

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1016

Page 1, line 2, after "rehabilitation" insert "; and to amend and reenact subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to the supervision of probationers"

Page 1, line 12, replace "878,152" with "865,070"

Page 1, line 13, replace "118,682" with "115,000"

Page 1, line 14, replace "26,950" with "20,200"

Page 1, line 15, replace "1,023,784" with "1,000,270"

Page 1, line 18, replace "9,764,955" with "9,552,045"

Page 1, line 19, replace "4,344,374" with "4,229,174"

Page 1, line 20, replace "141,771" with "104,321"

Page 1, line 21, replace "371,900" with "35,000"

Page 1, line 24, replace "17,693,900" with "16,991,440"

Page 2, line 1, replace "5,688,979" with "5,674,504"

Page 2, line 2, replace "12,004,921" with "11,316,936"

Page 2, line 5, replace "2,610,550" with "2,609,036"

Page 2, line 6, replace "828,335" with "821,649"

Page 2, line 7, replace "10,029,660" with "9,635,277"

Page 2, line 8, replace "20,234,931" with "16,699,252"

Page 2, line 9, replace "3,853,788" with "3,833,361"

Page 2, line 10, replace "23,625,750" with "20,341,166"

Page 2, line 11, replace "9,243,724" with "7,521,794"

Page 2, line 12, replace "70,426,738" with "61,461,535"

Page 2, line 13, replace "16,335,431" with "12,660,179"

Page 2, line 14, replace "54,091,307" with "48,801,356"

Page 2, line 15, replace "67,120,012" with "61,118,562"

Page 2, line 16, replace "22,024,410" with "18,334,683"

Page 2, line 17, replace "89,144,422" with "79,453,245"

Page 2, line 24, replace "victims services," with "various"

Page 2, line 25, remove "institutional offender services, and community offender services"

Page 2, line 26, after "Act" insert a comma

Page 2, after line 28, insert:

**"SECTION 4. LEGISLATIVE INTENT - RENOVATION OF THE JAMES RIVER CORRECTIONAL CENTER FIFTH AND SIXTH FLOORS - REPORT TO LEGISLATIVE COUNCIL.** It is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium, the department of corrections and rehabilitation monitor changes in the inmate population and the number of correctional cells at public and private correctional institutions available to house state inmates through contractual agreements. Prior to the 2001 legislative session, the director of the department of corrections and rehabilitation shall present a report to the legislative council, or a committee determined by the legislative council, on actual and projected changes in the inmate population, the number of correctional cells at public and private correctional institutions available to house state inmates through contractual agreements, and proposals for the renovation of the fifth and sixth floors of the residential building of the James River correctional center.

**SECTION 5. LEGISLATIVE INTENT - PROGRAMS PROVIDING ALTERNATIVES TO INCARCERATION - REPORT TO BUDGET SECTION.** It is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium, the department of corrections and rehabilitation implement and operate programs to provide alternatives to the incarceration of inmates, including a revocation center and other intermediate measure intervention programs, community placement programs, jail placement for parole violators, house arrest and home detention, halfway house confinement, day reporting, and other programs as determined by the department. The purpose of such programs shall be to remove inmates from incarceration and prevent the return to incarceration of parole and probation violators. The director of the department of corrections and rehabilitation, periodically during the 1999-2001 biennium, shall provide reports to the budget section of the legislative council on the effectiveness of these programs and the actual and projected impact on the state inmate population.

**SECTION 6. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

2. The conditions of probation must be such as the court in its discretion deems reasonably necessary to ensure that the defendant will lead a law-abiding life or to assist the defendant to do so. The court shall provide as an explicit condition of every probation that the defendant not commit another offense during the period for which the probation remains subject to revocation. The court shall order supervision costs and fees of not less than ~~thirty~~ thirty-five dollars per month unless the court makes a specific finding on record that the imposition of fees will result in an undue hardship."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

House - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Central Office:			
Salaries and wages	\$878,152	(\$13,082)	\$865,070
Operating expenses	118,682	(3,682)	115,000
Equipment	<u>26,950</u>	<u>(6,750)</u>	<u>20,200</u>
Total all funds	\$1,023,784	(\$23,514)	\$1,000,270
Less estimated income	_____	_____	_____
Total general fund	\$1,023,784	(\$23,514)	\$1,000,270
Juvenile Services:			
Salaries and wages	\$9,764,955	(\$212,910)	\$9,552,045
Operating expenses	4,344,374	(115,200)	4,229,174
Equipment	141,771	(37,450)	104,321
Capital improvements	371,900	(336,900)	35,000
Grants	2,870,900		2,870,900
Delinquency prevention consortium	200,000		200,000
Total all funds	\$17,693,900	(\$702,460)	\$16,991,440
Less estimated income	<u>5,688,979</u>	<u>(14,475)</u>	<u>5,674,504</u>
Total general fund	\$12,004,921	(\$687,985)	\$11,316,936
Adult Services:			
Victim services	\$2,610,550	(\$1,514)	\$2,609,036
Institutional offender services	828,335	(6,686)	821,649
Community offender services	10,029,660	(394,383)	9,635,277
Support services	20,234,931	(3,535,679)	16,699,252
Program services	3,853,788	(20,427)	3,833,361
Security and safety	23,625,750	(3,284,584)	20,341,166
Roughrider Industries	<u>9,243,724</u>	<u>(1,721,930)</u>	<u>7,521,794</u>
Total all funds	\$70,426,738	(\$8,965,203)	\$61,461,535
Less estimated income	<u>16,335,431</u>	<u>(3,675,252)</u>	<u>12,660,179</u>
Total general fund	\$54,091,307	(\$5,289,951)	\$48,801,356
Grand total all funds	\$89,144,422	(\$9,691,177)	\$79,453,245
Less grand total special funds	<u>22,024,410</u>	<u>(3,689,727)</u>	<u>18,334,683</u>
Grand total general fund	\$67,120,012	(\$6,001,450)	\$61,118,562
FTE	577.21	(30.53)	546.68

Detail of House changes to the executive budget includes:

	DELAY MARKET SALARY INCREASE TO JANUARY 1, 2001	REDUCE COMPENSATION PACKAGE TO 2/2	INCREASE HEALTH INSURANCE COST	REDUCE EQUIPMENT	REDUCE OPERATING EXPENSES	REDUCE CAPITAL IMPROVEMENTS
Central Office:						
Salaries and wages	(\$3,571) <sup>1</sup>	(\$11,792) <sup>2</sup>	\$2,281 <sup>3</sup>			
Operating expenses					(\$3,682) <sup>6</sup>	
Equipment				(\$6,750) <sup>4</sup>		
Total all funds	(\$3,571)	(\$11,792)	\$2,281	(\$6,750)	(\$3,682)	\$0
Less estimated income	_____	_____	_____	_____	_____	_____
Total general fund	(\$3,571)	(\$11,792)	\$2,281	(6,750)	(\$3,682)	\$0
Juvenile Services:						
Salaries and wages		(\$120,416) <sup>2</sup>	\$35,641 <sup>3</sup>			
Operating expenses					(\$115,200) <sup>7</sup>	
Equipment				(\$37,450) <sup>5</sup>		
Capital improvements						(\$336,900) <sup>9</sup>
Grants						
Delinquency prevention consortium						
Total all funds	\$0	(\$120,416)	\$35,641	(\$37,450)	(\$115,200)	(\$336,900)
Less estimated income	_____	<u>(3,807)</u>	<u>1,426</u>	_____	_____	_____
Total general fund	\$0	(\$116,609)	\$34,215	(\$37,450)	(\$115,200)	(\$336,900)
Adult Services:						
Victim services		(\$1,942) <sup>2</sup>	\$428 <sup>3</sup>			
Institutional offender services		(8,981) <sup>2</sup>	2,295 <sup>3</sup>			
Community offender		(61,334) <sup>2</sup>	18,233 <sup>3</sup>		(\$149,800) <sup>8</sup>	

services						
Support services		(58,942) <sup>2</sup>	17,963 <sup>3</sup>			(\$3,494,700) <sup>10</sup>
Program services		(26,700) <sup>2</sup>	6,273 <sup>3</sup>			
Security and safety		(213,452) <sup>2</sup>	70,282 <sup>3</sup>			
Roughrider Industries		(31,054) <sup>2</sup>	9,124 <sup>3</sup>			
Total all funds	\$0	(\$402,405)	\$124,598	\$0	(\$149,800)	(\$3,494,700)
Less estimated income		(36,128)	10,407			(2,093,531)
Total general fund	\$0	(\$366,277)	\$114,191	\$0	(\$149,800)	(\$1,401,169)
Grand total all funds	(\$3,571)	(\$534,613)	\$162,520	(\$44,200)	(\$268,682)	(\$3,831,600)
Less grand total special funds		(39,935)	11,833			(2,093,531)
Grand total general fund	(\$3,571)	(\$494,678)	\$150,687	(\$44,200)	(\$268,682)	(\$1,738,069)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	REDUCE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	REMOVE FTE AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	REMOVE SPENDING AUTHORITY RELATING TO LICENSE PLATE ISSUE	INCREASE SUPERVISION FEES	REMOVE POSITIONS AND RELATED OPERATING EXPENSES	TOTAL HOUSE CHANGES
Central Office:						
Salaries and wages						(\$13,082)
Operating expenses						(3,682)
Equipment						(6,750)
Total all funds	\$0	\$0	\$0	\$0	\$0	(\$23,514)
Less estimated income						
Total general fund	\$0	\$0	\$0	\$0	\$0	(\$23,514)
Juvenile Services:						
Salaries and wages					(\$128,135) <sup>15</sup>	(\$212,910)
Operating expenses						(115,200)
Equipment						(37,450)
Capital improvements						(336,900)
Grants						
Delinquency prevention consortium						
Total all funds	\$0	\$0	\$0	\$0	(\$128,135)	(\$702,460)
Less estimated income					(12,094)	(14,475)
Total general fund	\$0	\$0	\$0	\$0	(\$116,041)	(\$687,985)
Adult Services:						
Victim services						(\$1,514)
Institutional offender services						(6,686)
Community offender services					(\$201,482) <sup>16</sup>	(394,383)
Support services						(3,535,679)
Program services						(20,427)
Security and safety	(\$1,424,260) <sup>11</sup>	(\$1,463,679) <sup>12</sup>			(253,475) <sup>17</sup>	(3,284,584)
Roughrider Industries			(\$1,700,000) <sup>13</sup>			(1,721,930)
Total all funds	(\$1,424,260)	(\$1,463,679)	(\$1,700,000)	\$0	(\$454,957)	(\$8,965,203)
Less estimated income			(1,700,000)	144,000 <sup>14</sup>		(3,675,252)
Total general fund	(\$1,424,260)	(\$1,463,679)	\$0	(\$144,000) <sup>14</sup>	(\$454,957)	(\$5,289,951)
Grand total all funds	(\$1,424,260)	(\$1,463,679)	(\$1,700,000)	\$0	(\$583,092)	(\$9,691,177)
Less grand total special funds			(1,700,000)	144,000	(12,094)	(3,689,727)
Grand total general fund	(\$1,424,260)	(\$1,463,679)	\$0	(\$144,000)	(\$570,998)	(\$6,001,450)
FTE	0.00	(20.00)	0.00	0.00	(10.53)	(30.53)

House changes narrative:

<sup>1</sup> This amendment delays until January 1, 2001, implementation of a market salary increase for the director of the Department of Corrections and Rehabilitation. This adjustment will provide an increase of approximately \$163 per month for the last six months of the biennium.

<sup>2</sup> This amendment reduces salaries increases to two percent in July 1999 and two percent in July 2000.

<sup>3</sup> This amendment increases salaries and wages and program line items to reflect increased health insurance costs.

<sup>4</sup> This amendment reduces the equipment line item for the Central Office by approximately 25 percent, from \$26,950 to \$20,200.

5 This amendment reduces the equipment line item for the Juvenile Services Division by \$37,450 for the following:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center:			
Reduces from \$50,000 to \$37,500 the amount provided for computer purchases	(\$12,500)		(\$12,500)
Reduces from \$15,000 to \$10,000 the amount provided for the purchase of a replacement tractor	(5,000)		(5,000)
Eliminates funding for vocational equipment purchased during 1997-99	(18,200)		(18,200)
Juvenile Community Services:			
Reduces equipment line item from \$7,000 to \$5,250	(1,750)		(1,750)
<b>Total Juvenile Services Division equipment reduction</b>	<b>(\$37,450)</b>		<b>(\$37,450)</b>

6 This amendment reduces the operating expenses line item for the Central Office from \$118,682 to \$115,000 for reductions to be determined by the department.

7 This amendment reduces the operating expenses line item for the Juvenile Services Division from \$4,344,374 to \$4,229,174 to reflect a \$32,200 reduction to the Youth Correctional Center for medical-related expenses and a \$83,000 reduction to Juvenile Community Services for reductions to be determined by the department.

8 This amendment reduces the community offender services line item to reflect a reduction from \$2,149,800 to \$2,000,000 in the amount provided for various programs that provide alternatives to the incarceration of inmates. This amendment also adds Section 5 which provides legislative intent that the department monitor the effectiveness of these programs and present a report to the Budget Section.

9 This amendment reduces capital improvements for the Youth Correctional Center as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Eliminates funding for Divine Hall improvements	(\$120,000)		(\$120,000)
Eliminates funding for fire suppression systems in Brown and Maple cottages	(101,000)		(101,000)
Reduces from \$150,900 to \$35,000 funding for extraordinary repairs	(115,900)		(115,900)
<b>Total Youth Correctional Center capital improvements reductions</b>	<b>(\$336,900)</b>		<b>(\$336,900)</b>

10 This amendment reduces capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Reduces from \$1,003,700 to \$650,000 funding for extraordinary repairs	(\$353,700)		(\$353,700)
Reduces from \$121,000 to \$100,000 funding for security improvements at the James River Correctional Center (JRCC)	(21,000)		(21,000)
Reduces from \$325,000 to \$200,000 funding for forensic building lobby, front entrance, and other JRCC improvements	(125,000)		(125,000)
Reduces from \$71,000 to \$40,000 funding for parking lot construction at the JRCC	(31,000)		(31,000)
Eliminates funding for a security fence around the RRI building	(198,000)		(198,000)
Reduces from \$433,000 to \$245,000 funding for administrative segregation unit improvements at the Penitentiary	(188,000)		(188,000)
Reduces from \$325,000 to \$100,000 funding for parking lot improvements at the Penitentiary	(225,000)		(225,000)
Reduces the support services line item for the 5th and 6th floors renovation of the JRCC	(259,469)	(\$2,093,531)	(2,353,000)
<b>Total adult services capital improvements reductions</b>	<b>(\$1,401,169)</b>	<b>(\$2,093,531)</b>	<b>(\$3,494,700)</b>

This amendment adds Section 4 of the bill, which provides legislative intent that during the 1997-99 biennium the department monitor the growth of the inmate population and the number of correctional institution beds available to the department to contract for inmate housing, and prior to the 2001 legislative session, present a report to the Legislative Council or an interim committee on the department's plans to renovate the 5th and 6th floors of the JRCC.

11 This amendment reduces funding for contracting for inmate housing from \$4,085,300 to \$2,661,040 to reflect an anticipated growth in the inmate population of 10 percent for fiscal year 2000 and 15 percent for fiscal year 2001 and legislative intent that the department contract with in-state county facilities for housing as many inmates as possible before contracting with out-of-state facilities.

12 This amendment eliminates the following FTE positions and operating expenses for the 5th and 6th floors of the JRCC:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Removes correctional unit case managers	(2.00)	(\$87,906)		(\$87,906)
Removes correctional caseworkers	(6.00)	(234,048)		(234,048)
Removes correctional officer II positions	(12.00)	(411,540)		(411,540)
Operating expenses		<u>(730,185)</u>		<u>(730,185)</u>
Total reduction for operation of the 5th and 6th floors of the JRCC	(20.00)	(\$1,463,679)		(\$1,463,679)

<sup>13</sup>This amendment reduces the Roughrider Industries line item by \$1.7 million for operating expenses relating to the issuance of license plates.

<sup>14</sup>This amendment increases by \$144,000 anticipated revenue from parole supervision fees based on increasing fees from \$30 to \$35 per month, as provided in Section 6 of the bill. This amendment also reduces general fund spending authority by the same amount.

<sup>15</sup>This amendment reduces funding for the expansion of the Youth Correctional Center education program to increase the number of months of instruction from 10 to 12 months. The amendment is based on legislative intent that the Youth Correctional Center expand the educational program by offering only core curriculum during the summer months rather than a full education program as proposed in the executive budget. The costs are estimated as follows:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Executive budget	3.57	\$269,895	\$43,858	\$313,753
House version	<u>2.04</u>	<u>153,854</u>	<u>31,764</u>	<u>185,618</u>
Change from executive budget	(1.53)	(\$116,041)	(\$12,094)	(\$128,135)

<sup>16</sup>This amendment eliminates the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Removes administrative secretary III positions	(2.00)	(\$95,436)		(\$95,436)
Adds funding for temporary salaries		38,436		38,436
Removes related operating expenses		(41,848)		(41,848)
b. Removes community corrections agent Removes related operating expenses	(1.00)	(53,024) (2,531)		(53,024) (2,531)
c. Removes parole and probation officer II Removes related operating expenses	(1.00)	(36,657) <u>(10,422)</u>		(36,657) <u>(10,422)</u>
Total FTE and related changes for community offender services	(4.00)	(\$201,482)		(\$201,482)

<sup>17</sup>This amendment eliminates the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Removes correctional officer II positions relating to the JRCC Removes related operating expenses	(2.00)	(\$110,910) (4,480)		(\$110,910) (4,480)
b. Removes correctional officer II positions relating to transporting Missouri River Correctional Center inmates Removes related operating expenses	(2.00)	(110,910) (4,480)		(110,910) (4,480)
c. Removes correctional officer II position relating to Penitentiary front lobby security Removes related operating expenses	(1.00)	(55,455) (2,240)		(55,455) (2,240)
d. Increases funding for temporary salaries		35,000		35,000
	<u>(5.00)</u>	<u>(\$253,475)</u>		<u>(\$253,475)</u>