

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

**Executive Budget Comparison to Prior Biennium Appropriations**

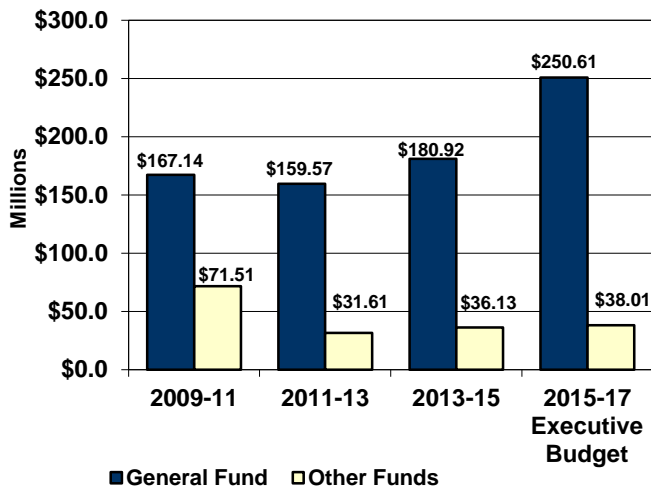
	FTE Positions	General Fund	Other Funds	Total
2015-17 Executive Budget	836.29	\$250,606,928	\$38,009,032	\$288,615,960
2013-15 Legislative Appropriations <sup>1</sup>	814.29	180,915,389	36,134,922	217,050,311
Increase (Decrease)	22.00	\$69,691,539	\$1,874,110	\$71,565,649

<sup>1</sup>The 2013-15 biennium appropriation amounts do not include general fund allocations of \$278,997 to the agency from the state agency energy impact funding pool for temporary salary adjustments (\$220,725) and rental assistance payments (\$58,272) for agency employees located in areas of the state affected by energy development.

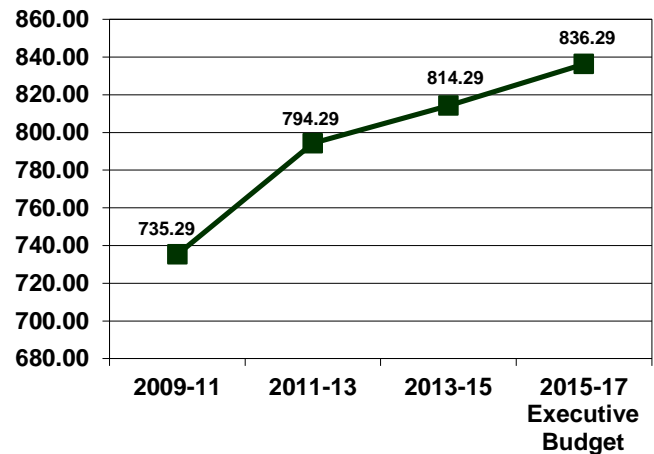
**Ongoing and One-Time General Fund Appropriations**

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2015-17 Executive Budget	\$216,509,898	\$34,097,030	\$250,606,928
2013-15 Legislative Appropriations	177,774,343	3,141,046	180,915,389
Increase (Decrease)	\$38,735,555	\$30,955,984	\$69,691,539

**Agency Funding**



**FTE Positions**



**Executive Budget Comparison to Base Level**

	General Fund	Other Funds	Total
2015-17 Executive Budget	\$250,606,928	\$38,009,032	\$288,615,960
2015-17 Base Level	177,774,343	30,936,922	208,711,265
Increase (Decrease)	\$72,832,585	\$7,072,110	\$79,904,695

**First House Action**

Attached is a comparison worksheet detailing first house changes to base level funding and the executive budget.

**Executive Budget Highlights  
 (With First House Changes in Bold)**

Agencywide	General Fund	Other Funds	Total
1. Provides funding for state employee salary increases, of which \$5,858,372 relates to performance increases, \$1,911,919 is for market equity adjustments, \$3,436,996 is for health insurance increases, and \$622,492 is for retirement contribution increases. <b>The House provided funding for performance salary increases of 2 to 4 percent per year and funding for health insurance increases, but did not include funding for market equity increases or funding for retirement contribution increases.</b>	\$11,165,975	\$663,804	\$11,829,779

**Juvenile Services**

2. Adds 1.00 juvenile corrections specialist FTE position (\$149,904) and related operating funding (\$22,250)	\$172,154	\$0	\$172,154
3. Adds 1.00 Youth Correctional Center FTE position (\$130,603) and related operating funding (\$3,110). <b>The House did not add this FTE position and the related funding.</b>	\$133,713	\$0	\$133,713
4. Adds 0.21 attorney FTE position (\$60,082) and related operating funding (\$1,440). <b>The House did not add this FTE position and the related funding.</b>	\$61,522	\$0	\$61,522
5. Adds 0.10 James River Correctional Center central receiving FTE positions	\$11,268	\$0	\$11,268
6. Adds funding for professional and medical services	\$230,934	\$0	\$230,934
7. Adds funding for Youth Correctional Center security upgrades	\$204,233	\$0	\$204,233

**Adult Services**

8. Adds 13.00 parole and probation FTE positions (\$2,004,929) and related operating funding (\$289,250). <b>The House provided for 7.00 new parole and probation FTE positions and the related funding.</b>	\$2,294,179	\$0	\$2,294,179
9. Adds 1.00 central office FTE position (\$170,174) and related operating funding (\$7,467). <b>The House did not add this FTE position and the related funding.</b>	\$177,641	\$0	\$177,641
10. Adds 3.00 treatment FTE positions (\$340,971) and related operating funding (\$19,035). <b>The House provided for 2.00 new treatment FTE positions and the related funding.</b>	\$360,006	\$0	\$360,006
11. Adds 0.79 attorney FTE position (\$226,030) and related operating funding (\$5,418). <b>The House did not add this FTE position and the related funding.</b>	\$231,448	\$0	\$231,448
12. Adds 1.90 James River Correctional Center central receiving FTE positions (\$214,129) and related operating funding (\$477,467)	\$220,349	\$471,247	\$691,596
13. Adds funding for community sex offender treatment	\$1,865,810	\$0	\$1,865,810
14. Increases funding for contract housing and programming	\$6,243,102	\$0	\$6,243,102
15. Adds funding for targeted occupation salary equity. <b>The House did not add funding for targeted occupation salary equity.</b>	\$2,126,442	\$0	\$2,126,442
16. Adds funding for Hepatitis C treatment	\$1,080,000	\$0	\$1,080,000
17. Adds funding for an adult recidivism reduction reentry program. <b>The House provided \$1.3 million for an adult recidivism reduction reentry program.</b>	\$1,705,382	\$0	\$1,705,382
18. Increases funding for the Dakota Women's Correctional and Rehabilitation Center contract	\$2,250,000	\$0	\$2,250,000
19. Adds <b>one-time funding</b> for a Missouri River Correctional Center building project. <b>The House did not add funding for a Missouri River Correctional Center building project.</b>	\$29,550,000	\$0	\$29,550,000
20. Adds <b>one-time funding</b> for information technology items. <b>The House provided \$616,144 of one-time funding for information technology items.</b>	\$1,716,144	\$0	\$1,716,144

**Other Sections in Bill**

**Prison bed day allocation** - Section 3 directs the Department of Corrections and Rehabilitation to allocate a specific number of prison bed days available for offenders from each county. If a county exceeds its allocation, the department will bill the county \$75 for each prison bed day in excess of the county's allocation. **The House removed this section from the bill.**

**Appropriation - Legislative Council** - The House added a section to provide a one-time general fund appropriation of \$50,000 to the Legislative Council to obtain consulting services to assist with a Legislative Management study of incarceration issues.

**Recidivism reduction reentry program - Pilot project** - The House added a section to identify \$1.3 million of the appropriation in the adult services line item of Section 1 of the bill as funding for the recidivism reduction reentry program pilot project.

**Legislative Management study - Incarceration issues** - The House added a section to create an incarceration issues committee to study the recidivism reduction reentry program, pretrial services, sentencing alternatives, treatment options, and other related issues.

**Legislative intent - Contract housing and programming** - The House added a section to identify the intent of the 64<sup>th</sup> Legislative Assembly that the Department of Corrections and Rehabilitation give priority to in-state local and regional facilities for the placement of overflow inmates.

### **Continuing Appropriations**

There are no continuing appropriations for this agency.

### **Deficiency Appropriation**

The executive budget recommendation includes a deficiency appropriation of \$1,135,547 from the general fund to repay a Bank of North Dakota loan and interest authorized for the State Penitentiary building project.

### **Significant Audit Findings**

The State Auditor's office identified the Department of Corrections and Rehabilitation does not have an inventory system that enables the department to accurately account for returned medication and inventory balances.

### **Major Related Legislation**

**House Bill No. 1030** - Defines manifest injustice and allows exceptions from mandatory minimum sentences.

**House Bill No. 1106** - Allows the courts in cases when a defendant is currently serving or has served in the armed forces of the United States to direct the Department of Corrections and Rehabilitation to conduct a presentence investigation regarding treatment options available.

**House Bill No. 1118** - Expands peace officer powers of probation and parole officers to enforce the law, conduct investigations, and make arrests on or within any premises under the control of the Department of Corrections and Rehabilitation.

**House Bill No. 1120** - Provides for Workforce Safety and Insurance coverage for inmates engaged in work in a prison industries work program through Roughrider Industries.

**House Bill No. 1165** - Provides for a Legislative Management study of strategies to enhance public safety and properly manage corrections and supervision populations.

**House Concurrent Resolution No. 3006** - Directs the Legislative Management to study the feasibility and desirability of state, federal, and tribal collaboration in providing services for tribal youth in the state who are adjudicated in tribal courts.

**Senate Bill No. 2027** - Amends law to reduce the maximum length of probation for certain felony offenses and misdemeanors.

**Senate Bill No. 2028** - Amends law to remove the manufacture, delivery, or possession of a controlled substance from the list of offenses for which a child 14 years of age or more may be transferred from juvenile to adult court.

**Senate Bill No. 2030** - Reduces the penalty for unlawful possession of certain drug paraphernalia.

**Senate Bill No. 2041** - Appropriates \$250,000 from the general fund to the Department of Human Services to develop a master plan, in conjunction with the Department of Corrections and Rehabilitation, for the State Hospital and the James River Correctional Center. **The Senate reduced the appropriation in this bill to \$125,000.**

**Senate Bill No. 2070** - Provides immunity from criminal liability for an individual who reports a medical emergency involving drugs.

**Senate Bill No. 2107** - Creates law for prevention and remedies for human trafficking and provides that trafficking an adult is a Class B felony and trafficking a minor is a Class A felony.

**Senate Bill No. 2116** - Allows the Department of Corrections and Rehabilitation to establish a pretrial services program pilot project.

**Senate Bill No. 2154** - Amends law relating to sentencing for driving under the influence of alcohol or drugs.

**Senate Bill No. 2327** - Requires the Department of Corrections and Rehabilitation to report incarcerated felons to the Secretary of State.

**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
<b>2015-17 Biennium Base Level</b>	814.29	\$177,774,343	\$30,936,922	\$208,711,265	814.29	\$177,774,343	\$30,936,922	\$208,711,265
<b>2015-17 Ongoing Funding Changes</b>								
Base payroll changes		\$4,105,206	\$129,049	\$4,234,255		\$4,105,206	\$129,049	\$4,234,255
Salary increase - Performance		5,520,860	337,512	5,858,372		4,068,853	246,020	4,314,873
Salary increase - Market equity		1,819,502	92,417	1,911,919				0
Salary increase - Targeted equity		2,126,442		2,126,442				0
Retirement contribution increase		586,629	35,863	622,492				0
Health insurance increase		3,238,984	198,012	3,436,996		3,200,122	198,012	3,398,134
Parole and probation staffing	13.00	2,294,179		2,294,179	7.00	1,235,327		1,235,327
Juvenile corrections specialist	1.00	172,154		172,154	1.00	172,154		172,154
Youth Correctional Center staffing	1.00	133,713		133,713				0
Adult services central office staffing	1.00	177,641		177,641				0
Adult services treatment staffing	3.00	360,006		360,006	2.00	240,000		240,000
Attorney	1.00	292,970		292,970				0
James River Correctional Center central receiving	2.00	231,617	471,247	702,864	2.00	231,617	471,247	702,864
Adjust funding relating to energy impact, operating fees and services, and grants		(1,911,641)	1,422,282	(489,359)		(1,911,641)	1,422,282	(489,359)
Federal grant award funding changes			409,728	409,728			409,728	409,728
Community sex offender treatment		1,865,810		1,865,810		1,865,810		1,865,810
Remove prior biennium equipment			(1,300,000)	(1,300,000)			(1,300,000)	(1,300,000)
Contract housing and programming		6,243,102		6,243,102		6,243,102		6,243,102
Food and clothing		1,701,258		1,701,258		1,701,258		1,701,258
Professional services/medical		1,971,436		1,971,436		1,971,436		1,971,436
Hepatitis C treatment		1,080,000		1,080,000		1,080,000		1,080,000
Facility maintenance and operation		878,405		878,405		743,405		743,405
Information technology cost increase		596,216		596,216		596,216		596,216
Travel cost increase		466,802		466,802		331,802		331,802
Reduce bond payments		(9,926)		(9,926)		(9,926)		(9,926)
Dakota Women's Correctional and Rehabilitation Center contract increase		2,250,000		2,250,000		2,250,000		2,250,000
Adult recidivism reduction reentry program		1,705,382		1,705,382		1,300,000		1,300,000
Equipment under \$5,000 - Parole officer phones and radios		298,225		298,225				0
Increase extraordinary repairs		540,583	150,000	690,583		540,583		540,583
<b>Total ongoing funding changes</b>	<b>22.00</b>	<b>\$38,735,555</b>	<b>\$1,946,110</b>	<b>\$40,681,665</b>	<b>12.00</b>	<b>\$29,955,324</b>	<b>\$1,576,338</b>	<b>\$31,531,662</b>

<b>One-time funding items</b>							
Extraordinary repairs		\$2,175,847		\$2,175,847		\$1,425,267	\$1,425,267
Missouri River Correctional Center building project		29,550,000		29,550,000			0
Information technology - Elite community module		1,100,000		1,100,000			0
Information technology - Workforce scheduler		616,144		616,144		616,144	616,144
Equipment over \$5,000		318,039	226,000	544,039		244,400	470,400
State Penitentiary security camera upgrades		337,000		337,000		202,500	202,500
Add back license plate issue			4,900,000	4,900,000		4,900,000	4,900,000
Total one-time funding changes	0.00	\$34,097,030	\$5,126,000	\$39,223,030	0.00	\$2,488,311	\$7,614,311
<b>Total Changes to Base Level Funding</b>	<b>22.00</b>	<b>\$72,832,585</b>	<b>\$7,072,110</b>	<b>\$79,904,695</b>	<b>12.00</b>	<b>\$32,443,635</b>	<b>\$39,145,973</b>
<b>2015-17 Total Funding</b>	<b>836.29</b>	<b>\$250,606,928</b>	<b>\$38,009,032</b>	<b>\$288,615,960</b>	<b>826.29</b>	<b>\$210,217,978</b>	<b>\$247,857,238</b>

**Other Sections in House Bill No. 1015**

	<u>Executive Budget Recommendation</u>	<u>House Version</u>
Prison bed day allocation	Section 3 directs the Department of Corrections and Rehabilitation to allocate a specific number of prison bed days available for offenders from each county. If a county exceeds its allocation, the department will bill the county \$75 for each prison bed day in excess of the county's allocation.	
Legislative intent		Add a section to provide legislative intent that the Department of Corrections and Rehabilitation give priority to in-state local and regional facilities for the placement of overflow inmates.
Appropriation - Legislative Council		Add a section to provide a \$50,000 appropriation to the Legislative Council to obtain consulting services to assist with a Legislative Management study of incarceration issues.
Recidivism reduction reentry program - Pilot project		Add a section to designate \$1.3 million of the appropriation in the adult services line item for a recidivism reduction reentry program pilot project in Cass, Burleigh, Morton, and Williams Counties.
Legislative Management study - Incarceration issues		Add a section to create an incarceration issues committee to study the recidivism reduction reentry program, the prison bed day allocation, pretrial services, sentencing alternatives, treatment options, and other related issues.