

**SECOND ENGROSSMENT
with House 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; and to declare an emergency.

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

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

12 Subdivision 1.

CENTRAL OFFICE

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

20 Subdivision 2.

JUVENILE SERVICES

22 Salaries and wages		\$ 8,708,389
23 Operating expenses		4,127,066
24 Equipment		102,879

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1	Capital improvements	573,000
2	Grants	1,280,000
3	Delinquency prevention consortium	100,000
4	Institutional medical fees	<u>50,000</u>
5	Total all funds	\$14,941,334
6	Less estimated income	<u>5,456,447</u>
7	Total general fund appropriation	\$ 9,484,887

8 Subdivision 3.

9 ADULT SERVICES

10	Salaries and wages	\$20,202,555
11	Operating expenses	8,479,128
12	Equipment	170,867
13	Capital improvements	1,010,650
14	Capital improvements - medium security facility	4,896,425
15	Institutional medical fees	850,000
16	Victim services	3,104,399
17	Institutional offender services	321,991
18	Community offender services	<u>6,164,499</u>
19	Total all funds	\$45,200,514
20	Less estimated income	<u>10,483,117</u>
21	Total general fund appropriation	\$34,717,397

22 Subdivision 4.

23 ROUGHRIDER INDUSTRIES

24	Salaries and wages	\$ 2,427,773
25	Operating expenses	5,951,678
26	Equipment	221,000
27	Capital improvements	<u>86,112</u>
28	Total special funds	\$ 8,686,563
29	Grand total general fund appropriation S.B. 2016	\$44,979,992
30	Grand total special funds appropriation S.B. 2016	\$24,725,026
31	Grand total all funds appropriation S.B. 2016	\$69,705,018

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

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

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

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

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

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

29 **SECTION 6. LEGISLATIVE INTENT - CRIME VICTIMS GRANTS.** It is the intent of
30 the fifty-fifth legislative assembly that any grants distributed by the parole and probation division
31 of the department of corrections and rehabilitation for victims services include a notice provided

1 to grant recipients that the amount of funds appropriated for crime victims' grants for the
2 1997-99 biennium may not continue at the same level during the 1999-2001 biennium. The
3 fifty-sixth legislative assembly is not obligated to provide an appropriation from the state
4 general fund to continue the crime victim's grant program at the 1997-99 biennium level.

5 **SECTION 7. LEGISLATIVE INTENT - ROUGHRIDER INDUSTRIES CAPITAL**

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

12 **SECTION 8. PURCHASE OF LAND AND BUILDINGS - EXEMPTION FROM**

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

21 **SECTION 9. DELINQUENCY PREVENTION CONSORTIUM.** During the 1997-99

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

1 high school students, and early monitoring of youth exhibiting delinquent behavior. The
2 delinquency prevention consortium shall, during the 1997-99 biennium, present reports to the
3 legislative council or its designated committee on programs studied, developed, and
4 implemented and recommendations for the 1999-2001 biennium.

5 **SECTION 10. EMERGENCY.** The capital improvements - medium security facility line
6 item in subdivision 3 of section 1 of this Act and section 8 of this Act are declared to be an
7 emergency measure.