

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015

Page 1, line 4, after "facilities" insert "; to amend and reenact subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to supervision fees for a probationer; to provide a statement of legislative intent; to provide for a legislative council study"

Page 1, line 20, replace "\$21,087,058" with "\$5,246,568"

Page 1, line 21, replace "(72,022,798)" with "5,606,730"

Page 1, line 22, replace "(9,629,163)" with "(1,722,510)"

Page 1, line 23, replace "(11,577,679)" with "1,213,416"

Page 1, remove line 24

Page 2, remove line 1

Page 2, line 2, replace "1,100,000" with "1,500,000"

Page 2, line 3, replace "13,540,401" with "11,844,204"

Page 2, line 4, replace "(4,018,278)" with "(6,420,477)"

Page 2, line 5, replace "17,558,679" with "18,264,681"

Page 2, replace lines 12 and 13 with:

"Field services	\$26,333,626
Prisons division	77,629,528
Juvenile community services	7,906,653
Youth correctional center	12,791,095"

Page 2, line 14, replace "1,100,000" with "1,500,000"

Page 2, line 15, replace "127,857,099" with "126,160,902"

Page 2, line 16, replace "28,561,809" with "26,159,610"

Page 2, line 17, replace "99,295,290" with "100,001,292"

Page 3, underscore lines 5 through 14

Page 3, after line 14, insert:

"SECTION 8. 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-six~~ ~~forty~~ dollars per month unless the court makes a specific finding on record that the imposition of fees will result in an undue hardship. If the offender has not paid the full amount of supervision fees and costs before completion or termination of probation, the court may issue an order, after opportunity for hearing, to determine the amount of supervision fees and costs that are unpaid. The order may be filed, transcribed, and enforced by the department of corrections and rehabilitation in the same manner as civil judgments rendered by a district court of this state.

SECTION 9. LEGISLATIVE INTENT - COMPOSITE SCHEDULE. It is the intent of the fifty-ninth legislative assembly that future composite schedules for teacher salaries prepared by the office of management and budget's human resource management services division be developed so that the pay increases are based on the salaries of all teachers who teach in schools with a combined enrollment of greater than one hundred students, excluding the Fargo and West Fargo school districts.

SECTION 10. LEGISLATIVE INTENT - EMPLOYEE SALARY EQUITY - FIELD SERVICES. It is the intent of the fifty-ninth legislative assembly that if the department of corrections and rehabilitation can identify \$250,000 of general fund savings within its 2005-07 biennium appropriation, the department may use that savings to provide salary equity adjustments for employees in the field services division.

SECTION 11. LEGISLATIVE INTENT - SHORT-TERM DIVERSION. It is the intent of the fifty-ninth legislative assembly that the department of corrections and rehabilitation increase the number of inmates in short-term diversion during the 2005-07 biennium by fifteen inmates, from thirty to forty-five inmates.

SECTION 12. LEGISLATIVE COUNCIL STUDY - STRATEGIC PLAN FOR DEPARTMENT OF CORRECTIONS AND REHABILITATION'S INCARCERATION AND CORRECTIONAL FACILITY NEEDS.

1. The legislative council shall appoint an interim committee, during the 2005-06 interim, to develop a legislative strategic plan, including site and facilities' plans, for the department of corrections and rehabilitation's incarceration and correctional facility needs.
2. The legislative council shall appoint a minimum of ten members of the house of representatives and a minimum of five members of the senate. The legislative council shall appoint the chairman of the appropriations committee of the house of representatives or the senate or the assistant majority leader of the house of representatives or the senate as the chairman of the committee.
3. The committee shall:
 - a. Receive information from the department of corrections and rehabilitation, regional authorities with regional corrections centers, counties with county jails, cities with city jails, corporations operating private correctional facilities, and others the committee considers necessary to develop a strategic plan for the state's incarceration and correctional facility needs for the next twenty years.

- b. Consider using existing facilities; other available state facilities; and county, local, or private facilities.
 - c. Consider any cost and benefits of replacing all or parts of existing correctional facilities or other state property with a modern all-encompassing facility.
 - d. Consider state-operated facilities compared to contract-operated state facilities.
 - e. Consider contracting with a private entity to provide all or part of the state's correctional and rehabilitation needs.
 - f. Consider the impact to the department of corrections and rehabilitation of changing sentencing guidelines, increasing fines as an alternative to incarceration for nonviolent or minor drug offenders, and utilizing alternatives to incarceration and treatment programs, including receiving information regarding the efficiency of treatment programs.
 - g. Develop a strategic plan based on the information received by the committee.
4. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2015 - Department of Corrections and Rehabilitation - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Field Services	\$26,949,674		\$26,333,626	\$26,333,626
Prisons Division	80,513,984		77,629,528	77,629,528
Juvenile Community Services	7,948,024		7,906,653	7,906,653
Youth Correctional Center	12,927,127		12,791,095	12,791,095
Adult Services		\$105,918,493	(105,918,493)	
Juvenile Services		20,838,606	(20,838,606)	
Equity pool	<u>1,000,000</u>	<u>1,100,000</u>	<u>400,000</u>	<u>1,500,000</u>
Total all funds	\$129,338,809	\$127,857,099	(\$1,696,197)	\$126,160,902
Less estimated income	<u>28,150,416</u>	<u>28,561,809</u>	<u>(2,402,199)</u>	<u>26,159,610</u>
General fund	\$101,188,393	\$99,295,290	\$706,002	\$100,001,292
FTE	675.28	675.78	1.00	676.78

Dept. 530 - Department of Corrections and Rehabilitation - Detail of House Changes

	SPLITS LINE ITEMS INTO 4 DIVISIONS ¹	TRANSFERS FUNDS FROM FIELD SERVICES TO PRISONS DIVISION ²	REDUCES FUNDING FOR HEALTH INSURANCE ³	REDUCES FUNDING FOR EXTRAORDINARY REPAIRS - YCC ⁴	REDUCES FUNDING FOR EQUIPMENT OVER \$5,000 - YCC ⁵	REDUCES FUNDING FOR OPERATING EXPENSES ⁶
Field Services	\$27,113,178	(\$618,524)	(\$11,028)			
Prisons Division	78,805,315	618,524	(53,610)			
Juvenile Community Services	7,937,119		(4,266)			(\$26,200)
Youth Correctional Center	12,901,487		(11,592)	(\$30,000)	(\$20,000)	(23,800)
Adult Services	(105,918,493)					
Juvenile Services	(20,838,606)					
Equity pool						
Total all funds	\$0	\$0	(\$80,496)	(\$30,000)	(\$20,000)	(\$50,000)
Less estimated income			(7,199)			
General fund	\$0	\$0	(\$73,297)	(\$30,000)	(\$20,000)	(\$50,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	CHANGES FUNDING SOURCE DUE TO \$4 INCREASE IN SUPERVISION FEES ⁷	REDUCES FUNDING FOR BISMARCK TRANSITION CENTER ⁸	ADDS FUNDING FOR INMATE CONTRACT HOUSING ⁹	REDUCES FUNDING FOR EXTRAORDINARY REPAIRS - PRISONS DIVISION ¹⁰	REDUCES FUNDING FOR EQUIPMENT OVER \$5,000 - PRISONS DIVISION ¹¹	REMOVES FUNDING FOR GENERAL ISSUE OF LICENSE PLATES - ROUGH RIDER INDUSTRIES ¹²
Field Services Prisons Division Juvenile Community Services Youth Correctional Center Adult Services Juvenile Services Equity pool		(\$150,000)	\$1,100,000	(\$222,000)	(\$38,000)	(\$2,600,000)
Total all funds	\$0	(\$150,000)	\$1,100,000	(\$222,000)	(\$38,000)	(\$2,600,000)
Less estimated income	<u>205,000</u>					<u>(2,600,000)</u>
General fund	(\$205,000)	(\$150,000)	\$1,100,000	(\$222,000)	(\$38,000)	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	ADDS 1 FTE POSITION FOR PHARMACY TECHNICIAN ¹³	ADDS FUNDING FOR SALARY EQUITY ¹⁴	TOTAL HOUSE CHANGES
Field Services Prisons Division Juvenile Community Services Youth Correctional Center Adult Services Juvenile Services Equity pool	\$19,299		\$26,333,626
			77,629,528
			7,906,653
	(25,000)		12,791,095
			(105,918,493)
			(20,838,606)
		<u>\$400,000</u>	<u>400,000</u>
Total all funds	(\$5,701)	\$400,000	(\$1,696,197)
Less estimated income			<u>(2,402,199)</u>
General fund	(\$5,701)	\$400,000	\$706,002
FTE	1.00	0.00	1.00

- 1 This amendment undoes the Senate's amendment to combine the four line items of the bill into two lines.
- 2 This amendment transfers \$618,524 from the Field Services Division to the Prisons Division to accurately reflect funding provided in the executive budget for housing inmates.
- 3 This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month.
- 4 This amendment reduces general fund funding for the Youth Correctional Center extraordinary repairs by \$30,000.
- 5 This amendment reduces general fund funding of \$20,000 for the Youth Correctional Center equipment over \$5,000 for the purchase of security beds, resulting in a total of \$16,777 remaining for the security beds.
- 6 This amendment reduces general fund funding for operating expenses by a total of \$50,000 between Juvenile Community Services and the Youth Correctional Center.
- 7 This amendment reduces the general fund appropriation by \$205,000 and increases other funds spending authority by \$205,000 for the Field Services Division due to an increase in monthly supervision fees from \$36 to \$40 per offender. This amendment also amends North Dakota Century Code Section 12.1-32-07 relating to the maximum monthly rate the court shall order for supervision fees.
- 8 This amendment reduces general fund funding for the Field Services Division by \$150,000 for payments to the Bismarck Transition Center. The Bismarck Transition Center would need to increase the daily rate paid by each offender from \$12 to \$16 per day to make up for the decrease in payments by the Department of Corrections and Rehabilitation.
- 9 This amendment adds back \$1,100,000 of the \$1,300,000 reduction made by the Senate to the Prisons Division for inmate contract housing.
- 10 This amendment reduces general fund funding for Prisons Division extraordinary repairs by \$222,000, for a total of \$500,000 remaining for extraordinary repairs.
- 11 This amendment reduces general fund funding for Prisons Division equipment over \$5,000 by \$38,000, resulting in a total of \$150,615 remaining for equipment over \$5,000.
- 12 This amendment removes \$2,600,000 of other funds spending authority from Roughrider Industries for the purchase of the raw materials necessary for a general issue of license plates.
- 13 This amendment adds 1 FTE position for a pharmacy technician at the State Penitentiary to replace contracting with 3 pharmacy technicians and to provide pharmacy services for the Youth Correctional Center.
- 14 This amendment adds \$400,000 from the general fund to the equity pool line item for a total of \$1,500,000. The additional \$400,000 is to be used by the Department of Corrections and Rehabilitation, in addition to the \$100,000 added by the Senate, for salary equity adjustments for all the department's employees.

This amendment also:

- Adds a section of legislative intent regarding the development of the teacher salary composite schedule.

- Adds a section of legislative intent regarding salary equity for Field Services Division employees.
- Adds a section of legislative intent regarding inmates in short-term diversion.
- Adds a Legislative Council study regarding a strategic plan for the Department of Corrections and Rehabilitation incarceration and correctional facility needs.