

HOUSE BILL NO. 1012

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act providing an appropriation for defraying the expenses of the department of
2 human services; to amend and reenact subsection 6 of section 50-24.7-01 of the North Dakota
3 Century Code, relating to definitions for expanded service payments for elderly and disabled; to
4 provide an exemption; and to provide a statement of legislative intent.

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, 2013, and ending June 30, 2015, 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	\$15,382,133	\$35,720,081
17	Operating expenses	62,229,003	10,514,822
18	Capital assets	<u>138,400</u>	<u>77,760</u>
19	Total all funds	\$77,749,536	\$46,312,663
20	Less estimated income	<u>46,573,712</u>	<u>14,899,735</u>
21	Total general fund	\$31,175,824	\$124,062,199
22			<u>61,473,447</u>
23			\$62,588,752

22 Subdivision 2.

23 PROGRAM AND POLICY

Sixty-third
Legislative Assembly

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
1				
2				
3	Salaries and wages	\$50,207,605	(\$1,365,487)	\$48,842,118
4	Operating expenses	91,973,280	14,569,900	106,543,180
5	Grants	490,196,862	(36,422,732)	453,774,130
6	Grants - Medical assistance	<u>1,601,650,984</u>	<u>153,473,696</u>	<u>1,755,124,680</u>
7	Total all funds	\$2,234,028,731	\$130,255,377	\$2,364,284,108
8	Less estimated income	<u>1,497,456,325</u>	<u>(67,807,902)</u>	<u>1,429,648,423</u>
9	Total general fund	\$736,572,406	\$198,063,279	\$934,635,685

10 Subdivision 3.

11 HUMAN SERVICE CENTERS AND INSTITUTIONS

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
12				
13				
14	Statewide human service centers	\$6,002,865	\$66,890	\$6,069,755
15	Northwest human service center	8,674,568	283,623	8,958,191
16	North central human service	20,902,226	1,086,945	21,989,171
17	center			
18	Lake region human service center	11,244,306	1,491,827	12,736,133
19	Northeast human service center	28,089,450	(206,675)	27,882,775
20	Southeast human service center	33,747,874	5,282,598	39,030,472
21	South central human service	16,466,240	327,643	16,793,883
22	center			
23	West central human service center	26,352,443	3,474,303	29,826,746
24	Badlands human service center	11,708,054	637,664	12,345,718
25	State hospital	71,423,200	2,066,436	73,489,636
26	Developmental center	<u>51,809,247</u>	<u>1,241,223</u>	<u>53,050,470</u>
27	Total all funds	\$286,420,473	\$15,752,477	\$302,172,950
28	Less estimated income	<u>126,939,489</u>	<u>(4,411,629)</u>	<u>122,527,860</u>
29	Total general fund	\$159,480,984	\$20,164,106	\$179,645,090

30 Subdivision 4.

31 BILL TOTAL

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
1				
2				
3	Grand total general fund	\$927,229,214	\$249,640,313	\$1,176,869,527
4	Grand total special funds	<u>1,670,969,526</u>	<u>(57,319,796)</u>	<u>1,613,649,730</u>
5	Grand total all funds	\$2,598,198,740	\$192,320,517	\$2,790,519,257
6	Full-time equivalent positions	2,197.35	(0.27)	2,197.08

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

SIXTY-FOURTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
11			
12	Oil patch add on for staff	\$0	\$3,768,000
13	IT field services electronic health records	0	5,000,000
14	Mainframe migration	0	810,000
15	Demolish pleasant view building -	0	120,000
16	developmental center		
17	Demolish refectory building -	0	240,000
18	developmental center		
19	State hospital capital projects	1,800,000	864,714
20	Federal stimulus funds	519,175	0
21	Supplemental payments	400,000	0
22	Eligibility system	42,416,499	0
23	Critical access payments	3,454,061	0
24	Guardianship enhancements	64,000	0
25	Replacement of MMIS general fund	1,474,362	0
26	System changes for processing jail claims	<u>221,418</u>	<u>0</u>
27	Total all funds	\$50,349,515	\$10,802,714
28	Less estimated income	<u>36,602,712</u>	<u>1,176,085</u>
29	Total general fund	\$13,746,803	\$9,626,629

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The department of human services shall report to the appropriations

1 committees of the sixty-fourth legislative assembly on the use of this one-time funding for the
2 biennium beginning July 1, 2013, and ending June 30, 2015.

3 **SECTION 3. APPROPRIATION - AUTHORIZATION - DEPARTMENT OF HUMAN**

4 **SERVICES.** In addition to the amounts appropriated to the department of human services in
5 section 1 of this Act, there is appropriated any additional federal funds from the Patient
6 Protection and Affordable Care Act [Pub. L. 111-148], as amended by the Health Care and
7 Education Reconciliation Act of 2010 [Pub. L. 111-152], to implement the provisions for the
8 medicaid expansion. All federal funds received for the medicaid expansion are hereby
9 appropriated to the department of human services for the biennium beginning July 1, 2013, and
10 ending June 30, 2015.

11 **SECTION 4. FUNDING TRANSFERS - EXCEPTIONS - AUTHORIZATION.**

12 Notwithstanding section 54-16-04, the department of human services may transfer
13 appropriation authority between line items within each subdivision of section 1 of this Act and
14 between subdivisions within section 1 of this Act for the biennium beginning July 1, 2013, and
15 ending June 30, 2015. The department shall notify the office of management and budget of any
16 transfer made pursuant to this section. The department shall report to the budget section after
17 June 30, 2014, any transfers made in excess of \$50,000 and to the appropriations committees
18 of the sixty-fourth legislative assembly regarding any transfers made pursuant to this section.

19 **SECTION 5. EXEMPTION.** The amount appropriated for the replacement of the medicaid
20 management information system in chapter 50 of the 2007 Session Laws is not subject to the
21 provisions of section 54-44.1-11. Any unexpended funds from this appropriation approved under
22 section 54-44.1-11 for continuation into the 2009-11 biennium and then the 2011-13 biennium
23 are available for the completion of the medicaid management information system project during
24 the biennium beginning July 1, 2013, and ending June 30, 2015.

25 **SECTION 6. MEDICAID UPPER PAYMENT LIMITS.** Any appropriated increase for
26 department providers paid with medicaid funding, may only be provided to the extent the
27 increase will not exceed the upper payment limit for that specific medicaid service.

28 **SECTION 7. LEGISLATIVE INTENT - REBASE RURAL HEALTH CLINICS.** It is the intent
29 of the legislative assembly that the department of human services rebase rural health clinics to
30 the medicare rates. Future increases will be authorized based on approved inflationary
31 increases.

1 **SECTION 8. AMENDMENT.** Subsection 6 of section 50-24.7-01 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 6. "Eligible beneficiary" means a resident of this state who:

4 a. (1) Is aged; or

5 (2) Is at least eighteen years of age and is disabled or blind;

6 b. Has applied for and is eligible to receive benefits under title XIX of the Social
7 Security Act [42 U.S.C. 1396 et seq.], and who has applied for and is receiving
8 benefits, if the individual is eligible to receive benefits, under titles II and XVI of
9 the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.];

10 c. Based on a functional assessment, is not severely impaired in any of the
11 activities of daily living of toileting, transferring to or from a bed or chair, or eating
12 and:

13 (1) Has health, welfare, or safety needs, including a need for supervision or a
14 structured environment; ~~and~~or

15 (2) Is impaired in three of the four instrumental activities of daily living of
16 preparing meals, doing homework, taking medicine, and doing laundry;

17 d. Has countable income, less the cost of necessary remedial care that may be
18 provided under this chapter, does not exceed an amount equal to the cash
19 benefit under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and
20 42 U.S.C. 1381 et seq.] which the individual would receive if the individual had no
21 income, plus the personal needs allowance;

22 e. Has impairments that are not the result of an intellectual disability; and

23 f. Is determined to be eligible pursuant to rules adopted by the department.