	
Laundry manager I	1.00	1.00	
Food service operations supervisor I	1.00	1.00	
Positions related to the women's prison in LaHaug Building			
Registered nurse II	1.50		(1.50)
Chief of security	1.00		(1.00)
Administrative assistant I	1.00		(1.00)
Maintenance supervisor I	1.00		(1.00)
Addiction counselor II	2.00		(2.00)
MHC addiction technician	1.00		(1.00)
Social worker II	1.00		(1.00)
Chaplain	0.50		(0.50)
Administrative staff officer I	1.00		(1.00)
Instructor	1.00		(1.00)
Human services program administrator II	1.00		(1.00)
Correctional officer II	36.50		(36.50)
Correctional officer III	5.50		(5.50)
Correctional unit case manager	2.00		(2.00)

Correctional caseworker	8.00		(8.00)
Institution recreation specialist	1.00		(1.00)
Transportation officer		2.00	2.00
Total	102.00	29.00	(73.00)

Capital Projects

The following table summarizes capital projects included in the 2003-05 biennium executive budget and legislative appropriation:

Project	Executive Budget			Legislative Appropriations			Legislative Appropriation Increase (Decrease)		
	General Fund	Other Funds	Total	General Fund	Other Funds	Total	General Fund	Other Funds	Total
Juvenile Services Division									
Youth Correctional Center									
Fire suppression system (Maple Cottage)	\$95,500		\$95,500	\$95,500		\$95,500			
Water line replacement		\$82,500	82,500		\$82,500	82,500			
Total - Juvenile Services	\$95,500	\$82,500	\$178,000	\$95,500	\$82,500	\$178,000			
Adult Services Division									
Prisons Division									
Extraordinary repairs	\$407,000	\$250,000	\$657,000	\$407,000	\$250,000	\$657,000			
Women's unit - James River Correctional Center		1,243,727	1,243,727				(\$1,243,727)		(\$1,243,727)
Phase II - James River Correctional Center		2,662,890	2,662,890		2,662,890	2,662,890			
Energy improvement - Missouri River Correctional Center		105,326	105,326		105,326	105,326			
Total - Adult Services	\$407,000	\$4,261,943	\$4,668,943	\$407,000	\$3,018,216	\$3,425,216	\$0	(\$1,243,727)	(\$1,243,727)
Total Department of Corrections and Rehabilitation	\$502,500	\$4,344,443	\$4,846,943	\$502,500	\$3,100,716	\$3,603,216	\$0	(\$1,243,727)	(\$1,243,727)

Inmate Population

The following table summarizes 2003-05 biennium inmate population projections used to develop the executive recommendation, the revised female population projections, and the female population projection used for the legislative appropriation:

Fiscal Year 2004	Estimated Inmate Population - Executive Recommendation		Revised Female Inmate Population - Department of Corrections and Rehabilitation	Estimated Inmate Population Used for Legislative Appropriation - Contract to House Female Inmates at County Facilities
	Male	Female	Female	Female
July	1,013	137	124	104
August	1,017	140	125	105
September	1,020	143	126	106
October	1,023	145	127	107
November	1,027	148	129	109
December	1,030	151	131	111
January	1,034	154	132	112
February	1,037	157	133	113
March	1,040	160	134	114
April	1,044	163	136	116
May	1,047	166	137	117

June	1,051	169	139	119
Fiscal Year 2005				
July	1,054	172	140	120
August	1,058	175	142	122
September	1,061	177	143	123
October	1,064	180	144	124
November	1,068	183	145	125
December	1,071	186	146	126
January	1,075	189	148	128
February	1,078	192	149	129
March	1,081	195	151	131
April	1,085	198	152	132
May	1,088	201	154	134
June	1,092	204	156	136

The following table shows actual male and female inmate population counts as of the first day of each month from July 1, 2001, to May 1, 2003:

Date	Male	Female	Total
July 1, 2001	1,011	93	1,104
August 1, 2001	994	90	1,084
September 1, 2001	999	95	1,094
October 1, 2001	999	93	1,092
November 1, 2001	1,015	106	1,121
December 1, 2001	1,019	108	1,127
January 1, 2002	1,010	113	1,123
February 1, 2002	1,020	111	1,131
March 1, 2002	1,045	115	1,160
April 1, 2002	1,045	117	1,162
May 1, 2002	1,064	122	1,186
June 1, 2002	1,059	130	1,189
July 1, 2002	1,056	128	1,184
August 1, 2002	1,041	117	1,158
September 1, 2002	1,047	116	1,163
October 1, 2002	1,033	113	1,146
November 1, 2002	1,045	111	1,156
December 1, 2002	1,027	107	1,134
January 1, 2003	1,044	104	1,148
February 1, 2003	1,059	102	1,161
March 1, 2003	1,079	102	1,181
April 1, 2003	1,074	104	1,178
May 1, 2003	1,077	109	1,186

Female Inmate Contract Housing

The executive budget recommendation provided for the purchase and renovation of the State Hospital's LaHaug Building for a new women's prison. The executive budget included \$7.6 million, including \$1.3 million of federal funds, for the purchase, renovation, and operation of the women's prison for the 2003-05 biennium. The Legislative Assembly removed the funding for the women's prison at the LaHaug Building, and included funding of \$6.7 million from the general fund for contracting to house female inmates at county facilities for the 2003-05 biennium in House Bill No. 1016 as vetoed by the Governor. The new appropriation bill for the Department of Corrections and Rehabilitation, House Bill No. 1506, included an additional \$1 million in the Prisons Division for unspecified purposes. It is the intent of the Legislative Assembly that if actual inmate populations for the 2003-05 biennium are more than the projection used by the Legislative Assembly, the department may request line

item transfers or funding from the state contingencies appropriation for costs associated with the excess population pursuant to provisions of North Dakota Century Code (NDCC) Section 54-16-04 which allows the Emergency Commission to approve transfers between lines and transfers from the state contingencies appropriation subject to Budget Section approval if more than \$50,000.

James River Correctional Center Phase II

The Legislative Assembly did not change the executive recommendation to provide for the expansion of the James River Correctional Center (JRCC) to include the operations of the State Hospital's food service and laundry facilities (Phase II), including the addition of 23 new FTE positions, 15 FTE positions of which will be transferred from the State Hospital. Construction costs for JRCC Phase II are \$2,662,890 which will be financed through the issuance of bonds authorized in House Bill No. 1023. (See **Related Legislation** section below)

Tompkins Rehabilitation Correctional Center

The Legislative Assembly did not change the executive recommendation to establish the Tompkins Rehabilitation Correctional Center (TRCC), a new combined program to be located in the nurse's building on the campus of the State Hospital. The TRCC is the combination of the Thompkin's Rehabilitation and Corrections Unit (TRCU) from the Stutsman County Corrections Center, the Correction Rehabilitation and Recovery Center (DUI Center), and a new 30-bed assessment program. The TRCC has a biennial budget of approximately \$2.8 million, of which \$2.7 million is from the general fund, includes 3 FTE positions, can have up to 90 offenders in the program, and is projected to save 76 prison beds a day.

Other Sections in Bill

2001-03 biennium appropriation - Section 2 of the bill was added to provide \$500,000 of federal funds for Adult Services of the Field Services Division, for the expenses of the transition center for the 2001-03 biennium.

Crime victims restitution and gift fund - Section 3 of the bill provides that \$100,000 included in the Field Services line item is from the crime victims restitution and gift fund and shall be used and disbursed by the department in accordance with the terms of the payment or donation or, if there are no terms, for costs and expenses for the implementation of crime victims compensation.

State Penitentiary land fund - Section 4 provides that \$82,500 included in the Youth Correctional Center line item is from the State Penitentiary land fund and shall be used by the department for capital projects at the Youth Correctional Center.

Legislative intent - County contract housing state female inmates - Section 5 was added providing a statement of legislative intent that the state contract with county facilities to house state female inmates during the 2003-05 biennium, with the continuation of the contracting subject to the results of the study in Section 6, and that the department and the county jails contracting to house state female inmates shall report to the fall 2003 and the summer 2004 meetings of the Budget Section.

Legislative Council study of contract housing for female inmates - Section 6 was added providing for a Legislative Council study of the long-term needs of all state inmates and whether the department should continue to contract to house state female inmates with county jails or expand the state prison system.

Transfer of land and buildings - Exemption from NDCC Chapters 48-01.1 and 54-44.7 - Section 7 was added providing that the ownership of the food service building, the dining facility and attached building 18A, the laundry building, and buildings 8 and 50 on the grounds of the State Hospital be transferred to the Department of Corrections and Rehabilitation. The department is not subject to the provisions of NDCC Chapters 48-01.1 and 54-44.7 relating to public improvement contract bids and architect, engineer, and land surveying services for construction and renovation relating to the nurses' building, food service building, the dining facility and attached building 18A, laundry building, and building 8.

Performance audit - Section 8 was added providing that the State Auditor consider conducting a performance audit of the Department of Corrections and Rehabilitation.

Female inmates in grade 1 correctional facilities - Section 9 was added creating a new section to NDCC Chapter 12-44.1 to allow a grade 1 correctional facility that has a contract with the Department of Corrections and Rehabilitation to confine female inmates who have been sentenced to the legal and physical custody of the department for more than one year in accordance with the terms of the contract. This section expires June 30, 2005.

Related Legislation

Bonding for capital projects - House Bill No. 1023 provides an appropriation to the Department of Corrections and Rehabilitation for the James River Correctional Center Phase II (\$2,662,890) and the Missouri River Correctional Center energy improvement project (\$105,326) and authorizes the Industrial Commission to issue and sell evidences of indebtedness for the capital projects.

Contract to house female inmates in county jails - House Bill No. 1271 provides that the director of the Department of Corrections and Rehabilitation shall contract with a county for the housing of female inmates in the county jail if there is no qualified state facility available, to the extent space is available in the county jail.

Information technology positions transfer - House Bill No. 1505 provides for 2 FTE positions relating to information technology services, including electronic mail, file and print server administration, data base administration, storage, application server, and hosting services to be reduced from the Department of Corrections and Rehabilitation and transferred to the Information Technology Department.

Special funds transfer - Section 2 of House Bill No. 1505 authorizes the Office of Management and Budget to transfer \$24,567 of special funds reduced from the Department of Corrections and Rehabilitation's information technology budget to the Information Technology Department for funding a portion of the Information Technology Department's operating budget.

Correctional officer participation in the defined benefit retirement plan - Senate Bill No. 2033 provides that peace officers and correctional officers employed by political subdivisions may participate in the defined benefit retirement plan.

Probationer violation transportation fund appropriation - Senate Bill No. 2339 provides an appropriation of \$165,000 to the department from the probationer violation transportation fund for the costs of returning probationers to the state who violate their conditions of supervision and provides for interstate transfer or travel of probationers.