

Department 530 - Department of Corrections and Rehabilitation
House Bill No. 1015

First Chamber Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 First Chamber Version	\$285,242,049	\$218,004,391	\$503,246,440
2023-25 Base Level	217,859,809	64,865,627	282,725,436
Increase (Decrease)	\$67,382,240	\$153,138,764	\$220,521,004

First Chamber Changes

A summary of the first chamber's changes to the agency's base level appropriations and the executive budget is attached as an appendix.

Selected Bill Sections Included in the First Chamber Version

Operating fund authority - Section 3 provides authority for the Department of Corrections and Rehabilitation (DOCR) to deposit in and spend from its operating fund pursuant to legislative appropriation any money received from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from the DOCR commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the Youth Correctional Center (YCC) permanent fund.

Strategic investment and improvements fund - Section 4 provides that \$165,057,000, including \$2,307,000 for information technology (IT) projects, \$161,200,000 for the Heart River Correctional Center project, and \$1,550,000 for a new James River Correctional Center maintenance shop, is from the strategic investment and improvements fund (SIIF).

Heart River Correctional Center facility - Section 5 provides for legislative membership on a steering committee for the design and construction of the new Heart River Correctional Center (HRCC) facility.

Exemption - Community behavioral health program - Section 6 provides that any unexpended general fund appropriation authority relating to the \$8 million appropriated for the community behavioral health program for the 2021-23 biennium is not subject to the provisions of North Dakota Century Code Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Exemption - Deferred maintenance and extraordinary repairs - Section 7 provides that any unexpended general fund appropriation authority relating to the \$6 million continued in Section 9 of Chapter 43 of the 2021 Session Laws for deferred maintenance and extraordinary repairs for the 2021-23 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Exemption - American Rescue Plan Act - Section 8 provides any unexpended federal funds appropriation authority relating to the allocation to DOCR from the \$10 million appropriated to the Office of Management and Budget for deferred maintenance in subsection 10 of Section 1 of Chapter 550 of the 2021 Special Session Session Laws is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Continuing Appropriations

There are no continuing appropriations for this agency.

Deficiency Appropriations

There are no deficiency appropriations for this agency.

Significant Audit Findings

There were no significant audit findings for this agency.

Major Related Legislation

House Bill No. 1013 - Permanent funds distributions - Provides a distribution of \$2,662,000 to YCC from a permanent fund established for the benefit of the institution.

Senate Bill No. 2026 - Appropriates \$5 million from the general fund to the Department of Health and Human Services to demolish unused buildings on the State Hospital campus.

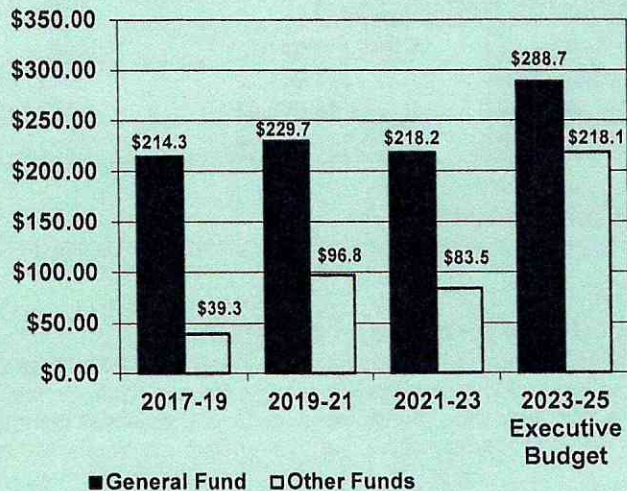
Senate Bill No. 2107 - Provides presumptive minimum sentences for certain criminal offenses.

Senate Bill No. 2248 - Provides a penalty for individuals who cause the death or injury of another person through the distribution of illegal drugs and appropriates \$1.5 million from opioid settlement funds to the Department of Health and Human Services to expand statewide awareness of fentanyl.

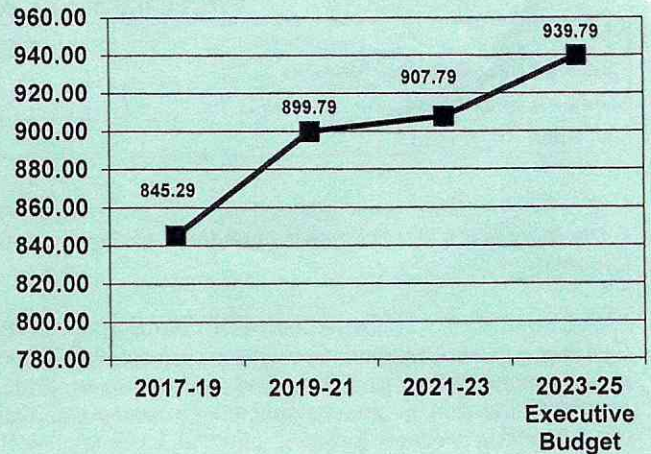
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$203,044,020	\$214,336,704	\$228,286,826	\$217,859,809	\$272,255,726
Increase (decrease) from previous biennium	N/A	\$11,292,684	\$13,950,122	(\$10,427,017)	\$54,395,917
Percentage increase (decrease) from previous biennium	N/A	5.6%	6.5%	(4.6%)	25.0%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	5.6%	12.4%	7.3%	34.1%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

- Added 8 FTE YCC positions to maintain compliance with the federal Prison Rape Elimination Act \$1,006,461
- Added funding for a community behavioral health program, including 1 FTE position \$7,000,000
- Reduced funding for salaries and wages and contract housing and programming (\$7,000,000)
- Restored funding for contract housing and programming \$4,715,073
- Adjusted funding for various operating expenses, including food and clothing, medical, travel, utilities, repairs, maintenance, IT, and professional services \$2,364,585

2019-21 Biennium

- Converted 20 temporary correctional officer positions to FTE positions \$326,435
- Added funding for teacher salaries and wages to comply with the Teacher Composite Schedule \$1,357,790
- Adjusts funding and adds 27.5 FTE positions to assume administrative control of the Tompkins Rehabilitation and Corrections Center, including removing \$8.6 million for contract payments to the Department of Human Services (\$3,576,240)
- Added funding to contract with the State Hospital for up to 30 addiction treatment beds \$3,873,750
- Added funding and 7 FTE positions for pretrial services \$755,034
- Added funding to expand juvenile day treatment to five additional school districts, to provide a total of \$1,053,500 for day treatment in nine school districts \$537,500
- Increased funding for the Dakota Women's Correctional and Rehabilitation Center (DWRC) contract to provide a total of \$11,905,311 \$1,143,360
- Increased funding for transitional services at the Bismarck Transition Center \$549,626

2021-23 Biennium

- 1. Added 5 FTE positions and funding to expand pretrial services \$882,352
- 2. Added 9 FTE positions and funding to expand community corrections \$1,216,470
- 3. Added funding to expand the free through recovery program \$1,000,000
- 4. Removed funding for the contract with the Department of Human Services for behavioral health services for women under the supervision of DOCR (\$1,956,000)
- 5. Provided for payroll costs of law enforcement-related employees to be paid from the federal Coronavirus Relief Fund instead of the general fund (\$18,371,718)

2023-25 Biennium (Executive Budget Recommendation)

- 1. Restores funding from the general fund for salaries paid from federal funds during the 2021-23 biennium \$18,371,718
- 2. Increases funding for juvenile contract housing \$1,681,300
- 3. Adds funding to expand the free through recovery program \$8,300,000
- 4. Adds funding for a treatment recovery impact program for 20 females sentenced to DOCR \$1,973,700

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$1,466,167	\$0	\$1,391,250	\$306,000	\$16,469,454

Major One-Time General Fund Appropriations

2017-19 Biennium

No major one-time general fund appropriations \$0

2019-21 Biennium

- 1. Added funding for extraordinary repairs \$876,250
- 2. Added funding for a study of DOCR, including YCC campus infrastructure \$475,000

2021-23 Biennium

Added funding for miscellaneous equipment, including kitchen equipment \$306,000

2023-25 Biennium (Executive Budget Recommendation)

- 1. Adds funding for inflationary costs, including food, medical, clothing, and resident payroll \$3,478,998
- 2. Adds funding for the contract with the DWCR \$2,450,000
- 3. Adds funding for maintenance and extraordinary repairs \$4,000,000

Department of Corrections and Rehabilitation - Budget No. 530
House Bill No. 1015
Base Level Funding Changes

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	907.79	\$217,859,809	\$64,865,627	\$282,725,436	907.79	\$217,859,809	\$64,865,627	\$282,725,436
2023-25 Ongoing Funding Changes		\$3,277,174	\$49,473	\$3,326,647		\$3,277,174	\$49,473	\$3,326,647
Base payroll changes, including \$1,163,549 for the cost to continue 2021-23 biennium salary increases								
Salary increase		10,024,656	526,054	10,550,710		7,495,942	393,933	7,889,875
Health insurance increase		3,940,944	254,632	4,195,576		4,031,602	260,489	4,292,091
Restores funding from the general fund for salaries and wages		18,371,718	(18,371,718)	0		18,371,718	(18,371,718)	0
Converts temporary positions to FTE positions	5.00	80,687		80,687	5.00	80,687		80,687
Adds parole and probation FTE positions	10.00	1,337,928		1,337,928	6.00	802,757		802,757
Adds funding for new parole and probation FTE operating costs		227,168		227,168		136,301		136,301
Adds funding to expand pretrial services to one additional judicial district	7.00	863,444		863,444	4.00	493,397		493,397
Adds funding for new pretrial services FTE operating costs		174,003		174,003		99,430		99,430
Adds funding for additional inmate case managers	8.00	1,031,032		1,031,032	8.00	1,031,032		1,031,032
Adds funding for new case manager FTE operating costs		69,602		69,602		69,602		69,602
Adds funding for HRCC residential treatment positions	2.00	529,624		529,624	2.00	529,624		529,624
Adds funding for a new HRCC behavioral health position	1.00	170,698		170,698	1.00	170,698		170,698
Adds funding for new HRCC FTE operating costs		17,696		17,696		17,696		17,696
Adds a systems mechanic position	1.00	163,558		163,558				0
Adds funding for systems mechanic FTE operating costs		6,332		6,332				0
Provides for IT unification, including the transfer of 2 FTE positions; electronic health records, facility offender management system, and community offender management system support; and a business analyst application manager	(2.00)	924,000		924,000	(2.00)	700,000		700,000
Removes funding for temporary parole and probation salaries		(419,473)		(419,473)				0
Increases funding for teacher salaries to comply with the Teacher Composite Schedule		269,082		269,082		269,082		269,082
Increases funding for IT data processing		2,040,121	11,673	2,051,794		2,040,121	11,673	2,051,794

Adds funding for electronic medical records system maintenance and support	546,700		546,700		546,700
Adds funding for juvenile contract housing program for 20 females	1,681,300		1,681,300		1,681,300
Increases funding for the free through recovery program	1,973,700		1,973,700		1,973,700
Adds funding to expand community behavioral telehealth services statewide	8,300,000		8,300,000		8,300,000
Adds funding for adult education and career readiness programming	1,000,000		1,000,000		1,000,000
Adjusts base budget funding, including reductions to operating fees and services and professional fees and services	306,300		306,300		306,300
Reduces funding for debt service	(2,163,098)	(1,073,666)	(3,236,764)	(1,073,666)	(3,236,764)
Total ongoing funding changes	(348,979)	(8,181)	(357,160)	(8,181)	(357,160)
One-Time Funding Items	32.00	(\$18,611,733)	\$35,784,184	(\$18,737,997)	\$32,174,789
Adds funding for inflationary costs, including food, medical, clothing, and resident payroll	\$3,478,998		\$3,478,998		\$3,478,998
Adds funding for transitional facility contract inflation	2,759,222		2,759,222		2,759,222
Adds funding for the DWCR contract	2,450,000		2,450,000		2,450,000
Adds funding to contract for 16 female beds at the Dickinson Adult Detention Center	1,003,434		1,003,434		1,003,434
Adds funding for staff and resident development and training	100,000		100,000		100,000
Adds funding to contract for a consultant review of the offender management system	757,000		757,000		757,000
Adds funding for 30 new cameras	275,000		275,000		275,000
Adds funding for equipment	1,645,800	\$75,000	1,720,800	\$75,000	1,720,800
Adds funding for maintenance and extraordinary repairs	4,000,000		4,000,000		4,000,000
Adds funding from SIIF for DOCSTARS maintenance		307,000	307,000	307,000	307,000
Adds funding from SIIF for a new HRCC female facility		161,200,000	161,200,000	161,200,000	161,200,000
Adds funding from SIIF for a new James River Correctional Center maintenance shop		1,550,000	1,550,000	1,550,000	1,550,000
Adds funding from SIIF for software		2,000,000	2,000,000	2,000,000	2,000,000
Adds funding for Roughrider Industries (RRI) supplies		4,083,681	4,083,681	4,083,681	4,083,681
Adds funding for RRI equipment		2,019,000	2,019,000	2,019,000	2,019,000
Adds funding for RRI IT costs		642,080	642,080	642,080	642,080
Total one-time funding changes	0.00	\$171,876,761	\$188,346,215	\$171,876,761	\$188,346,215
Total Changes to Base Level Funding	32.00	\$70,865,371	\$224,130,399	\$153,138,764	\$220,521,004
2023-25 Total Funding	939.79	\$288,725,180	\$506,855,835	\$218,004,391	\$503,246,440
<i>Federal funds included in other funds</i>		<i>\$20,183,472</i>		<i>\$20,171,714</i>	
<i>Total ongoing changes as a percentage of base level</i>	<i>3.5%</i>	<i>25.0%</i>	<i>12.7%</i>	<i>2.6%</i>	<i>11.4%</i>
<i>Total changes as a percentage of base level</i>	<i>3.5%</i>	<i>32.5%</i>	<i>79.3%</i>	<i>2.6%</i>	<i>78.0%</i>

Other Sections in Department of Corrections and Rehabilitation - Budget No. 530

Executive Budget Recommendation

Section 4 would provide authority to DOCR to deposit in and spend from its operating fund pursuant to legislative appropriation any money received from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from the DOCR commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the YCC permanent fund.

Section 7 would provide that \$165,057,000, including \$2,307,000 for IT projects, \$161,200,000 for the HRCC project, and \$1,550,000 for a new James River Correctional Center maintenance shop, is from SIIF.

Heart River Correctional Center facility

Section 3 would provide that any unexpended general fund appropriation authority relating to the \$7 million appropriated for the community behavioral health program for the 2021-23 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Exemption - Community behavioral health program

Section 5 would provide that any unexpended general fund appropriation authority relating to the \$6 million continued in Section 9 of Chapter 43 of the 2021 Session Laws for deferred maintenance and extraordinary repairs for the 2021-23 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Exemption - Deferred maintenance and extraordinary repairs

Section 6 would provide any unexpended federal funds appropriation authority relating to the allocation to DOCR from the \$10 million appropriated to the Office of Management and Budget for deferred maintenance in subsection 10 of Section 1 of Chapter 550 of the 2021 Special Session Laws is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Exemption - American Rescue Plan Act

House Version

Section 3 provides authority to DOCR to deposit in and spend from its operating fund pursuant to legislative appropriation any money received from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from the DOCR commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the YCC permanent fund.

Section 4 provides that \$165,057,000, including \$2,307,000 for IT projects, \$161,200,000 for the HRCC project, and \$1,550,000 for a new James River Correctional Center maintenance shop, is from SIIF.

Section 5 provides for legislative membership on a steering committee for the design and construction of the new HRCC facility.

Section 6 provides that any unexpended general fund appropriation authority relating to the \$8 million appropriated for the community behavioral health program for the 2021-23 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Section 7 provides that any unexpended general fund appropriation authority relating to the \$6 million continued in Section 9 of Chapter 43 of the 2021 Session Laws for deferred maintenance and extraordinary repairs for the 2021-23 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.

Section 8 provides any unexpended federal funds appropriation authority relating to the allocation to DOCR from the \$10 million appropriated to the Office of Management and Budget for deferred maintenance in subsection 10 of Section 1 of Chapter 550 of the 2021 Special Session Laws is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2023-25 biennium.