

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2016
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to create and enact a new section to chapter 15-40.1 and a new subsection to section 15-40.2-08 of the North Dakota Century Code, relating to payment of tuition in cases of residential placements and to the transfer of funds appropriated for foundation aid; to provide legislative intent; to propose a legislative council study; to provide a contingent payment; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Subdivision 1.

CENTRAL OFFICE

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

Subdivision 2.

JUVENILE SERVICES

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

Subdivision 3.

ADULT SERVICES

Salaries and wages	\$20,252,555
Operating expenses	8,879,128
Equipment	170,867
Capital improvements	1,010,650
Capital improvements - medium security facility	4,896,425
Institutional medical fees	850,000
Victim services	3,104,399
Institutional offender services	321,991
Community offender services	<u>6,164,499</u>
Total all funds	\$45,650,514

Less estimated income	<u>10,483,117</u>
Total general fund appropriation	\$35,167,397

Subdivision 4.

ROUGH RIDER INDUSTRIES

Salaries and wages	\$ 2,427,773
Operating expenses	5,951,678
Equipment	221,000
Capital improvements	<u>86,112</u>
Total special funds	\$ 8,686,563
Grand total general fund appropriation S.B. 2016	\$45,229,992
Grand total special funds appropriation S.B. 2016	\$24,725,026
Grand total all funds appropriation S.B. 2016	\$69,955,018

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

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

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

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

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

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

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

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

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

SECTION 9. PURCHASE OF LAND AND BUILDINGS - EXEMPTION FROM CHAPTERS 48-01.1 AND 54-44.7. The department of corrections and rehabilitation may purchase, within the limits of legislative appropriations provided for that purpose, the forensic unit building, the extended treatment building, a gymnasium building, and surrounding real property at the state hospital for development of a medium security correctional facility. The department of corrections and rehabilitation is not subject to the provisions of chapters 48-01.1 and 54-44.7, relating to public improvement contract bids and architect, engineer, and land surveying services, for construction and renovation relating to the medium security correctional facility.

SECTION 10. DELINQUENCY PREVENTION CONSORTIUM AND LEGISLATIVE COUNCIL STUDY. During the 1997-99 biennium, the department of corrections and rehabilitation, the department of human services, and the department of public instruction shall develop a delinquency prevention consortium, including representatives of those departments, other state agencies, and private organizations. The legislative council shall consider studying, during the 1997-99 biennium, programs to prevent crime and delinquency and reduce incarceration. If the legislative council conducts such a study, the delinquency prevention consortium shall work in cooperation with the legislative council. The study shall consider crime prevention programs other than incarceration, such as the following programs identified in the 1996 research report "Diverting Children from a Life of Crime - Measuring Costs and Benefits": early childhood interventions for children at risk of developing antisocial behavior, interventions for families with children exhibiting aggressive or antisocial behavior, providing graduation incentives for disadvantaged high school students, and early monitoring of youth exhibiting delinquent behavior. The legislative council may report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly. If, during the 1997-99 biennium, the legislative council does not study programs to prevent crime and delinquency and reduce incarceration, the delinquency prevention consortium shall complete such a study and present periodic reports to the legislative council or its designated committee during the 1997-99 biennium on its findings and recommendations.

SECTION 11. LEGISLATIVE INTENT - YOUTH CORRECTIONAL CENTER CARPENTRY PROGRAM. It is the intent of the fifty-fifth legislative assembly that the department of corrections and rehabilitation use the funds appropriated in section 1 of this Act to continue the carpentry program at the youth correctional center during the 1997-99 biennium.

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

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2016 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 3 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 80 Nays 11 Absent 6

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,
at ____ o'clock _____ M.

Secretary of State