

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1015

That the Senate recede from its amendments as printed on pages 1494-1498 in the House Journal and pages 1291-1295 and page 1343 of the Senate Journal and that Reengrossed House Bill No. 1015 be amended as follows:

Page 1, line 2, replace the third "and" with a comma

Page 1, line 3, after "12.1-32-07" insert ", and section 19-03.1-45"

Page 1, line 4, replace "and" with a comma and after "fees" insert ", and drug treatment"

Page 1, line 5, remove "and" and after "approval" insert "; to provide for a transfer; to provide an appropriation; to provide for a correctional facility review committee; to provide for a report to the budget section; to provide for a legislative council study; and to declare an emergency"

Page 1, line 22, replace "\$8,138,211" with "(\$27,075,150)"

Page 1, line 23, replace "99,780,064" with "(79,551,714)"

Page 1, line 24, replace "964,482" with "(7,930,658)"

Page 2, line 1, replace "1,712,416" with "(12,843,309)"

Page 2, after line 1, insert:

"Adult services	131,143,936
Youth services	23,450,865"

Page 2, line 3, replace "109,095,173" with "25,693,970"

Page 2, line 5, replace "112,930,827" with "29,529,624"

Page 2, line 12, replace "Field" with "Adult" and replace "35,213,361" with "131,143,936"

Page 2, line 13, replace "Prisons division" with "Youth services" and replace "179,331,778" with "23,450,865"

Page 2, remove lines 14 and 15

Page 2, line 16, replace "237,996,004" with "154,594,801"

Page 2, line 18, replace "214,066,511" with "130,665,308"

Page 3, after line 17, insert:

"SECTION 6. AMENDMENT. Section 19-03.1-45 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-45. ~~Mandatory drug~~ Drug abuse assessment and treatment -
Presentence investigation - Certified drug abuse treatment programs.**

1. ~~When~~ If a person located in Walsh, Pembina, or Grand Forks Counties has pled guilty or has been found guilty of a felony violation of subsection 6 of section 19-03.1-23 ~~and, if that person has not previously pled guilty or been found guilty of any offense involving the use, possession, manufacture, or delivery of a controlled substance or of any other felony offense of this or another state or the federal government, and if the court imposes probation,~~ the court shall impose a period of probation of not less than eighteen months in conjunction with a suspended execution of a sentence of imprisonment, a sentence to probation, or an order deferring imposition of sentence.
2. Upon a plea or finding of guilt of a person subject to the provisions of subsection 1, the court shall order a presentence investigation to be conducted by the department. The presentence investigation shall include a drug and alcohol evaluation conducted by a licensed addiction counselor.
3. If the licensed addiction counselor recommends treatment, the court shall require the person to participate in an addiction program licensed by the department of human services as a condition of the probation. The court shall commit the person to treatment through a licensed addiction program until determined suitable for discharge by the court. The term of treatment shall not exceed eighteen months and may include an aftercare plan. During the commitment and while subject to probation, the person shall be supervised by the department.
4. If the person fails to participate in, or has a pattern of intentional conduct that demonstrates the person's refusal to comply with or participate in the treatment program, as established by judicial finding, the person shall be subject to revocation of the probation. Notwithstanding subsection 2 of section 12.1-32-02, the amount of time participating in the treatment program under this section is not "time spent in custody" and will not be a credit against any sentence to term of imprisonment.
5. ~~The cost for all drug abuse assessments and certified drug abuse treatment programs shall be initially paid by the department. The court shall order the person to reimburse the department for the assessment and treatment expenses in accordance with the procedures of section 12.1-32-08. The department shall handle the collection of costs from the offenders in the same manner as it collects court costs, fees, and supervision fees.~~
6. In this section:
 - a. "Department" means the department of corrections and rehabilitation; and
 - b. "Licensed addiction counselor" is a person licensed pursuant to section 43-45-05.1.
7. ~~The provisions of this section shall be implemented as a pilot project in Pembina, Walsh, and Grand Forks Counties effective three months from the date of receipt of a federal grant for methamphetamine treatment being applied for by the department of human services. The department shall collaborate management of the pilot project with the department of human services to ensure services under the federal grant program for one half of the offenders mandated by the court to submit to mandatory treatment, not to exceed twenty three individuals. The department shall hire a program~~

~~manager to manage the pilot project, collect statistics regarding the operation of the program, track participants in the program, and provide a report to the attorney general, the legislative council for distribution during the November 2006 legislative council meeting, and the sixtieth legislative assembly detailing the number of participants in the program, the cost of the program, relapse statistics, and other data concerning the effectiveness of the program."~~

Page 3, replace lines 23 through 31 with:

"SECTION 8. TRANSFER TO THE STATE PENITENTIARY LAND FUND - CONTINGENT APPROPRIATION. The director of the office of management and budget shall transfer on July 1, 2007, \$41,000,000 from the general fund to the state penitentiary land fund established in North Dakota Century Code section 54-23.3-04 to be used for correctional facilities. The funds are appropriated to the department of corrections and rehabilitation for a project authorized and approved under section 10 of this Act and are available for construction, for the biennium beginning July 1, 2007, and ending June 30, 2009. All income earned on the fund must be deposited in the state penitentiary land fund.

SECTION 9. APPROPRIATION - LEGISLATIVE COUNCIL. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the legislative council for prison facility alternative concepts and preliminary design development, as provided for in section 10 of this Act for the period beginning with the effective date of this Act and ending June 30, 2009.

SECTION 10. CORRECTIONAL FACILITY REVIEW COMMITTEE - MEMBERSHIP - DUTIES - RECOMMENDATIONS.

1. During the 2007-08 interim, the legislative council shall appoint a correctional facility review committee to address the immediate and future needs of the state penitentiary. The membership of the committee must include six members of the legislative assembly selected by the legislative council. The membership of the committee must include:
 - a. Three members of the house of representatives, two of whom must represent the majority faction of the house of representatives and one of whom must represent the minority faction of the house of representatives; and
 - b. Three members of the senate, two of whom must represent the majority faction of the senate and one of whom must represent the minority faction of the senate.
2. The legislative council chairman shall designate the committee chairman and vice chairman.
3. The committee shall operate according to the statutes and procedures governing the operation of other legislative council interim committees.
4. The committee shall engage consultant and architectural services, subject to legislative council approval, for the development of the following three correctional facility concepts:
 - a. The construction of a new correctional facility on the existing state penitentiary site;
 - b. The construction of a new correctional facility at a site other than the state penitentiary site; and

- c. The remodeling of the existing state penitentiary facility.
5. Each of the three correctional facility concepts developed by the consultant and architect must:
 - a. Include a master plan, staffing plan, a cost-benefit analysis, and project cost estimate;
 - b. Be based upon housing a population of approximately nine hundred to one thousand inmates;
 - c. Include options for expansion;
 - d. Take into consideration the transfer of the inmates at the Missouri River correctional center to the new or remodeled facility; and
 - e. Take into consideration the facility and staffing needs of the James River correctional center.
6. In developing the concepts, the committee shall seek the input of the department of corrections and rehabilitation.
7. Before June 1, 2008, the committee shall forward the three concepts along with a recommendation for one of the three concepts to the emergency commission for the commission's consideration and authorization.
8. If the emergency commission authorizes one of the three concepts, the emergency commission shall forward the authorized concept to the budget section of the legislative council. The budget section may approve or reject the concept as authorized by the emergency commission."

Page 4, remove lines 1 through 16

Page 5, line 3, replace "\$88,332,091" with "\$3,559,391"

Page 5, remove line 8

Page 5, line 9, replace "70,000" with "\$70,000"

Page 5, line 10, replace "1,498,091" with "1,725,391"

Page 5, line 12, replace "88,332,091" with "3,559,391"

Page 5, after line 15, insert:

"SECTION 15. INTENT - TEMPORARY SALARIES - FIELD SERVICES. It is the intent of the sixtieth legislative assembly that the department of corrections and rehabilitation may use \$250,000 of its 2007-09 biennium appropriation for temporary salaries for the field services division for supervision of offenders.

SECTION 16. LEGISLATIVE COUNCIL STUDY - RETIREMENT CRITERIA FOR STATE CORRECTIONAL OFFICERS AND PEACE OFFICERS. The legislative council shall consider studying, during the 2007-08 interim, retirement program criteria and benefits for correctional officers and peace officers employed by state agencies, including the feasibility and desirability of allowing these employees to retire with full retirement benefits at age fifty-five or the "rule of 85". The legislative council shall report

its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 17. SPACE, OPERATIONAL, AND STAFFING PLAN - BUDGET

SECTION REPORT. The department of corrections and rehabilitation shall prepare a space, operational, and staffing plan for the state penitentiary and James River correctional center. The plan must be based on the state penitentiary building project authorized by the sixtieth legislative assembly and the current facilities at the James River correctional center and the Missouri River correctional center. The plan must be presented at the first budget section meeting after March 1, 2008.

SECTION 18. LEGISLATIVE INTENT - CORRECTIONAL FACILITIES. It is the intent of the sixtieth legislative assembly that the correctional facility concepts to be developed pursuant to this Act not include any consideration of closure of the James River correctional center or the Dakota women's correctional and rehabilitation center in New England.

SECTION 19. EMERGENCY. Sections 9, 10, and 11 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1015 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Office of Management and Budget						
Total all funds	\$0	\$0	\$41,000,000	\$41,000,000	\$42,000,000	(\$1,000,000)
Less estimated income						
General fund	\$0	\$0	\$41,000,000	\$41,000,000	\$42,000,000	(\$1,000,000)
Legislative Council						
Total all funds	\$0	\$0	\$250,000	\$250,000	\$0	\$250,000
Less estimated income						
General fund	\$0	\$0	\$250,000	\$250,000	\$0	\$250,000
Department of Corrections and Rehabilitation						
Total all funds	\$199,549,688	\$237,996,004	(\$83,401,203)	\$154,594,801	\$162,171,312	(\$7,576,511)
Less estimated income	26,853,489	23,929,493		23,929,493	23,929,493	
General fund	\$172,696,199	\$214,066,511	(\$83,401,203)	\$130,665,308	\$138,241,819	(\$7,576,511)
Bill Total						
Total all funds	\$199,549,688	\$237,996,004	(\$42,151,203)	\$195,844,801	\$204,171,312	(\$8,326,511)
Less estimated income	26,853,489	23,929,493		23,929,493	23,929,493	
General fund	\$172,696,199	\$214,066,511	(\$42,151,203)	\$171,915,308	\$180,241,819	(\$8,326,511)

House Bill No. 1015 - Office of Management and Budget - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Transfer to State Penitentiary land fund			\$41,000,000	\$41,000,000	\$42,000,000	(\$1,000,000)
Total all funds	\$0	\$0	\$41,000,000	\$41,000,000	\$42,000,000	(\$1,000,000)
Less estimated income						
General fund	\$0	\$0	\$41,000,000	\$41,000,000	\$42,000,000	(\$1,000,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Dept. 110 - Office of Management and Budget - Detail of Conference Committee Changes

	TRANSFER TO STATE PENITENTIARY LAND FUND 1	TOTAL CONFERENCE COMMITTEE CHANGES
Transfer to State Penitentiary land fund	\$41,000,000	\$41,000,000
Total all funds	\$41,000,000	\$41,000,000
Less estimated income		
General fund	\$41,000,000	\$41,000,000
FTE	0.00	0.00

¹ This amendment adds a section to transfer \$41 million from the general fund to the State Penitentiary land fund to be used for future correctional facilities accepted and approved under Senate Bill No. 2260.

House Bill No. 1015 - Legislative Council - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Operating expenses			\$250,000	\$250,000		\$250,000
Total all funds	\$0	\$0	\$250,000	\$250,000	\$0	\$250,000
Less estimated income						
General fund	\$0	\$0	\$250,000	\$250,000	\$0	\$250,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Dept. 160 - Legislative Council - Detail of Conference Committee Changes

	ALTERNATIVE CONCEPTS AND PRELIMINARY DESIGN DEVELOPMENT 1	TOTAL CONFERENCE COMMITTEE CHANGES
Operating expenses	\$250,000	\$250,000
Total all funds	\$250,000	\$250,000
Less estimated income		
General fund	\$250,000	\$250,000
FTE	0.00	0.00

¹ This amendment provides an appropriation to the Legislative Council for prison facility alternative concepts and preliminary design development as provided for in Senate Bill No. 2260.

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

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Field Services	\$35,953,086	\$35,213,361	(\$35,213,361)		\$38,657,169	(\$38,657,169)
Prisons Division	140,093,278	179,331,778	(179,331,778)		100,063,278	(100,063,278)
Juvenile Community Services	8,895,140	8,895,140	(8,895,140)		8,895,140	(8,895,140)
Youth Correctional Center	14,608,184	14,555,725	(14,555,725)		14,555,725	(14,555,725)
Adult Services			131,143,936	131,143,936		131,143,936
Youth Services			23,450,865	23,450,865		23,450,865
Total all funds	\$199,549,688	\$237,996,004	(\$83,401,203)	\$154,594,801	\$162,171,312	(\$7,576,511)
Less estimated income	26,853,489	23,929,493		23,929,493	23,929,493	
General fund	\$172,696,199	\$214,066,511	(\$83,401,203)	\$130,665,308	\$138,241,819	(\$7,576,511)
FTE	706.79	700.29	11.00	711.29	708.29	3.00

Dept. 530 - Department of Corrections and Rehabilitation - Detail of Conference Committee Changes

	REMOVES FUNDING FOR PRISON EXPANSION ¹	RESTORES FUNDING FOR CHAPLAINS ²	RESTORES PAROLE AND PROBATION OFFICERS ³	RESTORES FUNDING FOR DEFERRED MAINTENANCE ⁴	PROVIDES FUNDING FOR TEEN CHALLENGE ⁵	PROVIDES FUNDING AND FTE POSITION FOR INTERAGENCY AGREEMENT ⁶
Field Services Prisons Division Juvenile Community Services Youth Correctional Center Adult Services Youth Services	(\$85,000,000)	\$64,000	\$423,447	\$227,300	\$100,000	\$118,500
Total all funds	(\$85,000,000)	\$64,000	\$423,447	\$227,300	\$100,000	\$118,500
Less estimated income						
General fund	(\$85,000,000)	\$64,000	\$423,447	\$227,300	\$100,000	\$118,500
FTE	0.00	2.00	3.00	0.00	0.00	1.00
	PROVIDES FUNDING FOR COMMUNITY SERVICE SUPERVISION GRANTS ⁷	TRANSITION MEDICAL CARE ⁸	ADDS 5 FTE POSITIONS TO REDUCE CASELOAD ⁹	COMBINES PRISONS DIVISION AND FIELD SERVICES INTO ADULT SERVICES ¹⁰	COMBINES YCC AND JUVENILE COMMUNITY SERVICES INTO YOUTH SERVICES ¹¹	TOTAL CONFERENCE COMMITTEE CHANGES
Field Services Prisons Division Juvenile Community Services Youth Correctional Center Adult Services Youth Services	\$100,000	\$100,000	\$465,550	(\$36,302,358) (94,841,578)	(\$8,895,140) (14,555,725)	(\$35,213,361) (179,331,778) (8,895,140)
Total all funds	\$100,000	\$100,000	\$465,550	\$0	\$0	(\$83,401,203)
Less estimated income						
General fund	\$100,000	\$100,000	\$465,550	\$0	\$0	(\$83,401,203)
FTE	0.00	0.00	5.00	0.00	0.00	11.00

¹ This amendment removes funding for the new building and demolition projects.

² This amendment restores funding removed by the House to convert 2 temporary chaplains to full-time equivalent positions.

³ This amendment restores funding removed by the House for 3 FTE parole and probation officers, including operating expenses.

⁴ This amendment restores \$227,300 of the \$667,500 removed by the House for deferred maintenance.

⁵ This amendment adds funding for Teen Challenge.

⁶ This amendment provides funding for 1 FTE position and related operating expenses for the interagency agreement with the Department of Human Services provided for in Senate Bill No. 2136.

⁷ This amendment provides funding for community service supervision grants as provided for in Senate Bill No. 2243.

⁸ This amendment provides funding for transition medical care for inmates.

⁹ This amendment provides funding to add 5 FTE positions to reduce the caseload for Adult Services.

¹⁰ This amendment combines the Prisons Division and Field Services line items into the Adult Services line item.

¹¹ This amendment combines the Youth Correctional Center and Juvenile Community Services line items into the Youth Services line item.

A section is added directing the Legislative Council to consider a study of the retirement criteria for state correctional officers and peace officers.

A section is added that amends North Dakota Century Code Section 19-03.1-45 relating to drug abuse assessment and treatment.

A section is added providing for a transfer from the general fund of \$41,000,000 to the State Penitentiary land fund.

A section is added providing an appropriation to the Legislative Council for prison facility alternative concepts and preliminary design.

A section is added to provide for a space, operational, and staffing plan and a report to the Budget Section regarding the plan.

A section is added authorizing Field Services to use \$250,000 of the 2007-09 biennium appropriation for temporary salaries for supervision.

A section is added providing for an emergency for Sections 9, 10, and 11.

This amendment combines the Prisons Division and Field Services line items into the Adult Services line item and combines the Youth Correctional Center and Juvenile Community Services line items into the Youth Services line item.