

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1007

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 veterans' home
2 and department of veterans' affairs; to provide for a performance audit of the department of
3 veterans' affairs and the administrative committee on veterans' affairs; to provide an exception
4 to the skilled nursing care bed capacity moratorium; to allow line item transfers; to provide an
5 exception to nursing home rate class limits; to provide emergency rulemaking authority; to
6 provide legislative intent; and to declare an emergency.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
9 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and
11 other income, to the veterans' home and the department of veterans' affairs for the purpose of
12 defraying their expenses, for the biennium beginning July 1, 2003, and ending June 30, 2005,
13 as follows:

14 Subdivision 1.

VETERANS' HOME

| | | |
|----|----------------------------------|------------------|
| 16 | Salaries and wages | \$7,405,607 |
| 17 | Operating expenses | 2,631,018 |
| 18 | Capital assets | <u>329,754</u> |
| 19 | Total all funds | \$10,366,379 |
| 20 | Less estimated income | <u>7,070,255</u> |
| 21 | Total general fund appropriation | \$3,296,124 |

22 Subdivision 2.

VETERANS' AFFAIRS

23

| | | |
|---|--|---------------|
| 1 | Total all funds | \$524,389 |
| 2 | Less estimated income | <u>43,494</u> |
| 3 | Total general fund appropriation | \$480,895 |
| 4 | Grand total general fund appropriation section 1 of H.B. 1007 | \$3,777,019 |
| 5 | Grand total special funds appropriation section 1 of H.B. 1007 | \$7,113,749 |
| 6 | Grand total all funds appropriation section 1 of H.B. 1007 | \$10,890,768 |

7 **SECTION 2. VETERANS' POSTWAR TRUST FUND - REPORT.** The department of
8 veterans' affairs shall report on the use of moneys in the veterans' postwar trust fund to the
9 appropriations committees of the fifty-ninth legislative assembly. The report must be presented
10 during the agency's budget presentation.

11 **SECTION 3. PERFORMANCE AUDIT - DEPARTMENT OF VETERANS' AFFAIRS**
12 **AND THE ADMINISTRATIVE COMMITTEE ON VETERANS' AFFAIRS.** The state auditor shall
13 conduct a performance audit of the department of veterans' affairs and the administrative
14 committee on veterans' affairs during the biennium beginning July 1, 2003, and ending
15 June 30, 2005. The results of the performance audit must be presented to the legislative audit
16 and fiscal review committee by July 1, 2004, and filed with the appropriations committees
17 during the fifty-ninth legislative assembly.

18 **SECTION 4. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS.** It is
19 the intent of the fifty-eighth legislative assembly that the governing board of the veterans' home
20 is authorized to adjust full-time employee equivalent positions as needed, subject to the
21 availability of funds, for the veterans' home. The governing board shall report any adjustments
22 to the office of management and budget prior to the submission of the 2005-07 biennial budget
23 request.

24 **SECTION 5. 2001-03 LINE ITEM TRANSFERS - AUTHORIZATION.** Notwithstanding
25 section 54-16-04, the veterans' home is authorized to transfer appropriation authority between
26 line items for the 2001-03 biennium to implement changes in technology and
27 telecommunications, with the approval of the office of management and budget. Any line item
28 transfers shall be reported to the budget section.

29 **SECTION 6. ADDITIONAL SKILLED NURSING CARE BED CAPACITY -**
30 **AUTHORIZATION - EXCEPTION.** Notwithstanding section 23-16-01.1, relating to the
31 moratorium on expansion of skilled nursing care beds, the veterans' home may increase the

1 nursing home skilled bed capacity by up to eighteen additional beds to be converted from
2 existing basic care bed capacity.

3 **SECTION 7. NURSING HOME RATE CLASS LIMITS - EXCEPTION.** Notwithstanding
4 section 50-24.4-04, relating to the payment rates paid to any nursing home receiving medical
5 assistance payments, the department of human services, subject to the recommendation of the
6 governing board of the veterans' home, may establish a separate payment rate class for the
7 veterans' home for the biennium beginning July 1, 2003, and ending June 30, 2005.

8 **SECTION 8. DEPARTMENT OF HUMAN SERVICES - EMERGENCY RULEMAKING**
9 **AUTHORITY.** Notwithstanding section 28-32-03, the department of human services may adopt
10 interim rules to implement section 7 of this Act for the biennium beginning July 1, 2003, and
11 ending June 30, 2005. The department of human services shall take appropriate measures to
12 make the interim final rules known to every person who may be affected by them. The interim
13 final rules are ineffective one hundred eighty days after the declared effective date of the rules
14 unless first adopted as final rules.

15 **SECTION 9. APPROPRIATION.** There is appropriated out of any moneys in the
16 general fund in the state treasury, not otherwise appropriated, the sum of \$215,438, or so much
17 of the sum as may be necessary, and \$456,965 of federal funds to the department of human
18 services for the purpose of medicaid reimbursement to the veterans' home relating to the
19 change of nursing home class, for the biennium beginning July 1, 2003, and ending June 30,
20 2005.

21 **SECTION 10. APPROPRIATION.** There is appropriated out of any moneys in the
22 general fund in the state treasury, not otherwise appropriated, the sum of \$150,583, or so much
23 of the sum as may be necessary, and \$319,402 of the federal funds to the department of
24 human services for the purpose of medicaid reimbursement to the veterans' home relating to
25 the addition of nursing home beds, for the biennium beginning July 1, 2003, and ending
26 June 30, 2005.

27 **SECTION 11. APPROPRIATION.** There is appropriated out of any moneys in the
28 general fund in the state treasury, not otherwise appropriated, the sum of \$385,373, or so much
29 of the sum as may be necessary, to the office of management and budget for the purpose of
30 providing grants to private pay veterans' with long-term health care needs residing at the
31 veterans' home, for the biennium beginning July 1, 2003, and ending June 30, 2005.

1 **SECTION 12. EMERGENCY.** Sections 4, 5, and 6 of this Act are declared to be an
2 emergency measure.