

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1015

Page 1, line 2, remove the second "and" and after "12-65-08" insert "and subsection 2 of section 12.1-32-07"

Page 1, line 4, after "probationers" insert "and supervision fees; to provide an exemption; to provide legislative intent; to provide for budget section approval; and to declare an emergency"

Page 1, line 21, replace "8,877,936" with "8,138,211"

Page 1, line 22, replace "60,541,564" with "99,780,064"

Page 1, line 24, replace "1,764,875" with "1,712,416"

Page 2, line 2, replace "70,648,857" with "109,095,173"

Page 2, line 3, replace "(911,658)" with "(3,835,654)"

Page 2, line 4, replace "71,560,515" with "112,930,827"

Page 2, line 11, replace "35,953,086" with "35,213,361"

Page 2, line 12, replace "140,093,278" with "179,331,778"

Page 2, line 14, replace "14,608,184" with "14,555,725"

Page 2, line 15, replace "199,549,688" with "237,996,004"

Page 2, line 16, replace "26,853,489" with "23,929,493"

Page 2, line 17, replace "172,696,199" with "214,066,511"

Page 3, after line 2, insert:

**"SECTION 5. 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~~ forty-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.

**SECTION 6. NORTH CENTRAL CORRECTIONAL AND REHABILITATION CENTER.** The department of corrections and rehabilitation shall distribute in twenty-four equal payments \$1,631,044 from the general fund included in the prisons division line item in section 3 of this Act for treatment services at the north central correctional and rehabilitation center for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 7. NEW PRISON FACILITY ON EXISTING SITE.** The prisons division line item in section 3 of this Act includes \$85,000,000 of one-time funding for construction of a new prison facility on the existing penitentiary site. The facility should be a pod design and include cells for a population of at least nine hundred fifty inmates with as many of these cells as possible being single cells. The facility must include an observation tower, warehouse, armory, administration, facility operations, programs, recreation, and food services. The department shall retain and use existing industries, maintenance, motor pool, and energy plant buildings. The department shall consider using other existing buildings if it is economical, practical, and the buildings are structurally sound.

**SECTION 8. RELOCATION OF MISSOURI RIVER CORRECTIONAL CENTER - SALE OF LAND.** The department of corrections and rehabilitation shall move the Missouri River correctional center to the location of the state penitentiary after the completion of any penitentiary expansion or construction projects authorized by this Act. The department shall sell the land and buildings at the Missouri River correctional center site after the correctional center has been moved to the penitentiary site.

**SECTION 9. PRISON FACILITY ALTERNATIVE - ADDITIONAL FUNDING - APPROPRIATION.** The department of corrections and rehabilitation may seek and accept other funds which are appropriated for the biennium beginning July 1, 2007, and ending June 30, 2009, for the construction of a new prison facility. If the department of corrections and rehabilitation receives sufficient other funds to make construction of a new prison facility feasible at a site in Burleigh County, other than the existing penitentiary site, the sum of \$85,000,000, or so much of the sum as may be necessary, included in the prisons division line item in section 3 of this Act for construction of the prison expansion project, may, in the alternative, be used by the department of corrections and rehabilitation for the construction of a new prison facility.

**SECTION 10. EXEMPTION.** The amount appropriated to the department of corrections and rehabilitation in section 5 of 2005 Senate Bill No. 2341 is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for crime victims compensation during the period beginning with passage of this Act and ending June 30, 2009.

**SECTION 11. INMATE MEDICAL SYSTEM - BUDGET SECTION APPROVAL.** The department of corrections and rehabilitation shall, during the 2007-08 interim, develop a plan for and implement an inmate medical system. The department shall provide reports to the legislative information technology committee as required by chapters 54-35 and 54-59 of the North Dakota Century Code and information technology department standards. At the completion of the planning phase and prior to the implementation stage, the department shall provide an update to the information technology committee and the budget section in the form of a project startup report identifying benefits to be achieved, estimated costs for implementation, a milestone schedule, and project risks. Budget section approval is required before the department of corrections and rehabilitation proceeds with implementation.

**SECTION 12. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$88,332,091 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The department of corrections and rehabilitation shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Prison expansion project	\$85,000,000
Youth correctional center security lighting	70,000
Deferred maintenance	1,498,091
Medical information system, equipment, and radios	<u>1,764,000</u>
Total	<u>\$88,332,091</u>

**SECTION 13. INTENT - REPORTING LEVELS.** The office of management and budget shall change the reporting levels on the budget analysis and reporting system to allow for a separation of food and clothing items for the 2009-11 biennium.

**SECTION 14. EMERGENCY.** Section 10 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1015 - Department of Corrections and Rehabilitation - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Field Services	\$35,953,086	(\$739,725)	\$35,213,361
Prisons Division	140,093,278	39,238,500	179,331,778
Juvenile Community Services	8,895,140		8,895,140
Youth Correctional Center	<u>14,608,184</u>	<u>(52,459)</u>	<u>14,555,725</u>
Total all funds	\$199,549,688	\$38,446,316	\$237,996,004
Less estimated income	<u>26,853,489</u>	<u>(2,923,996)</u>	<u>23,929,493</u>
General fund	\$172,696,199	\$41,370,312	\$214,066,511
FTE	706.79	(6.50)	700.29

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

	PRISONS DIVISION CHANGES <sup>1</sup>	YOUTH CORRECTIONAL CENTER CHANGES <sup>2</sup>	FIELD SERVICES CHANGES <sup>3</sup>	TOTAL HOUSE CHANGES
Field Services			(\$739,725)	(\$739,725)
Prisons Division	\$39,238,500			39,238,500
Juvenile Community Services				
Youth Correctional Center		<u>(\$52,459)</u>		<u>(52,459)</u>
Total all funds	\$39,238,500	(\$52,459)	(\$739,725)	\$38,446,316
Less estimated income	<u>(3,000,000)</u>		<u>76,004</u>	<u>(2,923,996)</u>
General fund	\$42,238,500	(\$52,459)	(\$815,729)	\$41,370,312
FTE	(2.00)	0.00	(4.50)	(6.50)

<sup>1</sup> Prisons Division changes include:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Remove funds for license plate project			(\$3,000,000)	(\$3,000,000)
Remove funds for Bobcat		(\$30,000)		(30,000)
Remove funds for expansion project		(42,000,000)		(42,000,000)
Add funds for new facility on current site		85,000,000		85,000,000
Remove funds for conversion of 2 chaplains to FTE (net of adding temporary salary)	(2.00)	(64,000)		(64,000)
Remove funds for repairs with priority rating of 26 or higher		<u>(667,500)</u>		<u>(667,500)</u>
Total House changes	(2.00)	\$42,238,500	(\$3,000,000)	\$39,238,500

2 Youth Correctional Center changes include:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Transfer funds from Field Services		\$200,000		\$200,000
Remove funding for security lighting project		(100,000)		(100,000)
Remove funding for roof projects (Maple, Hickory)		(127,459)		(127,459)
Remove funds for optometry equipment		<u>(25,000)</u>		<u>(25,000)</u>
Total House changes	0.00	(\$52,459)	\$0	(\$52,459)

3 Field Services changes include:

	FTE	GENERAL FUND	ESTIMATED INCOME	TOTAL
Transfer funds to Youth Correctional Center		(\$200,000)		(\$200,000)
Remove 1.5 FTE from 2005-07 pilot project and civil supervision	(1.50)		(\$168,778)	(168,778)
Remove 3 FTE parole officers, including operating expenses	(3.00)	(423,447)		(423,447)
Reduce operating (special other line item)		(47,500)		(47,500)
Add funds for additional faith-based programming		100,000		100,000
Replace general fund support for Field Services with increased supervision fee revenue		<u>(244,782)</u>	<u>244,782</u>	<u>0</u>
Total House changes	(4.50)	(\$815,729)	\$76,004	(\$739,725)

This amendment also adds the following sections:

Section 5 amends North Dakota Century Code (NDCC) Section 12.1-32-07 to change the supervision fees from \$40 to \$45.

Section 6 requires the department to pay the North Central Correctional and Rehabilitation Center in 24 equal payments.

Section 7 authorizes a new prison facility on the existing site and provides \$85,000,000 for the project.

Section 8 requires the department to move the Missouri River Correctional Center to the State Penitentiary site and sell the existing Missouri River Correctional Center land and buildings.

Section 9 provides for an alternative site for the new facility if an additional funding source is found.

Section 10 provides for an exemption from NDCC Section 54-44.1-11 to allow for the carryover of unused pilot project funds to be used for crime victim compensation.

Section 11 requires the department to seek Budget Section approval before proceeding with implementation of the inmate medical system.

Section 12 identifies one-time funding included in the Act.

Section 13 provides intent for the Office of Management and Budget to change reporting levels in the budget analysis and reporting system to separate food and clothing costs.

Section 14 declares an emergency for Section 10 of this Act.