

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1506

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Deanna Hall  
Operator's Signature

10/23/03  
Date

SPECIAL SESSION

2003 HOUSE APPROPRIATIONS

HB 1506

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10/23/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1506

House Appropriations Committee

☐ Conference Committee

Hearing Date May 5, 2003

Tape Number	Side A	Side B	Meter #
1	xx	xx	
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: Joint Appropriations Hearing

Rep. Svedjan opened the hearing on HB 1506, Roll was taken, those in attendance: Rep.

Svedjan, Rep. Timm, Rep. Martinson, Rep. Brusegaard, Rep. Aarsvold, Rep. Gulleeson, Rep. Monson, Rep. Rennerfeldt, Rep. Wald, Rep. Carlisle, Rep. Carlson, Rep. Glassheim, Rep. Koppelman, Rep. Kroeber, Rep. Skarphol, Rep. Thoreson, Rep. Warner, Rep. Delzer, Rep. Warnke, Rep. Bellew, Rep. Kempenich, Rep. Kerzman, Rep. Metcalf, Sen. Holmberg, Sen. Bowman, Sen. Grindberg, Sen. Andrist, Sen. Christmann, Sen. Kilzer, Sen. Krauter, Sen. Kringstad, Sen. Lindaas, Sen. Mathern, Sen. Schobinger, Sen. Thane. THOSE

ABSENT: Sen. Robinson, Sen. Tallackson.

Rep. Berg shared an overview with the committee addressing the changes to the previously pass bill, Those changes include a 1M increase in general fund dollars, leaving the introduced bill to 81.7M. He noted the 01-03 biennium, this agency was funded at 75M with a 1.2M turnback amount.

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**Rep. Svedjan** noted the changes include a 1M addition and the emergency clause.

**Rep. Berg** noted the increase is being addressed to due an increase in inmate estimates that exceed inmates being contracted out.

**Elaine Little, Director, Dept. Of Corrections** introduced Dave Krabbenhoft who would address the departments response.

**Dave Krabbenhoft, Fiscal Director, DOCR** provided an overview of the estimates.

(see written testimony)

**Rep. Koppelman** noted in the admit and release column there appears changes seasonal in nature, he noted a reduction in numbers rather than an increase.

**Dave Krabbenhoft, Fiscal Director, DOCR** noted typically in the summer the department sees a decrease in their intake numbers this maybe be due to judges being on summer vacations and the reduction in the court calendar. The totals on the chart show an increase in 76 inmates. With the increase in meth. Arrests and the increase in county jail populations this points to a trend of an increase in the system population.

**Rep. Koppelman** questioned the legislative estimates and the DOCR estimates in past sessions.

**Dave Krabbenhoft, Fiscal Director,** noted the department looks at trends and bases the estimates on those trends. He noted last session those estimates came pretty close.

**Sen. Bowman** regarding Section 11, What if the contracting is more effective? Why are you limiting it to June 30, 2005?

**Dave Krabbenhoft, Fiscal Director, DOCR** This is on a trial basis, the legislature will look at the contract situation after the biennium.

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**Rep. Kroeber** asked if there were concerns foreseen with progressive parole and the reduction in Field Services.

**Dave Krabbenhoft, Fiscal Director, DOCR** This presents a challenge to us, this could have a negative effect on parole numbers.

**Rep. Aarsvold** noted that a factor not taken into account with the numbers is the length of the prison stay. Do you factor that in, and are we seeing an increase or decrease in sentencing?

**Dave Krabbenhoft, Fiscal Director, DOCR** we do take that into account, I can't tell you if a change in noted, I don't know.

**Rep. Wald** asked what effect the repeal of the mandatory sentencing has been.

**Elaine Little, DOCR** noted this is a difficult analysis to make, there doesn't seem to be much impact. In response to a question from Rep. Wald regarding section 5 of the bill, she also noted, the DOCR had no part in this section of the bill. We will report to the interim committee. The DOCR will work hard to make the contract program work.

**Rep. Timm** commented, You say you are 3M short, you must have made your case in the House and Senate during the regular session and neither bought it. Your trying to sell the same idea.

**Elaine Little** noted the Senate added 3M to the budget and the conference committee removed it.

**Sen. Holmberg** advised the committee, 4.5M was added in the Senate, the Conference Committee split the difference. The final bill was passed at 2.1M less than the Senate has originally passed.

**Sen. Mathern** asked if the 1M will deal with the Governors concerns.

**Rep. Kerzman** What success have you seen with the Crime Bill money.

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**Dave Krabbenhoft, Fiscal Director, DOCR** the crime bill money is going to the transition center, Approximately \$500,000 will be spent in this current biennium, and turnback the additional \$500,000. Next biennium we have around \$700,000 to spend on the transition center. We used all with the exception of \$40,000

**Sen. Schobinger** 1M will this address the safety needs noted in the newspapers. (inaudible)

**Dave Krabbenhoft, Fiscal Director, DOCR** we don't know where those issues came from. We have a safe facility, a budget reduction will increase the risk

**Rep. Warnke** 01-03 appropriate of 102.5M; with turnback of 1.3M. The appropriation in the bill is 111M. We heard testimony the two juvenile line came in at 95%, so that 95% rolled up into additional prison funds. I get extremely frustrated when we hear about the prison cuts when there are increases of 8M in this bill.

**Dave Krabbenhoft, Fiscal Director, DOCR** agreed there is an increase, but there is 1.2M for increased health insurance for employees, (inaudible) we need another 1.3M, there is an increase of cost where the department took on the dietary and laundry at the state hospital, this was a 15 position transfer.

**Rep. Warnke** In the executive recommendation the crime bill money was all going (inaudible) you claim a 2-3M reduction in the prisons line item. It's basically a transfer in line items.

**Dave Krabbenhoft, Fiscal Director, DOCR** we are saving millions in Jamestown with meals and laundry, by combining services. We can do it cheaper with the DOCR rather than contracting. We can do things cheaper.

**Rep. Delzer** commented, here we have new numbers are again. The numbers never seem to add up, they are always different, even the male population are totally different again. That is part of

*Deanna G. Hall*  
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what we deal with when we work with this budget. We ask for the inmate count of the females right before we did the conference committee and all of a sudden it's up 9 right now. I think they have enough funds. This is a hard budget to work, last time we tried to cut some things back and we did. We ended up with 1.2M then add the \$500,000 crime bill dollars we are looking at a 1.7M turnback is expected. I think we did a good job with this budget, and I don't think adding additional dollars is necessary.

**Sen. Nething**, District 12, Jamestown spoke in favor of HB 1506, he offered his amendment 30802.0201. The proposed change in the amendment moves the project to the LaHaug Building in Jamestown. He also noted 2 women inmates have filled a discrimination suit in Federal Court; they have asked for an injunction to stop the movement of female inmates to county facilities.

**Sen. Bowman** we haven't moved anyone yet, who is behind this action? We need to find the force behind that is, because we are setting a policy to study this for two years and now we are going to have a lawsuit to stop that policy. I find that really interesting.

**Sen. Nething** Let me assure you, it's not me.

**Elaine Little, DOCR** some women have been writing throughout the session claiming the filing of a lawsuit. Staff has informed me they have been spending many hours in the law library.

**Rep. Warnke** commented, we struggled with the County concept vs. LaHaug through the entire session. In the beginning I was all for the LaHaug building. If you look at the LaHaug funding and contract funding the question was asked. We have revised numbers of the women and the original budget was built on 164 women. When the revised numbers came in reducing the number to 144, we asked what the saving would be with the LaHaug building, the answer we got was, most of the cost with the LaHaug building are fixed. So a reduction in inmates doesn't

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House Appropriations Committee

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equal to a saving in the LaHaug building. We had far less numbers than projected, so that's why the contracting option became cheaper. Contracting feels those cost reductions. The Nothing amendment of 7.5M with LaHaug vs. The 6.8M for contracting. That's why we went with the contracting approach. The study will address these issues.

**Dave Krabbenhoft, Fiscal Director, DOCR** the department estimates show housing is \$500,000 more for contracting vs. The LaHaug building.

**Rep. Delzer** If we go down this route, we're saying the lawsuit is going to win. I don't think there is anyway we can pay that. We had testimony all during the hearing there was going to be a lawsuit of some sort regardless of where we went and what we do. I think worse case scenario is we would have to address that when the time comes. I decided to support the county idea for the 2 years, is the fact, that if proves better to go to LaHaug we can go, but if you go to LaHaug you cant' come back.

**Sen. Krauter** noted these 2 individuals have been bringing quality issues up over a period of months.

**Elaine Little, DOCR** one of the women you are referring too, is not involved in the suit. In reference to a question from Rep. Gulleson, she noted the study previously conducted was on equal treatment. We recommended some changes just for the males.

**Rep. Gulleson** How do their concerns match up with the study we had done?

**Elaine Little** the study focused on equal treatment, we recommended some changes just for the male, that's the basis of the lawsuit. Using the LaHaug most of those issue could have been resolved. Programs with the males can be addressed by contracting.

**Sen. Kringstad** Would the New England idea address part of the problem?

Deanna Hall  
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**Elaine Little**, if New England could duplicate the mens services that would satisfy the lawsuit issue.

**Dave Krabbenhoft, DOCR** I would like to respond to Rep. Delzers comment. He said that the number are changing all the time. I don't agree with the statement. I went back and looked, it is true we revised our female numbers down, it started early on. Our numbers are staying the same. It's hard to build our creditability when comments are made like that about constantly changing numbers. I think I can show that isn't happening.

**Rep. Svedjan** asked for any opposition to the bill, \

Hearing no further testimony, The hearing was close

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1506

House Appropriations Committee

☐ Conference Committee

Hearing Date May 8, 2003

Tape Number	Side A	Side B	Meter #
3		xx	3.8- end
Committee Clerk Signature <i>Keely Ehm Jt</i>			

Minutes: **Chairman Svedjan** called the committee to order, all members were present.

**Rep. Warnke** It was noted at the earlier meeting, the Governor staff has asked for a section of language that would state if the head count exceeds the head count they may come to the emergency commission for the funds. I will work with council on this.

**Rep. Metcalf** moved a DO PASS on amendment 0201, second by **Rep. Kroeber**.

**Rep. Timm** The DOCR stated they would work with the plan that is in place for the next 2 years and since they agreed, I don't think we should be adopting this amendment. I think we should vote this down.

A voice vote was taken.....MOTION FAILS

**Rep. Kerzman** moved to move \$333,000 of the 1M to the field services, second by **Rep.**

**Metcalf.**

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Hearing Date May 5, 2003

**Rep. Kerzman** we have to offer alternatives and solutions, field services is a solution. We passed mandatory sentences, we have to deal with that now. Field Services is more beneficial to society. So I would hop you would support this amendment

**Rep. Delzer** I would hope you would resist this motion, 1M isn't required, but since we are giving it to them we should put it where they requested.

**Rep. Kempenich** according to Dave, they listed it on their priority list, we should leave it where it was requested.

**Rep. Gulleson** Correction handout, it talks about parole and the trend shows and increase in the last biennium, I think that is one of the provisions that can justify this with the use in Field Services.

**VOICE VOTE was taken.....MOTION FAILS**

Hearing no further discussion....the meeting recessed.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1506

House Appropriations Committee

☐ Conference Committee

Hearing Date May 6, 2003

Tape Number	Side A	Side B	Meter #
1	xx		-13.7
Committee Clerk Signature <i>Kelly Schmitt</i>			

Minutes:

**Rep. Svedjan** previously called the meeting to order, all members were in attendance.

**Rep. Warnke** advised the committee, that yesterday while the legislature was meeting the Parole Board was meeting. Approximately 40 were eligible for parole, approximately two-thirds were granted parole, I believe 8 were women. This again will change the numbers. I have been requested to read this into the minutes. (see written statement)

**Rep. Warnke** moved a DO PASS on HB 1506, second by **Rep. Bellew**

**Rep. Skarphol** I can appreciate Rep. Warnke's remarks, but I would assume the opposite would also apply, that is the female number are reduced and under the projections there will be money rolled up and turned back.

Roll call vote was taken 15 YEAH 8 NAY 0 absent/not voting

**MOTION CARRIES**

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10/23/03  
Date

30802.0201  
Title.

Prepared by the Legislative Council staff for  
Senator Nething  
May 5, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1506

Page 1, line 2, remove "to create and enact a new section to chapter 12-44.1 of the North"

Page 1, remove line 3

Page 1, line 4, remove "facilities; to provide a statement of legislative intent; to provide for a legislative council study;"

Page 1, line 8, remove "to provide an expiration date;"

Page 1, line 17, replace "69,254,582" with "70,641,987"

Page 1, line 20, replace "111,383,482" with "112,770,887"

Page 1, line 21, replace "29,646,871" with "30,910,795"

Page 1, line 22, replace "81,736,611" with "81,860,092"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 3

Page 2, remove lines 14 through 31

Page 3, remove lines 1 and 2

Page 3, line 3, replace "TRANSFER" with "PURCHASE"

Page 3, line 4, after the boldfaced period insert "The department of corrections and rehabilitation may purchase within the limits of legislative appropriation provided for that purpose the LaHaug building and surrounding real property for the purpose of a women's prison on the grounds of the state hospital."

Page 3, line 6, after "hospital" insert "also"

Page 3, line 9, after "the" insert "LaHaug building,"

Page 3, remove lines 18 through 29

Page 3, line 30, replace "12" with "7"

Page 4, remove lines 1 and 2

Page 4, line 3, after "\$178,000" insert "Included in the youth correctional center line item and the sum of \$1,243,727 Included in the prisons division line item"

Page No. 1

30802.0201

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Page 4, line 4, remove "Included in the youth correctional center line item" and remove "and section 2 of this"

Page 4, line 5, remove "Act"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1506 - Department of Corrections and Rehabilitation

	BILL AS INTRODUCED	AMENDMENT CHANGES	BILL AS AMENDED
Field services	\$20,922,058		\$20,922,058
Prisons Division	89,264,582	\$1,387,405	70,641,987
Juvenile community services	9,829,163		9,829,163
Youth Correctional Center	11,577,679		11,577,679
Total all funds	\$111,383,482	\$1,387,405	\$112,770,887
Less estimated income	29,646,871	1,263,924	30,910,795
General fund	\$81,736,611	\$123,481	\$81,860,092
FTE	644.18	72.00	716.18

	REMOVE FUNDING ADDED FOR CONTRACT HOUSING <sup>1</sup>	REMOVE 2 FTE POSITIONS FOR TRANSPORTATION OFFICERS <sup>2</sup>	RESTORE FUNDING AND FTE POSITIONS FOR WOMEN'S PRISON IN LAHAUG BUILDING <sup>3</sup>	RESTORE 9 NEW FTE POSITIONS <sup>4</sup>	REMOVE FUNDING SOURCE CHANGE <sup>5</sup>	TOTAL CHANGES
Field services						
Prisons Division	(\$6,689,164)	(\$148,908)	\$7,560,574	\$664,903		\$1,387,405
Juvenile community services						
Youth Correctional Center						
Total all funds	(\$6,689,164)	(\$148,908)	\$7,560,574	\$664,903	\$0	\$1,387,405
Less estimated income			1,294,603	664,903	(695,582)	1,263,924
General fund	(\$6,689,164)	(\$148,908)	\$6,265,971	\$0	\$695,582	\$123,481
FTE		(2.00)	65.00	9.00		72.00

<sup>1</sup> This amendment removes the funding to contract to house all women inmates for the 2003-05 biennium.

<sup>2</sup> This amendment removes the two new FTE positions and funding for transportation officers that were added as a result of contracting with counties to house women inmates.

<sup>3</sup> This amendment restores funding and 65 FTE positions for a women's prison at the State Hospital LaHaug Building.

<sup>4</sup> This amendment restores nine new FTE positions (three FTE positions for the State Penitentiary and six FTE positions for the James River Correctional Center) which are funded by the federal money estimated to be received from boarding 20 Bureau of Prisons female inmates at the proposed women's prison.

<sup>5</sup> This amendment removes the funding source change that replaced some general fund dollars with federal dollars to fund the transition center for the 2003-05 biennium. This funding source change was a result of the inability to use the federal dollars, which would be used for the purchase and renovation of the LaHaug Building under the women's prison option, for contracting to house female inmates at county jails.

#### This amendment also:

- Removes Section 2 of the bill, which appropriates \$500,000 of federal funds to the Department of Corrections and Rehabilitation to defray the expenses of the transition center for the 2001-03 biennium.
- Removes Sections 5 and 6 of the bill which provide legislative intent and a Legislative Council study relating to contract housing state female inmates with county jails.
- Amends Section 7 of the bill relating to the exemption from public improvement contract bids and architect, engineer, and lands surveying services, to include the purchase of the LaHaug Building.
- Removes Sections 9 and 11 of the bill which create a new section to North Dakota Century Code Chapter 12-44.1 relating to female inmates in grade one correctional facilities, and provides an expiration date.

- Amends Section 12 of the bill, which provides an emergency, to include the federal funding for the purchase and renovation of the LaHaug Building.

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30802.0201

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Date: \_\_\_\_\_  
Roll Call Vote #: \_\_\_\_\_

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1506

House \_\_\_\_\_ Appropriations \_\_\_\_\_ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass on Amendment .0201

Motion Made By Metcalf Seconded By Kroeber

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan (Chair)			Rep. Bob Skarphol		
Rep. Mike Timm (Vice-Chair)			Rep. Blair Thoreson		
Rep. Bob Martinson			Rep. Eliot Glassheim		
Rep. Thomas Brusegaard			Rep. Joe Kroeber		
Rep. David Monson			Rep. John Warner		
Rep. Earl Rennerfeldt			Rep. Jeff Delzer		
Rep. Francis J. Wald			Rep. Amy Warnke		
Rep. Ole Aarsvold			Rep. Larry Bellew		
Rep. Pam Gulleason			Rep. Keith Kempenich		
Rep. Ron Carlisle			Rep. James Kerzman		
Rep. Al Carlson			Rep. Ralph Metcalf		
Rep. Kim Koppelman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

MOTION FAILS

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Date: 5.5.03  
Roll Call Vote #: \_\_\_\_\_

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1506

House \_\_\_\_\_ Appropriations \_\_\_\_\_ Committee \_\_\_\_\_

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken move 333,000 to Field Services

Motion Made By Kerzman Seconded By Metcalf

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan (Chair)			Rep. Bob Skarphol		
Rep. Mike Timm (Vice-Chair)			Rep. Blair Thoreson		
Rep. Bob Martinson			Rep. Eliot Glassheim		
Rep. Thomas Brusegaard			Rep. Joe Kroeber		
Rep. David Monson			Rep. John Warner		
Rep. Earl Rennerfeldt			Rep. Jeff Delzer		
Rep. Francis J. Wald			Rep. Amy Warnke		
Rep. Ole Aarsvold			Rep. Larry Bellew		
Rep. Pam Gulletson			Rep. Keith Kempenich		
Rep. Ron Carlisle			Rep. James Kerzman		
Rep. Al Carlson			Rep. Ralph Metcalf		
Rep. Kim Koppelman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Motion fails

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5.6.03  
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB ~~1505~~ 1506

House \_\_\_\_\_ Committee \_\_\_\_\_

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Wamke Seconded By Bellew

Representatives	Yes	No	Representatives	Yes	No
Svedjan	✓		Skarphol	✓	
Timm	✓		Thoreson	✓	
Martinson	✓		Warner		✓
Brusegaard	✓		Delzer		✓
Aarsvold		✓	Warnke	✓	
Gulleson		✓	Bellew	✓	
Monson	✓		Kempenich	✓	
Rennerfeldt	✓		Kerzman		✓
Wald	✓		Metcalf		✓
Carlisle	✓				
Carlson	✓				
Glassheim		✓			
Koppelman	✓				
Kroeber		✓			

Total (Yes) 15 No 8

Absent \_\_\_\_\_

Floor Assignment Wamke

If the vote is on an amendment, briefly indicate intent:

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10/23/03  
Date

REPORT OF STANDING COMMITTEE (410)  
May 6, 2003 9:01 a.m.

Module No: HS-02-0042  
Carrier: Warnke  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HB 1506: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS**  
(15 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1506 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

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HS-02-0042

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Deanna Hall  
Operator's Signature

10/23/03  
Date

SPECIAL SESSION  
2003 SENATE APPROPRIATIONS

HB 1506

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1506

Senate Appropriations Committee (Special Session)

☐ Conference Committee

Hearing Date 5-6-03

Tape Number	Side A	Side B	Meter #
1	X		1415-2125
Committee Clerk Signature <i>Sandra Davison</i>			

Minutes: **CHAIRMAN HOLMBERG** opened the hearing to HB 1506. A bill to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation (originally HB 1016). Testimony was heard yesterday at the joint session. The House made no changes to HB 1506 with the exception of page 1, line 17, there is an additional one million dollars in the prisons division than was in the bill passed some weeks ago. That is the only change in this bill.

(Meter 1478) There was a motion of a **DO PASS** by **SENATOR GRINDBERG** and a second by **SENATOR THANE**.

Discussion

(Meter 1491) **SENATOR MATHERN** stated he has concerns about the proper funding in this bill. He wondered if this would be the opportune time to look at the issue of presentence assessments. The testimony heard during the session about how that can and has saved money in the juvenile corrections. He is concerned that they are under funding and hopes they could do

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Date

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Senate Appropriations Committee  
Bill/Resolution Number HB 1506  
Hearing Date 5-6-03

something proactive to decrease that and put some more money into field services. We are going to let some people out and he thinks now is the time to put some more money in there.

(Meter 1580) **SENATOR KRAUTER** stated with the testimony that was provided yesterday, it identified that they are seven hundred thousand dollars (\$700,000) still short in field services and two point three million dollars (\$2.3) in the prisons division. So, he made a motion to add additional seven hundred thousand (\$700,00) into field services and additional one point three million dollars (\$1.3 million) into the prisons division. Everyone receives the testimony and that was the big issue. This was the big issue that we worked on during the session and in the conferences gave into all that. It was seconded by **SENATOR MATHERN**.

(Meter 1658) **CHAIRMAN HOLMBERG** allowed his motion but reminded the committee that when this bill came over to the Senate, the Senate added to the budget, four point five million dollars (\$4.5 million) to the budget as it came over from the House, the conference committee removed two point one million (\$2.1 million) so they were still two point four million dollars (\$2.4 million) above the House as it went to the Governor. With the additional money that is in line 17, it would be three point four million dollars (\$3.4 million) above the House. He felt the Senate did much more than split the difference between the House and the Senate on this particular budget. He felt they went way beyond splitting the differences. He accepted the motion of adding seven hundred thousand dollars (\$700,000) and one point three millions dollars (\$1.3 million).

(Meter 1750) A roll call vote was taken with 4 yeas, 8 nays, 2 absent and not voting. **Motion failed.**

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Senate Appropriations Committee  
Bill/Resolution Number HB 1506  
Hearing Date 5-6-03

(Meter 1817) **SENATOR MATHERN** made a motion of adding five hundred thousand dollars (\$500,000) to field services, he is concerned since they are not properly funding the prison services, they will be creating additional pressures to release prisoners early or move more into the use of parole. Into a situation where we are not properly funding those people who keep track of prisoners and make watch the prisoners to see they make progress- field services is that division. He understands the other amendment didn't pass but he hopes they can move on with this one.

(Meter 1979) There was a roll call vote of 4 yeas, 8 nays, 2 absent and not voting. The motion **failed**.

(Meter 2020) The original motion of a **DO PASS**. A roll call vote of 9 yeas, 3 nays, and 2 absent and not voting **passed** the bill. The motion carried. **SENATOR KRINGSTAD** to carry.

The hearing was closed. (Meter 2125)

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10/23/03  
Date

Date: 5-6-03  
Roll Call Vote #: 71

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1506

Senate \_\_\_\_\_ Committee \_\_\_\_\_

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken

Motion

+ 700,000 fee  
1.3 million prison division

Motion Made By

Krauter

Seconded By

Mather

Senators	Yes	No		Yes	No
HOLMBERG		✓			
BOWMAN		✓			
GRINDBERG		✓			
ANDRIST		✓			
CHRISTMANN	A	A			
KILZER		✓			
KRINGSTAD		✓			
KRAUTER	✓				
LINDAAS	✓				
MATHERN	✓				
ROBINSON	✓				
SCHOBINGER		✓			
TALLACKSON	A				
THANE		✓			

Total (Yes) 4 No 8

Absent 2

Floor Assignment

failed

If the vote is on an amendment, briefly indicate intent:

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10/23/03  
Date



Date: 5-6-03  
Roll Call Vote #: 82

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1506

Senate \_\_\_\_\_ Committee \_\_\_\_\_

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Motion + 450900 field services

Motion Made By Mather Seconded By Krauter

Senators	Yes	No		Yes	No
HOLMBERG		✓			
BOWMAN		✓			
GRINDBERG		✓			
ANDRIST		✓			
CHRISTMANN	A				
KILZER		✓			
KRINGSTAD		✓			
KRAUTER	✓				
LINDAAS	✓				
MATHERN	✓				
ROBINSON	✓				
SCHOBINGER		✓			
TALLACKSON	✓				
THANE		✓			

Total (Yes) 4 No 8

Absent 2

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

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10/23/03  
Date

Date: 5-6-03  
Roll Call Vote #: 3

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1506

Senate \_\_\_\_\_ Committee \_\_\_\_\_

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By Grindberg Seconded By Thane

Senators	Yes	No		Yes	No
HOLMBERG	✓				
BOWMAN	✓				
GRINDBERG	✓				
ANDRIST	✓				
CHRISTMANN	✓				
KILZER	✓				
KRINGSTAD	✓				
KRAUTER		✓			
LINDAAS	✓				
MATHERN		✓			
ROBINSON		✓			
SCHOBINGER	✓				
TALLACKSON	✓				
THANE	✓				

Total (Yes) 9 No 3

Absent 2

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

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10/23/03  
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**REPORT OF STANDING COMMITTEE (410)**  
May 6, 2003 1:24 p.m.

Module No: SS-02-0063  
Carrier: Holmberg  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**HB 1506: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS**  
(9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1506 was placed on the  
Fourteenth order on the calendar.

Page No. 1

SS-02-0063

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Deanna Holmberg  
Operator's Signature

10/23/03  
Date

SPECIAL SESSION

2003 TESTIMONY

HB 1506

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10/23/03  
Date

May 5, 2003

Department 530 - Department of Corrections and Rehabilitation  
Proposed Appropriation Bill

	2003-05 Executive Budget	2003-05 Proposed Legislative Appropriation	Increase (Decrease)
Field Services Division	\$21,632,548	\$20,922,058	(\$710,490)
Prisons Division	71,185,029	69,254,582	(1,930,447)
Juvenile Community Services	9,615,306	9,629,163	13,857
Youth Correctional Center	11,476,494	11,577,679	101,185
Total all funds	\$113,909,377	\$111,383,482	(\$2,525,895)
Less estimated income	30,992,766	29,646,871	(1,345,895)
General fund	\$82,916,611	\$81,736,611	(\$1,180,000)
FTE	717.18	644.18	(73.00)

**NOTE:** The 2003-05 proposed legislative appropriation represents an increase in total funding for the Department of Corrections and Rehabilitation of \$8.8 million over the 2001-03 appropriation. Of the \$8.8 million, the general fund increase is \$6.6 million after adjusting for the 1.05 percent general fund allotment of \$812,000, the 2001-03 estimated general fund turnback of \$1.2 million, and the general fund turnback amount used for the nurses' building remodeling of \$242,000. The 2003-05 proposed legislative appropriation provides for 644.18 FTE positions for the Department of Corrections and Rehabilitation, an increase of 29 FTE positions from the 2001-03 appropriation of 615.18.

**Major Changes**

	General Fund	Other Funds	Total
1. Removed the recommended salary increase for state employees	(\$574,358)	(\$51,417)	(\$625,775)
2. Reduced the recommended funding for state employee health insurance premiums from \$493 to \$488.70 per month	(67,388)	(5,987)	(73,375)
3. Reduced funding for information technology by approximately 5 percent	(94,927)	(24,567)	(119,494)
4. Restored recommended general fund pay plan underfund of 3 percent	1,616,717		1,616,717
5. Removed funding and 65 FTE positions for the recommended women's prison at the State Hospital LaHaug Building (Prisons Division)	(6,265,971)	(1,294,603)	(7,560,574)
6. Added funding to contract with county facilities to house female inmates (Prisons Division)	6,689,164		6,689,164
7. Changed \$695,582 funding for the transition center for the 2003-05 biennium from the general fund to federal funds	(695,582)	695,582	0
8. Removed 10 new FTE positions: Field Services Division (\$90,376): Removed 1 parole and probation officer II position Prisons Division (\$664,903): Removed 3 FTE positions for the State Penitentiary Removed 6 FTE positions for the James River Correctional Center	(90,376)	(664,903)	(755,279)
9. Added funding for Hepatitis A and B vaccines (Prisons Division)	250,000		250,000
10. Added 2 new FTE positions and funding for transportation officers for transporting women prisoners (Prisons Division)	148,908		148,908
11. Reduced general fund funding for the Field Services Division (\$721,412) and the Prisons Division (\$2,374,775)	(3,096,187)		(3,096,187)
12. Added \$1 million to the Prisons Division line from the general fund	1,000,000		1,000,000
Total Department of Corrections and Rehabilitation	(\$1,180,000)	(\$1,345,895)	(\$2,525,895)

**Other Sections of the Bill**

**Appropriation - 2001-03 Biennium** - Section 2 was added to provide a federal fund appropriation of \$500,000 to the department, in Adult Services of the Field Services Division, for the purpose of defraying the expenses of the department's transition center, for the 2001-03 biennium. This section was declared an emergency measure.

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**Crime Victims Restitution and Gift Fund** - Section 3 provides that \$100,000 included in the Field Services line item is from the crime victims restitution and gift fund and shall be used by the department for the purposes provided in North Dakota Century Code Section 54-23.4-05.

**State Penitentiary Land Fund** - Section 4 provides that \$82,500 included in the Youth Correctional Center line item is from the State Penitentiary land fund and shall be used by the department for capital projects at the Youth Correctional Center.

**Legislative Intent - County Contract Housing State Female Inmates - Reports to Budget Section** - Section 5 was added providing a statement of legislative intent 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, and that the department and the county jails contracting to house state female inmates shall report to the fall 2003 and the summer 2004 meetings of the Budget Section.

**Legislative Council Study - Contract Housing - Female Inmates** - Section 6 was added providing for a Legislative Council study of the long-term needs of all state inmates and if the department should continue to contract to house state female inmates with county jails or if the state should expand the prison system.

**Transfer of Land and Buildings - Exemption From North Dakota Century Code Chapters 48-01.1 and 54-44.7** - Section 7 was added providing that the 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 is not subject to the provisions of North Dakota Century Code Chapters 48-01.1 and 54-44.7 relating to public improvement contract bldg 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.

**Performance Audit** - Section 8 was added providing for the consideration by the State Auditor of conducting a performance audit of the Department of Corrections and Rehabilitation.

**Female Inmates in Grade One Correctional Facilities** - Section 9 was added creating a new section to North Dakota Century Code Chapter 12-44.1 to allow 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 to confine the female inmate for more than one year in accordance with the terms of the contract. This section expires June 30, 2005.

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The appropriations level in HB 1506 reflects female inmate head counts assumed by the legislature. To the extent the female inmate head count exceeds the numbers assumed in the bill, the Corrections Department may request from the Emergency Commission and the Budget Section permission to expend funds, according to the provisions of NDCC 54-16-04, in excess of appropriations in an amount determined by multiplying the average daily cost of incarceration times the number of days incarcerated times the number of excess female inmates.

Rep. Wamke's written  
comments to the record  
5-6-03

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10/23/03  
Date

S-5-03  
HB 1506

Krabbenhoft  
handout

**DEPARTMENT OF CORRECTIONS AND REHABILITATION  
2003 - 2005 APPROPRIATION**

- DOCR estimates funding contained in HB 1016, as adopted by the 58<sup>th</sup> legislative assembly, to be \$3 million short
    - \$700,000 field services line
      - Reduce alternative to incarceration programs
    - \$2.3 million prisons division
      - Reduce prison staff
      - Reduce inmate medical
      - Reduce equipment and repairs
      - Reduce utilities and repairs
  - DOCR understands the State's financial position
    - If not possible to fund the entire \$3 million need
      - Any additional funds, if any available, be added to the prisons division line item before addressing other areas
  - Inmate population drives the DOCR budget
  - Admissions continue to outpace releases which causes fiscal stress
  - Population estimates
    - May 5, 2003 actual inmate count - 1,181
      - Male 1,072
      - Female 109
    - DOCR estimated inmate count to begin 2003-05 biennium - 1,137
      - Male 1,013
      - Female 124
- Remaining 2 months of current biennium the male inmate count needs drop by 59 and the female inmate count cannot increase by more than 15 in order to meet DOCR projections
- Estimated inmate count used in HB 1016 - 1,117
    - Male 1,013
    - Female 104
- Remaining 2 months of current biennium the male inmate count needs to drop by 59 and the female inmate count needs to drop by 5 to meet HB 1016 projections

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Date



**Department of Corrections and Rehabilitation  
DOCR Proposed Adjustments to Conference Committee Version of DOCR Budget**

	<u>Conference Committee Budget</u>	<u>DOCR Proposed Adjustment</u>	<u>DOCR Proposed Budget Version</u>
Field Services	20,922,058	721,412	21,643,470
Prisons Division	68,254,582	2,374,775	70,629,357
Division of Juvenile Services	9,629,163	-	9,629,163
Youth Correctional Center	11,577,679	-	11,577,679
<b>Total All Funds</b>	<b>110,383,482</b>	<b>3,096,187</b>	<b>113,479,669</b>
Less Estimated Income	29,646,871	-	29,646,871
<b>General Fund</b>	<b>80,736,611</b>	<b>3,096,187</b>	<b>83,832,798</b>

**Department of Corrections and Rehabilitation  
Detail of DOCR Proposed Adjustments to Conf. Committee Version of DOCR Budget**

	<u>DOCR Proposed Adjustment</u>
<b>Field Services Division</b>	
Halfway Houses \1	220,491
Quarter House \1	72,235
Day Report \1	178,166
Spirit Lake \1	58,617
Cognitive Programming \1	27,648
Jailed Violators \1	109,500
3-Day Parole Hold \1	6,600
Sex Offender Polygraph \2	5,600
General Operating \2	32,335
Co-Dependency TX \2	4,380
Electronic Monitoring \2	5,840
<b>Total Field Services</b>	<b>721,412</b>
<b>Prisons Division</b>	
Treatment Department \1	1,239,631
Education Department \1	350,000
Medical \2	270,144
Equipment and Extraordinary Repairs \2	370,000
Utilities \2	96,000
Food \2	49,000
<b>Total Prisons Division</b>	<b>2,374,775</b>

\1 - Items funded in the Senate version of the DOCR budget  
 \2 - Items NOT funded in the Senate version of DOCR budget

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**Admissions, Releases And Grants of Parole  
January 2001 Through April 2003**

Month	Admits	Releases	Difference Between Admissions and Releases	Paroles Granted
Jan-02	61	54	7	15
Feb-02	78	48	30	24
Mar-02	62	60	2	25
Apr-02	90	63	27	35
May-02	74	72	2	30
Jun-02	63	66	-3	29
Jul-02	59	70	-11	30
Aug-02	76	82	-6	37
Sep-02	57	74	-17	36
Oct-02	86	74	12	36
Nov-02	50	71	-21	38
Dec-02	70	55	15	31
Jan-03	80	65	15	41
Feb-03	89	67	22	54
Mar-03	73	80	-7	47
Apr-03	92	83	9	61
Total	1,160	1,084	76	

Month	Admits	Drug Admits *
Jan-02	61	22
Feb-02	78	25
Mar-02	62	22
Apr-02	90	44
May-02	74	22
Jun-02	63	26
Jul-02	59	21
Aug-02	76	31
Sep-02	57	14
Oct-02	86	30
Nov-02	50	10
Dec-02	70	21
Jan-03	80	27
Feb-03	89	36
Mar-03	73	36
Apr-03	92	42

\* Does not include alcohol related offenses

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**MALE INMATE POPULATION ESTIMATE  
2003-05 BIENNIUM**

Date	Estimated Male Inmate Population	<u>Prison Beds</u>		Available (Needed)
		Traditional	Nontraditional	
Jul-03	1,013	971	124	82
Aug-03	1,017	971	129	83
Sep-03	1,020	971	134	85
Oct-03	1,023	971	139	87
Nov-03	1,027	971	144	88
Dec-03	1,030	971	149	90
Jan-04	1,034	971	149	86
Feb-04	1,037	971	149	83
Mar-04	1,040	971	149	80
Apr-04	1,044	971	149	76
May-04	1,047	971	149	73
Jun-04	1,051	971	149	69
Jul-04	1,054	971	149	66
Aug-04	1,058	971	149	62
Sep-04	1,061	971	149	59
Oct-04	1,064	971	149	56
Nov-04	1,068	971	149	52
Dec-04	1,071	971	149	49
Jan-05	1,075	971	149	45
Feb-05	1,078	971	149	42
Mar-05	1,081	971	149	39
Apr-05	1,085	971	149	35
May-05	1,088	971	149	32
Jun-05	1,092	971	149	28

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10/23/03  
Date

**COUNTY HOUSING COST PROJECTIONS**  
**2003-05 BIENNIUM**  
**BASED ON LEGISLATIVE AND DOCR POPULATION PROJECTIONS**

Date	Female Population (Legislative Estimate)	Female Population (DOCR Estimate)	Days Per Month	Total Legislative Estimate	Total Estimate Based on DOCR Population Estimate	Difference
Jul-03	104	124	31	\$227,614	\$271,386	\$43,772
Aug-03	105	125	31	229,803	273,575	43,772
Sep-03	106	126	30	224,508	266,868	42,360
Oct-03	107	127	31	234,180	277,952	43,772
Nov-03	109	129	30	230,862	273,222	42,360
Dec-03	111	131	31	242,935	286,707	43,772
Jan-04	112	132	31	245,123	288,895	43,772
Feb-04	113	133	29	231,356	272,304	40,948
Mar-04	114	134	31	249,500	293,272	43,772
Apr-04	116	136	30	245,688	288,048	42,360
May-04	117	137	31	256,066	299,838	43,772
Jun-04	119	139	30	252,042	294,402	42,360
Jul-04	120	140	31	262,632	306,404	43,772
Aug-04	122	142	31	267,009	310,781	43,772
Sep-04	123	143	30	260,514	302,874	42,360
Oct-04	124	144	31	271,386	315,158	43,772
Nov-04	125	145	30	264,750	307,110	42,360
Dec-04	126	146	31	275,764	319,536	43,772
Jan-05	128	148	31	280,141	323,913	43,772
Feb-05	129	149	28	255,007	294,543	39,536
Mar-05	131	151	31	286,707	330,479	43,772
Apr-05	132	152	30	279,576	321,936	42,360
May-05	134	154	31	293,272	337,044	43,772
Jun-05	136	156	30	288,048	330,408	42,360
Total				<u>\$6,154,483</u>	<u>\$7,186,655</u>	<u>\$1,032,172</u>

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Hall*  
 Operator's Signature

10/23/03  
 Date