

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

That the Senate recede from its amendments as printed on pages 1097-1102 of the House Journal and pages 966-971 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 2, remove the second "and" and after "12.1-32-07" insert "and subsection 5 of section 19-03.1-23"

Page 1, line 3, after "probationers" insert "and sentencing for drug offenses; to provide an effective date; and to declare an emergency"

Page 1, line 14, replace "115,000" with "118,682"

Page 1, line 15, replace "20,200" with "26,950"

Page 1, line 16, replace "1,000,270" with "1,010,702"

Page 1, line 20, replace "4,229,174" with "4,344,374"

Page 1, line 21, replace "104,321" with "123,571"

Page 1, line 22, replace "35,000" with "74,500"

Page 2, line 1, replace "16,991,440" with "17,165,390"

Page 2, line 2, replace "5,674,504" with "5,839,216"

Page 2, line 3, replace "11,316,936" with "11,326,174"

Page 2, line 8, replace "9,635,277" with "9,836,759"

Page 2, line 9, replace "16,699,252" with "19,350,252"

Page 2, line 11, replace "20,341,166" with "20,465,352"

Page 2, line 13, replace "61,461,535" with "64,438,203"

Page 2, line 14, replace "12,660,179" with "14,865,710"

Page 2, line 15, replace "48,801,356" with "49,572,493"

Page 2, line 16, replace "61,118,562" with "61,909,369"

Page 2, line 17, replace "18,334,683" with "20,704,926"

Page 2, line 18, replace "79,453,245" with "82,614,295"

Page 2, remove lines 29 through 31

Page 3, replace lines 1 through 21 with:

**"SECTION 4. LAND BOARD DISTRIBUTIONS.** Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the youth correctional center all income from permanent funds managed for the benefit of that institution.

**SECTION 5. CAPITAL PROJECT - ADULT SERVICES DIVISION.** The support services line item in subdivision 3 of section 1 of this Act includes up to \$198,000 from the state general fund which must be used by the department of corrections and rehabilitation for the construction of a security fence around the roughrider industries building at the penitentiary during the 1999-2001 biennium."

Page 3, line 29, replace "thirty-five" with "thirty-six"

Page 3, after line 31, insert:

**"SECTION 7. AMENDMENT.** Subsection 5 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- 5. A violation of this chapter or a law of another state or the federal government which is equivalent to an offense under this chapter committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, 3, and 4. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.

**SECTION 8. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds to the department of corrections and rehabilitation for the purpose of defraying its expenses for the period beginning with the effective date of this Act and ending June 30, 1999, as follows:

Operating expenses	\$15,000
Equipment	<u>18,209</u>
Total special funds	\$33,209

**SECTION 9. EFFECTIVE DATE.** Section 6 of this Act is effective for fees collected after December 31, 2000, for offenses committed after June 30, 1999.

**SECTION 10. EMERGENCY.** Sections 7 and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Central Office:						
Salaries and wages	\$878,152	\$865,070		\$865,070	\$865,070	
Operating expenses	118,682	115,000	\$3,682	118,682	118,682	
Equipment	<u>26,950</u>	<u>20,200</u>	<u>6,750</u>	<u>26,950</u>	<u>26,950</u>	_____

Total all funds	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Less estimated income						
Total general fund	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Juvenile Services:						
Salaries and wages	\$9,764,955	\$9,552,045		\$9,552,045	\$9,552,045	
Operating expenses	4,344,374	4,229,174	\$115,200	4,344,374	4,344,374	
Equipment	141,771	104,321	19,250	123,571	123,571	
Capital improvements	371,900	35,000	39,500	74,500	74,500	
Grants	2,870,900	2,870,900		2,870,900	2,870,900	
Delinquency prevention consortium	200,000	200,000		200,000	200,000	
Total all funds	\$17,693,900	\$16,991,440	\$173,950	\$17,165,390	\$17,165,390	\$0
Less estimated income	<u>5,688,979</u>	<u>5,674,504</u>	<u>164,712</u>	<u>5,839,216</u>	<u>5,839,216</u>	
Total general fund	\$12,004,921	\$11,316,936	\$9,238	\$11,326,174	\$11,326,174	\$0
Adult Services:						
Victim services	\$2,610,550	\$2,609,036		\$2,609,036	\$2,609,036	
Institutional offender services	828,335	821,649		821,649	821,649	
Community offender services	10,029,660	9,635,277	\$201,482	9,836,759	9,836,759	
Support services	20,234,931	16,699,252	2,651,000	19,350,252	19,350,252	
Program services	3,853,788	3,833,361		3,833,361	3,833,361	
Security and safety	23,625,750	20,341,166	124,186	20,465,352	21,576,321	(\$1,110,969)
Roughrider Industries	<u>9,243,724</u>	<u>7,521,794</u>		<u>7,521,794</u>	<u>7,521,794</u>	
Total all funds	\$70,426,738	\$61,461,535	\$2,976,668	\$64,438,203	\$65,549,172	(\$1,110,969)
Less estimated income	<u>16,335,431</u>	<u>12,660,179</u>	<u>2,205,531</u>	<u>14,865,710</u>	<u>14,865,710</u>	
Total general fund	\$54,091,307	\$48,801,356	\$771,137	\$49,572,493	\$50,683,462	(\$1,110,969)
Grand total all funds	\$89,144,422	\$79,453,245	\$3,161,050	\$82,614,295	\$83,725,264	(\$1,110,969)
Less grand total special funds	<u>22,024,410</u>	<u>18,334,683</u>	<u>2,370,243</u>	<u>20,704,926</u>	<u>20,704,926</u>	
Grand total general fund	\$67,120,012	\$61,118,562	\$790,807	\$61,909,369	\$63,020,338	(\$1,110,969)
FTE	577.21	546.68	26.00	572.68	572.68	0.00

Detail of Conference Committee changes to the House version:

	RESTORE EQUIPMENT	RESTORE OPERATING EXPENSES	RESTORE CAPITAL IMPROVEMENTS	REDUCE CAPITAL IMPROVEMENTS	DELAY SUPERVISION FEE INCREASE	FUNDING SOURCE CHANGE FOR YOUTH CORRECTIONAL CENTER 12-MONTH SCHOOL
Central Office:						
Salaries and wages						
Operating expenses		\$3,682 <sup>3</sup>				
Equipment	\$6,750 <sup>1</sup>					
Total all funds	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Less estimated income						
Total general fund	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Juvenile Services:						
Salaries and wages						
Operating expenses		\$115,200 <sup>4</sup>				
Equipment	\$19,250 <sup>2</sup>					
Capital improvements			\$39,500 <sup>5</sup>			
Grants						
Delinquency prevention consortium						
Total all funds	\$19,250	\$115,200	\$39,500	\$0	\$0	\$0
Less estimated income	<u>19,250</u>					<u>12,094</u> <sup>9</sup>
Total general fund	\$0	\$115,200	\$39,500	\$0	\$0	(\$12,094) <sup>9</sup>
Adult Services:						
Victim services						
Institutional offender services						
Community offender services						
Support services			\$2,751,000 <sup>6</sup>	(\$100,000) <sup>7</sup>		
Program services						
Security and safety						

Roughrider Industries						
Total all funds	\$0	\$0	\$2,751,000	(\$100,000)	\$0	\$0
Less estimated income			2,313,531		(108,000) <sup>8</sup>	
Total general fund	\$0	\$0	\$437,469	(\$100,000)	\$108,000 <sup>8</sup>	\$0
Grand total all funds	\$26,000	\$118,882	\$2,790,500	(\$100,000)	\$0	\$0
Less grand total special funds	19,250		2,313,531		(108,000)	12,094
Grand total general fund	\$6,750	\$118,882	\$476,969	(\$100,000)	\$108,000	(\$12,094)
	RESTORE POSITIONS AND RELATED OPERATING EXPENSES	RESTORE POSITIONS AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	REDUCE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	FUNDING SOURCE CHANGE TO REFLECT ADDITIONAL LAND DEPARTMENT DISTRIBUTIONS	TOTAL CONFERENCE COMMITTEE CHANGES	
Central Office:						
Salaries and wages					\$3,682	
Operating expenses					6,750	
Equipment						
Total all funds	\$0	\$0	\$0	\$0	\$10,432	
Less estimated income						
Total general fund	\$0	\$0	\$0	\$0	\$10,432	
Juvenile Services:						
Salaries and wages					\$115,200	
Operating expenses					19,250	
Equipment					39,500	
Capital improvements						
Grants						
Delinquency prevention consortium						
Total all funds	\$0	\$0	\$0	\$0	\$173,950	
Less estimated income				133,368 <sup>14</sup>	164,712	
Total general fund	\$0	\$0	\$0	(\$133,368) <sup>14</sup>	\$9,238	
Adult Services:						
Victim services						
Institutional offender services						
Community offender services	\$201,482 <sup>10</sup>				\$201,482	
Support services					2,651,000	
Program services						
Security and safety	115,390 <sup>11</sup>	\$857,345 <sup>12</sup>	(\$848,549) <sup>13</sup>		124,186	
Roughrider Industries						
Total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$2,976,668	
Less estimated income					2,205,531	
Total general fund	\$316,872	\$857,345	(\$848,549)	\$0	\$771,137	
Grand total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$3,161,050	
Less grand total special funds				133,368	2,370,243	
Grand total general fund	\$316,872	\$857,345	(\$848,549)	(\$133,368)	\$790,807	
FTE	6.00	20.00	0.00	0.00	26.00	

Conference Committee changes narrative:

This amendment makes the following changes:

- Removes Section 4 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department monitor changes in the inmate population and the number of correctional cells available to house state inmates through contractual agreements and present a report to the Legislative Council.

- Remove Section 5 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department operate programs to provide alternatives to incarceration and present to the Budget Section periodic reports on the effectiveness of these programs.
  - Adds Section 7, which amends North Dakota Century Code Section 19-03.1-23 relating to sentencing for drug offenses.
  - Adds Section 8, which provides an appropriation of \$33,209 from federal funds for the 1997-99 biennium.
- <sup>1</sup> Restores the House reduction to the equipment line item for the Central Office, increasing the total amount from \$20,200 to \$26,950.
- <sup>2</sup> Restores the following House reductions, but provides special funds spending authority, rather than general fund spending authority which was removed by the House:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center: Restores funding for computer purchases, increasing the total amount from \$37,500 to \$50,000		\$12,500	\$12,500
Restores funding for replacement of a tractor, increasing the total amount from \$10,000 to \$15,000		5,000	5,000
Juvenile Community Services: Restores funding for equipment, increasing the total amount from \$5,250 to \$7,000		1,750	1,750
Total Juvenile Services Division equipment restorations	\$0	\$19,250	\$19,250

- <sup>3</sup> Restores the House reduction to the operating expenses line item for the Central Office, increasing the total amount from \$115,000 to \$118,682.
- <sup>4</sup> Restores the House reductions to the operating expenses line item for the Juvenile Services Division, increasing the total amount from \$4,229,174 to \$4,344,374. The restoration includes \$32,200 for medical-related expenses at the Youth Correctional Center and \$83,000 for Juvenile Services Division community programs.
- <sup>5</sup> Restores a portion of the House reduction for Youth Correctional Center extraordinary repairs, increasing the total amount from \$35,000 to \$74,500. The executive budget included \$150,900.
- <sup>6</sup> Restores funding for capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Restores funding for the 5th and 6th floors renovation project at the JRCC (The House removed the same total amount, but \$259,469 from the general fund and \$2,093,531 from federal funds. The Conference Committee is adding \$39,469 from the general fund, \$1,913,531 from federal funds, and \$400,000 from the Penitentiary land replacement fund.)	\$39,469	\$2,313,531	\$2,353,000
Restores funding for a security fence	198,000		198,000

around the Roughrider Industries building			
Restores funding for parking lot construction at the JRCC, increasing the total amount for the project from \$40,000 to \$71,000	31,000		31,000
Restores funding for forensic building lobby, front entrance, and other JRCC improvements, increasing the total amount for these projects from \$200,000 to \$325,000	125,000		125,000
Restores funding for security improvements at the JRCC, increasing the total amount for the project from \$100,000 to \$121,000	21,000		21,000
Restores funding for extraordinary repairs for a JRCC ventilation project (The House reduced total extraordinary repairs funding for adult services from \$1,003,700 to \$650,000.)	23,000		23,000
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Total Adult Services Division capital improvements restorations	\$437,469	\$2,313,531	\$2,751,000

7 Removes funding for parking lot improvements at the Penitentiary. The House reduced the amount included in the executive budget for this project from \$325,000 to \$100,000.

8 Reduces other funds and increases general fund spending authority to reflect delaying collection of increased probation supervision fees until January 1, 2001. The amendment increases fees to \$36 per month. The House increased fees to \$35 per month, effective July 1, 1999.

9 Increases other funds and decreases general fund spending authority for the 12-month school program at the Youth Correctional Center. The \$12,094 of other funds spending authority was removed by the House, but reflects federal funds anticipated to be available.

10 Restores funding for the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores administrative secretary III positions removed by the House	2.00	\$95,436		\$95,436
Restores related operating expenses removed by the House		41,848		41,848
Removes funding for temporary salaries added by the House		(38,436)		(38,436)
b. Restores community corrections agent removed by the House	1.00	53,024		53,024
Restores related operating expenses removed by the House		2,531		2,531
c. Restores parole and probation officer II removed by the House	1.00	36,657		36,657
Restores related operating expenses		<u>10,422</u>		<u>10,422</u>
Total positions and related costs restored for community offender services	4.00	\$201,482	\$0	\$201,482

11 Restores funding for the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores correctional officer II positions for the JRCC	2.00	\$110,910		\$110,910
Restores related operating expenses		<u>4,480</u>		<u>4,480</u>
Total positions and related costs restored for the security and safety program	2.00	\$115,390	\$0	\$115,390

- <sup>12</sup> Restores funding for 20 FTE positions and related operating expenses for the operation of the JRCC 5th and 6th floors. The executive budget assumed that the JRCC would be completed by May 2000. The House removed \$1,463,679 for the FTE positions and the operation of the facility. The Conference Committee amendment restores \$857,345 and assumes that the facility will be completed by November 2000.
- <sup>13</sup> Reduces funding for contract inmate housing, reducing the amount provided from \$2,661,040 in the House version and \$2,923,460 in the Senate version to \$1,812,491 in the Conference Committee version. The House reduced the executive budget amount of \$4,085,300 by \$1,424,260. The House amount was based on inmate population growth of 10 percent the first year of the 1999-2001 biennium, 15 percent growth the second year; a July 1, 1999, population of 950 inmates; alternatives to incarceration saving 135 prison beds per month; not completing the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$47 for the first 82 beds and additional beds at \$55 the first year and \$60 the second year. The Senate amount was based on 10 percent inmate growth the first year of the biennium, 15 percent growth the second year; a July 1, 1999, population of 975 inmates; alternatives to incarceration saving 115 prison beds per month; November 2000 completion of the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$55 the first year and \$60 the second year. The Conference Committee amount is based on a July 1, 1999, population of 962 inmates; alternatives to incarceration saving 125 prison beds per month; and the contracting daily rates used in the House version.
- <sup>14</sup> Increases other funds and decreases general fund spending authority for the Juvenile Services Division to reflect an additional \$133,368 anticipated to be distributed to the Youth Correctional Center from the Board of University and School Lands. Section 4 is added which directs the Board of University and School Lands to distribute all available trust fund income for the 1999-2001 biennium.