

**Department of Corrections and Rehabilitation
Budget No. 530
Senate Bill No. 2015**

	FTE Positions	General Fund	Other Funds	Total
2021-23 legislative appropriations	907.79	\$218,165,809	\$66,647,615	\$284,813,424
2021-23 base budget	899.79	228,286,826	40,124,189	268,411,015
Legislative increase (decrease) to base budget	8.00	(\$10,121,017)	\$26,523,426	\$16,402,409

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2021-23 legislative appropriations	\$217,859,809	\$306,000	\$218,165,809
2019-21 legislative appropriations	228,286,826	1,391,250	229,678,076
2021-23 legislative increase (decrease) to 2019-21 appropriations	(\$10,427,017)	(\$1,085,250)	(\$11,512,267)
Percentage increase (decrease) to 2019-21 appropriations	(4.6%)	(78.0%)	(5.0%)

**SUMMARY OF LEGISLATIVE CHANGES TO THE BASE BUDGET AND MAJOR FUNDING ITEMS
Changes to Base Budget**

	FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Adjusted funding for base payroll changes		\$6,927,480	(\$3,828,670)	\$3,098,810
Added funding to provide employee salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2.0 percent on July 1, 2022		3,537,687	182,804	3,720,491
Added funding for employee health insurance premiums to reflect a revised premium estimate of \$1,428.77 per month		39,978	2,325	42,303
Added funding for teacher salaries		204,332		204,332
Reduced funding for salaries and wages at the James River Correctional Center in anticipation of savings from vacant positions and employee turnover		(409,094)		(409,094)
Added funding and FTE positions to expand pretrial services	5.00	882,352		882,352
Added funding and FTE positions to expand community corrections	9.00	1,216,470	561,991	1,778,461

Transferred FTE positions to the Information Technology Department for IT unification resulting in an increase in operating expenses to pay the Information Technology Department for the cost of the services	(6.00)	33,597		33,597
Adjusted funding for adult education		(700,512)	329,503	(371,009)
Reduced funding for behavioral health services		(436,513)		(436,513)
Added funding to expand the free through recovery program, to provide a total of \$11.3 million, including \$8 million from the general fund and \$3.3 million from other funds		1,000,000	3,300,000	4,300,000
Reduced funding for transitional facilities		(1,179,504)		(1,179,504)
Adjusted funding for the Youth Correctional Center		(2,183,081)	1,986,085	(196,996)
Reduced funding for juvenile community programming		(578,107)	(347,313)	(925,420)
Added funding for Microsoft Office 365 license expenses		95,094	16,939	112,033
Adjusted funding for other operations		2,430,778	379,827	2,810,605
Removed funding for the contract with the Department of Human Services for behavioral health services for women		(1,956,000)		(1,956,000)
Reduced funding for the contract with the Dakota Women's Correctional and Rehabilitation Center to provide a total of \$11,050,000		(855,311)		(855,311)
Added federal funding for juvenile services			804,020	804,020
Added federal justice reinvestment initiative funding for parole and probation			999,638	999,638
Added federal Victims of Crimes Act funding for grants			121,812	121,812
Increased funding for Roughrider Industries			1,868,758	1,868,758
Added funding for special assessments		72,000		72,000
Reduced funding for bond payments		(196,945)	(7,999)	(204,944)
Changed funding from the general fund to the federal Coronavirus Relief Fund for payroll costs of law enforcement-related employees for July through December 2021		(18,371,718)	18,371,718	0
Added one-time funding for State Penitentiary kitchen equipment		85,000		85,000
Added one-time funding for James River Correctional Center kitchen equipment		30,000		30,000
Added one-time funding for miscellaneous equipment		191,000		191,000

Added one-time funding for Roughrider Industries equipment			1,281,988	1,281,988
Added one-time funding for a Roughrider Industries storage warehouse			500,000	500,000
Total	8.00	(\$10,121,017)	\$26,523,426	\$16,402,409

FTE Changes

The Legislative Assembly authorized 907.79 FTE positions for the Department of Corrections and Rehabilitation (DOCR) for the 2021-23 biennium, an increase of 8 FTE positions from the 2019-21 biennium level of 899.79 FTE positions. The Legislative Assembly:

- Added 5 FTE positions to expand pretrial services;
- Added 9 FTE positions to expand community corrections; and
- Removed 6 FTE positions that were transferred to the Information Technology Department as part of the IT unification initiative.

One-Time Funding

The following is a summary of one-time funding items for DOCR for the 2021-23 biennium:

	General Fund	Other Funds	Total
State Penitentiary kitchen equipment	\$85,000		\$85,000
James River Correctional Center kitchen equipment	30,000		30,000
Miscellaneous equipment	191,000		191,000
Roughrider Industries equipment		\$1,281,988	1,281,988
Roughrider Industries storage warehouse		500,000	500,000
Total	\$306,000	\$1,781,988	\$2,087,988

Federal COVID-19 Funding - 2019-21 Biennium

In House Bill No. 1395, the Legislative Assembly appropriated \$11,169,204 of federal coronavirus relief funds to DOCR for the 2019-21 biennium for payments to counties housing individuals sentenced to DOCR, telework equipment, law enforcement payroll costs, and other costs relating to the COVID-19 pandemic. In Senate Bill No. 2015, the Legislative Assembly appropriated \$43,689,050 of federal coronavirus relief funds to DOCR for the 2019-21 biennium to replace funding appropriated from the general fund for law enforcement-related payroll costs.

Federal COVID-19 Funding - 2021-23 Biennium

In Senate Bill No. 2015, the Legislative Assembly appropriated \$18,371,718 of federal coronavirus relief funds to DOCR for the 2021-23 biennium for law enforcement payroll costs for July through December 2021.

Inmate Population

The following table summarizes the 2021-23 biennium inmate population projections used to develop the legislative appropriation:

Fiscal year 2022	Male	Female	Total
July	1,451	182	1,633
August	1,454	183	1,637
September	1,457	184	1,641
October	1,460	185	1,645
November	1,463	185	1,648
December	1,466	186	1,652

	Male	Female	Total
January	1,469	187	1,656
February	1,472	188	1,660
March	1,475	188	1,663
April	1,478	189	1,667
May	1,482	190	1,672
June	1,485	191	1,676
Fiscal year 2023			
July	1,488	191	1,679
August	1,491	192	1,683
September	1,494	193	1,687
October	1,497	194	1,691
November	1,500	194	1,694
December	1,503	195	1,698
January	1,506	196	1,702
February	1,508	196	1,704
March	1,511	197	1,708
April	1,514	198	1,712
May	1,517	198	1,715
June	1,520	199	1,719

The following table shows the estimated and actual average male and female inmate populations for the 2019-21 biennium to date:

	Male Inmate Population Estimated Versus Actual			Female Inmate Population Estimated Versus Actual		
	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate	Legislative Estimated Population	Actual Population	Actual Above (Below) Estimate
Fiscal year 2020						
July	1,482	1,552	70	203	236	33
August	1,486	1,548	62	205	227	22
September	1,490	1,570	80	207	221	14
October	1,495	1,592	97	209	216	7
November	1,499	1,587	88	211	212	1
December	1,503	1,588	85	213	209	(4)
January	1,507	1,572	65	215	214	(1)
February	1,511	1,575	64	217	215	(2)
March	1,515	1,515	0	219	201	(18)
April	1,519	1,430	(89)	221	174	(47)
May	1,524	1,383	(141)	223	163	(60)
June	1,528	1,356	(172)	225	153	(72)
Fiscal year 2021						
July	1,532	1,342	(190)	227	149	(78)
August	1,536	1,333	(203)	228	150	(78)
September	1,541	1,334	(207)	229	149	(80)
October	1,545	1,348	(197)	229	152	(77)
November	1,549	1,357	(192)	229	168	(61)
December	1,554	1,369	(185)	229	166	(63)
January	1,558	1,374	(184)	229	168	(61)
February	1,562	1,401	(161)	229	177	(52)
March	1,565	1,412	(153)	229	182	(47)
April	1,565	1,432	(133)	229	190	(39)
May	1,565			229		
June	1,565			229		

Dakota Women's Correctional and Rehabilitation Center

The Legislative Assembly provided \$11,050,000 from the general fund for a contract to house female inmates at the Dakota Women's Correctional and Rehabilitation Center in New England, a decrease of \$855,311 from the 2019-21 biennium appropriation of \$11,905,311.

Other Sections in Senate Bill No. 2015

Federal Coronavirus Relief Fund - 2019-21 biennium - Section 3 provides a 2019-21 biennium appropriation of \$43,689,050 from federal funds derived from the federal Coronavirus Relief Fund to DOCR to replace funding appropriated from the general fund for law enforcement payroll costs. Section 10 declares this section to be an emergency.

Federal Coronavirus Relief Fund - 2021-23 biennium - Section 4 provides that the 2021-23 biennium appropriation to DOCR includes \$18,371,718 from federal funds derived from the federal Coronavirus Relief Fund for law enforcement payroll costs.

Community behavioral health services - Section 5 provides that DOCR is the payer of last resort, excluding the substance use disorder treatment voucher program, for community-based behavioral health services.

Department of Corrections and Rehabilitation land use study - Section 6 provides for a Legislative Management study of land owned by DOCR.

Operating fund authority - Section 7 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 Youth Correctional Center permanent fund.

Exemption - Community behavioral health program - Section 8 provides that any unexpended general fund appropriation authority relating to the \$7 million appropriated for the community behavioral health program for the 2019-21 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 2021-23 biennium.

Exemption - Deferred maintenance and extraordinary repairs - Section 9 provides that up to \$6 million from the general fund appropriated to DOCR for the 2019-21 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended for deferred maintenance, capital planning, and extraordinary repairs projects by DOCR during the 2021-23 biennium.

Related Legislation

House Bill No. 1052 - Cooperative agreements - This bill provides for DOCR to participate in cooperative agreements with the judicial branch and tribal governments to provide services to juveniles adjudicated in tribal court.

House Bill No. 1112 - Local facility negotiations - This bill requires DOCR to negotiate with local jail or correctional facilities for the supervision of individuals sentenced to DOCR but refused admission to a DOCR facility.

House Bill No. 1393 - Restorative justice program - This bill adds the completion of a restorative justice program as a sentencing alternative to incarceration.

House Bill No. 1395 - COVID-19 - This bill appropriates \$11,169,204 of federal funding approved by the Emergency Commission and Budget Section during the 2019-20 interim from the state's allocation from the federal Coronavirus Relief Fund to DOCR in response to the COVID-19 pandemic.

Senate Bill No. 2106 - Amends law relating to transfer fees and travel fees for adults under supervision.

Senate Bill No. 2178 - Amends law relating to eligibility for early release programs and parole board compensation.