

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

HOUSE BILL NO. 1016
(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 amend and reenact subsection 2 of section 12.1-32-07 and subsection 5 of section 19-03.1-23 of the North Dakota Century Code, relating to the supervision of probationers and sentencing for drug offenses; 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, 1999, and ending June 30, 2001, as follows:

Subdivision 1.

CENTRAL OFFICE

Salaries and wages	\$865,070
Operating expenses	118,682
Equipment	<u>26,950</u>
Total general fund appropriation	\$1,010,702

Subdivision 2.

JUVENILE SERVICES

Salaries and wages	\$9,552,045
Operating expenses	4,344,374
Equipment	123,571
Capital improvements	74,500
Grants	2,870,900
Delinquency prevention consortium	<u>200,000</u>
Total all funds	\$17,165,390
Less estimated income	<u>5,839,216</u>
Total general fund appropriation	\$11,326,174

Subdivision 3.

ADULT SERVICES

Victim services	\$2,609,036
Institutional offender services	821,649
Community offender services	9,836,759
Support services	19,350,252
Program services	3,833,361
Security and safety	20,465,352
Roughrider industries	<u>7,521,794</u>
Total all funds	\$64,438,203
Less estimated income	<u>14,865,710</u>
Total general fund appropriation	\$49,572,493
Grand total general fund appropriation H.B. 1016	\$61,909,369
Grand total special funds appropriation H.B. 1016	\$20,704,926
Grand total all funds appropriation H.B. 1016	\$82,614,295

SECTION 2. TRANSFER AUTHORITY - BUDGET SECTION APPROVAL. 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 - EMERGENCY COMMISSION AND BUDGET SECTION APPROVAL. Upon approval of the emergency commission, the director of the department of corrections and rehabilitation may transfer between the various 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. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the youth correctional center all income from permanent funds managed for the benefit of that institution.

SECTION 5. CAPITAL PROJECT - ADULT SERVICES DIVISION. The support services line item in subdivision 3 of section 1 of this Act includes up to \$198,000 from the state general fund which must be used by the department of corrections and rehabilitation for the construction of a security fence around the roughrider industries building at the penitentiary during the 1999-2001 biennium.

SECTION 6. 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 ~~thirty~~ thirty-six dollars per month unless the court makes a specific finding on record that the imposition of fees will result in an undue hardship.

SECTION 7. AMENDMENT. Subsection 5 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

5. A violation of this chapter or a law of another state or the federal government which is equivalent to an offense under this chapter committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, 3, and 4. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.

SECTION 8. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds to the department of corrections and rehabilitation for the purpose of defraying its expenses for the period beginning with the effective date of this Act and ending June 30, 1999, as follows:

Operating expenses	\$15,000
Equipment	<u>18,209</u>
Total special funds	\$33,209

SECTION 9. EFFECTIVE DATE. Section 6 of this Act is effective for fees collected after December 31, 2000, for offenses committed after June 30, 1999.

SECTION 10. EMERGENCY. Sections 7 and 8 of this Act are declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1016 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 89 Nays 6 Absent 3

Speaker of the House

Chief Clerk of the House

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

Vote: Yeas 43 Nays 5 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State