

FEMALE INMATE CONTRACT HOUSING - LEGISLATIVE INTENT

2003 LEGISLATIVE ACTION

The 2003 Legislative Assembly, in House Bill No. 1506, appropriated a total of **\$114.3** million, **\$81.7** million from the general fund for the Department of Corrections and Rehabilitation. This included \$6.7 million from the general fund for contracting to house female inmates at county facilities for the 2003-05 biennium. This included \$1 million appropriated in the Prisons Division of the department for unspecified purposes, which the department could use for costs of contracting to house female inmates.

House Bill No. 1506 also includes a section of legislative intent providing that the state contract with county facilities to house state female inmates during the 2003-05 biennium.

The Legislative Assembly, in developing the budget for female inmate contract housing, anticipated a daily rate of \$67 per inmate, \$79 for each inmate needing intensive treatment services, and provided an additional \$5.15 per day, per inmate for medical-related costs. The anticipated female population was 104 in July 2003, increasing to 136 by June 2005.

In addition, members of the Senate Appropriations Committee surveyed county correctional facilities to determine their estimated daily rate for housing state female inmates. Responses were received from the Lake Region Correctional Center, Stutsman County Jail, and Southwest Multi-County Correctional Center. The responses indicate an estimated daily rate of \$67 per inmate or \$79 for an inmate needing intensive treatment services.

During the May 2003 special session, a statement was read into the record by a member of the House Appropriations Committee considering the Department of Corrections and Rehabilitation appropriation indicating that it was the intent of the Legislative Assembly that if actual inmate populations for the 2003-05 biennium are more than the projection used by the Legislative Assembly, the department may request line item transfers or funding from the state contingencies appropriation for costs associated with the excess population pursuant to provisions of North Dakota Century Code (NDCC) Section 54-16-04. This section allows the Emergency Commission to approve transfers between line items and transfers from the state contingencies appropriation subject to Budget Section approval if more than \$50,000.

CURRENT STATUS - FEMALE INMATE CONTRACTING

The Department of Corrections and Rehabilitation may need more funding than the \$6.7 million appropriated for female inmate contract housing due to the daily rate per inmate negotiated with the Southwest Multi-County Correctional Center being more than the daily rate anticipated by the 2003 Legislative Assembly in developing the department's 2003-05 biennium budget. The department has agreed to pay a daily rate of \$77.73 per inmate or \$89.73 per inmate needing intensive treatment services. These rates include a \$15.50 medical-related fee that will be deposited into a special account and used for inmate medical expenses. If medical costs exceed the amount available in the medical account, the Southwest Multi-County Correctional Center will pay the first \$50,000 of additional expenses, and the state will pay any additional amounts thereafter.

CONCLUSION

Although the 2003-05 biennium legislative appropriation for female inmate contracting was based on the \$67 or \$79 per day amount plus \$5.15 per day for medical costs, the Department of Corrections and Rehabilitation limit is the total appropriation provided by the Legislative Assembly.

If costs exceed the amounts appropriated, the department's options include:

1. Utilize funding that may become available from other areas within the Prisons Division appropriation line item. (Total of **\$69.3** million.)
2. Request, pursuant to NDCC Section 54-16-04, a line item transfer from other line items of the agency's appropriation, if available.
3. Request, pursuant to NDCC Section 54-16-09, funding available from the state contingencies appropriation. The 2003 Legislative Assembly appropriated \$500,000 from the general fund for the state contingencies appropriation. To date, no funding has been transferred from the state contingencies appropriation for the 2003-05 biennium.
4. Request a deficiency appropriation for any shortfall funding from the 2005 Legislative Assembly.