

**FIRST ENGROSSMENT  
with Senate Amendments**

Fifty-seventh  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1012**

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 provide for the transfer of appropriation authority between agencies and  
3 institutions; to provide for a legislative council study; to provide statements of legislative intent;  
4 to provide an exception to section 54-16-04 of the North Dakota Century Code, relating to  
5 emergency commission approval for line item transfers; to provide for basic care facility rates;  
6 to create and enact a new subsection to section 50-10-06 of the North Dakota Century Code,  
7 relating to eligibility for children's special health services; to amend and reenact subsection 2 of  
8 section 25-02-01.1 and subsection 3 of section 50-01.2-03.2 of the North Dakota Century  
9 Code, relating to compensation for members of the state hospital governing board and county  
10 reimbursements; and to declare an emergency.

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

12 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
13 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
14 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
15 other income, to the department of human services and its various divisions, for the purpose of  
16 defraying their expenses, for the biennium beginning July 1, 2001, and ending June 30, 2003,  
17 as follows:

18 Subdivision 1.

19	MANAGEMENT	
20	Salaries and wages	\$11,810,001
21	Operating expenses	34,412,275
22	Equipment	1,185,704
23	Capital improvements	1,308
24	Loan fund - DD	<u>2,261,556</u>



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1	Total all funds	\$14,201,485
2	Less estimated income	<u>5,797,056</u>
3	Total general fund appropriation	\$8,404,429
4	LAKE REGION HUMAN SERVICE CENTER	
5	Total all funds	\$8,122,652
6	Less estimated income	<u>3,598,587</u>
7	Total general fund appropriation	\$4,524,065
8	NORTHEAST HUMAN SERVICE CENTER	
9	Total all funds	\$18,602,059
10	Less estimated income	<u>11,195,028</u>
11	Total general fund appropriation	\$7,407,031
12	SOUTHEAST HUMAN SERVICE CENTER	
13	Capital improvements	\$573,124
14	Human service centers/institutions	<u>19,640,332</u>
15	Total all funds	\$20,213,456
16	Less estimated income	<u>11,119,701</u>
17	Total general fund appropriation	\$9,093,755
18	SOUTH CENTRAL HUMAN SERVICE CENTER	
19	Total all funds	\$11,128,925
20	Less estimated income	<u>5,466,466</u>
21	Total general fund appropriation	\$5,662,459
22	WEST CENTRAL HUMAN SERVICE CENTER	
23	Total all funds	\$18,616,938
24	Less estimated income	<u>10,452,773</u>
25	Total general fund appropriation	\$8,164,165
26	BADLANDS HUMAN SERVICE CENTER	
27	Total all funds	\$9,535,626
28	Less estimated income	<u>5,127,922</u>
29	Total general fund appropriation	\$4,407,704
30	STATE HOSPITAL	

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1	Capital improvements	\$970,176
2	Human service centers/institutions	<u>50,154,275</u>
3	Total all funds	\$51,124,451
4	Less estimated income	<u>17,961,143</u>
5	Total general fund appropriation	\$33,163,308
6	DEVELOPMENTAL CENTER	
7	Capital improvements	\$864,363
8	Human service centers/institutions	<u>39,823,524</u>
9	Total all funds	\$40,687,887
10	Less estimated income	<u>30,020,107</u>
11	Total general fund appropriation	\$10,667,780
12	Total all funds - subdivision 4	\$200,390,912
13	Total estimated income - subdivision 4	\$104,821,820
14	Total general fund appropriation - subdivision 4	\$95,569,092
15	Grand total general fund appropriation H.B. 1012	\$356,254,625
16	Grand total special fund appropriation H.B. 1012	\$937,640,453
17	Grand total all funds H.B. 1012	\$1,293,895,078

18           **SECTION 2. LANDS AND MINERALS TRUST FUND.** The amount of \$2,261,556, or  
19 so much of the sum as may be necessary, as appropriated in the developmentally disabled  
20 facility loan fund line item in section 1 of this Act, may be expended by the department of  
21 human services from the lands and minerals trust fund for the purpose of making payments of  
22 principal and interest to the common schools trust fund on any loans made from it pursuant to  
23 the developmentally disabled loan fund program nos. 2 and 3 for the biennium beginning  
24 July 1, 2001, and ending June 30, 2003.

25           **SECTION 3. DEVELOPMENTAL DISABILITIES REVOLVING LOAN FUND.** There  
26 may be expended by the department of human services, on or before June 1, 2003, from the  
27 cash balance of, any payments deposited in, the revolving loan fund created under section  
28 6-09.6-01, the sum of \$871,765, or so much of the sum as may be necessary, which is  
29 appropriated in section 1 of this Act.

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

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

11           **SECTION 6. ALCOHOL AND DRUG EDUCATION PROGRAM - EXPENDITURE -**  
12 **LIMITATIONS.** The moneys appropriated in the grants line item in subdivision 3 of section 1 of  
13 this Act for the native American alcohol and drug abuse education program may not be spent  
14 for the services provided by the tribes to administer the program. The local grant recipient is  
15 required to provide matching equal to the grant amount with funding or in-kind service.

16           **SECTION 7. DEPARTMENT OF HUMAN SERVICES - FUNDING OR EMPLOYEE**  
17 **TRANSFERS - REPORT TO FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.** The department of  
18 human services shall prepare and present a report to the appropriations committees of the  
19 fifty-eighth legislative assembly on any transfers of funding or employee full-time equivalent  
20 positions made between the department's subdivisions or institutions and human service  
21 centers during the biennium beginning July 1, 2001, and ending June 30, 2003.

22           **SECTION 8. LINE ITEM TRANSFER AUTHORITY.** Notwithstanding section 54-16-04,  
23 the department of human services may transfer amounts of up to \$250,000 from the operating  
24 expenses line item in subdivision 1 of section 1 of this Act to the equipment line item in  
25 subdivision 1 of section 1 of this Act for the biennium beginning July 1, 2001, and ending  
26 June 30, 2003. The department shall notify the office of management and budget of each  
27 transfer.

28           **SECTION 9. LEGISLATIVE INTENT - MEDICAL SERVICES - UTILIZATION**  
29 **REVIEW.** It is the intent of the legislative assembly that the department of human services  
30 enhance the effectiveness of its utilization review efforts in the medical services program during  
31 the biennium beginning July 1, 2001, and ending June 30, 2003.

1           **SECTION 10. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES -**  
2 **SHARING OF WORKSTATIONS.** It is the intent of the legislative assembly that the  
3 department of human services consider requiring the sharing of workstations by its employees  
4 for the biennium beginning July 1, 2001, and ending June 30, 2003.

5           **SECTION 11. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES -**  
6 **TELEPHONE COST-SAVINGS.** It is the intent of the legislative assembly that the department  
7 of human services consider distributing prepaid telephone calling cards to its employees for use  
8 when making allowable long-distance personal telephone calls when traveling on official state  
9 business during the biennium beginning July 1, 2001, and ending June 30, 2003.

10           **SECTION 12. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES -**  
11 **PRINTING COST-SAVINGS.** It is the intent of the legislative assembly that the department of  
12 human services consider expanding its use of e-mail for distributing information to reduce  
13 printing costs for the biennium beginning July 1, 2001, and ending June 30, 2003.

14           **SECTION 13. LEGISLATIVE INTENT - GENERAL FUND AND HEALTH CARE**  
15 **TRUST FUND MONEYS - SPENDING PRIORITY.** It is the intent of the legislative assembly  
16 that for any programs receiving appropriations from both the general fund and health care trust  
17 fund, the department of human services spend moneys appropriated from the general fund  
18 before spending moneys from the health care trust fund for the biennium beginning July 1,  
19 2001, and ending June 30, 2003.

20           **SECTION 14. LEGISLATIVE INTENT - STATE HOSPITAL LANDFILL CLOSURE.** It  
21 is the intent of the legislative assembly that the state hospital seek the assistance of the  
22 adjutant general in the closure of the state hospital landfill and that the adjutant general  
23 complete the project subject to the approval of the associated general contractors of North  
24 Dakota for the biennium beginning July 1, 2001, and ending June 30, 2003.

25           **SECTION 15. LEGISLATIVE INTENT - FEDERAL FAMILY CAREGIVER FUNDS.** It  
26 is the intent of the legislative assembly that the department of human services determine the  
27 requirements related to the acceptance of federal family caregiver funds, including allowable  
28 uses, maintenance of effort, and future funding projections.

29           **SECTION 16. LEGISLATIVE INTENT - PAYMENT SCHEDULE FOR CRITICAL**  
30 **ACCESS HOSPITALS.** It is the intent of the legislative assembly that the department of

1 human services implement a charge-based payment schedule for critical access hospitals, for  
2 the biennium beginning July 1, 2001, and ending June 30, 2003.

3 **SECTION 17. LEGISLATIVE COUNCIL STUDY - STATE ADMINISTRATION OF**  
4 **CHILD SUPPORT.** The legislative council shall consider studying, during the 2001-02 interim,  
5 the feasibility and desirability of state administration of child support, including the fiscal effect  
6 on counties and the state. The legislative council shall report its findings and  
7 recommendations, together with any legislation required to implement the recommendations, to  
8 the fifty-eighth legislative assembly.

9 **SECTION 18. COMPULSIVE GAMBLING SERVICES - CONTINGENT FUNDING.**  
10 The operating expenses line item in subdivision 3 of section 1 of this Act includes \$150,000  
11 from the general fund for compulsive gambling services. The department of human services  
12 may spend \$50,000 of this funding for compulsive gambling services only if the mental health  
13 association of North Dakota certifies to the department of human services that it has received  
14 at least \$220,000 of funding from Indian gaming sources for compulsive gambling services  
15 during the biennium beginning July 1, 2001, and ending June 30, 2003.

16 **SECTION 19. STATE HOSPITAL LANDFILL CLOSURE - PROJECTED SAVINGS.**  
17 During the second year of the biennium beginning July 1, 2001, and ending June 30, 2003, the  
18 state hospital may use projected savings from other areas of the state hospital budget for the  
19 costs of closing the state hospital landfill. The state hospital may transfer appropriation  
20 authority between line items to provide the funding needed for the project, subject to  
21 emergency commission and budget section approval.

22 **SECTION 20. Basic care facility private room rates.** The department of human  
23 services shall allow a basic care facility to charge a higher rate for a private room used by a  
24 recipient of benefits under chapter 50-24.5 if the private room is not necessary to meet the  
25 resident's care needs; the resident, or a person acting on behalf of the resident, has requested  
26 the private room and the facility informs the person making the request, at the time of the  
27 request, of the amount of payment and that the payment must come from sources other than a  
28 resident's monthly income; and the payment does not exceed the amount charged to private  
29 pay residents.

30 **SECTION 21. AMENDMENT.** Subsection 2 of section 25-02-01.1 of the 1999  
31 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1           2.    The department, in consultation with the state hospital, shall create a state hospital  
2                   governing body and shall by rules describe the powers and duties of the governing  
3                   body. The department shall compensate members not employed by the  
4                   department in the amount of ~~sixty-two~~ one hundred dollars ~~and fifty cents~~ per day  
5                   and reimburse members for expenses incurred in attending meetings in the  
6                   amounts provided by sections 44-08-04 and 54-06-09.

7           **SECTION 22. AMENDMENT.** Subsection 3 of section 50-01.2-03.2 of the North  
8   Dakota Century Code is amended and reenacted as follows:

9           3.    Notwithstanding any other provisions of law, the department shall reimburse  
10                  county social service boards for expenses of locally administered economic  
11                  assistance programs in counties in which more than twenty percent of the  
12                  caseload for these programs consists of people who reside on a federally  
13                  recognized Indian reservation or property tax-exempt tribal trust lands. The  
14                  reimbursement must be such that:

15                  a.    An affected county's expenses for locally administered economic assistance  
16                          programs in excess of the statewide average of such costs, expressed in  
17                          mills, for all other counties will be reimbursed at ~~one hundred~~ ninety-three  
18                          percent;

19                  b.    Each calendar year the affected counties will receive quarterly allocations  
20                          based on the actual county expenses for the state fiscal year ending the  
21                          previous June thirtieth and the most recent taxable valuations published  
22                          pursuant to section 57-13-07 available on that date; and

23                  c.    The reimbursement will be calculated for each county and reported to the  
24                          county social service board prior to August first of the year preceding the  
25                          allocation; ~~and~~.

26                  d.    ~~For calendar year 2000, up to fifteen percent of the social service block grant~~  
27                          ~~funds available to all counties during that calendar year or general fund~~  
28                          ~~equivalents of social service block grant funds must be used for part of this~~  
29                          ~~reimbursement. For the first six months of calendar year 2001, up to seven~~  
30                          ~~and one-half percent of the social service block grant funds available to all~~

1                   ~~counties during that calendar year or general fund equivalents of social~~  
2                   ~~service block grant funds must be used for part of this reimbursement.~~

3                   **SECTION 23.** A new subsection to section 50-10-06 of the North Dakota Century Code  
4 is created and enacted as follows:

5                   Establish eligibility criteria for services under this chapter at one hundred  
6                   eighty-five percent of the poverty line, except for criteria relating to phenylketonuria  
7                   treatment services for which income is not to be considered when determining  
8                   eligibility. For purposes of this chapter, "poverty line" has the same meaning as  
9                   defined in section 50-29-01.

10                  **SECTION 24. EMERGENCY.** Section 20 of this Act is declared to be an emergency  
11 measure. The department of human services shall authorize the basic care facility private  
12 room rate through emergency rulemaking.