PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

That the Senate recede from its amendments as printed on pages 1493 and 1494 of the House Journal and pages 1310-1312 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 2, after "rehabilitation" insert "; to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to the incarceration of female inmates in grade one correctional facilities; to provide a statement of legislative intent; to provided for a legislative council study; to provide an exemption to chapters 48-01.1 and 54-44.7 of the North Dakota Century Code, relating to public improvement contract bids and architect, engineer, and land surveying services; to provide for a performance audit of the department of corrections and rehabilitation; to provide an expiration date"

Page 1, line 10, replace "20,461,983" with "20,922,058"

Page 1, line 11, replace "66,836,583" with "68,254,582"

Page 1, line 12, replace "9,651,218" with "9,629,163"

Page 1, line 13, replace "11,602,021" with "11,577,679"

Page 1, line 14, replace "108,551,805" with "110,383,482"

Page 1, line 15, replace "30,135,194" with "29,646,871"

Page 1, line 16, replace "78,416,611" with "80,736,611"

Page 1, after line 16, insert:

"**SECTION 2. APPROPRIATION - 2001-03 BIENNIUM.** There is appropriated from federal funds the sum of $500,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation, in adult services of the field services division, for the purpose of defraying the expenses of the department's transition center, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Page 2, after line 2, insert:

"**SECTION 5. LEGISLATIVE INTENT - COUNTY CONTRACT HOUSING STATE FEMALE INMATES - REPORTS TO BUDGET SECTION.** It is the intent of the legislative assembly that the state contract with county facilities to house state female inmates during the 2003-05 biennium, with the continuation of the contracting subject to the results of the study in Section 6 of this Act. The department of corrections and rehabilitation and county jails contracting to house state female inmates shall report to the fall 2003 and summer 2004 meetings of the budget section on the implementation and procedures of contracting with counties to house state female inmates.

SECTION 6. LEGISLATIVE COUNCIL STUDY - CONTRACT HOUSING - FEMALE INMATES. The legislative council shall consider studying, during the 2003-04 interim, the long-term needs of all state inmates and if the department of corrections and rehabilitation should continue to contract to house state female inmates with county jails or if the state should expand the prison system. If selected, the study must include

a review of the east cell block of the North Dakota state penitentiary and future needs for maximum security prisoners; the female population and related treatment, programming, and training needs; and the mental health services of the state hospital, including if the department of corrections and rehabilitation should continue to expand its facilities on the state hospital grounds and if patients at the state hospital with mental health needs should be served in other locations. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

SECTION 7. TRANSFER OF LAND AND BUILDINGS - EXEMPTION FROM CHAPTERS 48-01.1 AND 54-44.7. Ownership of the food service building, the dining facility and attached building 18A, the laundry building, and buildings eight and fifty on the grounds of the state hospital must be transferred to the department of corrections and rehabilitation. The department of corrections and rehabilitation is not subject to the provisions of chapters 48-01.1 and 54-44.7 relating to public improvement contract bids and architect, engineer, and land surveying services for construction and renovation relating to the nurses' building, food service building, the dining facility and attached building 18A, laundry building, and building eight.

SECTION 8. DEPARTMENT OF CORRECTIONS AND REHABILITATION - PERFORMANCE AUDIT. The state auditor shall consider conducting a performance audit of the department of corrections and rehabilitation during the period beginning July 1, 2003, and ending January 1, 2005. The results of the performance audit must be presented to the legislative audit and fiscal review committee and the appropriations committees during the department of corrections and rehabilitation's budget presentation during the fifty-ninth legislative assembly.

SECTION 9. A new section to chapter 12-44.1 of the North Dakota Century Code is created and enacted as follows:

Female inmates in grade one correctional facilities. Notwithstanding section 12-44.1-06, a grade one correctional facility that has a contract with the department of corrections and rehabilitation to confine female inmates who have been sentenced to the legal and physical custody of the department of corrections and rehabilitation may confine the female inmate for more than one year in accordance with the terms of the contract. A female inmate who has been sentenced to the legal and physical custody of the department of corrections and rehabilitation and who is confined in a grade one correctional facility under a contract with the department of corrections and rehabilitation has the same rights to sentence reduction for good and meritorious conduct and to pardon and parole as an inmate confined in a department of corrections and rehabilitation prisons division facility.

SECTION 10. EXPIRATION DATE. Section 9 of this Act is effective from July 1, 2003, through June 30, 2005, and after that date is ineffective."

Page 2, line 3, after "The" insert "sum of $1,421,727 for capital construction projects included in the"

Page 2, remove line 4

Page 2, line 5, replace "construction projects, which amounts" with "and section 2 of this Act"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1016 - Department of Corrections and Rehabilitation - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Field services	$21,632,548	$20,461,983	$460,075	$20,922,058	$21,605,127	($683,069)
Prisons Division	71,185,029	66,836,583	1,417,999	68,254,582	70,338, 308	(2,083,726)
Juvenile community services	9,615,306	9,651,218	(22,055)	9,629,163	9,635,918	(6,755)
Youth Correctional Center	11,476,494	11,602,021	(24,342)	11,577,679	11,583,071	(5,392)
Total all funds	$113,909,377	$108,551,805	$1,831,677	$110,383,482	$113,162,424	($2,778,942)
Less estimated income	30,992,766	30,135,194	(488,323)	29,646,871	30,270,459	(623,588)
General fund	$82,916,611	$78,416,611	$2,320,000	$80,736,611	$82,891,965	($2,155,354)
FTE	717.18	641.18	3.00	644.18	707.18	(63.00)

Dept. 530 - Department of Corrections and Rehabilitation - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE [1]	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS [2]	INCREASES FUNDING FOR CONTRACT HOUSING FOR WOMEN INMATES [3]	FUNDING SOURCE CHANGE [4]	RESTORES 1 PAROLE AND PROBATION OFFICER POSITION [5]	ADDS 2 NEW FTE POSITIONS FOR TRANSPORTATION OFFICERS [6]
Field services	($8,430)	($26,922)			$90,376	
Prisons Division	(51,875)	(59,245)	$46,844			$148,908
Juvenile community services	(3,521)	(18,534)				
Youth Correctional Center	(9,549)	(14,793)				
Total all funds	($73,375)	($119,494)	$46,844	$0	$90,376	$148,908
Less estimated income	(5,987)	(24,567)	(1,243,727)	695,582	90,376	
General fund	($67,388)	($94,927)	$1,290,571	($695,582)	$0	$148,908
FTE	0.00	0.00	0.00	0.00	1.00	2.00

	RESTORES GENERAL FUND FUNDING [7]	TOTAL CONFERENCE COMMITTEE CHANGES
Field services	$405,051	$460,075
Prisons Division	1,333,376	1,417,999
Juvenile community services		(22,055)
Youth Correctional Center		(24,342)
Total all funds	$1,738,418	$1,831,677
Less estimated income		(488,323)
General fund	$1,738,418	$2,320,000
FTE	0.00	3.00

[1] This amendment reduces the funding for state employee health insurance premiums from $493 to $488.70 per month.

[2] This amendment reduces funding for information technology by a total of $119,494, which is $94,927 from the general fund and $24,567 from other funds, which represents a reduction in total information technology funding of approximately 5 percent.

[3] This amendment increases the total funding for contract housing of female inmates in county jails by $46,844, which consists of $1,290,571 from the general fund, for a total of $6,689,164 from the general fund for female inmate contract housing, and decreases the federal funds for contract housing by $1,243,727.

[4] This amendment changes the funding for the transition center for the 2003-05 biennium from the general fund to federal funds in the amount of $695,582.

[5] This amendment restores one parole and probation officer II position and funding that was removed by the House.

[6] This amendment adds two new FTE and funding for transportation officers for transporting women prisoners.

[7] This amendment restores part of the general fund amount that the House had removed for the Field Services Division and the Prisons Division.

This amendment also adds seven sections to the bill:

Section 2 appropriates $500,000 of federal funds for the 2001-03 biennium for the transition center to reduce the need for general fund support for the center. The department is expected to increase its unspent general fund appropriation authority for the 2001-03 biennium by $500,000 as a result of this change.

Section 5 provides a statement of legislative intent for the housing of female inmates in county jails and provides for Budget Section reports.

Section 6 provides for a Legislative Council study of contract housing of female inmates.

Section 7 provides an exemption to North Dakota Century Code Chapters 48-01.1 and 54-44.7 relating to public improvement contract bids and architect, engineer, and land surveying services.

Section 8 provides for a performance audit of the Department of Corrections and Rehabilitation during the 2003-05 biennium.

Section 9 creates a new section to Chapter 12-44.1 of the North Dakota Century Code, relating to the incarceration of female inmates in grade 1 correctional facilities.

Section 10 provides an expiration date of June 30, 2005, for Section 9.