

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 human services; to create and enact a new section to chapter 25-03.2, a new section to  
3 chapter 50-09, a new section to chapter 50-11, and a new section to chapter 50-24.4 of the  
4 North Dakota Century Code, relating to a moratorium on residential treatment center and  
5 residential child care facility beds, the county share of foster care costs, and the limits on  
6 geropsychiatric nursing facilities; to amend and reenact section 25-03.1-04, subsection 3 of  
7 section 50-01.2-03.2, subsection 5 of section 50-24.4-10, and section 50-24.4-13 of the North  
8 Dakota Century Code, relating to public treatment facilities, human services financing in  
9 exceptional circumstances, operating cost limits for nursing homes, and to exceptions to case  
10 mix nursing home rates; to amend and reenact section 4 of chapter 561 of the 1991 Session  
11 Laws, as amended by section 18 of chapter 2 of the 1993 Session Laws, section 9 of  
12 chapter 34 of the 1995 Session Laws, and section 16 of chapter 12 of the 1997 Session Laws,  
13 relating to appropriation for projects at westwood park; to repeal section 25-04-20 of the North  
14 Dakota Century Code, relating to the westwood park assets management committee; to  
15 provide for the transfer of appropriations between agencies and institutions; to provide for  
16 reports to the budget section; to provide for a legislative council study; to provide legislative  
17 intent regarding basic care rates; to provide a contingent appropriation; to provide an effective  
18 date; to provide an expiration date; and to declare an emergency.

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

20 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
21 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in  
22 the state treasury, not otherwise appropriated, and from special funds derived from federal  
23 funds and other income, to the department of human services and its various divisions, for the

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1 purpose of defraying their expenses, for the biennium beginning July 1, 1999, and ending  
2 June 30, 2001, as follows:

3 Subdivision 1.

4 MANAGEMENT AND COUNCILS

5	Salaries and wages	\$10,905,488
6	Operating expenses	38,950,266
7	Equipment	1,782,707
8	Capital improvements	493
9	Grants	1,055,889
10	Loan fund - DD	<u>1,840,956</u>
11	Total all funds	\$54,535,799
12	Less estimated income	<u>40,070,980</u>
13	Total general fund appropriation	\$14,464,819

14 Subdivision 2.

15 ECONOMIC ASSISTANCE

16	Salaries and wages	\$8,786,134
17	Operating expenses	11,855,427
18	Equipment	26,000
19	Capital improvements	2,543
20	Grants - assistance payments	118,686,945
21	Grants - medical assistance	<u>664,714,915</u>
22	Total all funds	\$804,071,964
23	Less estimated income	<u>609,929,450</u>
24	Total general fund appropriation	\$194,142,514

25 Subdivision 3.

26 PROGRAM AND POLICY

27	Salaries and wages	\$9,798,640
28	Operating expenses	12,636,478
29	Equipment	166,325
30	Capital improvements	1,619
31	Grants	<u>125,005,238</u>

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1	Total all funds	\$147,608,300
2	Less estimated income	<u>110,720,177</u>
3	Total general fund appropriation	\$36,888,123
4	Subdivision 4.	
5	NORTHWEST HUMAN SERVICE CENTER	
6	Total all funds	\$7,468,253
7	Less estimated income	<u>3,424,742</u>
8	Total general fund appropriation	\$4,043,511
9	NORTH CENTRAL HUMAN SERVICE CENTER	
10	Total all funds	\$14,076,398
11	Less estimated income	<u>6,840,437</u>
12	Total general fund appropriation	\$7,235,961
13	LAKE REGION HUMAN SERVICE CENTER	
14	Total all funds	\$6,983,294
15	Less estimated income	<u>2,911,319</u>
16	Total general fund appropriation	\$4,071,975
17	NORTHEAST HUMAN SERVICE CENTER	
18	Capital improvements	\$1,271,335
19	Human service center operations	<u>16,488,248</u>
20	Total all funds	\$17,759,583
21	Less estimated income	<u>10,247,477</u>
22	Total general fund appropriation	\$7,512,106
23	SOUTHEAST HUMAN SERVICE CENTER	
24	Capital improvements	\$151,332
25	Human service center operations	<u>18,110,065</u>
26	Total all funds	\$18,261,397
27	Less estimated income	<u>10,664,235</u>
28	Total general fund appropriation	\$7,597,162
29	SOUTH CENTRAL HUMAN SERVICE CENTER	

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1	Total all funds	\$9,090,674
2	Less estimated income	<u>4,186,629</u>
3	Total general fund appropriation	\$4,904,045

4 WEST CENTRAL HUMAN SERVICE CENTER

5	Total all funds	\$17,634,522
6	Less estimated income	<u>10,485,133</u>
7	Total general fund appropriation	\$7,149,389

8 BADLANDS HUMAN SERVICE CENTER

9	Total all funds	\$8,696,106
10	Less estimated income	<u>4,485,909</u>
11	Total general fund appropriation	\$4,210,197

12 STATE HOSPITAL

13	Capital improvements	\$1,699,665
14	Operations	<u>48,052,091</u>
15	Total all funds	\$49,751,756
16	Less estimated income	<u>15,767,334</u>
17	Total general fund appropriation	\$33,984,422

18 DEVELOPMENTAL CENTER

19	Capital improvements	\$195,390
20	Operations	<u>38,709,426</u>
21	Total all funds	\$38,904,816
22	Less estimated income	<u>29,617,618</u>
23	Total general fund appropriation	\$9,287,198

24	Total all funds - subdivision 4	\$188,626,799
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25	Total estimated income - subdivision 4	\$98,630,833
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26	Total general fund appropriation - subdivision 4	\$89,995,966
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27	Grand total general fund appropriation section 1	\$335,491,422
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28	Grand total special fund appropriation section 1	\$859,351,440
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29	Grand total all funds section 1	\$1,194,842,862
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30 **SECTION 2. LANDS AND MINERALS TRUST FUND.** The amount of \$1,840,956, or  
31 so much of the sum as may be necessary, as appropriated in the developmentally disabled

1 facility loan fund line item in section 1 of this Act, may be expended by the department of  
2 human services from the lands and minerals trust fund for the purpose of making payments of  
3 principal and interest to the common schools trust fund on any loans made from it pursuant to  
4 the developmentally disabled loan fund program nos. 2 and 3 for the biennium beginning  
5 July 1, 1999, and ending June 30, 2001.

6 **SECTION 3. DEVELOPMENTAL DISABILITIES REVOLVING LOAN FUND.** There  
7 may be expended by the department of human services, on or before June 1, 2001, from the  
8 cash balance of, any payments deposited in, the revolving loan fund created under section  
9 6-09.6-01, the sum of \$1,192,700, or so much of the sum as may be necessary, which is  
10 appropriated in section 1 of this Act.

11 **SECTION 4. TRANSFER.** Subject to the provisions of chapter 54-16, the director of  
12 the department of human services may transfer appropriation authority between agencies and  
13 institutions included in subdivisions 1 through 4 of section 1 of this Act.

14 **SECTION 5. CORRELATION OF RESOURCES FOR DEPARTMENTAL CLIENTS.**  
15 Notwithstanding section 4 of this Act, the director of the department of human services may  
16 transfer appropriation authority and authorized positions between agencies and institutions  
17 included within subdivision 4 of section 1 of this Act to correlate fiscal and staff resources with  
18 the flow of institutional residents and human service center clients between community-based  
19 programs and institutions. The transfers from human service centers require prior consultation  
20 with the regional human service center advisory boards.

21 **SECTION 6. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT EMPLOYEES -**  
22 **REPORTS TO THE BUDGET SECTION AND THE LEGISLATIVE COUNCIL.** It is the intent  
23 of the legislative assembly that the human service centers, the state hospital, and the  
24 developmental center report to the budget section and the legislative council, or its designee,  
25 on the hiring of any additional full-time equivalent positions in addition to those authorized by  
26 the legislative assembly in subdivision 4 of section 1 of this Act for the biennium beginning  
27 July 1, 1999, and ending June 30, 2001.

28 **SECTION 7. AMENDMENT.** Section 25-03.1-04 of the North Dakota Century Code is  
29 amended and reenacted as follows:

30 **25-03.1-04. ~~Voluntary~~ Screening and admission to a public treatment facility.**

31 Under rules adopted by the department, ~~an application for~~ screening and admission of an

1 individual to a public treatment facility for observation, diagnosis, care, or treatment ~~as a~~  
2 ~~voluntary patient may be made by any person who is mentally ill or chemically dependent or~~  
3 ~~who has symptoms of those illnesses~~ for mental illness or chemical dependency must be  
4 performed by a regional human service center. An application for admission as a voluntary  
5 ~~patient may be made on behalf of a minor who is mentally ill or chemically dependent or who~~  
6 ~~has symptoms of those illnesses, by the~~ This screening must be performed in the region where  
7 the individual is physically located. Upon the request of a court, a law enforcement official, a  
8 qualified mental health professional, the individual's legal guardian, a minor's parent or legal  
9 guardian custodian, or the individual requesting services, the regional human service center  
10 shall conduct a screening. The application must be submitted to a regional human services  
11 ~~center, or, in an emergency, to the state hospital. Upon receipt of an application the request,~~  
12 the regional human service center ~~must shall~~ arrange for an evaluation a screening of the  
13 ~~applicant~~ individual and must, if appropriate, treat the applicant, or refer the applicant to the  
14 appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent  
15 or ~~the~~ director shall immediately designate a physician, psychiatrist, psychologist, or mental  
16 health professional to examine the ~~patient~~ individual.

17 **SECTION 8.** A new section to chapter 25-03.2 of the North Dakota Century Code is  
18 created and enacted as follows:

19 **Moratorium on expansion of residential treatment center for children bed**  
20 **capacity.** Notwithstanding sections 25-03.2-03 and 25-03.2-08, the department may not issue  
21 a license under this chapter for any additional bed capacity for a residential treatment center for  
22 children above the state's gross number of beds licensed as of June 30, 1999.

23 **SECTION 9. AMENDMENT.** Subsection 3 of section 50-01.2-03.2 of the 1997  
24 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 25 3. ~~The~~ Notwithstanding any other provisions of law, the department shall seek  
26 appropriations for the purpose of providing additional financial assistance to  
27 reimburse county social service boards for human service program costs and local  
28 expenses of administering human service locally administered economic  
29 assistance programs in counties in which the presence of an Indian reservation  
30 substantially reduces the amount of property subject to taxation counties in which  
31 more than twenty percent of the caseload for these programs consists of people

who reside on a federally recognized Indian reservation or property tax-exempt tribal trust lands. The reimbursement must be such that:

- a. An affected county's expenses for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at one hundred percent;
- b. Each calendar year the affected counties will receive quarterly allocations based on the actual county expenses for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date;
- c. The reimbursement will be calculated for each county and reported to the county social service board prior to August first of the year preceding the allocation; and
- d. For calendar year 2000, up to fifteen percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement. For the first six months of calendar year 2001, up to seven and one-half percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement.

**SECTION 10.** A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

**County share of foster care costs.**

1. For all periods after January 1, 1998, each county shall reimburse the state agency, upon claim being made therefor by the state agency, for that county's share of one-fourth of the amount expended in the state in excess of any amount provided by the federal government under title IV-E for payments on behalf of children approved and granted foster care for children or subsidized adoption, without regard to that child's eligibility for benefits under title IV-E.
2. Each county's share of all counties' shares must be calculated under a formula established by the state agency through consultation with county representatives.  
The formula must:

- a. Include consideration of the most recent census data or official census estimates of the number of youth in each county;
- b. Include consideration of recent expenditures for foster care for youth from each county; and
- c. Be established by policy, and not by rule.

**SECTION 11.** A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

**Moratorium on expansion of residential child care facility bed capacity.**

Notwithstanding sections 50-11-02 and 50-11-09, the department may not issue a license under this chapter for any additional bed capacity for a residential child care facility above the state's gross number of beds licensed as of June 30, 1999.

**SECTION 12. AMENDMENT.** Subsection 5 of section 50-24.4-10 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. The department shall establish a composite index or indices ~~by determining the appropriate economic change indicators~~ based on the average of the increase in the Data Resources, Incorporated, nursing home input price index and the increase in the consumer price index for all urban wage earners and clerical workers (all items, United States city average) to be applied to specific operating cost categories or combination of operating cost categories.

**SECTION 13. AMENDMENT.** Section 50-24.4-13 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.4-13. Exclusion.** Until procedures for determining operating cost payment rates according to mix of resident needs are established for nursing homes that exclusively provide residential services for ~~the nongeriatric physically handicapped~~ individuals with physical disabilities or units within nursing homes which exclusively provide geropsychiatric services, such nursing homes or units within nursing homes may not be included in the calculation of the percentiles of any group. Each of these nursing homes or units within nursing homes shall receive ~~their~~ its actual allowed historical operating cost per diem adjusted by a percentage amount equal to the increase, if any, in the national or state economic change index, made available under section 50-24.4-10, and which the department determines to be relevant to



1 residential services for ~~the nongeriatric physically handicapped~~ individuals with physical  
2 disabilities or geropsychiatric services.

3 **SECTION 14.** A new section to chapter 50-24.4 of the North Dakota Century Code is  
4 created and enacted as follows:

5 **Limits on geropsychiatric facilities.** The number of units within nursing homes  
6 which exclusively provide geropsychiatric services may not exceed one, and admission to a  
7 nursing home which exclusively provides geropsychiatric services may only be granted after  
8 the state hospital has performed an evaluation of the individual being admitted. After a  
9 geropsychiatric unit has been established within a nursing home, the state hospital may not  
10 offer geropsychiatric services through a separate geropsychiatric unit.

11 **SECTION 15. AMENDMENT.** Section 4 of chapter 561 of the 1991 Session Laws as  
12 amended by section 18 of chapter 2 of the 1993 Session Laws, by section 9 of chapter 34 of  
13 the 1995 Session Laws, and by section 16 of chapter 12 of the 1997 Session Laws is amended  
14 and reenacted as follows:

15 **SECTION 4. PROCEEDS - APPROPRIATION.** The proceeds from the sale of land,  
16 property, and equipment at westwood park must be deposited in the lands and minerals trust  
17 fund. There is hereby appropriated \$200,000, or so much thereof as may be necessary, from  
18 the lands and minerals trust fund, to the department of human services for capital  
19 improvements or demolition of existing buildings at westwood park for the period beginning  
20 July 1, 1991, and ending June 30, ~~1999~~ 2001.

21 **SECTION 16. LEGISLATIVE INTENT - BASIC CARE RATES.** It is the intent of the  
22 legislative assembly that rates effective July 1, 1999, and July 1, 2000, for basic care facilities  
23 include a two percent operating margin on direct care costs and include property costs as  
24 pass-through costs, not subject to limitations. The department may adopt interim final rules  
25 without a finding that emergency rulemaking is necessary to implement this intent. Any interim  
26 final rules so adopted may take effect on a date no earlier than the date of first filing with the  
27 legislative council of the notice of proposed adoption of a rule.

28 **SECTION 17. LEGISLATIVE COUNCIL STUDY - WELFARE FRAUD -**  
29 **COST-EFFECTIVENESS.** The legislative council shall consider studying welfare fraud  
30 detection efforts and the related cost/benefit during the 1999-2000 interim.

**SECTION 18. TRADITIONAL MEDICAID GRANTS - BUDGET SECTION**

**APPROVAL.** The department of human services shall periodically report to the budget section regarding the status of funding for traditional medicaid grants and receive prior budget section approval before exceeding the amount appropriated for traditional medicaid grants during the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 19. LEGISLATIVE COUNCIL STUDY - HUMAN SERVICE CENTER**

**SERVICES - SERIOUSLY MENTALLY ILL.** The legislative council shall consider studying during the 1999-2000 interim community services provided for the seriously mentally ill including human service center services and the number of clients served.

**SECTION 20. LEGISLATIVE COUNCIL STUDY - OPTIONAL MEDICAID SERVICES.**

The legislative council shall consider studying during the 1999-2000 interim the services provided by the state in its medical assistance program, including optional medical assistance services and the impact to the state and its citizens of providing those services.

**SECTION 21. LEGISLATIVE COUNCIL STUDY - RESIDENTIAL TREATMENT**

**CENTERS AND RESIDENTIAL CHILD CARE FACILITIES.** The legislative council shall consider studying during the 1999-2000 interim residential treatment centers and residential child care facilities, including occupancy rates, the number of out-of-state residents, and the need for additional facilities.

**SECTION 22. LEGISLATIVE INTENT - MEDICAL ASSISTANCE - CERTIFIED**

**NURSE MIDWIVES.** It is the intent of the legislative assembly that the department of human services reimburse through the medical assistance program certified nurse midwives at a rate of at least eighty-five percent of the fee paid physicians for the same service.

**SECTION 23. LEGISLATIVE INTENT - SOCIAL SERVICES BLOCK GRANT**

**FUNDING.** It is the intent of the legislative assembly that the department of human services in presenting the department's budget request for the 2001-03 biennium to the fifty-seventh legislative assembly identify the use of social services block grant funds, including information on any proposed federal changes in the block grant funding, and identify specific areas where an appropriation from the state general fund is requested to replace reduced social services block grant funds.

**SECTION 24. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES**

**PROGRAMS - PROGRAM EFFICIENCIES - APPROPRIATE USE OF FEDERAL FUNDS -**

1 **REPORTS TO THE LEGISLATIVE COUNCIL.** It is the intent of the legislative assembly that  
2 the department of human services review departmental program funding issues during the  
3 1999-2000 interim, including the appropriateness of maximizing the use of federal funds, the  
4 opportunities to reduce general fund program expenditures, the appropriate methods to provide  
5 detailed justification prior to the expansion of programs, the appropriateness of the state  
6 replacing reductions in federal funds with state resources, the coordination of programs to  
7 avoid duplication in program delivery, and the cost/benefit of programs. The department of  
8 human services shall report its findings and recommendations as a result of reviewing these  
9 issues to the legislative council, or an appropriate committee of the legislative council during  
10 the 1999-2000 interim.

11 **SECTION 25. LEGISLATIVE INTENT - NURSING HOME LIMITATIONS - BUDGET**

12 **SECTION APPROVAL.** It is the intent of the legislative assembly that the department of  
13 human services not reduce the nursing home limitations for direct, other direct, and indirect  
14 cost categories from the levels anticipated in the executive budget and contained in section 1 of  
15 this Act during the biennium beginning July 1, 1999, and ending June 30, 2001, unless  
16 receiving prior budget section approval.

17 **SECTION 26. LEGISLATIVE INTENT - WAGE INCREASES FOR DIRECT CONTACT**  
18 **AND PROFESSIONAL STAFF OF COMMUNITY DEVELOPMENTAL DISABILITIES**

19 **PROVIDER AGENCIES.** It is the intent of the legislative assembly that funding increases  
20 provided community developmental disabilities provider agencies in subdivision 2 of section 1  
21 of this Act specifically for salaries and wages adjustments be allocated by the department of  
22 human services specifically to the salaries and wages line item for the individual provider  
23 agencies and those funds be used only for that purpose by the provider agencies.

24 **SECTION 27. LEGISLATIVE COUNCIL STUDY - HUMAN SERVICE CENTER**

25 **SERVICES.** The legislative council shall consider studying during the 1999-2000 interim the  
26 services provided by human service centers, including the appropriateness of and justification  
27 for continuing human service center programs, the cost/benefit of human service programs,  
28 methods for evaluating the effectiveness and outcomes of human service center programs, and  
29 the need to establish priorities relating to human service center programs.

30 **SECTION 28. LEGISLATIVE COUNCIL STUDY - NURSING HOME REGULATIONS -**  
31 **IMPACT ON COST OF CARE.** The legislative council shall consider studying during the

1 1999-2000 interim the state and federal regulations relating to nursing homes, the impact of  
2 those regulations on the cost of care at North Dakota nursing homes, and state options for  
3 reducing regulations and the related reductions in cost of care.

4 **SECTION 29. LEGISLATIVE COUNCIL STUDY - NURSING HOME RATE**

5 **EQUALIZATION.** The legislative council shall consider studying during the 1999-2000 interim  
6 the appropriateness of the state continuing rate equalization for private pay and public pay  
7 residents in nursing homes, including the fiscal impact on private pay and public pay residents  
8 of the repeal of rate equalization.

9 **SECTION 30. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider  
10 studying, during the 1999-2000 interim, the feasibility and desirability of collocating the  
11 developmental center and the state hospital at one location and the feasibility and desirability of  
12 transferring additional buildings on the state hospital grounds to the department of corrections  
13 and rehabilitation.

14 **SECTION 31. ALCOHOL AND DRUG EDUCATION PROGRAM - EXPENDITURE -**  
15 **LIMITATIONS.** The moneys appropriated in the grants line item in subdivision 3 of section 1 of  
16 this Act for the native American youth alcohol and drug abuse education program may not be  
17 spent for the services provided by the tribes to administer the program. The local grant  
18 recipient is required to provide match equal to the grant amount with funding or in-kind service.

19 **SECTION 32. ESTIMATED INCOME.** The estimated income line item in subdivision 3  
20 of section 1 of this Act includes the sum of \$200,000, or much of the sum as may be necessary,  
21 from the children's services coordinating committee for the purpose of defraying the expenses  
22 related to the native American youth alcohol and drug abuse education program.

23 **SECTION 33. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES -**  
24 **NETWORK TECHNICAL SUPPORT.** There is hereby appropriated out of any moneys in the  
25 general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much  
26 of the sum as may be necessary, and federal funds of \$50,000 to the department of human  
27 services for the purpose of providing network technical support to county social service boards,  
28 for the biennium beginning July 1, 1999, and ending June 30, 2001.

29 **SECTION 34. CONTINGENT APPROPRIATION - TRAUMATIC BRAIN-INJURED**  
30 **FACILITY.** There is hereby appropriated a total of \$200,000, including \$140,000 of federal  
31 funds and \$60,000 from the general fund in the state treasury, not otherwise appropriated, or

1 so much of the funds as may be necessary, for the biennium beginning July 1, 1999, and  
2 ending June 30, 2001. This money may be spent by the department of human services only if  
3 additional beds for traumatic brain-injured persons are established in western North Dakota and  
4 after receiving emergency commission and budget section approval.

5 **SECTION 35. APPROPRIATION - EMPLOYEE POSITION FUNDING.** There is  
6 hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise  
7 appropriated, the sum of \$550,000, or so much of the sum as may be necessary, to the  
8 department of human services and its various divisions for the purpose of funding salaries and  
9 wages where vacancies are less than estimated, for the biennium beginning July 1, 1999, and  
10 ending June 30, 2001. The department of human services may allocate, as necessary, the  
11 funding to the various subdivisions contained in section 1 of this Act.

12 **SECTION 36. APPROPRIATION - EMPLOYEE POSITION FUNDING - AVAILABLE**  
13 **SPECIAL FUNDS.** There is hereby appropriated up to \$1,000,000, or so much of the sum as  
14 may be necessary, from special funds derived from federal funds and other income, to the  
15 department of human services and its various divisions, for the biennium beginning July 1,  
16 1999, and ending June 30, 2001, to the extent funds become available, to be used if necessary  
17 to replace general fund reductions included in section 1 of this Act relating to vacant employee  
18 positions. The department of human services may allocate, as necessary, the funding to the  
19 various subdivisions contained in section 1 of this Act.

20 **SECTION 37. TRANSFER APPROPRIATION AUTHORITY - ANTICIPATED VACANT**  
21 **EMPLOYEE POSITION REDUCTION.** The department of human services may transfer  
22 appropriation authority up to a total amount of \$2,500,000 within the subdivisions in section 1 of  
23 this Act to accommodate reductions in funding made related to anticipated vacant employee  
24 positions, for the biennium beginning July 1, 1999, and ending June 30, 2001.

25 **SECTION 38. CONTINGENT GENERAL FUND APPROPRIATION - SPED**  
26 **PROGRAM.** The estimated income line item in subdivision 3 of section 1 of this bill includes  
27 \$4,262,410 from special funds derived from the health care trust fund created pursuant to  
28 Senate Bill No. 2168. In the event that moneys in the health care trust fund are less than  
29 anticipated resulting in a reduction of funds available for the SPED program there is hereby  
30 appropriated up to \$4,262,410, or so much of the funds as may be necessary, from the general

1 fund in the state treasury, not otherwise appropriated, for the biennium beginning July 1, 1999,  
2 and ending June 30, 2001.

3 **SECTION 39. REPEAL.** Section 25-04-20 of the 1997 Supplement to the North  
4 Dakota Century Code is repealed.

5 **SECTION 40. EFFECTIVE DATE.** Section 9 of this Act becomes effective on  
6 January 1, 2000.

7 **SECTION 41. EXPIRATION DATE.** Sections 8 and 11 of this Act are effective through  
8 June 30, 2001, and after that date are ineffective.

9 **SECTION 42. EMERGENCY.** The appropriation contained in subdivision 4 of section 1  
10 of this Act for the state hospital includes \$1,050,000 from the general fund to replace a boiler,  
11 which is declared to be an emergency measure and those funds are available immediately  
12 upon filing of this Act with the secretary of state. Section 16 of this Act is declared to be an  
13 emergency measure.