

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015

Page 1, line 2, after the first semicolon insert "to provide for refusal of admission of inmates; to provide for a legislative management study; to provide for a report to legislative management; to provide for a transfer;"

Page 1, line 2, remove "section 3 of"

Page 1, replace line 3 with "subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to supervision fees."

Page 1, replace lines 13 through 18 with:

"Adult services	\$160,825,768	\$12,771,315	\$173,597,083
Youth services	27,221,743	1,336,986	28,558,729
Accrued leave payments	<u>0</u>	<u>4,639,529</u>	<u>4,639,529</u>
Total all funds	\$188,047,511	\$18,747,830	\$206,795,341
Less estimated income	<u>30,145,650</u>	<u>971,524</u>	<u>31,117,174</u>
Total general fund	\$157,901,861	\$17,776,306	\$175,678,167
Full-time equivalent positions	794.29	20.00	814.29"

Page 2, replace line 3 with:

"Missouri River correctional center study	0	200,000
Transfer to state penitentiary land fund	0	12,000,000"

Page 2, replace lines 5 through 7 with:

"Total all funds	\$3,124,558	\$15,439,046
Less estimated income	<u>1,460,500</u>	<u>298,000</u>
Total general fund	\$1,664,058	\$15,141,046"

Page 2, replace lines 16 through 23:

"SECTION 4. APPROPRIATION - TRANSFER - STATE PENITENTIARY LAND FUND - LEGISLATIVE INTENT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$12,000,000, which the office of management and budget shall transfer on July 1, 2013, to the state penitentiary land fund established in section 54-23.3-04. The funds transferred and interest earned on the moneys transferred must be used for costs of relocating the Missouri River correctional center. It is the intent of the legislative assembly that if the sixty-fourth legislative assembly does not approve the relocation of the Missouri River correctional center, the funds transferred be returned to the general fund.

SECTION 5. DEPARTMENT OF CORRECTIONS AND REHABILITATION - REPORT TO THE LEGISLATIVE MANAGEMENT. There is included in section 1 of this Act, the sum of \$200,000, or so much of the sum as may be necessary, that the department of corrections and rehabilitation shall use for developing a plan for relocating the Missouri River correctional center, for the biennium beginning July 1, 2013, and ending June 30, 2015. The plan must include a determination of facilities, services, and activities that may be shared by the Missouri River correctional center

and the youth correctional center. The department must present the plan to the legislative management by July 1, 2014.

SECTION 6. LEGISLATIVE INTENT - MISSOURI RIVER CORRECTIONAL CENTER LAND - REPORTS TO THE LEGISLATIVE MANAGEMENT. It is the intent of the sixty-third legislative assembly that once the Missouri River correctional center is relocated to the youth correctional center site, all remaining land be transferred to the parks and recreation department for recreational purposes and not for residential, business, or industrial purposes. The parks and recreation department shall develop a ten-year plan for the property to be used for recreational purposes. The parks and recreation department shall report on the plan and progress to implement the plan periodically to a committee designated by the legislative management.

SECTION 7. LEGISLATIVE MANAGEMENT STUDY OF JAMES RIVER CORRECTIONAL CENTER AND STATE HOSPITAL PROPERTY. During the 2013-14 interim, the legislative management shall consider studying the use of the structures and property of the James River correctional center and the state hospital to determine the best and most efficient use of the properties. The legislative management shall reports its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

SECTION 8. REFUSAL OF ADMISSION OF INMATES - REPORT TO LEGISLATIVE MANAGEMENT. The department of corrections and rehabilitation may refuse to admit inmates sentenced to the physical custody of the department when the admission of inmates will exceed the maximum operational capacity of the penitentiary and its affiliated facilities and result in the department exceeding its authorized legislative appropriation for contracting for housing inmates in other correctional facilities. For purposes of this section, maximum operational capacity of the department means the total number of inmates that may be imprisoned at the same time in the penitentiary and its affiliated facilities. The department shall develop a prison population management plan to prioritize admissions based on sentences and the availability of space in the penitentiary and its affiliated facilities. The department shall report annually to the budget section of the legislative management on the prison population management plan and inmate admissions and the number of inmates the department has not admitted after sentencing.

SECTION 9. 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 ~~forty-five~~fifty-five 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."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2015 - DOCR - House Action

	Executive Budget	Senate Version	House Changes	House Version
Adult services	\$180,507,372	\$181,589,147	(\$7,992,064)	\$173,597,083
Youth services	30,149,708	30,159,324	(1,600,595)	28,558,729
Accrued leave payments			4,639,529	4,639,529
Transfer to state penitentiary land fund			12,000,000	12,000,000
Total all funds	\$210,657,080	\$211,748,471	\$7,046,870	\$218,795,341
Less estimated income	30,673,355	30,676,124	441,050	31,117,174
General fund	\$179,983,725	\$181,072,347	\$6,605,820	\$187,678,167
FTE	814.29	814.29	0.00	814.29

Department No. 530 - DOCR - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package¹	Provides Separate Line Item for Accrued Leave Payments²	Removes Funding for Oil Impact³	Reduces Funding for Operating Expenses⁴	Changes Funding Source for New FTE Positions⁵	Adds Funding for MRCC Study⁶
Adult services	(\$4,142,246)	(\$3,768,101)	(\$187,967)	(\$93,750)		\$200,000
Youth services	(619,532)	(871,428)	(78,385)	(31,250)		
Accrued leave payments		4,639,529				
Transfer to state penitentiary land fund						
Total all funds	(\$4,761,778)	\$0	(\$266,352)	(\$125,000)	\$0	\$200,000
Less estimated income	(236,950)	0	0	0	678,000	0
General fund	(\$4,524,828)	\$0	(\$266,352)	(\$125,000)	(\$678,000)	\$200,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Transfer for MRCC Relocation⁷	Total House Changes
Adult services		(\$7,992,064)
Youth services		(1,600,595)
Accrued leave payments		4,639,529
Transfer to state penitentiary land fund	12,000,000	12,000,000
Total all funds	\$12,000,000	\$7,046,870
Less estimated income	0	441,050
General fund	\$12,000,000	\$6,605,820
FTE	0.00	0.00

¹ This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market equity component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

² A portion of salaries and wages funding from the general fund (\$4,407,553) and from other funds (\$231,976) for permanent employees' compensation and benefits is reallocated to an accrued leave

payments line item for paying annual leave and sick leave for eligible employees.

³ Funding included in the executive budget recommendation for salary add-ons and housing assistance for employees in oil-impacted areas is removed.

⁴ Funding is reduced by \$125,000 departmentwide for operating expenses.

⁵ The funding source for a portion of salaries and operating expenses for new parole and probation officer FTE positions is changed from the general fund to other funds received from an increase in supervision fees.

⁶ Funding is added for a study regarding the relocation of the Missouri River Correctional Center to the Youth Correctional Center site.

⁷ Funding is added in a separate section for a transfer of \$12 million from the general fund to the state penitentiary land fund for future relocation of the Missouri River Correctional Center.

Sections are added relating to the following:

- Refusal of admission of inmates.
- Legislative Management study of the James River Correctional Center and the State Hospital.
- A report to Legislative Management regarding the Missouri River Correctional Center study.
- Subsection 2 of Section 12.1-32-07 is amended to increase supervision fees from \$45 to \$55.