

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2012

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 an exemption; to provide legislative intent; and to amend and
3 reenact section 50-29-04 of the North Dakota Century Code, relating to eligibility for the
4 children's health insurance program.

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 funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the department of human services for the purpose of defraying the expenses of
10 its various divisions, for the biennium beginning July 1, 2011, and ending June 30, 2013, as
11 follows:

12 Subdivision 1.

13 MANAGEMENT

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
14				
15				
16	Salaries and wages	\$14,231,353	\$2,281,983	\$16,513,336
17	Operating expenses	46,548,787	15,859,351	62,408,138
18	Capital assets	<u>0</u>	<u>138,400</u>	<u>138,400</u>
19	Total all funds	\$60,780,140	\$18,279,734	\$79,059,874
20	Less estimated income	<u>34,477,817</u>	<u>13,060,595</u>	<u>47,538,412</u>
21	Total general fund	\$26,302,323	\$5,219,139	\$31,521,462

22 Subdivision 2.

23 PROGRAM AND POLICY

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		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
1			
2			
3	Salaries and wages	\$8,956,495	\$50,346,211
4	Operating expenses	15,388,946	90,850,363
5	Capital assets	(8,580)	0
6	Grants	34,015,295	487,006,037
7	Grants - Medical assistance	<u>326,293,701</u>	<u>1,626,936,024</u>
8	Total all funds	\$384,645,857	\$2,255,138,635
9	Less estimated income	<u>136,289,446</u>	<u>1,518,090,686</u>
10	Total general fund	\$248,356,411	\$737,047,949

11 Subdivision 3.

12 HUMAN SERVICE CENTERS AND INSTITUTIONS

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13			
14			
15	Northwest human service center	\$297,067	\$8,749,068
16	North central human service center	3,225,866	22,433,884
17	Lake region human service center	531,586	11,418,231
18	Northeast human service center	2,414,178	28,182,609
19	Southeast human service center	8,325,084	38,464,720
20	South central human service center	1,386,204	16,953,699
21	West central human service center	2,057,417	26,740,493
22	Badlands human service center	932,316	11,789,654
23	State hospital	7,993,431	73,635,040
24	Developmental center	<u>(1,130,034)</u>	<u>51,809,247</u>
25	Total all funds	\$26,033,115	\$290,176,645
26	Less estimated income	<u>(7,146,173)</u>	<u>125,641,702</u>
27	Total general fund	\$33,179,288	\$164,534,943

28 Subdivision 4.

29 BILL TOTAL

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
1			
2			
3	Grand total general fund	\$646,349,516	\$286,754,838
4	Grand total special funds	<u>1,549,066,932</u>	<u>142,203,868</u>
5	Grand total all funds	\$2,195,416,448	\$2,624,375,154
6	Full-time equivalent positions	2,216.88	(20.53)

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO

SIXTY-THIRD LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13 one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
11			
12	Developmental disabilities rate study	\$100,000	\$0
13	Supplemental payment	400,000	0
14	Extraordinary repairs	3,443,692	0
15	Federal stimulus funds	88,033,205	519,175
16	Equipment over \$5,000	352,606	0
17	State hospital capital projects	<u>0</u>	<u>1,961,840</u>
18	Total all funds	\$92,329,503	\$2,481,015
19	Less estimated income	<u>88,033,205</u>	<u>519,175</u>
20	Total general fund	\$4,296,298	\$1,961,840

The 2011-13 one-time funding amounts are not a part of the entity's base budget for the 2013-15 biennium. The department of human services shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 3. FUNDING TRANSFERS - EXCEPTION - AUTHORIZATION. Notwithstanding

section 54-16-04, the department of human services may transfer appropriation authority between line items within each subdivision of section 1 of this Act and between subdivisions within section 1 of this Act for the biennium beginning July 1, 2011, and ending June 30, 2013. The department shall notify the office of management and budget of any transfer made pursuant to this section. The department shall report to the budget section after June 30, 2012,

1 any transfers made in excess of \$50,000 and to the appropriations committees of the sixty-third
2 legislative assembly regarding any transfers made pursuant to this section.

3 **SECTION 4. EXEMPTION.** The amount appropriated for the replacement of the medicaid
4 management information system in chapter 50 of the 2007 Session Laws is not subject to the
5 provisions of section 54-44.1-11. Any unexpended funds from this appropriation approved under
6 section 54-44.1-11 for continuation into the 2009-11 biennium are available for the completion of
7 the medicaid management information system project during the biennium beginning July 1,
8 2011, and ending June 30, 2013.

9 **SECTION 5. EXEMPTION.** The amount appropriated to the department of human services,
10 as contained in subdivisions 1, 2, and 3 of section 1 of chapter 12 of the 2009 Session Laws is
11 not subject to the provisions of section 54-44.1-11. Any unexpended general fund dollars from
12 this appropriation are available for the purpose of funding medical assistance grants during the
13 biennium beginning July 1, 2011, and ending June 30, 2013.

14 **SECTION 6. OFFICE SPACE LEASE LIMITATION.** The department of human services
15 may not expend more than twelve dollars and fifty cents per square foot per year for leasing
16 office space in the prairie hills plaza in Bismarck for the biennium beginning July 1, 2011, and
17 ending June 30, 2013.

18 **SECTION 7. SUPPLEMENTAL PAYMENTS - DEVELOPMENTAL DISABILITIES**
19 **SERVICE PROVIDER SALARY AND BENEFIT INCREASES.** The funding appropriated in
20 subdivision 2 of section 1 of this Act includes \$11,364,049, of which \$5,021,489 is from the
21 general fund and \$6,342,560 is from federal funds, for providing supplemental payments to
22 developmental disabilities service providers to allow for a salary and benefit increase for
23 employees beginning July 1, 2011.

24 **SECTION 8. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS.** It is the
25 intent of the sixty-second legislative assembly that the department of human services only fill
26 the seven new full-time equivalent positions authorized by the legislative assembly for the
27 2011-13 biennium relating to implementing federal health care reform after receiving applicable
28 rules from the federal department of health and human services.

29 **SECTION 9. AMENDMENT.** Section 50-29-04 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **50-29-04. Plan requirements.**

2 The plan:

- 3 1. Must be provided through private contracts with insurance carriers;
- 4 2. Must allow conversion to another health insurance policy;
- 5 3. Must be based on an actuarial equivalent of a benchmark plan;
- 6 4. Must incorporate every state-required waiver approved by the federal government;
- 7 5. Must include community-based eligibility outreach services; and
- 8 6. Must provide:
- 9 a. A net income eligibility limit of one hundred ~~sixty~~sixtyseven-five percent of the
- 10 poverty line;
- 11 b. A copayment requirement for each pharmaceutical prescription and for each
- 12 emergency room visit;
- 13 c. A deductible for each inpatient hospital visit;
- 14 d. Coverage for:
- 15 (1) Inpatient hospital, medical, and surgical services;
- 16 (2) Outpatient hospital and medical services;
- 17 (3) Psychiatric and substance abuse services;
- 18 (4) Prescription medications;
- 19 (5) Preventive screening services;
- 20 (6) Preventive dental and vision services; and
- 21 (7) Prenatal services; and
- 22 e. A coverage effective date that is the first day of the month, following the date of
- 23 application and determination of eligibility.