

**Department of Corrections and Rehabilitation  
Budget No. 530  
House Bill No. 1015**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2011-13 executive budget (bills as introduced)	802.29	\$161,604,273	\$30,506,150	\$192,110,423
<b>2011-13 legislative appropriations</b>	<b>794.29</b>	<b>159,565,919</b>	<b>31,606,150</b>	<b>191,172,069</b>
Legislative increase (decrease) to executive budget	(8.00)	(\$2,038,354)	\$1,100,000	(\$938,354)
Legislative increase (decrease) to 2009-11 appropriations	59.00	(\$7,574,910)	(\$39,905,595)	(\$47,480,505)

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

	<b>Ongoing General Fund Appropriation</b>	<b>One-Time General Fund Appropriation</b>	<b>Total General Fund Appropriation</b>
2009-11 legislative appropriations	\$145,707,006	\$21,433,823	\$167,140,829
<b>2011-13 legislative appropriations</b>	<b>157,901,861</b>	<b>1,664,058</b>	<b>159,565,919</b>
2011-13 legislative increase (decrease) to 2009-11 appropriations	\$12,194,855	(\$19,769,765)	(\$7,574,910)
Percentage increase (decrease) to 2009-11 appropriations	8.4%	(92.2%)	(4.5%)
2011-13 legislative increase (decrease) to executive budget	(\$1,636,904)	(\$401,450)	(\$2,038,354)
Percentage increase (decrease) to executive budget	(1.0%)	(19.4%)	(1.3%)

**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. 2015.

	<b>Major Items FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
The legislative action:				
<b>Adult Services Division</b>				
Removed the following new FTE positions and related operating expenses recommended in the executive budget:	(8.00)	(\$300,994)		(\$300,994)
<ul style="list-style-type: none"> <li>• 3 FTE health care orderly positions (\$101,847).</li> <li>• 2 FTE correctional officer positions (\$80,898).</li> <li>• 1 FTE dental assistant position (\$33,949).</li> <li>• 1 FTE training officer position (\$47,645).</li> <li>• 1 FTE administrative assistant position (\$36,655).</li> </ul>				

Reduced funding for equipment.	(158,200)		(158,200)
Reduced funding for extraordinary repairs at James River Correctional Center.	(198,250)		(198,250)
Removed funding for extraordinary repairs at Missouri River Correctional Center.	(45,000)		(45,000)
Reduced funding for contract treatment, transitional, and overflow housing.	(780,000)		(780,000)
Reduced funding for contract housing for female inmates.	(400,000)		(400,000)
Reduced funding for operating expenses.	(120,910)		(120,910)
Reduced funding for professional development.	(35,000)		(35,000)
Provided borrowing authority to defray expenses of the prison expansion project (see <b>Prison Facility Project</b> section below).		\$1,100,000	1,100,000
<b>Total</b>	<u>(8.00)</u>	<u>(\$2,038,354)</u>	<u>\$1,100,000</u>
			<u>(\$938,354)</u>

#### FTE Changes

The 2011-13 biennium appropriation includes funding for 794.29 FTE positions, an increase of 59 FTE positions from the 2009-11 biennium authorized level of 735.29 FTE positions and a decrease of 8 FTE positions from the 2011-13 executive recommendation of 802.29 FTE positions. The following table summarizes FTE position changes included in the 2011-13 executive budget and the legislative appropriation:

Position	Executive Budget Recommended FTE Changes	Legislative Appropriation FTE Changes	Legislative Appropriation Increase (Decrease) From Executive Budget
Adult Services Division			
Correctional officer II	41.00	39.00	(2.00)
Health care orderlies	7.00	4.00	(3.00)
Correctional caseworker	5.00	5.00	
Industries specialist	3.00	3.00	
Correctional unit manager	2.00	2.00	
Registered nurse II	1.50	1.50	
Correctional supervisor II	1.00	1.00	
Administrative assistant	1.00		(1.00)
Dental assistant	1.00		(1.00)
Training officer	1.00		(1.00)
Storekeeper	1.00	1.00	
Systems mechanic II	1.00	1.00	
Food service director	1.00	1.00	
Registered pharmacy technician	.50	.50	
<b>Total</b>	<b>67.00</b>	<b>59.00</b>	<b>(8.00)</b>

#### One-Time Funding

In Section 2 of House Bill No. 1015, the Legislative Assembly identified \$1,664,058 from the general fund as one-time funding, of which \$617,968 is for capital projects, \$741,490 is for extraordinary repairs, and \$304,600 is for equipment. These amounts are not to be considered part of the agency's base budget for preparing the 2013-15 executive budget, and the Department of Corrections and Rehabilitation is to report to the Appropriations Committees during the 2013 legislative session on the use of this funding.

**Capital Projects and Extraordinary Repairs**

Project	2011-13 Executive Budget			2011-13 Legislative Appropriation			Legislative Appropriation Increase (Decrease)		
	General Fund	Other Funds	Total	General Fund	Other Funds	Total	General Fund	Other Funds	Total
Youth Services Division									
Youth Correctional Center									
Utility tunnel roof and roadway improvements	\$43,328		\$43,328	\$43,328		\$43,328			
Repairs and maintenance	319,500		319,500	319,500		319,500			
Total - Youth Services Division	\$362,828		\$362,828	\$362,828		\$362,828			
Adult Services Division									
Prisons Division									
Penitentiary repairs and maintenance	\$173,940		\$173,940	\$173,940		\$173,940			
James River Correctional Center ET building cabinet unit ventilator	574,640		574,640	574,640		574,640			
James River Correctional Center repairs and maintenance	446,300		446,300	248,050		248,050	(\$198,250)		(\$198,250)
Missouri River Correctional Center repairs and maintenance	45,000		45,000				(45,000)		(45,000)
Total - Adult Services Division	\$1,239,880		\$1,239,880	\$996,630		\$996,630	(\$243,250)		(\$243,250)
Total Department of Corrections and Rehabilitation	\$1,602,708		\$1,602,708	\$1,359,458		\$1,359,458	(\$243,250)		(\$243,250)

**Inmate Population**

The following table summarizes the 2011-13 biennium inmate population projections used to develop the legislative appropriation--the same population estimates were used to develop the executive recommendation:

	Male	Female	Total
Fiscal year 2012			
July	1,369	182	1,551
August	1,371	183	1,554
September	1,373	183	1,556
October	1,376	183	1,559
November	1,378	184	1,562
December	1,380	184	1,564
January	1,382	184	1,566
February	1,385	185	1,570
March	1,387	185	1,572
April	1,389	185	1,574
May	1,391	185	1,576
June	1,394	186	1,580
Fiscal year 2013			
July	1,396	186	1,582
August	1,398	186	1,584
September	1,400	187	1,587
October	1,403	187	1,590
November	1,405	187	1,592
December	1,407	188	1,595
January	1,409	188	1,597
February	1,412	188	1,600
March	1,414	189	1,603
April	1,416	189	1,605
May	1,418	189	1,607
June	1,420	190	1,610

The following table shows the actual average male and female inmate populations for July 2009 through April 2011 as compared to the legislative population estimates for the 2009-11 biennium:

	Male Inmate Population Estimated v. Actual			Female Inmate Population Estimated v. Actual		
	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate
Fiscal year 2010						
July	1,329	1,263	(66)	161	164	3
August	1,331	1,265	(66)	161	157	(4)
September	1,333	1,281	(52)	161	156	(5)
October	1,336	1,292	(44)	161	157	(4)
November	1,338	1,291	(47)	162	158	(4)
December	1,340	1,314	(26)	162	169	7
January	1,342	1,336	(6)	162	172	10
February	1,344	1,331	(13)	163	176	13
March	1,347	1,332	(15)	163	175	12
April	1,349	1,340	(9)	163	173	10
May	1,351	1,353	2	163	177	14
June	1,353	1,338	(15)	164	176	12
Fiscal year 2011						
July	1,355	1,317	(38)	164	178	14
August	1,358	1,302	(56)	164	177	13
September	1,360	1,294	(66)	165	170	5
October	1,362	1,316	(46)	165	169	4
November	1,364	1,313	(51)	165	170	5
December	1,367	1,310	(57)	165	174	9
January	1,369	1,312	(57)	166	178	12
February	1,371	1,310	(61)	166	177	11
March	1,373	1,307	(66)	166	170	4
April	1,375	1,294	(81)	167	168	1
May	1,378			167		
June	1,380			167		

#### Male Inmate Contract Housing

The Legislative Assembly provided \$27,584,656 for contract housing and transitional facilities for male inmates, an increase of \$816,501 from the 2009-11 biennium appropriation. This amount includes \$25,506,683 from the general fund and \$2,077,973 of special funds. This funding is to be used to house male inmates at the Missouri River Correctional Center, county jails, and private facilities.

#### Dakota Women's Correctional and Rehabilitation Center

The Legislative Assembly provided \$8,458,683 from the general fund for a contract to house female inmates at the Dakota Women's Correctional and Rehabilitation Center in New England, the same as the 2009-11 biennium appropriation.

#### Prison Facility Project

The 2009 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. Funding from the State Penitentiary land fund was to include interest income earned on money in the fund. Due to the Department of Corrections and Rehabilitation anticipating interest income on money in the State Penitentiary land fund to be \$1.5 million less than projected due to lower than anticipated interest rates, the 2011 Legislative Assembly authorized the Department of Corrections and Rehabilitation to borrow up to \$1.1 million from the Bank of North Dakota for the purpose of defraying the expenses of the Penitentiary project during the 2011-13 biennium.

#### **Other Sections in Bill**

**Borrowing authority - Report to Budget Section** - Section 3 authorizes the Department of Corrections and Rehabilitation to borrow up to \$1.1 million from the Bank of North Dakota for the purpose of defraying the expenses of the prison expansion project during the 2011-13 biennium. Section 5 requires the department to report quarterly to the Budget Section regarding the progress of the prison expansion project, including any amounts borrowed from the Bank pursuant to Section 3 and the use of the loan proceeds.

**Female housing contract** - Section 4 provides that the Department of Corrections and Rehabilitation contract with an organization to house women inmates sentenced to the department for the biennium beginning July 1, 2011, and ending June 30, 2013. At the conclusion of the 2011-13 biennium, if the agreed-upon contract amount differs from the actual expenditures of the organization for the biennium beginning July 1, 2011, and ending June 30, 2013, the variance must be disclosed and reported to the Department of Corrections and Rehabilitation.

**FTE positions** - Section 6 provides legislative intent that the Department of Corrections and Rehabilitation not fill any of the 47 new FTE positions for the State Penitentiary expansion project prior to 90 days before the estimated completion date of the project.

#### **Related Legislation**

**Senate Bill No. 2190** amends North Dakota Century Code Section 12-59-20 to provide that probation and parole officers may supervise sexually dangerous individuals released to community placement on an outpatient basis. The bill also adds a subsection to Section 54-23.3-04 to provide that the director of the Department of Corrections and Rehabilitation is to employ personnel and establish policies and procedures to supervise sexually dangerous individuals released to community placement on an outpatient basis.