

**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 15-40.1 and a new
3 subsection to section 15-40.2-08 of the North Dakota Century Code, relating to payment of
4 tuition in cases of residential placements and to the transfer of funds appropriated for
5 foundation aid; to provide legislative intent; to propose a legislative council study; to provide a
6 contingent payment; to provide an effective date; and to declare an emergency.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

14 Subdivision 1.

15 CENTRAL OFFICE

| | |
|-------------------------------------|---------------|
| 16 Salaries and wages | \$ 798,494 |
| 17 Operating expenses | 73,713 |
| 18 Equipment | <u>4,400</u> |
| 19 Total all funds | \$ 876,607 |
| 20 Less estimated income | <u>98,899</u> |
| 21 Total general fund appropriation | \$ 777,708 |

22 Subdivision 2.

23 JUVENILE SERVICES

Fifty-fifth
Legislative Assembly

| | | |
|----|-----------------------------------|------------------|
| 1 | Salaries and wages | \$ 8,708,389 |
| 2 | Operating expenses | 3,927,066 |
| 3 | Equipment | 102,879 |
| 4 | Capital improvements | 573,000 |
| 5 | Grants | 1,280,000 |
| 6 | Delinquency prevention consortium | 100,000 |
| 7 | Institutional medical fees | <u>50,000</u> |
| 8 | Total all funds | \$14,741,334 |
| 9 | Less estimated income | <u>5,456,447</u> |
| 10 | Total general fund appropriation | \$ 9,284,887 |

11 Subdivision 3.

12 ADULT SERVICES

| | | |
|----|---|-------------------|
| 13 | Salaries and wages | \$20,252,555 |
| 14 | Operating expenses | 8,879,128 |
| 15 | Equipment | 170,867 |
| 16 | Capital improvements | 1,010,650 |
| 17 | Capital improvements - medium security facility | 4,896,425 |
| 18 | Institutional medical fees | 850,000 |
| 19 | Victim services | 3,104,399 |
| 20 | Institutional offender services | 321,991 |
| 21 | Community offender services | <u>6,164,499</u> |
| 22 | Total all funds | \$45,650,514 |
| 23 | Less estimated income | <u>10,483,117</u> |
| 24 | Total general fund appropriation | \$35,167,397 |

25 Subdivision 4.

26 ROUGHRIDER INDUSTRIES

| | | |
|----|----------------------|---------------|
| 27 | Salaries and wages | \$ 2,427,773 |
| 28 | Operating expenses | 5,951,678 |
| 29 | Equipment | 221,000 |
| 30 | Capital improvements | <u>86,112</u> |
| 31 | Total special funds | \$ 8,686,563 |

| | | |
|---|---|--------------|
| 1 | Grand total general fund appropriation S.B. 2016 | \$45,229,992 |
| 2 | Grand total special funds appropriation S.B. 2016 | \$24,725,026 |
| 3 | Grand total all funds appropriation S.B. 2016 | \$69,955,018 |

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

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

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

17 **SECTION 5.** A new section to chapter 15-40.1 of the North Dakota Century Code is
18 created and enacted as follows:

19 **Transfer of funds prohibited.** The superintendent of public instruction may not
20 transfer any portion of the funds appropriated for foundation aid to the youth correctional center
21 to support the provision of educational services by the youth correctional center.

22 **SECTION 6.** A new subsection to section 15-40.2-08 of the 1995 Supplement to the
23 North Dakota Century Code is created and enacted as follows:

24 Notwithstanding the provisions of this section, educational services provided to a
25 student by the youth correctional center are not subject to the payment of tuition by
26 either the student's school district of residence or the superintendent of public
27 instruction.

28 **SECTION 7. LEGISLATIVE INTENT - CRIME VICTIMS GRANTS.** It is the intent of
29 the fifty-fifth legislative assembly that any grants distributed by the parole and probation division
30 of the department of corrections and rehabilitation for victims services include a notice provided
31 to grant recipients that the amount of funds appropriated for crime victims' grants for the

1 1997-99 biennium may not continue at the same level during the 1999-2001 biennium. The
2 fifty-sixth legislative assembly is not obligated to provide an appropriation from the state
3 general fund to continue the crime victims' grant program at the 1997-99 biennium level.

4 **SECTION 8. LEGISLATIVE INTENT - ROUGHRIDER INDUSTRIES CAPITAL**

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

11 **SECTION 9. PURCHASE OF LAND AND BUILDINGS - EXEMPTION FROM**

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

20 **SECTION 10. DELINQUENCY PREVENTION CONSORTIUM AND LEGISLATIVE**

21 **COUNCIL STUDY.** During the 1997-99 biennium, the department of corrections and
22 rehabilitation, the department of human services, and the department of public instruction shall
23 develop a delinquency prevention consortium, including representatives of those departments,
24 other state agencies, and private organizations. The legislative council shall consider studying,
25 during the 1997-99 biennium, programs to prevent crime and delinquency and reduce
26 incarceration. If the legislative council conducts such a study, the delinquency prevention
27 consortium shall work in cooperation with the legislative council. The study shall consider
28 crime prevention programs other than incarceration, such as the following programs identified
29 in the 1996 research report "Diverting Children from a Life of Crime - Measuring Costs and
30 Benefits": early childhood interventions for children at risk of developing antisocial behavior,
31 interventions for families with children exhibiting aggressive or antisocial behavior, providing

1 graduation incentives for disadvantaged high school students, and early monitoring of youth
2 exhibiting delinquent behavior. The legislative council may report its findings and
3 recommendations, together with any legislation required to implement the recommendations, to
4 the fifty-sixth legislative assembly. If, during the 1997-99 biennium, the legislative council does
5 not study programs to prevent crime and delinquency and reduce incarceration, the
6 delinquency prevention consortium shall complete such a study and present periodic reports to
7 the legislative council or its designated committee during the 1997-99 biennium on its findings
8 and recommendations.

9 **SECTION 11. LEGISLATIVE INTENT - YOUTH CORRECTIONAL CENTER**

10 **CARPENTRY PROGRAM.** It is the intent of the fifty-fifth legislative assembly that the
11 department of corrections and rehabilitation use the funds appropriated in section 1 of this Act
12 to continue the carpentry program at the youth correctional center during the 1997-99
13 biennium.

14 **SECTION 12. CONTINGENT PAYMENT.** If, as of December 31, 1998, the
15 superintendent of public instruction determines that a portion of the amount appropriated in the
16 grants - foundation aid and transportation line item in House Bill No. 1013 will not be distributed
17 during the 1997-99 biennium, the superintendent shall provide a payment, in addition to any
18 other payments required by law, equal to the estimated undistributed amount, up to \$350,000,
19 to the youth correctional center for educational costs incurred during the 1997-99 biennium. If
20 the amount of the payment is less than \$350,000, the department of corrections and
21 rehabilitation shall request a deficiency appropriation from the fifty-sixth legislative assembly for
22 the amount that when added to the amount of the payment will equal \$350,000.

23 **SECTION 13. EFFECTIVE DATE.** Section 5 of this Act is effective on July 1, 1999.

24 **SECTION 14. EMERGENCY.** The capital improvements - medium security facility line
25 item in subdivision 3 of section 1 of this Act and section 9 of this Act are declared to be an
26 emergency measure.