

**Department of Corrections and Rehabilitation
Budget 530
Senate Bill Nos. 2015, 2030, 2355**

	FTE Positions	General Fund	Other Funds	Total
2009-11 legislative appropriation	735.29	\$167,140,829 ¹	\$71,511,745	\$238,652,574
2007-09 legislative appropriation	<u>711.29</u>	<u>173,068,262</u>	<u>24,129,489</u>	<u>197,197,751</u>
2009-11 appropriation increase (decrease) to 2007-09 appropriation	24.00	(\$5,927,433)	\$47,382,256	\$41,454,823

¹This amount includes \$21,433,823 of one-time funding. Excluding this amount, the agency's ongoing general fund appropriation is \$145,707,006.

NOTE: The 2009-11 legislative appropriation amounts include \$3,050,000 from the general fund for the agency's share of the \$16 million funding pool appropriated to the Office of Management and Budget (OMB) for special market equity adjustments for executive branch employees.

Item Description

One-time funding - The Legislative Assembly identified \$1,969,019 from the general fund as one-time funding, of which \$1,372,519 is for deferred maintenance and \$595,500 is for equipment. In Senate Bill No. 2030, the Legislative Assembly appropriated \$19,465,804 from the general fund and \$44,534,196 from other funds for a prison expansion project which is considered to be one-time funding. These amounts are not to be considered part of the agency's base budget for preparing the 2011-13 executive budget, and the Department of Corrections and Rehabilitation is to report to the Appropriations Committees during the 2011 legislative session on the use of this funding.

Prison facility project - In Senate Bill No. 2030, the Legislative Assembly provided an appropriation of \$64 million, of which \$19,465,804 is from the general fund and \$44,534,196 is from the State Penitentiary land fund, to the Department of Corrections and Rehabilitation for completing the renovation and expansion project at the State Penitentiary.

Federal fiscal stimulus funding - The Legislative Assembly appropriated \$1,039,856 of federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 to the Department of Corrections and Rehabilitation for a summer replacement boiler (\$225,041), energy management system conversion (\$18,928), heating and cooling equipment replacement (\$15,574), temporary housing of sexual offenders (\$160,000), crime victims assistance (\$542,000), and crime victims compensation (\$78,313). The Department of Corrections and Rehabilitation may seek Emergency Commission and Budget Section approval for authority to spend

Status/Result

The following is a summary of the status of the Department of Corrections and Rehabilitation's one-time funding:

Deferred maintenance	The department has completed a street lighting project at the Youth Correctional Center and the Penitentiary energy management system conversion project and anticipates completing or starting other projects throughout the remainder of the biennium.
Equipment	The department has spent approximately \$55,179 on equipment and anticipates spending the remaining funds throughout the remainder of the biennium.
Prison facility project	See Prison facility project section below

The department anticipates the project to be completed in five bid phases. The first two bid phases for moving the warehouse and repairing the gymnasium roof at the Penitentiary were issued in April 2010. The bid phase for site preparation and utility work was issued in May 2010. The bid phase for precast cells will be issued in June 2010, and the bid phase for new construction precast cell placement was issued in October 2010. The department anticipates occupying the new facility by December 2012.

The department received federal fiscal stimulus funding of \$542,000 for crime victims assistance and \$78,313 for crime victims compensation. The department does not anticipate receiving federal fiscal stimulus funding for the remaining projects. For additional information on these projects, see the **Contingent funding - Programs and projects** section below.

any additional federal funds received under the American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated. This amount is not to be considered part of the agency's base budget for the 2011-13 biennium. Any program expenditures made with these funds will not be replaced with state funds after the American Recovery and Reinvestment Act of 2009 funds are no longer available.

Contingent funding - Programs and projects - The Legislative Assembly provided funding of \$419,743 from the general fund for a summer replacement boiler (\$225,041), conversion of the Penitentiary energy management system from analog to digital (\$18,928), heating and cooling system replacement (\$15,774), and temporary housing for sexual offenders (\$160,000) if federal fiscal stimulus funding is not available for these purposes.

Contingent funding - Missouri River Correctional Center repairs - The Legislative Assembly provided funding of \$93,592 from the general fund for roof repairs for the dining and kitchen area at the Missouri River Correctional Center which may be spent only to the extent the correctional center is not relocated to the State Penitentiary as part of the prison expansion project.

Inmate contract housing - The Legislative Assembly provided \$36,566,381, of which \$33,615,786 is from the general fund, to house female inmates at the Dakota Women's Correctional and Rehabilitation Center in New England (\$8,638,154) and to house male inmates at the Missouri River Correctional Center, county jails, and private facilities (\$27,928,227).

Salary equity distributions - The Department of Corrections and Rehabilitation received an allocation of \$3,050,000 from the general fund from the state employee salary equity pool for the 2009-11 biennium.

The department did not receive federal fiscal stimulus funding for the identified programs and projects; therefore, the department will use the contingent general fund appropriation for these purposes.

The Legislative Assembly did not include funding for the relocation of the Missouri River Correctional Center to the State Penitentiary site during the 2009-11 biennium. The department has begun the roof repair project for the correctional center's dining and kitchen area.

As of April 30, 2010, the Department of Corrections and Rehabilitation has spent \$3.6 million for housing female inmates at the Dakota Women's Correctional and Rehabilitation Center in New England and \$620,496 to house excess male inmates at county jails. For the 2009-11 biennium, the department is making 24 equal payments based on the appropriated amount to the Dakota Women's Correctional and Rehabilitation Center for female inmate housing; therefore, actual expenditures will equal the appropriation. The department anticipates spending the entire \$27,928,227 to house inmates at the Missouri River Correctional Center, county jails, and private facilities during the 2009-11 biennium.

The table below provides information relating to the salary equity adjustments at the Department of Corrections and Rehabilitation:

	Salary	Benefits	Total
Juvenile services			
Division administration	\$3,407	\$401	\$3,808
Youth Correctional Center	305,455	51,991	357,446
Community services	100,820	17,047	117,867
Department administration - Juvenile	57,961	8,984	66,945
Total juvenile services	\$467,643	\$78,423	\$546,066
Adult services			
Division administration	\$28,272	\$3,093	\$31,365
Parole and probation	361,491	58,594	420,085
Transitional planning	38,801	5,630	44,431

Maximum security facility	544,580	98,114	642,694
Medium security facility	493,409	90,311	583,720
Transitional facilities	143,184	23,793	166,977
Treatment and programming	145,016	21,756	166,772
Industries and education	39,378	5,844	45,222
Women's services	5,758	777	6,535
Department administration - Adult	344,440	51,691	396,131
Total adult services	\$2,144,329	\$359,603	\$2,503,932
Total	\$2,611,972	\$438,026	\$3,049,998

As of April 16, 2010, all new FTE positions have been filled and all authorized conversions from temporary to FTE positions have been completed.

FTE changes - The 2009-11 biennium appropriation includes funding for 735.29 FTE positions, an increase of 24 FTE positions from the 2007-09 biennium authorized level of 711.29 FTE positions. The following table summarizes FTE position changes included in the 2009-11 legislative appropriation:

Position	Legislative Appropriation FTE Changes
Youth Services Division	
Mental illness coordinator	1.00
Addiction counselor	1.00
Registered nurse (converted from temporary)	1.00
Security officer (converted from temporary)	1.00
Adult Services Division	
Parole and probation officer II	
Storekeeper	
Training officer	
Correctional officer	1.00
Correctional officer (converted from temporary)	4.00
Correctional trainee (converted from temporary)	10.00
Instructor (converted from temporary)	2.00
Administrative assistant (converted from temporary)	1.00
Registered nurse (converted from temporary)	1.00
Data processing coordinator (converted from temporary)	1.00
Total	24.00

Community service supervision - The Legislative Assembly in 2009 Senate Bill No. 2028 amended North Dakota Century Code Section 29-26-22 to require courts to impose upon each defendant who receives a sentence that includes community service a community service supervision fee of \$25 rather than \$50. The community service supervision fee must be deposited in the community service supervision fund and be used for matching grants to community service supervision providers. The Legislative Assembly provided an appropriation of \$62,500 from the community service supervision fund to the Department of Corrections and Rehabilitation in Senate Bill No. 2015. The Legislative Assembly also provided an

The department will provide up to \$62,500 to the North Dakota Community Corrections Association using semiannual payments. The association will distribute the funds to the 13 North Dakota Community Corrections Association regions.

appropriation of \$375,000 from the general fund to OMB in 2009 Senate Bill No. 2178 for community service supervision grants and directed the grant funds be distributed on an annual basis on August 1 of each year of the 2009-11 biennium.

Inmate populations - The following table summarizes the 2009-11 biennium inmate population projections used to develop the legislative appropriation. The same population estimates were also used in the development of the executive recommendation:

	Male	Female	Total
Fiscal year 2010			
July	1,329	161	1,490
August	1,331	161	1,492
September	1,333	161	1,494
October	1,336	161	1,497
November	1,338	162	1,500
December	1,340	162	1,502
January	1,342	162	1,504
February	1,344	163	1,507
March	1,347	163	1,510
April	1,349	163	1,512
May	1,351	163	1,514
June	1,353	164	1,517
Fiscal year 2011			
July	1,355	164	1,519
August	1,358	164	1,522
September	1,360	165	1,525
October	1,362	165	1,527
November	1,364	165	1,529
December	1,367	165	1,532
January	1,369	166	1,535
February	1,371	166	1,537
March	1,373	166	1,539
April	1,375	167	1,542
May	1,378	167	1,545
June	1,380	167	1,547

The actual male inmate population has been less than estimated while the female inmate population has been more than estimated. The tables below show the actual monthly average inmate populations compared to the estimated populations for the period July 2009 through April 2010:

	Male Inmate Population Estimated v. Actual		
	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate
Fiscal year 2010			
July	1,329	1,263	(66)
August	1,331	1,265	(66)
September	1,333	1,281	(52)
October	1,336	1,292	(44)
November	1,338	1,291	(47)
December	1,340	1,314	(26)
January	1,342	1,336	(6)
February	1,344	1,331	(13)
March	1,347	1,332	(15)
April	1,349	1,330	(19)

	Female Inmate Population Estimated v. Actual		
	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate
Fiscal year 2010			
July	161	164	3
August	161	157	(4)
September	161	156	(5)
October	161	157	(4)
November	162	158	(4)
December	162	169	7
January	162	172	10
February	163	176	13
March	163	175	12
April	163	173	10