

Department of Corrections and Rehabilitation
Budget No. 530
Senate Bill Nos. 2015, 2023, 2341, House Bill Nos. 1050, 1069, 1408

	FTE Positions	General Fund	Other Funds	Total
2005-07 executive budget (bills as introduced)	675.28	\$101,188,393	\$31,736,926	\$132,925,319
2005-07 legislative appropriations	677.28	101,135,684	27,765,147	128,900,831
Legislative increase (decrease) to executive budget	2.00	(\$52,709)	(\$3,971,779)	(\$4,024,488)
Legislative increase (decrease) to 2003-05 appropriations	33.10	\$17,666,905 ¹	(\$4,814,940)	\$12,851,965 ¹

¹The 2003-05 biennium appropriations reflect \$1,732,168 of general fund deficiency appropriations approved by the 2005 Legislative Assembly in House Bill No. 1024.

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

Salaries and Wages

The legislative action affecting the recommended appropriation for the Department of Corrections and Rehabilitation is in accordance with legislative salary and fringe benefits guidelines as contained in House Bill No. 1050.

	Major Items FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Provided funding in House Bill No. 1069 for the cost of paying military service retirement credit for veterans		\$29,778	\$3,053	\$32,831
Increased funding for the salary equity pool for the department to provide salary equity adjustments for all the department's employees. This increase is in addition to the \$1 million salary equity pool for correctional officers provided in the executive recommendation.		500,000		500,000
Juvenile Services Division Changes				
Added funding for state employee salary increases		33,193	8,645	41,838
Reduced funding recommended in the executive budget for state employee health insurance premiums from \$559.15 to \$553.95 per month per policy		(13,459)	(2,399)	(15,858)
Reduced funding for extraordinary repairs for the Youth Correctional Center		(30,000)		(30,000)
Reduced funding for equipment over \$5,000 for the Youth Correctional Center to reduce funding for the purchase of security beds from \$36,777 to \$16,777		(20,000)		(20,000)
Reduced funding for operating expenses for Juvenile Community		(50,000)		(50,000)

Services (\$26,200) and the Youth Correctional Center (\$23,800)			
Reduced funding for pharmacy services for the Youth Correctional Center due to the addition of a pharmacy technician position at the State Penitentiary to replace contract technicians and provide pharmacy services for the Youth Correctional Center, resulting in pharmacy cost-savings for the Youth Correctional Center (see Adult Services Division Changes below for the effect on the Prisons Division)		(25,000)	(25,000)
Adult Services Division Changes			
Added funding for state employee salary increases		195,886	13,822
			209,708
Reduced funding recommended in the executive budget for state employee health insurance premiums from \$559.15 to \$553.95 per month per policy		(59,838)	(4,800)
			(64,638)
Removed 2.5 new FTE positions and related salaries for sexual offender treatment from the Prisons Division	(2.50)	(256,675)	(256,675)
Reduced general fund support for the Field Services Division by removing the increase in general fund support that was provided in the executive recommendation related to the reduction or elimination of various federal grants		(226,748)	(226,748)
Reduced funding for inmate contract housing		(200,000)	(200,000)
Added special funds from the State Hospital and 3 FTE positions to the Field Services Division for community commitment supervision	3.00		427,410
			427,410
Replaced general fund appropriation with special funds from supervision fees related to increasing the monthly supervision fee from \$36 to \$40 per offender		(205,000)	205,000
			0
Reduced funding for payments to the Bismarck Transition Center		(150,000)	(150,000)
Reduced funding for extraordinary repairs for the Prisons Division from \$722,500 to \$500,000		(222,000)	(222,000)
Reduced funding for equipment over \$5,000 for the Prisons Division from \$188,615 to \$150,615		(38,000)	(38,000)
Added 1 FTE pharmacy technician position at the State Penitentiary to replace contracting with 3 pharmacy technicians and to provide pharmacy services for the Youth Correctional Center (see Juvenile Services Division Changes above for the effect on the Youth Correctional Center)	1.00	19,299	19,299
Removed spending authority of Roughrider Industries for the			(2,600,000)
			(2,600,000)

purchase of raw material necessary for a general issue of license plates, as funding for a new issue was not included in the Department of Transportation appropriation

Removed capital asset funding from Senate Bill No. 2023 for a multipurpose building that would have replaced the current dining building at the Missouri River Correctional Center

Provided funding in House Bill No. 1408 for the Department of Corrections and Rehabilitation to reimburse a nonprofit, faith-based organization in North Dakota for room and board costs associated with an extended residential care program in northwestern North Dakota for indigent adults with alcohol or other substance abuse issues

Provided funding in Senate Bill No. 2341 to the Department of Corrections and Rehabilitation Field Services Division for funding the mandatory drug treatment pilot project

Total

(2,022,510) (2,022,510)

150,000 150,000

0.50 515,855 515,855

2.00 (\$52,709) (\$3,971,779) (\$4,024,488)

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			
Administrative assistant II	5.10	5.10	
Parole and probation officer II	2.00	2.00	
Community corrections agent I	0.50	0.50	
Community corrections agent II	2.00	2.00	
Parole and probation program manager	1.00	1.00	
Community commitment supervision		3.00	3.00
Program manager		0.50	0.50
Prisons Division			
Dentist	1.00	1.00	
Dental assistant	1.00	1.00	
Physician	1.00	1.00	
Nurse practitioner	1.00	1.00	
Social worker II	4.00	3.00	(1.00)
Addiction counselor II	2.00	2.00	
Human relations counselor	3.00	3.00	
Mental health care specialist II	2.00	2.00	
Correctional unit case manager	3.00	3.00	
Licensed psychologist II	1.00		(1.00)
Administrative assistant II	0.50		(0.50)
Addiction counselor III	1.00	1.00	
Pharmacy technician		1.00	1.00

Total	31.1	33.1	2
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Capital Projects

Project	2005-07 Executive Budget			2005-07 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									
Extraordinary repairs	\$55,000		\$55,000	\$25,000		\$25,000	(\$30,000)		(\$30,000)
Air exchange system in welding shop		\$135,000	135,000		\$135,000	135,000			
Total - Juvenile Services Division	\$55,000	\$135,000	\$190,000	\$25,000	\$135,000	\$160,000	(\$30,000)	\$0	(\$30,000)
Adult Services Division									
Prisons Division									
Extraordinary repairs	\$722,000		\$722,000	\$500,000		\$500,000	(\$222,000)		(\$222,000)
ET building improvements - James River Correctional Center		\$980,000	980,000		\$980,000	980,000			
Programs building code improvements - James River Correctional Center		584,000	584,000		584,000	584,000			
Multipurpose building - Missouri River Correctional Center		2,022,510	2,022,510					(\$2,022,510)	(2,022,510)
Roughrider Industries building - Missouri River Correctional Center		320,000	320,000		320,000	320,000			
Total - Adult Services Division	\$722,000	\$3,906,510	\$4,628,510	\$500,000	\$1,884,000	\$2,384,000	(\$222,000)	(\$2,022,510)	(\$2,244,510)
Total Department of Corrections and Rehabilitation	\$777,000	\$4,041,510	\$4,818,510	\$525,000	\$2,019,000	\$2,544,000	(\$252,000)	(\$2,022,510)	(\$2,274,510)

Inmate Population

The following table summarizes the 2005-07 biennium inmate population projections used to develop the legislative appropriation, the same population estimates used to develop the executive recommendation:

	Male	Female	Total
Fiscal Year 2006			
July	1,237	134	1,371
August	1,243	135	1,378
September	1,249	136	1,385
October	1,256	136	1,392
November	1,262	137	1,399
December	1,268	138	1,406
January	1,275	139	1,414
February	1,281	139	1,420
March	1,287	140	1,427
April	1,294	141	1,435
May	1,300	141	1,441
June	1,307	142	1,449
Fiscal Year 2007			
July	1,313	143	1,456
August	1,320	143	1,463
September	1,327	144	1,471
October	1,333	145	1,478
November	1,340	146	1,486
December	1,347	146	1,493
January	1,353	147	1,500
February	1,360	148	1,508
March	1,367	149	1,516
April	1,374	149	1,523
May	1,381	150	1,531
June	1,388	151	1,539

The following table shows the actual average male and female inmate populations for July 2003 through April 2005, as compared to the legislative population estimates for the 2003-05 biennium:

	Male Inmate Population Estimated vs. Actual			Female Inmate Population Estimated vs. Actual		
	Legislative Estimated Population	Actual Population	Actual Above/(Below) Estimate	Legislative Estimated Population	Actual Population	Actual Above/(Below) Estimate
Fiscal Year 2004						
July	1,013	1,087	74	104	106	2
August	1,017	1,082	65	105	109	4
September	1,020	1,095	75	106	107	1
October	1,023	1,129	106	107	111	4
November	1,027	1,138	111	109	110	1
December	1,030	1,143	113	111	110	(1)
January	1,034	1,148	114	112	114	2
February	1,037	1,160	123	113	115	2
March	1,040	1,168	128	114	118	4
April	1,044	1,173	129	116	121	5
May	1,047	1,173	126	117	125	8
June	1,051	1,166	115	119	126	7
Fiscal Year 2005						
July	1,054	1,171	117	120	127	7
August	1,058	1,178	120	122	127	5
September	1,061	1,167	106	123	129	6
October	1,064	1,181	117	124	131	7
November	1,068	1,196	128	125	141	16
December	1,071	1,191	120	126	135	9
January	1,075	1,205	130	128	131	3
February	1,078	1,216	138	129	135	6
March	1,081	1,221	140	131	139	8
April	1,085	1,232	147	132	144	12
May	1,088			134		
June	1,092			136		

Inmate Contract Housing

The Legislative Assembly reduced funding for inmate contract housing by \$200,000, for a total inmate contract housing appropriation for the 2005-07 biennium of \$8,433,190, a total increase of \$1,864,973 from the 2003-05 biennium appropriation. The executive budget recommendation provided a total of \$8,633,190 for inmate contract housing, consisting of \$7,374,549 for daily housing costs and \$1,258,641 for medical expenses. These amounts represent increases of \$1,225,112 and \$839,861, respectively, from the amounts appropriated for the 2003-05 biennium. This funding is to be used by the department to contract house female inmates at the Dakota Women's Correctional Rehabilitation Center in New England and to house excess male inmates at county jails and private facilities.

The following table shows the actual female inmate contract housing rates at the Dakota Women's Correctional Rehabilitation Center for the 2003-05 biennium, and the estimated female inmate contract housing rates for the 2005-07 biennium, as provided to the Legislative Assembly by the Dakota Women's Correctional Rehabilitation Center based on a population of 100 female inmates:

	2003-05 Biennium	Estimated 2005-07 Biennium		Estimated Increase From 2003-05 Biennium	
		Fiscal Year 2006	Fiscal Year 2007	Fiscal Year 2006	Fiscal Year 2007
Daily housing rates					
Without treatment	\$62.23	\$71.50	\$71.50	\$9.27	\$9.27
With treatment	\$74.23	\$83.50	\$83.50	\$9.27	\$9.27
Orientation	\$74.23	\$84.70	\$84.70	\$10.47	\$10.47
Daily medical rates	\$15.50	\$20.58	\$21.50	\$5.08	\$6.00
Total daily rate without treatment	\$77.73	\$92.08	\$93.00	\$14.35	\$15.27

Total daily rate with treatment	\$89.73	\$104.08	\$105.00	\$14.35	\$15.27
Total daily rate for orientation	\$89.73	\$105.28	\$106.20	\$15.55	\$16.47

NOTE: Under the 2003-05 contract, the daily medical rate of \$15.50 per inmate for the 2003-05 biennium is deposited into a medical expense account and used to cover female inmate medical expenses at the Dakota Women's Correctional Rehabilitation Center. The center will pay for the first \$50,000 of medical expenses in excess of the amount available in the medical expense account, and the Department of Corrections and Rehabilitation is responsible for any medical expenses above the first \$50,000 covered by the center.

Short-Term Diversion

The executive recommendation for the Department of Corrections and Rehabilitation included placing up to 30 inmates on short-term diversion, which is a program designed to help reduce the need for prison beds by keeping inmates with short-term sentences out of prison. Short-term diversion involves the use of global positioning systems (GPS) and home confinement to manage inmates with short-term sentences outside prison. Inmates on short-term diversion will be supervised by the Field Services Division. The Legislative Assembly added Section 11 to Senate Bill No. 2015 providing a statement of legislative intent that the Department of Corrections and Rehabilitation increase the number of inmates on short-term diversion during the 2005-07 biennium by 15 inmates, from 30 to 45.

Relapse Program

The Legislative Assembly did not change the executive recommendation to provide 3 FTE positions for a 90-day, 13-bed relapse program at the Missouri River Correctional Center. This program's target population will be parole violators that use drugs and alcohol in violation of their parole agreement. The relapse program will focus on the criminogenic risk, criminogenic need, and relapse prevention strategies of those parole violators that have completed a primary treatment program but have failed to the point in the community that they need to be in a structured and supportive correctional setting. The overall program will be based on the cognitive behavioral social learning theory and will work extensively in identifying antisocial thinking processes, behaviors, and attitudes to develop interventions that challenge these criminal beliefs and thinking patterns and reintroduce them to pro-social thinking and behavior patterns. The 3 new FTE positions for this program include 1 FTE licensed addiction counselor II position, 1 FTE human relations counselor position, and 1 FTE correctional counselor position. In addition to the 13 beds at the Missouri River Correctional Center, the department also plans to contract for 17 relapse treatment beds with a private facility.

Assessment Center Program

The Legislative Assembly did not change the executive recommendation to provide \$910,800 for a 30-bed assessment center program. This program will be managed by the Department of Corrections and Rehabilitation and another private or public agency to provide further assessment and evaluation of offenders. The assessment program will provide a thorough assessment for offenders requiring evaluation, stabilization in a controlled environment, and coordinated case management to refer for the treatment of services.

The assessment center was authorized by the 2003 Legislative Assembly to be included with the Tompkins Rehabilitation and Correction Center located on the campus of the State Hospital. However, the department was unable to implement the assessment center at the Tompkins Rehabilitation and Correction Center, because the 30 beds that were anticipated to be used for the assessment center had to be used to house female inmates at the Tompkins Rehabilitation and Correction Center.

Other Sections in Bill

Crime victims restitution and gift fund - Section 4 provides that \$44,000 included in the Field Services line item is from the crime victims restitution and gift fund to be used and disbursed by the department in accordance with the terms of the payment or donation or, if there are no terms, for the costs and expenses for the implementation of crime victims compensation.

State Penitentiary land fund - Section 5 provides that \$135,000 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.

Probationer violation transportation fund - Section 6 provides that \$165,000 included in the Field Services line item is from the probationer violation transportation fund and shall be used by the department for defraying the costs of returning to the state probationers who violate their conditions of supervision.

Female inmates in Grade 1 correctional facilities - Section 7 was added to create a new section to North Dakota Century Code (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, 2007.

Supervision fees - Section 8 was added to amend subsection 2 of NDCC Section 12.1-32-07 to change the monthly offender supervision fees from \$36 to \$40 per offender.

Legislative intent - Section 9 was added to provide a statement of legislative intent that future composite schedules for teacher salaries prepared by the Office of Management and Budget Human Resource Management Services Division be developed to base pay increases on the salaries of all teachers who teach in schools with a combined enrollment of greater than 100 students, excluding the Fargo and West Fargo School Districts. This section was repealed by Section 27 of House Bill No. 1015.

Legislative intent - Section 10 was added to provide a statement of legislative intent that if the Department of Corrections and Rehabilitation can identify \$250,000 of general fund savings within its 2005-07 biennium appropriation, the department may use that savings to provide additional salary equity adjustments for employees in the Field Services Division.

Legislative intent - Section 11 was added to provide a statement of legislative intent that the Department of Corrections and Rehabilitation increase the number of inmates in short-term diversion during the 2005-07 biennium by 15 inmates, from 30 to 45 inmates.

Legislative Council study - Section 12 was added to provide for a Legislative Council study for the development of a strategic plan for the Department of Corrections and Rehabilitation incarceration and correctional facility needs. This section was amended by Section 12 of House Bill No. 1015 to remove subsection 2 of the study which provided for the membership and chairmanship of the committee.

Related Legislation

House Bill No. 1024 provides a deficiency appropriation of \$1,732,168 to the Department of Corrections and Rehabilitation.

House Bill No. 1473 creates a Commission on Alternatives to Incarceration.

Senate Bill No. 2023 authorizes the Industrial Commission, acting as the North Dakota Building Authority, to issue bonds for capital projects, including ET building improvements at the James River Correctional Center (total project cost of \$980,000) and programs building code improvements at the James River Correctional Center (total project cost of \$584,000).