

**FIRST ENGROSSMENT
with Conference Committee Amendments****ENGROSSED HOUSE BILL NO. 1016**

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 amend and reenact subsection 2 of section 12.1-32-07 and
3 subsection 5 of section 19-03.1-23 of the North Dakota Century Code, relating to the
4 supervision of probationers and sentencing for drug offenses; to provide an effective date; and
5 to 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, 1999, and
12 ending June 30, 2001, as follows:

13 Subdivision 1.

14 CENTRAL OFFICE

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

19 Subdivision 2.

20 JUVENILE SERVICES

21 Salaries and wages	\$9,552,045
22 Operating expenses	4,344,374
23 Equipment	123,571
24 Capital improvements	74,500

Fifty-sixth
Legislative Assembly

1	Grants	2,870,900
2	Delinquency prevention consortium	<u>200,000</u>
3	Total all funds	\$17,165,390
4	Less estimated income	<u>5,839,216</u>
5	Total general fund appropriation	\$11,326,174
6	Subdivision 3.	

ADULT SERVICES

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

21 **SECTION 2. TRANSFER AUTHORITY - BUDGET SECTION APPROVAL.** Upon
22 approval of the budget section, the director of the department of corrections and rehabilitation
23 may transfer appropriation authority contained in the various subdivisions in section 1 of this
24 Act.

25 **SECTION 3. LINE ITEM TRANSFERS - EMERGENCY COMMISSION AND BUDGET**
26 **SECTION APPROVAL.** Upon approval of the emergency commission, the director of the
27 department of corrections and rehabilitation may transfer between the various line items in
28 subdivision 3 of section 1 of this Act, appropriation authority of up to ten percent of a given line
29 item to adjust for changing circumstances in meeting established performance measures. Any
30 further transfers must be approved by the budget section.

1 **SECTION 4. LAND BOARD DISTRIBUTIONS.** Notwithstanding the provisions of
2 section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands
3 shall distribute to the youth correctional center all income from permanent funds managed for
4 the benefit of that institution.

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

10 **SECTION 6. AMENDMENT.** Subsection 2 of section 12.1-32-07 of the North Dakota
11 Century Code is amended and reenacted as follows:

- 12 2. The conditions of probation must be such as the court in its discretion deems
13 reasonably necessary to ensure that the defendant will lead a law-abiding life or to
14 assist the defendant to do so. The court shall provide as an explicit condition of
15 every probation that the defendant not commit another offense during the period
16 for which the probation remains subject to revocation. The court shall order
17 supervision costs and fees of not less than ~~thirty~~ thirty-six dollars per month unless
18 the court makes a specific finding on record that the imposition of fees will result in
19 an undue hardship.

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

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

29 **SECTION 8. APPROPRIATION.** The funds provided in this section, or so much of the
30 funds as may be necessary, are hereby appropriated from special funds derived from federal
31 funds to the department of corrections and rehabilitation for the purpose of defraying its

1 expenses for the period beginning with the effective date of this Act and ending June 30, 1999,
2 as follows:

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

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

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