

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2016

That the House recede from its amendments as printed on pages 1205-1213 of the Senate Journal and pages 1293-1301 of the House Journal and that Engrossed Senate Bill No. 2016 be amended as follows:

Page 1, line 2, replace the second "and" with "to provide legislative intent; to provide for budget section authorization of the construction of a women's unit;"

Page 1, line 3, after "study" insert "; to create and enact a new section to chapter 54-23.3 of the North Dakota Century Code, relating to the establishment of new programs by the director of the department of corrections and rehabilitation; and to amend and reenact section 12-59-02, subsection 1 of section 12.1-32-08, and subsection 2 of section 54-23.4-12 of the North Dakota Century Code, relating to compensation of parole board members, indigent defense costs and expenses, and crime victims compensation subrogation"

Page 1, line 13, replace "1,281,357" with "1,155,357"

Page 1, line 15, replace "80,850" with "65,750"

Page 1, line 16, replace "1,533,654" with "1,392,554"

Page 1, line 18, replace "1,522,494" with "1,381,394"

Page 1, line 21, replace "10,819,873" with "10,647,498"

Page 1, line 22, replace "5,031,382" with "4,917,407"

Page 1, line 23, replace "217,050" with "148,700"

Page 2, line 2, replace "21,189,929" with "20,835,229"

Page 2, line 3, replace "7,863,275" with "7,825,075"

Page 2, line 4, replace "13,326,654" with "13,010,154"

Page 2, line 8, replace "4,460,612" with "3,863,128"

Page 2, line 9, replace "11,755,705" with "11,353,870"

Page 2, line 10, replace "28,600,319" with "25,258,666"

Page 2, line 11, replace "4,086,082" with "3,732,331"

Page 2, line 12, replace "25,092,023" with "24,163,872"

Page 2, line 13, replace "10,849,840" with "10,842,290"

Page 2, line 14, replace "88,268,147" with "82,637,723"

Page 2, line 15, replace "18,649,184" with "18,696,864"

Page 2, line 16, replace "69,618,963" with "63,940,859"

Page 2, line 17, remove "S.B. 2016" and replace "84,468,111" with "78,532,407"

Page 2, line 18, remove "S.B. 2016" and replace "26,523,619" with "26,533,099"

Page 2, line 19, remove "S.B. 2016" and replace "110,890,730" with "105,065,506"

Page 2, remove lines 23 through 26

Page 3, replace lines 4 through 12 with:

"SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION - LEGISLATIVE COUNCIL STUDY AND REPORTS. During the 2001-02 interim, the legislative council shall consider studying wages paid to inmates sentenced to the state correctional system and the various deductions from those wages, including methods used to determine rates of pay; actual wages paid to inmates; deductions from inmate wages; and the effect deductions for incarceration costs, facility operation costs, and capital improvement costs have on inmate payments for child support and restitution. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

SECTION 5. DEPARTMENT OF CORRECTIONS AND REHABILITATION - FACILITY AND OPERATIONS - LEGISLATIVE COUNCIL STUDY. The legislative council shall study, during the 2001-02 interim, the facilities and operations of the department of corrections and rehabilitation. The study must include the use of consultant services as determined by the legislative council. The study must include the following:

1. An analysis and evaluation of all facilities currently used by the department of corrections and rehabilitation and all facilities currently used by the state hospital which may at some time be used by the department, including:
 - a. The age, condition, and adequacy of each facility.
 - b. The operational efficiency of each facility, including utility costs and staffing needs.
 - c. Modifications, if any, required to allow the department to meet the various needs of adult offenders.
2. An analysis and evaluation of future facility needs, including:
 - a. The types of facilities needed to serve adult offenders.
 - b. The most appropriate location for the department's various facilities, considering:
 - (1) The operational inefficiencies of maintaining multiple facilities.
 - (2) The administrative benefits of having multiple facilities in which to place offenders.
 - (3) The availability of education, treatment, and work programs for inmates.

3. An analysis and evaluation of the staffing needs of the department, including:
 - a. Current staff utilization and needs at each facility.
 - b. Availability of potential employees in each region in which the department operates or may operate a correctional facility.
4. An analysis and evaluation of the anticipated need for additional prison beds, considering the following:
 - a. The impact of changes in sentencing laws.
 - b. The impact of programs that provide alternatives to conventional incarceration.
 - c. Trends in occurrence and types of crime committed in the state.
 - d. The utilization and availability of existing and proposed county or regional correctional facilities.
 - e. The utilization and availability of existing and proposed private correctional facilities.
5. A cost-benefit analysis of the department's current and proposed programs, considering:
 - a. The effect on recidivism.
 - b. The necessity and effectiveness of providing rehabilitation and treatment services.
 - c. The availability of rehabilitation and treatment services which could be provided by entities or agencies other than the department, including regional human service centers.

SECTION 6. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the legislative council for the biennium beginning July 1, 2001, and ending June 30, 2003, for the purpose of contracting with a consultant to conduct the study as provided in section 5 of this Act.

SECTION 7. DEPARTMENT OF CORRECTIONS AND REHABILITATION - WOMEN'S UNIT CONSTRUCTION - LEGISLATIVE COUNCIL STUDY - BUDGET SECTION AUTHORIZATION. The total funds appropriation contained in subdivision 3 of section 1 of this Act includes \$2,450,000 from the general fund and \$1,400,000 from other funds for the construction of a women's unit for housing adult female offenders sentenced to the department of corrections and rehabilitation. The amounts appropriated for the construction of a women's unit may be spent if:

1. The legislative council conducts the study as provided in section 5 of this Act;
2. The committee conducting the study recommends construction of a women's unit after considering the following:
 - a. The need to construct the women's unit based on:
 - (1) The anticipated trends in male and female inmate populations;

- (2) The anticipated impact of programs that provide alternatives to conventional incarceration;
 - (3) The availability and cost-effectiveness of prison beds available to the department on a contract basis in county, regional, or private correctional facilities; and
 - (4) Future capital construction needs of the department; and
- b. The most feasible and desirable location of the women's unit based on:
 - (1) The availability of educational, treatment, work, and other programs;
 - (2) The availability of qualified staff to operate the women's unit and provide services to inmates; and
 - (3) Future capital construction needs of the department; and
3. The budget section of the legislative council authorizes the department to spend funds appropriated by the fifty-seventh legislative assembly for this purpose.

SECTION 8. FEDERAL FUNDING REDUCTIONS - BUDGET SECTION

APPROVAL. If, during the biennium beginning July 1, 2001, and ending June 30, 2003, the federal government reduces funding below the level anticipated by the fifty-seventh legislative assembly for any programs administered by the department of corrections and rehabilitation, the department may not supplant the federal funds with general or special fund moneys without first obtaining the approval of the budget section of the legislative council. The department's budget request for the biennium beginning July 1, 2003, and ending June 30, 2005, must identify any programs for which general or special fund appropriation authority is requested to replace federal funds previously available for the program.

SECTION 9. OPERATION OF "PRERELEASE" AND "DUI OFFENDER TREATMENT" PROGRAMS - REPORT TO THE FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.

During the biennium beginning July 1, 2001, and ending June 30, 2003, the department of corrections and rehabilitation shall monitor the operation of the programs known as the "prerelease center" and the "DUI offender treatment center" authorized by the fifty-seventh legislative assembly. The department shall present a report to the appropriations committees of the fifty-eighth legislative assembly regarding the operation of the programs, including the impact of the programs on recidivism rates; the cost-effectiveness of the programs; the success of the programs; the ability to collect fees, if any, from the participating inmates; and a comparison of the costs and benefits of the "prerelease center" and the "DUI offender treatment center" to other forms of treatment or incarceration.

SECTION 10. LEGISLATIVE INTENT - FUNDING FOR DRUG COURT

PROGRAM. It is the intent of the fifty-seventh legislative assembly that the department of corrections and rehabilitation seek federal funding to support the drug court program during the biennium beginning July 1, 2001, and ending June 30, 2003. If federal funds do not become available to the department to support the program, special funds derived from other income of the department may be used to fund the program. If federal funds become available during the biennium, the department must use the federal funds, and any required matching funds to be provided from special funds, to fund the program for the remainder of the biennium before funds from any other source are used for this purpose. Special fund moneys not used for the drug court program pursuant to this section must be used in place of general fund moneys appropriated by the fifty-seventh legislative assembly for other programs operated by the department.

SECTION 11. AMENDMENT. Section 12-59-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12-59-02. Meetings - Compensation - Rules. The governor shall appoint a member of the parole board to be chairman. The chairman of the parole board shall designate three members of the parole board for each meeting of the parole board. Meetings of the parole board must be held in accordance with rules established by the parole board and must be held as often as required to properly conduct the business of the board, but in any event not less than six times per year. The parole board may only take action upon the concurrence of at least two members who participated in the same meeting. The final decision of at least two parole board members who participated in the same parole board meeting constitutes the decision of the parole board. Members are entitled to be compensated at the rate of ~~sixty-two~~ seventy-five dollars and ~~fifty cents~~ per day for each day actually and necessarily spent in the performance of their duties as board members plus the same mileage and expenses as are authorized for state officials and employees. The director of the division of parole and probation, or the director's designee, is the clerk for the parole board.

SECTION 12. AMENDMENT. Subsection 1 of section 12.1-32-08 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~Prior to~~ Before imposing restitution or reparation as a sentence or condition of probation, the court shall hold a hearing on the matter with notice to the prosecuting attorney and to the defendant as to the nature and amount thereof. The court, when sentencing a person adjudged guilty of criminal activities ~~which~~ that have resulted in pecuniary damages, in addition to any other sentence it may impose, shall order that the defendant make restitution to the victim or other recipient as determined by the court, unless the court states on the record, based upon the criteria in this subsection, the reason it does not order restitution or orders only partial restitution. In determining whether to order restitution, the court shall take into account:
 - a. The reasonable damages sustained by the victim or victims of the criminal offense, which damages ~~must be~~ are limited to those directly related to the criminal offense and expenses actually incurred as a direct result of the defendant's criminal action. This can include an amount equal to the cost of necessary and related professional services and devices relating to physical, psychiatric, and psychological care. The defendant may be required as part of the sentence imposed by the court to pay the prescribed treatment costs for a victim of a sexual offense as defined in chapters 12.1-20 and 12.1-27.2.
 - b. The ability of the defendant to restore the fruits of the criminal action or to pay monetary reparations, or to otherwise take action to restore the victim's property.
 - c. The likelihood that attaching a condition relating to restitution or reparation will serve a valid rehabilitational purpose in the case of the particular offender considered.

The court shall fix the amount of restitution or reparation, which may not exceed an amount the defendant can or will be able to pay, and shall fix the manner of performance of any condition or conditions of probation established pursuant to this subsection. The court ~~may~~ shall order restitution be paid to the division of ~~parole and probation~~ adult services for any benefits ~~it~~ the division has paid or may pay under chapter 54-23.4 unless the court, on the record, directs otherwise. Any payments made pursuant to ~~such~~ the order must be deducted from damages awarded in a civil action arising from the same incident. An order that a defendant make

restitution or reparation as a sentence or condition of probation may, unless the court directs otherwise, be filed, transcribed, and enforced by the person entitled to the restitution or reparation or by the division of adult services in the same manner as civil judgments rendered by the courts of this state may be enforced.

SECTION 13. A new section to chapter 54-23.3 of the North Dakota Century Code is created and enacted as follows:

Reports regarding new programs. Notwithstanding the powers granted under section 54-23.3-04, the director of the department of corrections and rehabilitation may not authorize any new program to serve adult or juvenile offenders, including programs that provide alternatives to conventional incarceration and programs operated on a contract basis, if the program is anticipated to cost in excess of one hundred thousand dollars during the biennium in which the program is implemented or any subsequent biennium without first reporting to the legislative assembly or, if the legislative assembly is not in session, the budget section of the legislative council.

SECTION 14. AMENDMENT. Subsection 2 of section 54-23.4-12 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. ~~Prior to~~ Before bringing an action to recover damages related to criminally injurious conduct for which compensation is claimed or awarded, the claimant shall give the division written notice of the proposed action. If a claimant brings an action for the recovery of damages related to criminally injurious conduct for which compensation is claimed or awarded, the division is subrogated to the rights of the claimant up to the total amount the division has paid. When there has been a recovery of damages, the costs of the action, to be paid by the division from the recovery, exclusive of attorney's fees, must be prorated and adjusted on the percentage of the total subrogation interest of the division recovered to the total recovery. If there is a recovery, the division shall pay attorney's fees to the claimant's attorney from the recovery in the amount of twenty-five percent of the subrogation interest recovered. For purposes of this section, recovery includes proceeds paid pursuant to a settlement, confession of judgment, or judgment of a court. The division may intervene in the action to recover compensation awarded. The division has a lien on a recovery to the extent it has paid compensation. The division is not liable for costs or attorney's fees when the claimant has not provided the division prior written notice of the commencement of an action. If a claimant does not bring an action for damages within six months from the date the division awarded benefits, the division may bring an action or claim for relief in the division's name and may retain as the division's subrogation interest the full amount the division has paid in compensation and benefits to a claimant. The division may bring an action within two years from the date the division first awarded benefits, notwithstanding any other statute of limitation. This section does not limit the claimant's right to bring an action to recover for other damages."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Legislative Council						
Total all funds	\$0	\$0	\$200,000	\$200,000	\$0	\$200,000
Less estimated income						

General fund	\$0	\$0	\$200,000	\$200,000	\$0	\$200,000
Department of Corrections and Rehabilitation - Adult Services						
Total all funds	\$88,268,147	\$88,268,147	(\$5,630,424)	\$82,637,723	\$77,427,001	\$5,210,722
Less estimated income	<u>18,649,184</u>	<u>18,649,184</u>	<u>47,680</u>	<u>18,696,864</u>	<u>17,296,864</u>	<u>1,400,000</u>
General fund	\$69,618,963	\$69,618,963	(\$5,678,104)	\$63,940,859	\$60,130,137	\$3,810,722
Department of Corrections and Rehabilitation - Central Office						
Total all funds	\$1,533,542	\$1,533,654	(\$41,100)	\$1,392,554	\$1,285,683	\$106,871
Less estimated income	<u>11,160</u>	<u>11,160</u>		<u>11,160</u>	<u>11,160</u>	
General fund	\$1,522,382	\$1,522,494	(\$141,100)	\$1,381,394	\$1,274,523	\$106,871
Department of Corrections and Rehabilitation - Juvenile Services						
Total all funds	\$21,088,929	\$21,189,929	(\$354,700)	\$20,835,229	\$20,744,409	\$90,820
Less estimated income	<u>7,762,275</u>	<u>7,863,275</u>	<u>(38,200)</u>	<u>7,825,075</u>	<u>7,825,075</u>	
General fund	\$13,326,654	\$13,326,654	(\$316,500)	\$13,010,154	\$12,919,334	\$90,820
Bill Total						
Total all funds	\$110,890,618	\$110,991,730	(\$5,926,224)	\$105,065,506	\$99,457,093	\$5,608,413
Less estimated income	<u>26,422,619</u>	<u>26,523,619</u>	<u>9,480</u>	<u>26,533,099</u>	<u>25,133,099</u>	<u>1,400,000</u>
General fund	\$84,467,999	\$84,468,111	(\$5,935,704)	\$78,532,407	\$74,323,994	\$4,208,413

Senate Bill No. 2016 - Department of Corrections and Rehabilitation - Adult Services - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$7,073,227					
Operating expenses	9,222,935					
Equipment	63,102					
Grants	3,280,619					
Victims services		\$3,423,566		\$3,423,566	\$3,415,066	\$8,500
Institutional offender services		4,460,612	(\$597,484)	3,863,128	3,863,128	
Community offender services		11,755,705	(401,835)	11,353,870	11,203,870	150,000
Support services	28,600,319	28,600,319	(3,341,653)	25,258,666	20,905,566	4,353,100
Program services	4,086,082	4,086,082	(353,751)	3,732,331	3,619,457	112,874
Security and safety	25,092,023	25,092,023	(928,151)	24,163,872	23,577,624	586,248
Roughrider Industries	<u>10,849,840</u>	<u>10,849,840</u>	<u>(7,550)</u>	<u>10,842,290</u>	<u>10,842,290</u>	
Total all funds	\$88,268,147	\$88,268,147	(\$5,630,424)	\$82,637,723	\$77,427,001	\$5,210,722
Less estimated income	<u>18,649,184</u>	<u>18,649,184</u>	<u>47,680</u>	<u>18,696,864</u>	<u>17,296,864</u>	<u>1,400,000</u>
General fund	\$69,618,963	\$69,618,963	(\$5,678,104)	\$63,940,859	\$60,130,137	\$3,810,722
FTE	508.25	508.25	(23.50)	484.75	456.75	28.00

Dept. 519 - Department of Corrections and Rehabilitation - Adult Services - Detail of Conference Committee Changes

	REDUCE FUNDING FOR DUI OFFENDER TREATMENT PROGRAM ¹	REDUCE BUDGETED COMPUTER PRICES ²	REDUCE NUMBER OF NEW DESKTOP COMPUTERS ³	REDUCE FUNDING FOR SMI UNIT ⁴	REDUCE INSTITUTIONAL OFFENDER SERVICES ⁵	REDUCE COMMUNITY OFFENDER SERVICES ⁶
Salaries and wages						
Operating expenses						
Equipment						
Capital improvements						
Grants						
Victims services						
Institutional offender services	(\$539,284)	(\$750)			(\$57,450)	
Community offender services		(11,308)	(\$8,400)			(\$382,127)
Support services		(15,400)	(5,600)	(\$563,478)		
Program services		(3,600)		(247,646)		
Security and safety		(1,800)		(843,326)		
Roughrider Industries		<u>(6,150)</u>	<u>(1,400)</u>			
Total all funds	(\$539,284)	(\$39,008)	(\$15,400)	(\$1,654,450)	(\$57,450)	(\$382,127)
Less estimated income		<u>(10,920)</u>	<u>(1,400)</u>			<u>60,000</u>
General fund	(\$539,284)	(\$28,088)	(\$14,000)	(\$1,654,450)	(\$57,450)	(\$442,127)
FTE	0.00	0.00	0.00	0.00	0.00	(1.00)

	REDUCE SUPPORT SERVICES ⁷	REDUCE SECURITY AND SAFETY ⁸	REMOVE CAPITAL PROJECTS ⁹	REMOVE FTE AND OPERATING EXPENSES FOR WOMEN'S UNIT ¹⁰	ADD CONTINGENT FUNDING FOR WOMEN'S UNIT ¹¹
Salaries and wages					
Operating expenses					
Equipment					
Capital improvements					
Grants					
Victims services					
Institutional offender services					
Community offender services					
Support services	(\$489,743)		(\$5,703,000)	(\$414,432)	\$3,850,000
Program services				(102,505)	
Security and safety		(\$5,000)		(524,130)	
Roughrider Industries					
Total all funds	(\$489,743)	(\$5,000)	(\$5,703,000)	(\$1,041,067)	\$3,850,000
Less estimated income			(1,400,000)		1,400,000
General fund	(\$489,743)	(\$5,000)	(\$4,303,000)	(\$1,041,067)	\$2,450,000
FTE	0.00	0.00	0.00	(22.50)	

	ADD FUNDING FOR CONTRACT INMATE HOUSING ¹²	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements		
Grants		
Victims services		
Institutional offender services		(597,484)
Community offender services		(401,835)
Support services		(3,341,653)
Program services		(353,751)
Security and safety	\$446,105	(928,151)
Roughrider Industries		(7,550)
Total all funds	\$446,105	(\$5,630,424)
Less estimated income		47,680
General fund	\$446,105	(\$5,678,104)
FTE	0.00	(23.50)

- ¹ Funding for the DUI offender treatment program, which will be operated on a contract basis with the State Hospital, is reduced from \$2,139,284 to \$1,600,000 to reflect a reduction in administrative cost allocation charged by the State Hospital, the same as the House version.
- ² The Senate version for the Adult Services Division included funding for 47 new desktop computers budgeted at various prices ranging from \$1,914 to \$2,300 per computer and six new laptop computers budgeted at various prices ranging from \$2,500 to \$3,500 per computer. This amendment reduces the price per computer to \$1,400 for desktop computers and \$1,750 for laptop computers, the same as the House version.
- ³ The total number of new desktop computers budgeted to be replaced by the Department of Corrections and Rehabilitation is reduced by approximately 27 percent, from 106 to 77, the same as the House version. The number of budgeted desktop computer purchases is reduced from 47 to 34 for the Adult Services Division, the same as the House version.
- ⁴ Funding is provided by the Conference Committee for the proposed seriously mentally ill (SMI) unit only for the last six months of the biennium as follows:

	SENATE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE VERSION
Total general fund	\$2,437,797	\$0	\$783,347
FTE	28.00	0.00	28.00

⁵ The institutional offender services line item is adjusted for the following changes:

	GENERAL FUND	OTHER FUNDS	TOTAL
Operating expenses	(\$10,000)		(\$10,000)
Compensation rate increase for Parole Board members from \$62.50 to \$75 per day	2,550		2,550
Total change from Senate version	(\$7,450)	\$0	(\$7,450)

- ⁶ The community offender services line item is reduced to reflect the following changes:

	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Temporary salaries		(\$14,000)		(\$14,000)
Operating expenses		(257,000)		(257,000)
Funding source change (additional supervision fees)		(60,000)	\$60,000	
Remove parole officer II position				
Salaries and wages	(1.00)	(78,755)		(78,755)
Operating expenses		<u>(32,372)</u>		<u>(32,372)</u>
Total reduction relating to new positions	(1.00)	(\$111,127)		(\$111,127)
Total change from Senate version	(1.00)	(\$442,127)	\$60,000	(\$382,127)

Compared to the House version, this amendment restores \$150,000 from the general fund to this line item.

⁷ The support services line item is reduced to reflect the following changes:

	GENERAL FUND	OTHER FUNDS	TOTAL
Temporary salaries	(\$8,000)		(\$8,000)
Medical, dental, and optical expenses	30,000		30,000
Hepatitis B vaccinations and screening and treatment for other contagious diseases	91,375		91,375
Other equipment	(100,000)		(100,000)
Capital improvements - Penitentiary parking lot	(403,118)		(403,118)
Capital improvements - Extraordinary repairs	(100,000)		(100,000)
Total change from Senate version	(\$489,743)	\$0	(\$489,743)

⁸ The security and safety line item is reduced to reflect a \$5,000 reduction in operating expenses.

⁹ Funding is removed for the following capital projects:

	GENERAL FUND	OTHER FUNDS	TOTAL
Missouri River Correctional Center - Food service building	(\$1,983,000)		(\$1,983,000)
Women's unit	<u>(2,320,000)</u>	<u>(\$1,400,000)</u>	<u>(3,720,000)</u> ^a
Total change from Senate version	(\$4,303,000)	(\$1,400,000)	(\$5,703,000)

^a Contingent funding of \$3.85 million is added for construction of the women's unit (see footnote 11 below).

¹⁰ Funding is removed for the proposed women's unit as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Salaries and wages	(\$585,457)		(\$585,457)
Operating expenses	(421,815)		(421,815)
Equipment	<u>(33,795)</u>		<u>(33,795)</u>
Total change from Senate version	(\$1,041,067)	\$0	(\$1,041,067)

¹¹ Funding is added for construction of a women's unit, subject to the outcome of a Legislative Council study and Budget Section approval.

¹² The Senate version included \$2,452,275 for housing inmates at county or out-of-state correctional facilities. This amendment increases that amount to \$2,898,380. The House had increased the Senate version by \$196,105.

Senate Bill No. 2016 - Department of Corrections and Rehabilitation - Central Office - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$1,281,245	\$1,281,357	(\$126,000)	\$1,155,357	\$1,075,871	\$79,486
Operating expenses	171,447	171,447		171,447	152,062	19,385
Equipment	<u>80,850</u>	<u>80,850</u>	<u>(15,100)</u>	<u>65,750</u>	<u>57,750</u>	<u>8,000</u>
Total all funds	\$1,533,542	\$1,533,654	(\$141,100)	\$1,392,554	\$1,285,683	\$106,871
Less estimated income	<u>11,160</u>	<u>11,160</u>		<u>11,160</u>	<u>11,160</u>	
General fund	\$1,522,382	\$1,522,494	(\$141,100)	\$1,381,394	\$1,274,523	\$106,871
FTE	10.00	10.00	0.00	10.00	9.00	1.00

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

	REDUCE FUNDING FOR TEMPORARY SALARIES	REMOVE FUNDING FOR SALARY EQUITY INCREASES ¹	REDUCE BUDGETED COMPUTER PRICES ²	REMOVE FUNDING FOR COMPUTER SERVER ³
Salaries and wages	(\$1,000)	(\$125,000)		
Operating expenses				
Equipment			(\$6,300)	(\$6,000)
Total all funds	(\$1,000)	(\$125,000)	(\$6,300)	(\$6,000)
Less estimated income				
General fund	(\$1,000)	(\$125,000)	(\$6,300)	(\$6,000)
FTE	0.00	0.00	0.00	0.00

	REDUCE NUMBER OF NEW DESKTOP COMPUTERS ⁴	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		(\$126,000)
Operating expenses		
Equipment	(\$2,800)	(15,100)
Total all funds	(\$2,800)	(\$141,100)
Less estimated income		
General fund	(\$2,800)	(\$141,100)
FTE	0.00	0.00

¹ The Senate version included \$125,000 for salary adjustments, in addition to the executive budget compensation package, to address equity and salary compression issues within the department. This amendment removes this funding, the same as the House version.

² The Senate version for the Central Office included funding for nine new desktop computers, budgeted at a cost of \$2,100 per computer. This amendment reduces the budgeted price per computer to \$1,400, the same as the House version.

³ The Senate version for the Central Office included funding to replace three computer servers, one at a price of \$25,000 and two at \$14,000. This amendment removes funding for one of the \$14,000 servers, the same as the House version.

⁴ The total number of desktop computers budgeted to be replaced by the Department of Corrections and Rehabilitation is reduced by approximately 27 percent, from 106 to 77. The number of budgeted desktop computer purchases is reduced from nine to seven for the Central Office.

Compared to the House version, this amendment restores one FTE data processing position and related operating expenses (\$87,871) and other operating expenses (\$11,000).

Senate Bill No. 2016 - Department of Corrections and Rehabilitation - Juvenile Services - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$10,819,873	\$10,819,873	(\$172,375)	\$10,647,498	\$10,647,498	
Operating expenses	4,930,382	5,031,382	(113,975)	4,917,407	4,891,907	\$25,500
Equipment	217,050	217,050	(68,350)	148,700	119,700	29,000
Capital improvements	707,747	707,747		707,747	671,427	36,320
Grants	4,413,877	4,413,877		4,413,877	4,413,877	
Total all funds	\$21,088,929	\$21,189,929	(\$354,700)	\$20,835,229	\$20,744,409	\$90,820
Less estimated income	7,762,275	7,863,275	(38,200)	7,825,075	7,825,075	
General fund	\$13,326,654	\$13,326,654	(\$316,500)	\$13,010,154	\$12,919,334	\$90,820
FTE	120.43	120.43	0.00	120.43	120.43	0.00

Dept. 532 - Department of Corrections and Rehabilitation - Juvenile Services - Detail of Conference Committee

	REDUCE TEMPORARY SALARIES RELATING TO NEW POSITIONS ¹	REDUCE OPERATING EXPENSES ²	REDUCE EQUIPMENT ³	REDUCE FUNDING FOR SUMMER SCHOOL PROGRAM	REDUCE FUNDING FOR TEACHER SALARY INCREASES ⁴	REDUCE BUDGETED COMPUTER PRICES ⁵
Salaries and wages	(\$41,000)			(\$40,000)	(\$91,375)	
Operating expenses		(\$113,975)				
Equipment			(\$5,000)			(\$43,750)
Capital improvements						
Grants						
Total all funds	(\$41,000)	(\$113,975)	(\$5,000)	(\$40,000)	(\$91,375)	(\$43,750)
Less estimated income						(25,600)

General fund	(\$41,000)	(\$113,975)	(\$5,000)	(\$40,000)	(\$91,375)	(\$18,150)
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	REDUCE NUMBER OF NEW DESKTOP COMPUTERS ⁶	TOTAL CONFERENCE COMMITTEE CHANGES				
Salaries and wages		(\$172,375)				
Operating expenses		(113,975)				
Equipment	(\$19,600)	(68,350)				
Capital improvements						
Grants						
Total all funds	(\$19,600)	(\$354,700)				
Less estimated income	<u>(12,600)</u>	<u>(38,200)</u>				
General fund	(\$7,000)	(\$316,500)				
FTE	0.00	0.00				

¹ The Senate version included one FTE security officer I for the Youth Correctional Center and one FTE administrative assistant I for the Juvenile Community Services Division. This amendment reduces the salaries and wages line item by \$41,000 (\$12,000 for Juvenile Community Services and \$29,000 for the Youth Correctional Center) to reflect an anticipated reduction in the need for temporary employees as a result of the new positions, the same as the House version.

² The Juvenile Services Division operating expenses line item is reduced to reflect the following changes:

	GENERAL FUND	OTHER FUNDS	TOTAL
Juvenile Community Services (JCS)	(\$55,000)		(\$55,000)
Division - Various reductions			
JCS Division - Juvenile transportation costs (SB 2220 with House amendments)	(41,475)		(41,475)
YCC - Administration	(7,500)		(7,500)
YCC - Education	<u>(10,000)</u>		<u>(10,000)</u>
Total change from Senate version	(\$113,975)	\$0	(\$113,975)

The House had reduced these items by \$139,475.

³ This amendment reduces the amount appropriated to the Youth Correctional Center for "other" equipment from \$54,729 to \$49,729. The House had reduced this by \$34,000.

⁴ The Senate version for the Juvenile Services Division included \$291,375 for salary adjustments, in addition to the executive budget compensation package, to increase teacher salaries pursuant to a composite salary schedule developed by the Central Personnel Division. This amendment reduces this amount to \$200,000, the same as the House version.

⁵ The Senate version for the Juvenile Services Division included funding for the purchase of 50 new desktop computers and three new laptop computers, budgeted at a price of \$2,200 per desktop and \$3,000 per laptop. This amendment reduces the budgeted prices to \$1,400 per desktop and \$1,750 per laptop, the same as the House version.

⁶ The total number of desktop computers budgeted to be replaced by the Department of Corrections and Rehabilitation is reduced by approximately 27 percent, from 106 to 77, the same as the House version. The number of budgeted desktop computer purchases is reduced from 50 to 36 for the Juvenile Services Division, the same as the House version.

This amendment does not reduce funding for heating plant improvements at the Youth Correctional Center. The House version had reduced this item by \$36,320 from the general fund.

This amendment removes the following sections included in the House amendment:

- The section which provided that any moneys budgeted by the Youth Correctional Center for teacher contracts for the summer education program but not spent for that purpose must be returned to the general fund at the end of the 2001-03 biennium.
- The section which authorized the department to transfer funds between the subdivisions and program line items included in the bill for the purpose of providing for computer purchases.
- The section which provided that any moneys budgeted for the operation of the prerelease center but not spent for that purpose may not be used for any other purpose except contracting for inmate housing.

This amendment also adds the following sections:

- Section 4, which directs the Legislative Council to consider studying issues relating to inmate wages and various deductions from those wages.
- Section 5, which directs the Legislative Council to consider studying the facility needs of the Department of Corrections and Rehabilitation.

- Section 6, which provides an appropriation of \$200,000 to the Legislative Council for a study.
- Section 7, which provides for the Budget Section authorization, after a study, of the women's unit.
- Section 8, which provides that if federal funding is reduced during the 2001-03 biennium, the department may not supplant the federal funds with general or special funds. The department must also identify any programs included in its 2003-05 biennium budget request for which general or special fund appropriation authority is requested to replace federal funds previously available for the program.
- Section 9, which directs the department to report to the Appropriations Committees of the Fifty-eighth Legislative Assembly on the effectiveness of the prerelease and DUI offender treatment programs.
- Section 10, which provides legislative intent that the department seek federal funding for the drug court program. If federal funds become available, the department must spend the federal funds in place of the special funds appropriated for the program; the special funds appropriation for the program must then be used in place of general fund moneys appropriated for other programs.
- Section 11, which amends North Dakota Century Code (NDCC) Section 12-59-02 to increase the compensation rate for Parole Board members from \$62.50 per day to \$75 per day.
- Section 13, which creates a new section to NDCC Chapter 54-23.3 to require the department to report to the Legislative Assembly or the Budget Section before establishing any new correctional program.
- Sections 12 and 14, which amend NDCC Sections 12.1-32-08 and 54-23.4-12 to provide that if crime victims compensation is awarded, the department has the right of subrogation to initiate a claim for relief to recover funds from a collateral source.