

**SECOND ENGROSSMENT
with Conference Committee Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2016

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 corrections and rehabilitation; to create and enact a new section to chapter 12-46 of the North
3 Dakota Century Code, relating to payment of tuition for students committed to the youth
4 correctional center; to provide legislative intent; to propose a legislative council study; and to
5 declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
8 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
9 the state treasury, not otherwise appropriated, and from special funds derived from federal
10 funds and other income, to the department of corrections and rehabilitation for the purpose of
11 defraying the expenses of its various divisions, for the biennium beginning July 1, 1997, and
12 ending June 30, 1999, as follows:

13 Subdivision 1.

14 CENTRAL OFFICE

15 Salaries and wages	\$ 798,494
16 Operating expenses	73,713
17 Equipment	<u>4,400</u>
18 Total all funds	\$ 876,607
19 Less estimated income	<u>98,899</u>
20 Total general fund appropriation	\$ 777,708

21 Subdivision 2.

22 JUVENILE SERVICES

23 Salaries and wages	\$ 8,708,389
24 Operating expenses	4,127,066

Fifty-fifth
Legislative Assembly

1	Equipment	102,879
2	Capital improvements	573,000
3	Grants	1,280,000
4	Delinquency prevention consortium	100,000
5	Institutional medical fees	<u>50,000</u>
6	Total all funds	\$14,941,334
7	Less estimated income	<u>5,456,447</u>
8	Total general fund appropriation	\$ 9,484,887
9	Subdivision 3.	
10	ADULT SERVICES	
11	Salaries and wages	\$20,252,555
12	Operating expenses	8,679,128
13	Equipment	170,867
14	Capital improvements	1,010,650
15	Capital improvements - medium security facility	4,896,425
16	Institutional medical fees	850,000
17	Victim services	3,104,399
18	Institutional offender services	321,991
19	Community offender services	<u>6,164,499</u>
20	Total all funds	\$45,450,514
21	Less estimated income	<u>10,483,117</u>
22	Total general fund appropriation	\$34,967,397
23	Subdivision 4.	
24	ROUGH RIDER INDUSTRIES	
25	Salaries and wages	\$ 2,427,773
26	Operating expenses	5,951,678
27	Equipment	221,000
28	Capital improvements	<u>86,112</u>
29	Total special funds	\$ 8,686,563
30	Grand total general fund appropriation S.B. 2016	\$45,229,992

1	Grand total special funds appropriation S.B. 2016	\$24,725,026
2	Grand total all funds appropriation S.B. 2016	\$69,955,018

3 **SECTION 2. TRANSFER AUTHORITY.** Upon approval of the budget section, the
4 director of the department of corrections and rehabilitation may transfer appropriation authority
5 contained in the various subdivisions in section 1 of this Act.

6 **SECTION 3. LINE ITEM TRANSFERS.** Upon approval of the emergency commission,
7 the department of corrections and rehabilitation may transfer between the victim services,
8 institutional offender services, and community offender services line items in subdivision 3 of
9 section 1 of this Act appropriation authority of up to ten percent of a given line item to adjust for
10 changing circumstances in meeting established performance measures. Any further transfers
11 must be approved by the budget section.

12 **SECTION 4. STATE PENITENTIARY LAND FUND.** The amount appropriated for
13 capital improvements in subdivisions 2 and 3 of section 1 of this Act includes \$382,300 and
14 \$490,400, respectively, which is from the North Dakota state penitentiary land fund for the
15 biennium beginning July 1, 1997, and ending June 30, 1999.

16 **SECTION 5.** A new section to chapter 12-46 of the North Dakota Century Code is
17 created and enacted as follows:

18 **Youth correctional center - Payment of tuition.** The superintendent shall charge a
19 student's school district of residence tuition as follows:

- 20 1. The amount of tuition must be determined pursuant to this section for each student
21 under the age of eighteen who is committed to the youth correctional center.
- 22 2. The amount of tuition is the average net foundation aid payment for all high
23 schools for the fiscal year during which the student is committed to the youth
24 correctional center, multiplied by the number of instructional days the student has
25 been committed to the youth correctional center during the period for which the
26 district is being charged, divided by one hundred eighty.
- 27 3. The average net foundation aid payment for all high schools is the average per
28 student foundation aid payment for all high school districts, reduced by the
29 average mill deduct per student, as determined by the superintendent of public
30 instruction.

1 **SECTION 6. LEGISLATIVE INTENT - CRIME VICTIMS GRANTS.** It is the intent of
2 the fifty-fifth legislative assembly that any grants distributed by the parole and probation division
3 of the department of corrections and rehabilitation for victims services include a notice provided
4 to grant recipients that the amount of funds appropriated for crime victims' grants for the
5 1997-99 biennium may not continue at the same level during the 1999-2001 biennium. The
6 fifty-sixth legislative assembly is not obligated to provide an appropriation from the state
7 general fund to continue the crime victims' grant program at the 1997-99 biennium level.

8 **SECTION 7. LEGISLATIVE INTENT - ROUGHRIDER INDUSTRIES CAPITAL**
9 **CONSTRUCTION.** It is the intent of the fifty-fifth legislative assembly that the funds
10 appropriated in the capital improvements - medium security facility line item in subdivision 3 of
11 section 1 of of this Act include \$325,013 of federal funds and \$36,112 of other funds derived
12 from roughrider industries' operations for the construction of a building at the proposed medium
13 security correctional facility to be used by roughrider industries for the employment of inmates
14 at that facility.

15 **SECTION 8. PURCHASE OF LAND AND BUILDINGS - EXEMPTION FROM**
16 **CHAPTERS 48-01.1 AND 54-44.7.** The department of corrections and rehabilitation may
17 purchase, within the limits of legislative appropriations provided for that purpose, the forensic
18 unit building, the extended treatment building, a gymnasium building, and surrounding real
19 property at the state hospital for development of a medium security correctional facility. The
20 department of corrections and rehabilitation is not subject to the provisions of chapters 48-01.1
21 and 54-44.7, relating to public improvement contract bids and architect, engineer, and land
22 surveying services, for construction and renovation relating to the medium security correctional
23 facility.

24 **SECTION 9. DELINQUENCY PREVENTION CONSORTIUM AND LEGISLATIVE**
25 **COUNCIL STUDY.** During the 1997-99 biennium, the department of corrections and
26 rehabilitation, the department of human services, and the department of public instruction shall
27 develop a delinquency prevention consortium, including representatives of those departments,
28 other state agencies, and private organizations. The legislative council shall consider studying,
29 during the 1997-99 biennium, programs to prevent crime and delinquency and reduce
30 incarceration. If the legislative council conducts such a study, the delinquency prevention
31 consortium shall work in cooperation with the legislative council. The study shall consider

1 crime prevention programs other than incarceration, such as the following programs identified
2 in the 1996 research report "Diverting Children from a Life of Crime - Measuring Costs and
3 Benefits": early childhood interventions for children at risk of developing antisocial behavior,
4 interventions for families with children exhibiting aggressive or antisocial behavior, providing
5 graduation incentives for disadvantaged high school students, and early monitoring of youth
6 exhibiting delinquent behavior. The legislative council may report its findings and
7 recommendations, together with any legislation required to implement the recommendations, to
8 the fifty-sixth legislative assembly. If, during the 1997-99 biennium, the legislative council does
9 not study programs to prevent crime and delinquency and reduce incarceration, the
10 delinquency prevention consortium shall complete such a study and present periodic reports to
11 the legislative council or its designated committee during the 1997-99 biennium on its findings
12 and recommendations.

13 **SECTION 10. TUITION PAYMENTS TO THE YOUTH CORRECTIONAL CENTER -**
14 **FOUNDATION AID PAYMENTS TO SCHOOL DISTRICTS.** A school district shall not be liable
15 for the payment of tuition during the 1997-99 biennium as provided in section 5 of this Act
16 unless the school district received foundation aid for the student while the student was at the
17 youth correctional center.

18 **SECTION 11. LEGISLATIVE INTENT - YOUTH CORRECTIONAL CENTER**
19 **CARPENTRY PROGRAM.** It is the intent of the fifty-fifth legislative assembly that the
20 department of corrections and rehabilitation use the funds appropriated for the 1997-99
21 biennium to continue the carpentry program at the youth correctional center.

22 **SECTION 12. EMERGENCY.** The capital improvements - medium security facility line
23 item in subdivision 3 of section 1 of this Act and section 8 of this Act are declared to be an
24 emergency measure.