

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

**Executive Budget Comparison to Prior Biennium Appropriations**

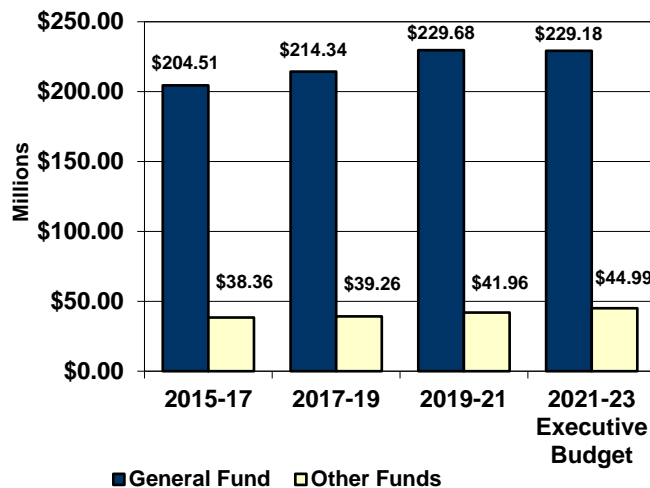
	FTE Positions	General Fund	Other Funds	Total
2021-23 Executive Budget	907.79	\$229,179,922	\$44,993,479	\$274,173,401
2019-21 Legislative Appropriations <sup>1</sup>	899.79	229,678,076	41,955,889	271,633,965
Increase (Decrease)	8.00	(\$498,154)	\$3,037,590	\$2,539,436

<sup>1</sup>The 2019-21 biennium agency appropriation amounts have not been adjusted for additional federal Coronavirus (COVID-19) funds authority of \$11,170,709 resulting from Emergency Commission action during the 2019-21 biennium.

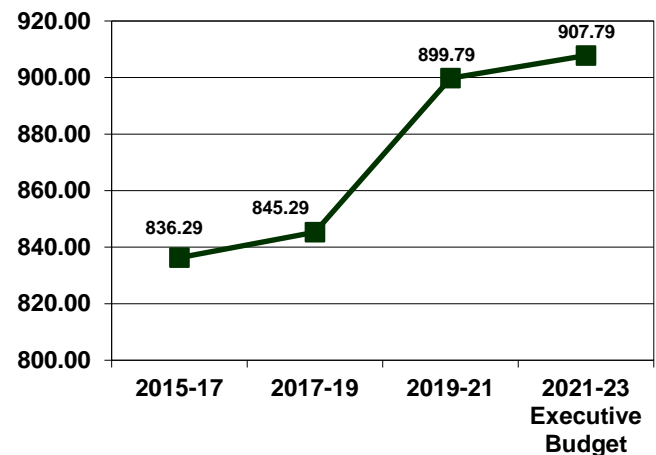
**Ongoing and One-Time General Fund Appropriations**

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2021-23 Executive Budget	\$227,873,922	\$1,306,000	\$229,179,922
2019-21 Legislative Appropriations	228,286,826	1,391,250	229,678,076
Increase (Decrease)	(\$412,904)	(\$85,250)	(\$498,154)

**Agency Funding**



**FTE Positions**



**Executive Budget Comparison to Base Level**

	General Fund	Other Funds	Total
2021-23 Executive Budget	\$229,179,922	\$44,993,479	\$274,173,401
2021-23 Base Level	228,286,826	40,124,189	268,411,015
Increase (Decrease)	\$893,096	\$4,869,290	\$5,762,386

Attached as an appendix is a detailed comparison of the executive budget to the agency's base level appropriations.

**Executive Budget Highlights**

	General Fund	Other Funds	Total
<b>Agencywide</b>			
1. Provides funding for state employee salary and benefit increases, of which \$3,514,958 is for salary increases, \$42,596 is for health insurance increases, and \$729,733 is for retirement contribution increases	\$4,084,576	\$202,711	\$4,287,287
<b>Juvenile Services</b>			
2. Increases funding for teacher salaries to comply with the Teacher Composite Schedule	\$47,638	\$0	\$47,638
3. Adjusts funding for the Youth Correctional Center (YCC), including an overall reduction due to a reduction in population	(\$2,183,081)	\$1,986,085	(\$196,996)
4. Transitions adult female inmates to the YCC	(\$4,498,260)	\$0	(\$4,498,260)

5. Reduces funding for juvenile community programming, including day treatment (\$140,000) and intensive in-home services (\$945,275)	(\$828,107)	(\$347,313)	(\$1,175,420)
6. Adds federal funding for juvenile services	\$0	\$804,020	\$804,020
<b>Adult Services</b>			
7. Increases funding for teacher salaries to comply with the Teacher Composite Schedule	\$156,694	\$0	\$156,694
8. Underfunds salaries at the James River Minimum Unit	(\$409,094)	\$0	(\$409,094)
9. Adds funding to expand pretrial services, including 5 new FTE positions	\$882,352	\$0	\$882,352
10. Adds funding to expand community corrections, including 9 new FTE positions	\$1,216,470	\$561,991	\$1,778,461
11. Transfers 6 FTE positions to the Information Technology Department (ITD) as part of the information technology (IT) unification initiative	\$0	\$0	\$0
12. Adjusts funding for adult education	(\$700,512)	\$329,503	(\$371,009)
13. Reduces funding for behavioral health services	(\$436,513)	\$0	(\$436,513)
14. Adds funding to expand the free through recovery program to provide a total of \$8 million from the general fund	\$1,000,000	\$0	\$1,000,000
15. Transitions adult female inmates to the YCC	\$4,498,260	\$0	\$4,498,260
16. Reduces funding for the contract with the Dakota Women's Correctional and Rehabilitation Center (DWCR)	(\$4,405,311)	\$0	(\$4,405,311)
17. Removes funding for the contract with the Department of Human Services (DHS) for behavioral health services for women under the supervision of the Department of Corrections and Rehabilitation (DOCR)	(\$1,956,000)	\$0	(\$1,956,000)
18. Reduces funding for transitional facilities	(\$3,377,816)	\$0	(\$3,377,816)
19. Increases funding for Roughrider Industries	\$0	\$1,868,758	\$1,868,758
20. Adds funding from federal justice reinvestment initiative grants for parole and probation	\$0	\$999,638	\$999,638
21. Increases federal funding for victims of crime grants	\$0	\$121,812	\$121,812
22. Adds <b>one-time funding</b> for deferred admission payments related to COVID-19	\$1,000,000	\$0	\$1,000,000
23. Adds <b>one-time funding</b> for kitchen equipment	\$115,000	\$0	\$115,000
24. Adds <b>one-time funding</b> for miscellaneous equipment	\$191,000	\$0	\$191,000
25. Adds <b>one-time funding</b> for Roughrider Industries equipment	\$0	\$1,281,988	\$1,281,988
26. Adds <b>one-time funding</b> for a Roughrider Industries storage warehouse	\$0	\$500,000	\$500,000

### **Other Sections Recommended to be Added in the Executive Budget (As Detailed in the Attached Appendix)**

**Exemption - Community Behavioral Health Program** - Section 3 would provide that any unexpended general fund appropriation authority relating to the \$7,000,000 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.

**Operating fund authority** - Section 4 would provide 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 common schools trust fund.

### **Continuing Appropriations**

There are no continuing appropriations for this agency.

### **Significant Audit Findings**

The State Auditor's office reported DOCR:

- Has an inadequate approval process for parole and probation supervision level overrides; and
- Has not ensured pharmacy inventory adjustments are properly reviewed and approved.

### **Major Related Legislation**

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

**Senate Bill No. 2105** - Amends law relating to the retaking of an offender under supervision in another state.

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

**Department of Corrections and Rehabilitation - Budget No. 530**  
**Senate Bill No. 2015**  
**Base Level Funding Changes**

	<b>Executive Budget Recommendation</b>			
	<b>FTE</b>	<b>General</b>	<b>Other</b>	<b>Total</b>
	<b>Positions</b>	<b>Fund</b>	<b>Funds</b>	<b>Total</b>
<b>2021-23 Biennium Base Level</b>	899.79	\$228,286,826	\$40,124,189	\$268,411,015
<b>2021-23 Ongoing Funding Changes</b>				
Base payroll changes		\$6,927,480	(\$3,828,670)	\$3,098,810
Salary increase		3,348,980	165,978	3,514,958
Retirement contribution increase		695,325	34,408	729,733
Health insurance increase		40,271	2,325	42,596
Adds funding for teacher salaries		204,332		204,332
Underfunds salaries and wages at the James River Minimum Unit		(409,094)		(409,094)
Adds funding to expand pretrial services	5.00	882,352		882,352
Adds funding to expand community corrections	9.00	1,216,470	561,991	1,778,461
Transfers FTE positions for IT unification	(6.00)			0
Adjusts funding for adult education		(700,512)	329,503	(371,009)
Reduces funding for behavioral health services		(436,513)		(436,513)
Adds funding to expand the free through recovery program		1,000,000		1,000,000
Reduces funding for transitional facilities		(3,377,816)		(3,377,816)
Adjusts funding for YCC		(2,183,081)	1,986,085	(196,996)
Reduces funding for juvenile community programming		(828,107)	(347,313)	(1,175,420)
Adds funding for Microsoft Office 365 licensing expenses		95,094	16,939	112,033
Adjusts funding for other operations		(401,829)	379,827	(22,002)
Removes funding for the contract with DHS for behavioral health services for women		(1,956,000)		(1,956,000)
Reduces funding for the DWCR contract		(4,405,311)		(4,405,311)
Adds federal funding for juvenile services			804,020	804,020
Adds federal justice reinvestment initiative funding for parole and probation			999,638	999,638
Adds federal Victims of Crime Act funding for grants			121,812	121,812
Increases funding for Roughrider Industries			1,868,758	1,868,758
Adds funding for special assessments		72,000		72,000
Reduces funding for bond payments		(196,945)	(7,999)	(204,944)
<b>Total ongoing funding changes</b>	<b>8.00</b>	<b>(\$412,904)</b>	<b>\$3,087,302</b>	<b>\$2,674,398</b>
<b>One-time funding items</b>				
Adds one-time funding for deferred admission payments related to COVID-19		\$1,000,000		\$1,000,000
Adds one-time funding for State Penitentiary kitchen equipment		85,000		85,000
Adds one-time funding for James River Correctional Center kitchen equipment		30,000		30,000
Adds one-time funding for miscellaneous equipment under \$5,000		191,000		191,000

Adds one-time funding for Roughrider Industries equipment			\$1,281,988	1,281,988
Adds one-time funding for a Roughrider Industries storage warehouse			500,000	500,000
Total one-time funding changes	0.00	\$1,306,000	\$1,781,988	\$3,087,988
<b>Total Changes to Base Level Funding</b>	<b>8.00</b>	<b>\$893,096</b>	<b>\$4,869,290</b>	<b>\$5,762,386</b>
<b>2021-23 Total Funding</b>	<b>907.79</b>	<b>\$229,179,922</b>	<b>\$44,993,479</b>	<b>\$274,173,401</b>
<i>Total ongoing changes as a percentage of base level</i>	<i>0.9%</i>	<i>(0.2%)</i>	<i>7.7%</i>	<i>1.0%</i>
<i>Total changes as a percentage of base level</i>	<i>0.9%</i>	<i>0.4%</i>	<i>12.1%</i>	<i>2.1%</i>

**Other Sections in Department of Corrections and Rehabilitation - Budget No. 530**

**Executive Budget Recommendation**

Exemption - Community behavioral health program

Section 3 would provide that any unexpended general fund appropriation authority relating to the \$7,000,000 appropriated for the community behavioral health program for the 2019-21 biennium is not subject to the provisions of Section 54-44.1-11 and may be continued and expended during the 2021-23 biennium.

Operating fund authority

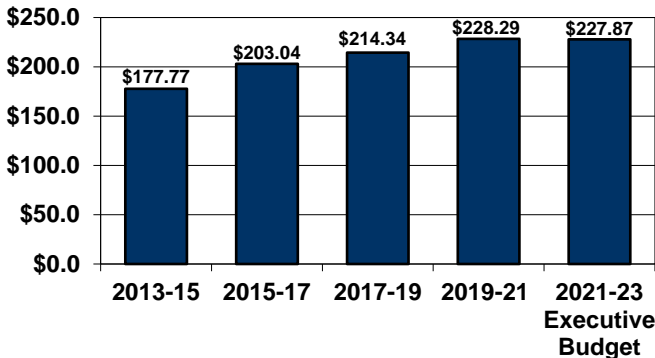
Section 4 would provide authority to DOCR to deposit in and spend from its operating fund pursuant to legislative appropriation any money received from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from the DOCR commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the common schools trust fund.

Department 530 - Department of Corrections and Rehabilitation

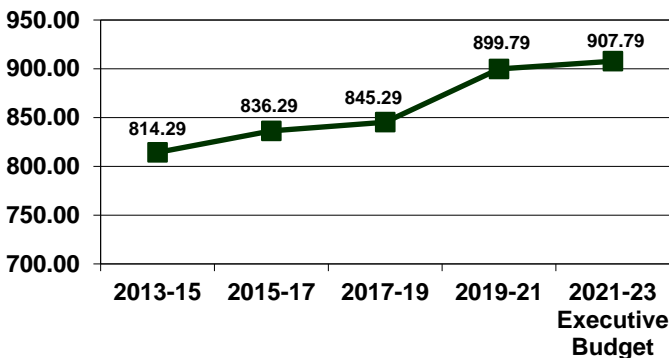
# Historical Appropriations Information

## Ongoing General Fund Appropriations Since 2013-15

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2013-15	2015-17	2017-19	2019-21	2021-23 Executive Budget
Ongoing general fund appropriations	\$177,774,343	\$203,044,020	\$214,336,704	\$228,286,826	\$227,873,922
Increase (decrease) from previous biennium	N/A	\$25,269,677	\$11,292,684	\$13,950,122	(\$412,904)
Percentage increase (decrease) from previous biennium	N/A	14.2%	5.6%	6.5%	(0.2%)
Cumulative percentage increase (decrease) from 2013-15 biennium	N/A	14.2%	20.6%	28.4%	28.2%

### Major Increases (Decreases) in Ongoing General Fund Appropriations

**2015-17 Biennium**

- 1. Added funding for targeted equity salary increases for correctional officer positions \$2,126,442
- 2. Added funding for 22 new FTE positions, including 16 parole and probation officers, 1 juvenile corrections specialist, 1 YCC position, 2 adult services treatment positions, and 2 James River Correctional Center central receiving positions \$3,624,413
- 3. Added funding to transfer community sex offender treatment from DHS \$1,865,810
- 4. Added funding for contract housing and programming \$9,243,102
- 5. Increased funding for the DWCR contract \$2,250,000

**2017-19 Biennium**

- 1. Added 8 FTE YCC positions to maintain compliance with the federal Prison Rape Elimination Act \$1,006,461
- 2. Added funding for a community behavioral health program, including 1 FTE position \$7,000,000
- 3. Reduced funding for salaries and wages and contract housing and programming (\$7,000,000)
- 4. Restored funding for contract housing and programming \$4,715,073
- 5. Adjusted funding for various operating expenses, including food and clothing, medical, travel, utilities, repairs, maintenance, IT, and professional services \$2,364,585

**2019-21 Biennium**

- 1. Converted 20 temporary correctional officer positions to FTE positions \$326,435
- 2. Added funding for teacher salaries and wages to comply with the Teacher Composite Schedule \$1,357,790
- 3. Adjusts funding and adds 27.5 FTE positions to assume administrative control of the Tompkins Rehabilitation and Corrections Center, including removing \$8.6 million for contract payments to DHS (\$3,576,240)
- 4. Added funding to contract with the State Hospital for up to 30 addiction treatment beds \$3,873,750
- 5. Added funding and 7 FTE positions for pretrial services \$755,034
- 6. Added funding to expand juvenile day treatment to five additional school districts, to provide a total of \$1,053,500 for day treatment in nine school districts \$537,500

- 7. Increased funding for the DWCRC contract to provide a total of \$11,905,311 \$1,143,360
- 8. Increased funding for transitional services at the Bismarck Transition Center \$549,626

**2021-23 Biennium (Executive Budget Recommendation)**

- 1. Adds 5 FTE positions and funding to expand pretrial services \$882,352
- 2. Adds 9 FTE positions and funding to expand community corrections \$1,216,470
- 3. Adds funding to expand the free through recovery program \$1,000,000
- 4. Reduces funding for the DWCRC contract to provide a total of \$7,500,000 (\$4,405,311)
- 5. Removes funding for the contract with DHS for behavioral health services for women under the supervision of DOCR (\$1,956,000)
- 6. Reduces funding for transitional facilities (\$3,377,816)
- 7. Reduces funding for juvenile community programming, including day treatment and intensive in-home services (\$828,107)

**GOVERNOR'S RECOMMENDATION FOR THE  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
AS SUBMITTED BY THE  
OFFICE OF MANAGEMENT AND BUDGET**

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of corrections and rehabilitation for the purpose of defraying the expenses of the department of corrections and rehabilitation, for the biennium beginning July 1, 2021, and ending June 30, 2023, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Adult Services	\$236,625,947	\$13,155,687	\$249,781,634
Youth Services	31,785,068	(7,393,301)	24,391,767
Total All Funds	\$268,411,015	\$ 5,762,386	\$274,173,401
Less Estimated Income	40,124,189	4,869,290	44,993,479
Total General Fund	\$228,286,826	\$ 893,096	\$229,179,922
Full-time Equivalent Positions	899.79	8.00	907.79

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Equipment	\$ 298,700	\$ 191,000
Elite Servers Equipment	40,000	0
Extraordinary Repairs	1,332,250	0
Youth Correctional Center Campus Infrastructure Study	75,000	0
Department of Corrections and Rehabilitation Study	400,000	0
Scan and Screen Device	230,000	0
Redundant Fence	160,000	0
Portable X-Ray Equipment	22,000	0
Oracle Software Upgrade	165,000	0
Contracts and Payment Processing System	100,000	0
Inmate Tracking System	160,000	0
Intake and Legal Movement System	240,000	0
North Dakota State Penitentiary Kitchen Equipment	0	85,000
James River Correctional Center	0	30,000
Storage Warehouse	0	500,000
COVID-19 Deferred Admissions	0	1,000,000
Rough Rider Industries Equipment	0	1,281,988
Total All Funds	\$3,222,950	\$3,087,988
Less Estimated Income	1,831,700	1,781,988
Total General Fund	\$1,391,250	\$1,306,000

The 2021-23 one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The department of corrections and rehabilitation shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021 and ending June 30, 2023.



**SECTION 3. EXEMPTION – COMMUNITY BEHAVIORAL HEALTH PROGRAM.** Section 54-44.1-11 does not apply to \$7,000,000 provided for the community behavioral health program included in section 1 of chapter 40 of the 2019 Session Laws. Any unexpended funds from this appropriation are available to the department of corrections and rehabilitation for the community behavioral health program during the biennium beginning July 1, 2021 and ending June 30, 2023.

**SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING FUND.** Any moneys received from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from department of corrections and rehabilitation commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical co-payments; and from the common school trust fund; may be deposited in the department of corrections and rehabilitation operating fund and expended pursuant to legislative appropriation for the biennium beginning July 1, 2021 and ending June 30, 2023.