

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

	FTE Positions	General Fund	Other Funds	Total
2011-13 legislative appropriation	794.29	\$159,565,919 ¹	\$31,606,150	\$191,172,069
2009-11 legislative appropriation	<u>735.29</u>	<u>167,140,829</u>	<u>71,511,745</u>	<u>238,652,574</u>
2011-13 appropriation increase (decrease) to 2009-11 appropriation	59.00	(\$7,574,910)	(\$39,905,595)	(\$47,480,505)

¹This amount includes \$1,664,058 of one-time funding. Excluding this amount, the agency's ongoing general fund appropriation is \$157,901,861.

Item Description

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. Section 6 of 2011 House Bill No. 1015 provides legislative intent that 47 of the new FTE positions not be filled until 90 days prior to the estimated completion date of the prison expansion project. The following table summarizes FTE position changes included in the 2011-13 executive budget and the legislative appropriation:

Status/Result

The Department of Corrections and Rehabilitation has hired the industries specialist position and the storekeeper position. The department anticipates hiring the remaining positions by December 2012, when the new prison facility will be operational.

Position	Legislative Appropriation FTE Changes
Adult Services Division	
Correctional officer II	39.00
Health care orderlies	4.00
Correctional caseworker	5.00
Industries specialist	3.00
Correctional unit manager	2.00
Registered nurse II	1.50
Correctional supervisor II	1.00
Storekeeper	1.00
Systems mechanic II	1.00
Food service director	1.00
Registered pharmacy technician	.50
Total	59.00

NOTE: Section 6 of 2011 House Bill No. 1015 provides legislative intent that 47 of the new FTE positions not be filled until 90 days prior to the estimated completion date of the prison expansion project.

One-time funding - The Legislative Assembly identified \$1,664,058 from the general fund as one-time funding for the 2011-13 biennium, 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.

Prison facility project - The Legislative Assembly in 2009 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. During the 2011 legislative session, the Department of Corrections and Rehabilitation anticipated interest income on money in the State Penitentiary land fund would be \$1.5 million less than projected due to lower than anticipated interest rates. As a result, the Legislative Assembly in 2011 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.

Inmate contract housing - The Legislative Assembly provided \$36,043,339, of which \$33,965,366 is from the general fund, to house female inmates at the Dakota Women's Correctional and Rehabilitation Center in New England (\$8,458,683) and to house male inmates at the Missouri River Correctional Center, county jails, and private facilities (\$27,584,656) for the 2011-13 biennium.

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

Extraordinary repairs	The department has spent approximately \$185,014 for extraordinary repairs and anticipates spending the remaining funds throughout the remainder of the biennium.
Equipment	The department has spent approximately \$114,341 on equipment and anticipates spending the remaining funds throughout the remainder of the biennium.
Capital projects	Bids have been requested for a roof on the utility tunnel and road improvements at the Youth Correctional Center and for a cabinet unit ventilator at the James River Correctional Center.

The first four bid phases of the prison expansion project have been substantially completed, including demolition of the old warehouse and construction of a new warehouse, relocation of the south guard tower, repair of the gymnasium roof at the Penitentiary, site preparation, utility work, and placement of precast cells. Work in progress includes construction of the building that will house administrative offices and the medical, orientation, general housing, and administrative segregation units. The department anticipates occupying the new facility by December 2012. Demolition of the old administration building, East Cellhouse, and warden's house will be completed after the prison expansion project is completed. The department has not borrowed any of the \$1.1 million and will continue to evaluate the need for a loan as the prison expansion project continues.

As of January 31, 2012, the Department of Corrections and Rehabilitation has spent \$2.5 million for housing female inmates at the Dakota Women's Correctional and Rehabilitation Center in New England and \$594,666 to house excess male inmates at county jails. For the 2011-13 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 appropriated amount. The department anticipates spending the entire \$27,584,656 to house inmates at the Missouri River Correctional Center, county jails, and private facilities during the 2011-13 biennium.

Inmate populations - The following table summarizes the 2011-13 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	1,369	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 2011			
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 actual male and female inmate populations have been less than estimated. The tables below show the actual monthly average inmate populations compared to the estimated populations for the period July 2011 through April 2012:

	Male Inmate Population Estimated Versus Actual		
	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate
Fiscal year 2012			
July	1,369	1,315	(54)
August	1,371	1,322	(49)
September	1,373	1,328	(45)
October	1,376	1,308	(68)
November	1,378	1,307	(71)
December	1,380	1,297	(83)
January	1,382	1,292	(90)
February	1,385	1,305	(80)
March	1,387	1,296	(91)
April	1,389	1,288	(101)

	Female Inmate Population Estimated Versus Actual		
	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate
Fiscal year 2012			
July	182	154	(28)
August	183	157	(26)
September	183	152	(31)
October	183	144	(39)
November	184	145	(39)
December	184	147	(37)
January	184	152	(32)
February	185	160	(25)
March	185	157	(28)
April	185	159	(26)