

April 29, 2013

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015

That the House recede from its amendments as printed on pages 1420-1423 of the Senate Journal and pages 1517-1521 of the House Journal and that Engrossed Senate Bill No. 2015 be amended as follows:

Page 1, line 2, after the 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;"

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 | \$17,819,891 | \$178,645,659 |
| Youth services | 27,221,743 | 1,643,380 | 28,865,123 |
| Accrued leave payments | <u>0</u> | <u>4,639,529</u> | <u>4,639,529</u> |
| Total all funds | \$188,047,511 | \$24,102,800 | \$212,150,311 |
| Less estimated income | <u>30,145,650</u> | <u>1,089,272</u> | <u>31,234,922</u> |
| Total general fund | \$157,901,861 | \$23,013,528 | \$180,915,389 |
| Full-time equivalent positions | 794.29 | 20.00 | 814.29" |

Page 2, replace line 3 with:

| | | |
|---|---|----------|
| "Missouri River correctional center study | 0 | 200,000" |
|---|---|----------|

Page 2, replace lines 5 through 7 with:

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

Page 2, replace lines 16 through 23 with:

"SECTION 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION - REPORT TO LEGISLATIVE MANAGEMENT. Section 1 of this Act includes the sum of \$200,000, or so much of the sum as may be necessary, that the department of corrections and rehabilitation, in conjunction with the office of management and budget, shall use to develop options for the feasibility and desirability of relocating the Missouri River correctional center and for a land use study, for the biennium beginning July 1, 2013, and ending June 30, 2015. The department may use up to \$50,000 to contract for a land use study of the Missouri River correctional center site. The study must review options to develop all or a portion of the current site into a day park and options to continue agriculture activities on the current site. The study may not include options to develop the land for residential, commercial, or industrial purposes. The department may use up to \$150,000 for the development of options for relocating the Missouri River correctional center including the determination of facilities, services, and activities that may be shared by the Missouri River correctional center and the youth correctional center; to develop a plan to move the Missouri River correctional center to a site

adjacent to the youth correctional center; and to provide cost estimates for construction necessary to relocate the Missouri River correctional center during the 2015-17 biennium, pending approval and funding by the sixty-fourth legislative assembly. During the 2013-14 interim, the office of management and budget shall provide a report to the budget section regarding options for the possible relocation of the Missouri River correctional center and results of the study. The department shall present its plan to move the Missouri River correctional center to a site adjacent to the youth correctional center to the legislative management by July 1, 2014.

SECTION 5. 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 6. 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 7. 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 - Conference Committee Action

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|--|----------------------|----------------------|------------------------------|------------------------------|----------------------|----------------------|
| Adult services | \$180,507,372 | \$181,589,147 | (\$2,943,488) | \$178,645,659 | \$173,597,083 | \$5,048,576 |
| Youth services | 30,149,708 | 30,159,324 | (1,294,201) | 28,865,123 | 28,558,729 | 306,394 |
| Accrued leave payments | | | 4,639,529 | 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 | \$401,840 | \$212,150,311 | \$218,795,341 | (\$6,645,030) |
| Less estimated income | 30,673,355 | 30,676,124 | 558,798 | 31,234,922 | 31,117,174 | 117,748 |
| General fund | \$179,983,725 | \$181,072,347 | (\$156,958) | \$180,915,389 | \$187,678,167 | (\$6,762,778) |
| FTE | 814.29 | 814.29 | 0.00 | 814.29 | 814.29 | 0.00 |

Department No. 530 - DOCR - Detail of Conference Committee Changes

| | Adjusts State Employee Compensation and Benefits Package ¹ | Provides Separate Line Item for Accrued Leave Payments ² | Removes Funding for Oil Impact ³ | Reduces Funding for Operating Expenses ⁴ | Changes Funding Source for New FTE Positions ⁵ | Adds Funding for MRCC Study ⁶ |
|--|---|---|---|---|---|--|
| Adult services | (\$2,093,670) | (\$3,768,101) | (\$187,967) | (\$93,750) | | \$200,000 |
| Youth services | (313,138) | (871,428) | (78,385) | (31,250) | | |
| Accrued leave payments | | 4,639,529 | | | | |
| Transfer to state penitentiary land fund | | | | | | |
| Total all funds | (\$2,406,808) | \$0 | (\$266,352) | (\$125,000) | \$0 | \$200,000 |
| Less estimated income | (119,202) | 0 | 0 | 0 | 678,000 | 0 |
| General fund | (\$2,287,606) | \$0 | (\$266,352) | (\$125,000) | (\$678,000) | \$200,000 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

| | Adds Funding for Changes in DUI Laws ⁷ | Total Conference Committee Changes |
|--|---|------------------------------------|
| Adult services | \$3,000,000 | (\$2,943,488) |
| Youth services | | (1,294,201) |
| Accrued leave payments | | 4,639,529 |
| Transfer to state penitentiary land fund | | |
| Total all funds | \$3,000,000 | \$401,840 |
| Less estimated income | 0 | 558,798 |
| General fund | \$3,000,000 | (\$156,958) |
| 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 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

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. The House version also provided for an accrued leave payments line item.

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

⁴ Funding is reduced by \$125,000 departmentwide for operating expenses. The House also removed this funding.

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. The House also changed the funding source for the new FTE positions.

⁶ Funding is added for a study regarding the relocation of the Missouri River Correctional Center to the Youth Correctional Center site. The House version also included funding for a study of relocating the Missouri River Correctional Center.

⁷ Funding is added for increased probation and incarceration requirements due to provisions of House Bill No. 1302, relating to driving under the influence laws.

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.