58035.0400

FIRST ENGROSSMENT with Senate Amendments

Fifty-ninth
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 an exception; to provide for a legislative council study; to provide for
- 3 a transfer to the general fund; to provide for the transfer of appropriation authority; to create
- 4 and enact a new section to chapter 25-18 of the North Dakota Century Code, relating to
- 5 providing services to medically fragile children; to amend and reenact subsection 10 of section
- 6 54-44.8-01 of the North Dakota Century Code, relating to telecommunications equipment; and
- 7 to declare an emergency.

8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9	SECTION 1. BASE LEVEL FUNDING INFORMATION. The amounts identified in this
10	section represent the base level funding component appropriated to the department of human
11	services in section 3 of this Act as follows:

11	Services in Section 3 of this Act as follows.		
12	Subdivision 1.		
13	MANAGEMENT		
14	Salaries and wages	\$11,016,285	
15	Operating expenses	33,567,188	
16	Capital assets	2,694	
17	Developmentally disabled facility loan fund	<u>3,261,556</u>	
18	Total all funds - Base level	\$47,847,723	
19	Less estimated income - Base level	34,130,107	
20	Total general fund - Base level	\$13,717,616	
21	Subdivision 2.		
22	PROGRAM AND POLICY		
23	Salaries and wages	\$22,053,781	
24	Operating expenses	37,381,409	

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1	Capital assets	39,672
2	Grants	288,687,725
3	Grants - Medical assistance	921,677,174
4	Total all funds - Base level	\$1,269,839,761
5	Less estimated income - Base level	959,092,082
6	Total general fund - Base level	\$310,747,679
7	Subdivision 3.	
8	MENTAL HEALTH COMMUNITY SERVICES CONTIN	IGENCY
9	Total general fund - Base level	\$250,000
10	NORTHWEST HUMAN SERVICE CENTER	
11	Total all funds - Base level	\$7,275,679
12	Less estimated income - Base level	3,645,640
13	Total general fund - Base level	\$3,630,039
14	NORTH CENTRAL HUMAN SERVICE CENTE	R
15	Total all funds - Base level	\$14,564,870
16	Less estimated income - Base level	6,723,674
17	Total general fund - Base level	\$7,841,196
18	LAKE REGION HUMAN SERVICE CENTER	
19	Total all funds - Base level	\$8,420,933
20	Less estimated income - Base level	3,782,973
21	Total general fund - Base level	\$4,637,960
22	NORTHEAST HUMAN SERVICE CENTER	
23	Total all funds - Base level	\$19,441,183
24	Less estimated income - Base level	11,444,820
25	Total general fund - Base level	\$7,996,363
26	SOUTHEAST HUMAN SERVICE CENTER	
27	Total all funds - Base level	\$20,724,542
28	Less estimated income - Base level	11,215,222
29	Total general fund - Base level	\$9,509,320
30	SOUTH CENTRAL HUMAN SERVICE CENTE	R

1	Total all funds - Base level	\$11,358,975
2	Less estimated income - Base level	<u>5,731,868</u>
3	Total general fund - Base level	\$5,627,107
4	WEST CENTRAL HUMAN SERVICE C	ENTER
5	Total all funds - Base level	\$17,584,844
6	Less estimated income - Base level	<u>9,121,635</u>
7	Total general fund - Base level	\$8,463,209
8	BADLANDS HUMAN SERVICE CEN	ITER
9	Total all funds - Base level	\$8,924,627
10	Less estimated income - Base level	4,558,723
11	Total general fund - Base level	\$4,365,904
12	STATE HOSPITAL	
13	Total all funds - Base level	\$41,889,561
14	Less estimated income - Base level	<u>16,405,360</u>
15	Total general fund - Base level	\$25,484,201
16	DEVELOPMENTAL CENTER	
17	Total all funds - Base level	\$40,761,057
18	Less estimated income - Base level	<u>31,949,828</u>
19	Total general fund - Base level	\$8,811,229
20	Total all funds - Subdivision 3	\$191,196,271
21	Total estimated income - Subdivision 3	\$104,579,743
22	Total general fund appropriation - Subdivision 3	\$86,616,528
23	Total general fund - Section 1	\$411,081,823
24	Total special funds - Section 1	\$1,097,801,932
25	Total all funds - Section 1	\$1,508,883,755
26	SECTION 2. FUNDING ADJUSTMENTS OR ENHANC	EMENTS INFORMATION. The
27	amounts identified in this section represent the funding adjustment	ents or enhancements to the
28	base funding level for the department of human services which a	are included in the
29	appropriation in section 3 of this Act as follows:	
30	Subdivision 1.	
31	MANAGEMENT	

1	Salaries and wages	(\$498,738)
2	Operating expenses	27,401,520
3	Capital assets	62
4	Developmentally disabled facility loan fund	(3,261,556)
5	Total all funds - Adjustments/enhancements	\$23,641,288
6	Less estimated income - Adjustments/enhancements	17,895,373
7	Total general fund - Adjustments/enhancements	\$5,745,915
8	Subdivision 2.	
9	PROGRAM AND POLICY	
10	Salaries and wages	\$670,847
11	Operating expenses	(29,195)
12	Capital assets	(5,808)
13	Grants	44,935,006
14	Grants - Medical assistance	73,920,919
15	Total all funds - Adjustments/enhancements	\$119,491,769
16	Less estimated income - Adjustments/enhancements	65,616,479
17	Total general fund - Adjustments/enhancements	\$53,875,290
18	Subdivision 3.	
19	MENTAL HEALTH COMMUNITY SERVICES CONTING	GENCY
20	Total general fund - Adjustments/enhancements	(\$250,000)
21	NORTHWEST HUMAN SERVICE CENTER	
22	Total all funds - Adjustments/enhancements	\$37,052
23	Less estimated income - Adjustments/enhancements	<u>35,963</u>
24	Total general fund - Adjustments/enhancements	\$1,089
25	NORTH CENTRAL HUMAN SERVICE CENTER	
26	Total all funds - Adjustments/enhancements	\$698,351
27	Less estimated income - Adjustments/enhancements	<u>526,839</u>
28	Total general fund - Adjustments/enhancements	\$171,512
29	LAKE REGION HUMAN SERVICE CENTER	

1	Total all funds - Adjustments/enhancements	\$672,918
2	Less estimated income - Adjustments/enhancements	<u>427,285</u>
3	Total general fund - Adjustments/enhancements	\$245,633
4	NORTHEAST HUMAN SERVICE CENTER	
5	Total all funds - Adjustments/enhancements	\$1,037,049
6	Less estimated income - Adjustments/enhancements	<u>734,210</u>
7	Total general fund - Adjustments/enhancements	\$302,839
8	SOUTHEAST HUMAN SERVICE CENTER	
9	Total all funds - Adjustments/enhancements	\$2,779,416
10	Less estimated income - Adjustments/enhancements	<u>2,417,169</u>
11	Total general fund - Adjustments/enhancements	\$362,247
12	SOUTH CENTRAL HUMAN SERVICE CENTER	
13	Total all funds - Adjustments/enhancements	\$769,313
14	Less estimated income - Adjustments/enhancements	<u>572,445</u>
15	Total general fund - Adjustments/enhancements	\$196,868
16	WEST CENTRAL HUMAN SERVICE CENTER	
17	Total all funds - Adjustments/enhancements	\$905,199
18	Less estimated income - Adjustments/enhancements	<u>529,098</u>
19	Total general fund - Adjustments/enhancements	\$376,101
20	BADLANDS HUMAN SERVICE CENTER	
21	Total all funds - Adjustments/enhancements	\$373,926
22	Less estimated income - Adjustments/enhancements	245,520
23	Total general fund - Adjustments/enhancements	\$128,406
24	STATE HOSPITAL	
25	Traditional services	\$292,827
26	Secure services	<u>5,424,120</u>
27	Total all funds - Adjustments/enhancements	\$5,716,947
28	Less estimated income - Adjustments/enhancements	(746,586)
29	Total general fund - Adjustments/enhancements	\$6,463,533
30	DEVELOPMENTAL CENTER	

Total all funds - Adjustments/enhancements	\$1,403,643
Less estimated income - Adjustments/enhancements	(1,168,531)
Total general fund - Adjustments/enhancements	\$2,572,174
Total all funds - Subdivision 3	\$14,143,814
Total estimated income - Subdivision 3	\$3,573,412
Total general fund appropriation - Subdivision 3	\$10,570,402
Total general fund - Section 2	\$70,191,607
Total special funds - Section 2	\$87,085,264
Total all funds - Section 2	\$157,276,871
SECTION 3. APPROPRIATION. The funds provided in thi	s section, or so much of the
funds as may be necessary, are appropriated out of any moneys in	the general fund in the state
treasury, not otherwise appropriated, and from special funds derive	d from federal funds and
other income, to the department of human services for the purpose	of defraying the expenses
of its various divisions, for the biennium beginning July 1, 2005, and	d ending June 30, 2007, as
follows:	
Subdivision 1.	
MANAGEMENT	
Salaries and wages	\$10,517,547
Operating expenses	60,968,708
Capital assets	<u>2,756</u>
Total all funds	\$71,489,011
Less estimated income	<u>52,025,480</u>
Total general fund appropriation	\$19,463,531
Subdivision 2.	
PROGRAM AND POLICY	
Salaries and wages	\$22,724,628
Operating expenses	37,352,214
Capital assets	33,864
Grants	333,622,731
Grants - Medical assistance	995,598,093
Total all funds	\$1,389,331,530
	Less estimated income - Adjustments/enhancements Total general fund - Adjustments/enhancements Total all funds - Subdivision 3 Total estimated income - Subdivision 3 Total general fund appropriation - Subdivision 3 Total general fund - Section 2 Total special funds - Section 2 SECTION 3. APPROPRIATION. The funds provided in thi funds as may be necessary, are appropriated out of any moneys in treasury, not otherwise appropriated, and from special funds derive other income, to the department of human services for the purpose of its various divisions, for the biennium beginning July 1, 2005, and follows: Subdivision 1. MANAGEMENT Salaries and wages Operating expenses Capital assets Total all funds Less estimated income Total general fund appropriation Subdivision 2. PROGRAM AND POLICY Salaries and wages Operating expenses Capital assets Grants - Medical assistance

1	Less estimated income	1,024,708,561
2	Total general fund appropriation	\$364,622,969
3	Subdivision 3.	
4	NORTHWEST HUMAN SERVICE CENTER	
5	Total all funds	\$7,312,731
6	Less estimated income	3,681,603
7	Total general fund appropriation	\$3,631,128
8	NORTH CENTRAL HUMAN SERVICE CENTER	1
9	Total all funds	\$15,263,221
10	Less estimated income	7,250,513
11	Total general fund appropriation	\$8,012,708
12	LAKE REGION HUMAN SERVICE CENTER	
13	Total all funds	\$9,093,851
14	Less estimated income	4,210,258
15	Total general fund appropriation	\$4,883,593
16	NORTHEAST HUMAN SERVICE CENTER	
17	Total all funds	\$20,478,232
18	Less estimated income	12,179,030
19	Total general fund appropriation	\$8,299,202
20	SOUTHEAST HUMAN SERVICE CENTER	
21	Total all funds	\$23,503,958
22	Less estimated income	13,632,391
23	Total general fund appropriation	\$9,871,567
24	SOUTH CENTRAL HUMAN SERVICE CENTER	
25	Total all funds	\$12,128,288
26	Less estimated income	6,304,313
27	Total general fund appropriation	\$5,823,975
28	WEST CENTRAL HUMAN SERVICE CENTER	
29	Total all funds	\$18,490,043
30	Less estimated income	9,650,733
31	Total general fund appropriation	\$8,839,310

1	BADLANDS HUMAN SERVICE CENTER	
2	Total all funds	\$9,298,553
3	Less estimated income	<u>4,804,243</u>
4	Total general fund appropriation	\$4,494,310
5	STATE HOSPITAL	
6	Traditional services	\$42,182,388
7	Secure services	<u>5,424,120</u>
8	Total all funds	\$47,606,508
9	Less estimated income	<u>15,658,774</u>
10	Total general fund appropriation	\$31,947,734
11	DEVELOPMENTAL CENTER	
12	Total all funds	\$42,164,700
13	Less estimated income	30,781,297
14	Total general fund appropriation	\$11,383,403
15	Total all funds - Subdivision 3	\$205,340,085
16	Total estimated income - Subdivision 3	\$108,153,155
17	Total general fund appropriation - Subdivision 3	\$97,186,930
18	Grand total general fund appropriation - H.B. 1012 \$481,273,430	
19	Grand total special funds appropriation - H.B. 1012 \$1,184,887,196	
20	Grand total all funds appropriation - H.B. 1012	\$1,666,160,626
21	SECTION 4. FULL-TIME EQUIVALENT EMPLOYEES	- MEDICAID - EMERGENCY
22	COMMISSION AND BUDGET SECTION APPROVAL. Subject	t to emergency commission and
23	budget section approval, the department of human services ma	y hire additional full-time
24	equivalent positions for medicaid program review of eligibility ar	nd payments in addition to those
25	authorized by the legislative assembly when it is cost-effective to hire additional positions in lieu	
26	of contracts or if no acceptable contract proposal is received within the funding constraints.	
27	SECTION 5. MEDICAID ELIGIBILITY REVIEWS - CO	NTINGENT FUNDING. The
28	appropriation in subdivision 2 of section 3 of this Act includes \$	615,000 from the general fund
29	and \$615,000 of federal funds for payment error rate measuren	nent eligibility reviews for the
30	medical assistance program. If the department of human service	ces is not required by the federal

- government to conduct these reviews, the department may not spend these funds for the
- 2 biennium beginning July 1, 2005, and ending June 30, 2007.
- 3 SECTION 6. FUNDING TRANSFERS EXCEPTION AUTHORIZATION.
- 4 Notwithstanding section 54-16-04, the department of human services may transfer
- 5 appropriation authority between line items within each subdivision of section 3 of this Act and
- 6 between subdivisions within section 3 of this Act for the biennium beginning July 1, 2005, and
- 7 ending June 30, 2007. The department shall notify the office of management and budget of
- 8 any transfer made pursuant to this section. The department shall report to the budget section
- 9 after June 30, 2006, any transfers made in excess of \$50,000 and to the appropriations
- 10 committees of the sixtieth legislative assembly regarding any transfers made pursuant to this
- 11 section.
- 12 SECTION 7. ESTIMATED INCOME LIMIT COMMUNITY HEALTH TRUST FUND.
- 13 The estimated income line item in subdivision 2 of section 3 of this Act includes \$254,356 from
- 14 the community health trust fund. The department of human services expenditures from this
- 15 fund may not exceed this amount for the biennium beginning July 1, 2005, and ending June 30,
- 16 2007.
- 17 SECTION 8. ESTIMATED INCOME LIMIT HEALTH CARE TRUST FUND. The
- 18 estimated income line item in subdivision 1 of section 3 of this Act includes \$3,667,820 from the
- 19 health care trust fund. The department of human services expenditures from this fund may not
- 20 exceed this amount for the period beginning with the effective date of this Act, and ending
- 21 June 30, 2007.
- 22 SECTION 9. COMPULSIVE GAMBLING PREVENTION AND TREATMENT FUND -
- 23 **TRANSFER TO THE GENERAL FUND.** On July 1, 2005, the director of the office of
- 24 management and budget and the state treasurer shall transfer \$100,000 from the compulsive
- 25 gambling prevention and treatment fund to the general fund.
- 26 SECTION 10. LEGISLATIVE COUNCIL STUDY LONG-TERM CARE. During the
- 27 2005-06 interim, the legislative council shall consider studying, with input from representatives
- 28 of the department of human services and the long-term care industry, methods of improving the
- 29 sustainability of funding long-term care services in the state, including a review of case mix and
- 30 rate equalization, consideration of additional support for facilities providing additional restorative

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1	care services, and consideration of options for reducing the number of required reports of
2	facilities providing high-quality care or for seeking waivers to change the survey process.
3	SECTION 11. LEGISLATIVE COUNCIL STUDY - RESIDENTIAL TREATMENT
4	CENTER AND RESIDENTIAL CHILD CARE FACILITY PAYMENT SYSTEMS. The legislative
5	council shall consider studying, during the 2005-06 interim, the services provided by residential
6	treatment centers and residential child care facilities and the appropriateness of the payments
7	provided by the state for these services.
8	SECTION 12. PLAN TO TRANSFER APPROPRIATE DEVELOPMENTAL CENTER
9	RESIDENTS TO COMMUNITIES - LEGISLATIVE COUNCIL REPORT. The department of
10	human services, with input from developmental disabilities services providers, shall develop,
11	during the 2005-06 interim, a plan to transfer appropriate individuals from the developmental
12	center to community placements and to the extent possible, begin the transfers during the
13	2005-07 biennium. The department shall report to the legislative council on its plan and on the
14	anticipated number of individuals that may be transferred during the 2005-07 biennium.
15	SECTION 13. DEPARTMENT OF HUMAN SERVICES AND INDIAN AFFAIRS
16	COMMISSION - CHILD SUPPORT - STATE AND TRIBAL COURT COORDINATION. The
17	department of human services and the indian affairs commission shall collaborate to facilitate
18	the coordination of state and tribal court activities to increase the amount of child support
19	collected for noncustodial parents for the biennium beginning July 1, 2005, and ending June 30,
20	2007.
21	SECTION 14. A new section to chapter 25-18 of the North Dakota Century Code is
22	created and enacted as follows:
23	Payment for services to medically fragile children. The department shall recognize
24	the unique level of care, the additional cost required to provide services to medically fragile
25	clients under twenty-one years of age, and the actual and reasonable cost of providing services
26	to developmentally disable individuals when reimbursing an intermediate care facility for the
27	mentally retarded.
28	SECTION 15. AMENDMENT. Subsection 10 of section 54-44.8-01 of the North
29	Dakota Century Code is amended and reenacted as follows:
30	10. "Specialized telecommunications equipment" means a dedicated

telecommunications device that, when connected to a telephone, enables or

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1	assists a person who is communications impaired to communicate with another
2	person utilizing the telephone network. The term may include telecommunications
3	devices for the deaf, amplifiers, and signaling devices. Specialized
4	telecommunications equipment provided under this chapter to an individual may
5	not exceed two thousand dollars in total cost per device.
6	SECTION 16. EMERGENCY. The appropriation of \$29,188,859 included in
7	subdivision 1 of section 3 of this Act for the medicaid management information system
8	replacement project and section 15 of this Act are declared to be an emergency measure.