

**Department of Corrections and Rehabilitation
Senate Bill No. 2016**

	FTE Positions	General Fund	Other Funds	Total
2001-03 executive budget (Governor Schafer) (bill as introduced)	638.68	\$84,467,999	\$26,422,619	\$110,890,618
2001-03 legislative appropriations	615.18	76,848,031	25,133,099	101,981,130
Legislative increase (decrease) to executive budget	(23.50)	(\$7,619,968)	(\$1,289,520)	(\$8,909,488)
Legislative increase (decrease) to 1999-2001 appropriations	42.50	\$14,422,202	\$2,070,638	\$16,492,840
2001-03 Governor Hoeven's recommendation	638.68	\$84,467,999	\$26,422,619	\$110,890,618
Legislative increase (decrease) to Governor Hoeven's recommendation	(23.50)	(\$7,619,968)	(\$1,289,520)	(\$8,909,488)

GOVERNOR HOEVEN'S RECOMMENDATIONS

The Hoeven recommendation did not change the Schafer recommendation.

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

Salaries and Wages

The legislative action affecting the recommended appropriation for the Department of Corrections and Rehabilitation (DOCR) is in accordance with legislative salary and fringe benefits guidelines as contained in House Bill No. 1015. In addition to the above appropriations, agencies may receive additional funding from the \$5 million appropriated in Section 1 of House Bill No. 1015 for special market equity adjustments for classified state employees whose salaries are the furthest from their respective salary range midpoints.

The Legislative Assembly also provided the following amounts for salary increases for employees of the Department of Corrections and Rehabilitation:

An appropriation of \$3,831 from the general fund for an equity salary increase of \$182.25 per month for the director effective January 1, 2002.

An appropriation of \$122,068 (\$97,297 from the general fund and \$24,771 from other funds) for salary adjustments in addition to the compensation package to increase salaries to new pay range minimums established by Central Personnel.

An appropriation of \$222,528 from the general fund for salary adjustments, in addition to the compensation package, for correctional officer positions.

An appropriation of \$200,000 from the general fund to increase teacher salaries pursuant to the composite salary schedule developed by Central Personnel (\$291,375 is required to fully fund the salary increases proposed in the teacher composite salary schedule for the 2001-03 biennium).

	Major Items FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Central Office				
Increased funding for a market equity increase for the director to provide adequate funding for the \$182.25 per month increase effective January 1, 2002		\$112		\$112
Reduced funding for temporary salaries		(1,000)		(1,000)
Removed funding for recommended salary increases, in addition to the compensation package, to address equity and salary compression issues within the department		(125,000)		(125,000)
Reduced funding for computer purchases to reflect a budgeted replacement cost of \$1,400 per desktop computer		(6,300)		(6,300)
Reduced funding for computer purchases to reflect the replacement of seven rather than nine desktop computers		(2,800)		(2,800)
Reduced funding for a computer server to reflect a reduction in the budgeted replacement cost from \$14,000 to \$8,000		(6,000)		(6,000)
Total Central Office changes	<u>0.00</u>	<u>(\$140,988)</u>	<u>\$0</u>	<u>(\$140,988)</u>
Juvenile Services Division				
Reduced general fund appropriation authority and added other funds from the State Penitentiary land fund for the installation of fire suppression systems in Brown and Maple Cottages at the Youth Correctional Center		(\$101,000)	\$101,000	
Added funding for anticipated increased costs relating to county reimbursement for the transportation of juvenile offenders (SB 2220)		59,525		\$59,525
Reduced funding for temporary salaries at the Youth Correctional Center as a result of the addition of a 1 FTE security officer I (included in the executive budget)		(29,000)		(29,000)
Reduced funding for temporary salaries for the juvenile community services program as a result of the addition of a 1 FTE administrative assistant I (included in the executive budget)		(12,000)		(12,000)
Reduced funding for operating expenses for the juvenile community services program		(55,000)		(55,000)

Reduced funding for operating expenses at the Youth Correctional Center	(17,500)		(17,500)
Reduced funding for equipment at the Youth Correctional Center	(5,000)		(5,000)
Reduced funding for the summer school program at the Youth Correctional Center to reflect the anticipated cost of the program being less than the amount included in the executive budget	(40,000)		(40,000)
Reduced funding for teacher salary increases, in addition to the compensation package, from \$291,375 to \$200,000. (The \$291,375 amount would have increased teacher salaries pursuant to the composite salary schedule developed by Central Personnel.)	(91,375)		(91,375)
Reduced funding for computer purchases to reflect budgeted replacement costs of \$1,400 per desktop computer and \$1,750 per laptop computer	(18,150)	(25,600)	(43,750)
Reduced funding for computer purchases to reflect the replacement of 36 rather than 50 desktop computers	(7,000)	(12,600)	(19,600)
Total Juvenile Services Division	<u>0.00</u>	<u>\$62,800</u>	<u>(\$253,700)</u>
Adult Services Division			
Reduced funding for the DUI offender treatment program from \$2,139,284 to \$1,600,000 to reflect a reduction in administrative cost allocation charged by the State Hospital	(539,284)		(539,284)
Reduced funding for computer purchases to reflect budgeted replacement costs of \$1,400 per desktop computer and \$1,750 per laptop computer	(28,088)	(\$10,920)	(39,008)
Reduced funding for computer purchases to reflect the replacement of 34 rather than 47 desktop computers	(14,000)	(1,400)	(15,400)
Reduced funding for the seriously mentally ill (SMI) unit at the James River Correctional Center (JRCC) from \$2,437,797 to \$1,093,436 to reflect funding being provided for nine months of the biennium rather than for 22 months as proposed in the executive budget	(1,344,361)		(1,344,361)
Removed capital projects funding as follows:			
Extraordinary repairs	(100,000)		(100,000)

Missouri River Correctional Center (MRCC) - Food service building		(1,983,000)		(1,983,000)
Penitentiary parking lot		(403,118)		(403,118)
Women's unit		(2,320,000)	(1,400,000)	(3,720,000)
Removed funding and FTE positions relating to the operation of the women's unit (included in the executive budget for the last nine months of the biennium)	(22.50)	(1,041,067)		(1,041,067)
Increased funding for contract inmate housing from \$2,452,275 to \$3,553,915, \$1,741,424 more than the 1999-2001 biennium appropriation of \$1,812,491		1,101,640		1,101,640
Increased funding for the compensation of parole board members to reflect an increase in the compensation rate from \$62.50 to \$75 per day		2,550		2,550
Reduced funding for institutional offender services operating expenses		(60,000)		(60,000)
Removed one of the four new parole officer II positions, along with the related operating expenses (included in the executive budget)	(1.00)	(111,127)		(111,127)
Decreased general fund appropriation authority for community offender services and increased other funds to reflect additional supervision fees anticipated to be collected during the 2001-03 biennium		(60,000)	60,000	
Reduced temporary salaries for the community offender services program		(14,000)		(14,000)
Reduced operating expenses for the community offender services program		(257,000)		(257,000)
Increased funding for medical, dental, and optical expenses		30,000		30,000
Added funding for Hepatitis B vaccinations and screening and treatment for other contagious diseases		91,375		91,375
Reduced funding for temporary salaries for the support services program		(8,000)		(8,000)
Reduced funding for equipment for the support services program		(100,000)		(100,000)

Reduced funding for operating expenses for the security and safety program		(5,000)		(5,000)
Total Adult Services Division	<u>(23.50)</u>	<u>(\$7,162,480)</u>	<u>(\$1,352,320)</u>	<u>(\$8,514,800)</u>
Total Department of Corrections and Rehabilitation	<u>(23.50)</u>	<u>(\$7,619,968)</u>	<u>(\$1,289,520)</u>	<u>(\$8,909,488)</u>

FTE Changes

The following table summarizes FTE position changes included in the 2001-03 biennium executive budget and legislative appropriation:

Position	Proposed FTE Changes Included in Executive Budget	FTE Changes Included in Legislative Appropriation	Legislative Increase (Decrease) From Executive Budget
Central Office			
Data processing coordinator I	2.00	2.00	
Human services program administrator V	(1.00)	(1.00)	
Juvenile Services Division			
Security officer I	1.00	1.00	
Administrative assistant I	1.00	1.00	
Adult Services Division			
Parole and probation officer III	2.00	2.00	
Parole and probation officer II	4.00	3.00	(1.00)
Registered nurse II	3.50	3.00	(0.50)
Office assistant II	3.00	2.00	(1.00)
Pharmacist I	1.00	1.00	
Stores clerk	0.50	0.50	
Instructor	1.00	0.00	(1.00)
Licensed psychologist II	1.00	1.00	
Social worker II	3.00	3.00	
Correctional officer II	36.00	21.00	(15.00)
Correctional unit manager	1.00		(1.00)
Correctional unit case manager	1.00		(1.00)
Correctional case worker	3.00		(3.00)
Storekeeper I	1.00	1.00	
Industrial production assistant II	2.00	2.00	
Total	<u>66.00</u>	<u>42.50</u>	<u>(23.50)</u>

Capital Projects

The following table summarizes capital projects included in the 2001-03 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									
Extraordinary repairs	\$65,320		\$65,320	\$65,320		\$65,320			
Fire suppression in Brown and Maple Cottages	101,000		101,000		\$101,000	101,000	(\$101,000)	\$101,000	
Total Juvenile Services	\$166,320		\$166,320	\$65,320	\$101,000	\$166,320	(\$101,000)	\$101,000	\$0
Adult Services Division									
Extraordinary repairs	\$604,270	\$250,000	\$854,270	\$504,270	\$250,000	\$754,270	(\$100,000)		(\$100,000)
Food service/multipurpose building construction - MRCC	1,983,000		1,983,000				(1,983,000)		(1,983,000)
Women's unit construction - JRCC	2,320,000	1,400,000	3,720,000				(2,320,000)	(\$1,400,000)	(3,720,000)
Penitentiary - Parking lot improvements	403,118		403,118				(403,118)		(403,118)
Total Adult Services	\$5,310,388	\$1,650,000	\$6,960,388	\$504,270	\$250,000	\$754,270	(\$4,806,118)	(\$1,400,000)	(\$6,206,118)
Total Department of Corrections and Rehabilitation	\$5,476,708	\$1,650,000	\$7,126,708	\$569,590	\$351,000	\$920,590	(\$4,907,118)	(\$1,299,000)	(\$6,206,118)

Inmate Population

The following table summarizes 2001-03 biennium inmate population projections used to develop the executive recommendation and the legislative appropriation:

Fiscal Year 2002	Estimated Number of Inmates Sentenced to the DOCR	Total Beds Available Including Alternative Programs	Anticipated Inmates in Contract Facilities (County Jails or Out-of-State Facilities)
July	1,118	1,061	57
August	1,125	1,061	64
September	1,132	1,061	71
October	1,139	1,086	53
November	1,146	1,091	55
December	1,154	1,096	58
January	1,161	1,101	60
February	1,167	1,106	61
March	1,175	1,111	64
April	1,181	1,111	70
May	1,189	1,111	78
June	1,196	1,111	85

Fiscal Year 2003			
July	1,203	1,111	92
August	1,210	1,111	99
September	1,217	1,111	106
October	1,224	1,111	113
November	1,231	1,111	120
December	1,238	1,111	127
January	1,245	1,111	134
February	1,252	1,111	141
March	1,259	1,111	148
April	1,266	1,111	155
May	1,273	1,111	162
June	1,280	1,111	169

Contract Inmate Housing

The executive budget recommendation included \$2,452,275 from the general fund for contract inmate housing. The Legislative Assembly increased this funding by \$1,101,640, for a total of \$3,553,915, to reflect additional inmate beds needed as a result of not constructing the women's unit during the 2001-03 biennium. Contract inmate beds are budgeted at the rate of \$45 per day for the first 55 beds and \$50 per day for additional beds. The 1999-2001 biennium appropriation for contract inmate housing was \$1,812,491, \$1,741,424 less than the 2001-03 biennium appropriation.

Seriously Mentally Ill Unit

The executive budget recommendation included \$2,437,797 from the general fund for the establishment and operation of a seriously mentally ill (SMI) unit at the James River Correctional Center for 22 months of the 2001-03 biennium. The Legislative Assembly reduced this funding to \$1,093,436 to provide funding only for the last nine months of the biennium. The SMI unit will occupy 23 cells currently referred to as the Forensic Unit and will be staffed with 28 new FTE positions. The department anticipates using the nine most secure cells for the purpose of housing the most severely mentally ill inmates who may not be allowed to return to the general population. The remaining 14 cells will be used for the "transitional cells" for certain seriously mentally ill inmates who need temporary treatment, evaluation, or medication before their return to the general population.

Drug Court

The Legislative Assembly did not change the executive recommendation to authorize one FTE parole and probation officer III and provide an appropriation of \$239,283 from other funds (parole and probation supervision fees) for the establishment and operation of the South Central Judicial District drug court. The department's budget for the 2001-03 biennium assumes that the drug court program will result in 10 inmates per month receiving treatment services through the program rather than being incarcerated in a state facility or being housed in a contract jail.

Prerelease Center

The Legislative Assembly did not change the executive recommendation to authorize one FTE parole and probation officer III and provide a general fund appropriation of \$1,505,461 for the establishment of a prerelease center. The center will be operated on a contract basis and will house up to 50 inmates who are within six months of release. The center will provide counseling, job skills training, cognitive restructuring, and alcohol and drug abuse treatment services. The department's budget for the 2001-03 biennium assumes that the prerelease program will result in 25 to 45 inmates per month being housed at the prerelease center for the period October 2001 through February 2002 and 50 inmates per month being housed at the prerelease center for the period March 2002 to June 2003. These inmates will be housed in the prerelease center rather than being incarcerated in a state facility or being housed in a contract jail.

Tompkins Rehabilitation and Corrections Unit

The Legislative Assembly did not change the executive recommendation to provide an appropriation of \$1,369,655 (\$1,009,655 from the general fund and \$360,000 from other funds) for the operation of the Tompkins Rehabilitation and Corrections Unit for the 2001-03 biennium. The 2001-03 biennium appropriation is an increase of \$288,455 from the general fund compared to the 1999-2001 biennium. The 1999 Legislative Assembly authorized the program to allow the department to contract with the Stutsman County jail for inmate cells and with the State Hospital for cognitive restructuring, treatment, and other services. The department's budget for the 2001-03 biennium assumes that the Tompkins Rehabilitation and Corrections Unit will result in 40 inmates per month being housed at the unit or through community placement programs operated in conjunction with the Tompkins Rehabilitation and Corrections Unit program, rather than being incarcerated in a state facility or being housed in a contract jail.

DUI Offender Treatment Program

The executive recommendation included \$2,139,284 to allow the department to contract with the State Hospital for the establishment and operation of a DUI offender treatment program. The Legislative Assembly provided a general fund appropriation of \$1,600,000, \$539,284 less than the recommended amount, to reflect a reduction in administrative cost allocation charged by the State Hospital. The program will provide treatment services to DUI offenders with three or more offenses and will have a maximum occupancy of 25 inmates. The department's budget for the 2001-03 biennium assumes that the DUI offender treatment program will result in 25 inmates per month being housed at the State Hospital rather than being incarcerated in a Department of Corrections and Rehabilitation facility or being housed in a contract jail.

Other Sections in Bill

Board of University and School Lands distributions - Section 2 provides that \$502,823 included in the estimated income line item appropriated to the Juvenile Services Division is from the permanent funds managed by the Board of University and School Lands.

Authority to lease land - Section 3 was added providing that the department may lease state land to a private entity for the operation of a prerelease center. Upon expiration of the lease or 20 years after inception of the lease, whichever occurs first, title to the buildings and other improvements reverts to the state.

Legislative study of inmate wages - Section 4 was added providing for a Legislative Council study of issues relating to inmate wages, including the effect that deductions for incarceration costs, facility operation costs, and capital improvement costs have on inmate payments for child support and restitution.

Legislative study of facility needs and operations - Section 5 was added providing for a Legislative Council study of the facilities and operations of the department. This section provides that the study must use the services of a consultant. Section 6 of the bill provides a general fund appropriation of \$200,000 to the Legislative Council for the purpose of contracting with a consultant.

Federal funding reductions - Section 7 was added providing that if federal funding is reduced during the 2001-03 biennium below the level anticipated by the 2001 Legislative Assembly, the department may not supplant the federal funds with general or special funds. The department must also identify any programs included in the 2003-05 biennium budget request for which general or special fund appropriation authority is requested to replace federal funds previously available.

Report on prerelease and DUI offender treatment programs - Section 8 was added directing the department to report to the Appropriations Committees during the 2003 Legislative Assembly regarding the effectiveness of the prerelease and DUI offender treatment programs.

Funding for drug court - Section 9 was added providing legislative intent that the department seek federal funding for the drug court program. If federal funds become available, the department must spend the federal funds in place of the special funds (parole and supervision fees) appropriated for the program; the special funds appropriated for the program must then be used in place of general fund moneys appropriated for other programs.

Compensation of Parole Board members - Section 10 was added amending North Dakota Century Code (NDCC) Section 12-59-02 to increase the compensation rate for Parole Board members from \$62.50 per day to \$75 per day.

Crime victims compensation grants - Restitution paid to department - Section 11 was added amending NDCC Section 12.1-32-08 to direct the court to order restitution to be paid to the Department of Corrections and Rehabilitation for any benefits the department paid or may pay for crime victims compensation.

Reports regarding new programs - Section 12 was added creating a new section to NDCC Chapter 54-23.3 to require the department to report to the Legislative Assembly or the Budget Section before establishing any new correctional program which will cost in excess of \$100,000 per biennium.

Crime victims compensation grants - Right of subrogation - Section 13 was added amending NDCC Section 54-23.4-12 to provide that if crime victims compensation is awarded, the department has the right of subrogation to initiate a claim for relief to recover the amount paid by the department as crime victims compensation and benefits.

Related Legislation

Deficiency appropriation - House Bill No. 1026 provides a deficiency appropriation of \$250,000 from other funds (parole and probation supervision fees) to the Department of Corrections and Rehabilitation for crime victims grants.

Drug court program - House Bill No. 1218 authorizes a drug court program for repeat DUI offenders. The fiscal note indicates 2001-03 biennium other funds expenditures of \$23,446.

Interstate compact - House Bill No. 1270 enacts a new interstate compact for the supervision of adult offenders on parole or probation status. The fiscal note indicates 2001-03 biennium general fund expenditures of \$40,313.

Elimination of certain minimum mandatory sentences - House Bill No. 1364 eliminates minimum mandatory sentences for certain first-time drug offenses.

Collection of unpaid supervision fees - Senate Bill No. 2135 allows the department to collect unpaid parole and probation supervision fees in the same manner as civil judgments rendered by district court and allows the department to employ a licensed collection agency in the collection of the unpaid fees. The fiscal note indicates additional 2001-03 biennium other funds revenues of \$13,826.

Transportation of juvenile offenders - Senate Bill No. 2220 increases state costs for the transportation of juvenile offenders. The bill increases the county reimbursement rate from the state mileage rate to the state mileage rate plus an additional 29 cents per mile. The fiscal note indicates 2001-03 biennium general fund expenditures of \$69,050.

Risk assessment of sexual offenders - Senate Bill No. 2446 requires the Department of Corrections and Rehabilitation to conduct a risk assessment of sexual offenders under the control of the department or on supervised probation. The fiscal note indicates 2001-03 biennium general fund expenditures of \$6,514, of which \$1,500 relates to the Department of Corrections and Rehabilitation.