

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2033 (2/85) 3M



ROLL NUMBER

DESCRIPTION

2098

2001 SENATE HUMAN SERVICES

SB 2098

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2098

Senate Human Services Committee

Conference Committee

Hearing Date January 16, 2001

Tape Number	Side A	Side B	Meter #
1	X		
January 24, 2001 1	X		11.5
January 29, 2001 1	X		
Committee Clerk Signature <i>Carol Koldyichuk</i>			

Minutes:

The committee was called to order by SENATOR LEE. All Senators were present. The tape malfunctioned until 15 minutes into the session.

The hearing was opened on SB 2098.

CHAD KRAMER introduced the bill (Written testimony) They are looking at building a facility for long term beds on Reservation. This bill will exempt Reservation from the Moratorium. He offered amendments to the bill.

CINDY MAULA supports bill. The Tribal leaders were unable to be here. The complication in Indian Country is understanding long term care. The other factor is Culture. The Indian community takes care of our Elders and provides for them. This will affect the numbers. There are Indian people in LTC homes across ND. We are looking at the aspect of Elderly care and how do redesign and build something that really is more respective of todays world and how we live today, to be culturally appropriate so we are integrating in the care of the families, the best

we can along with whatever skilled nursing, medical, that might also be there. Most of what we are looking at now is probably like an assisted living facility. Most is based on the Culture. Because of the Culture and economically and financing we need the cooperation and assistance of the state so you are eligible for Fed grants. SENATOR MATHERN stated that a study of human costs of welfare and Native Americans use less care than anyone else. Is this bill an indication that Native Americans will be using LTC? Do you see a different use of LTC. MS. MAULA answered the people are living longer now. It is harder for families to take care of family members who suffer from Alzheimer's or long term diseases. We need your cooperation. SHELDON WOLF, Assistant director, Medical Services, Dept of Human Services, supports this bill (written testimony). SENATOR MATHERN: I see we are eliminating all references to Alzheimer's and related dementia. It seems like there is more going on here than what we are hearing about. MR. WOLF: The first part of the bill that is actually strike over is omitted. They aren't changing that section through this amendment. SENATOR KILZER: What kind of numbers are you talking about? MR. WOLF: They are looking at a 20 bed nursing facility and 40 basic care - 60 total. SENATOR LEE explained how the transfer of beds works for the benefit of the new members of the committee.

SENATOR BERCIER representing Tribe, supports the amendment to 2098. We have three facilities Rolette and Rolla nursing home facilities run at about 80% of capacity sometimes close to 100%. Dunseith has 54 beds and has been running at about 40 beds. We have another bill that we would like to bring the possibility to Belcourt and not diminish the number of beds that are there. There is an agreement with the new bill. As a tribe, elders are taken care of by family. Our ability to manage daily needs is becoming unable to do this. Families move

together - we have very few homeless people. Senator Bercier introduced testimony from Robert Lattergrass, Turtle Mountain Band of Chippewa Indians.

BERNICE JUAREZ, Spirit Lake Tribe, presented testimony (written)

SENATOR MATHERN: Is the bill meeting the Spirit Lake Tribe needs? Ms JUAREZ didn't seem to think it was doing any good. The 2 to 1 is not activated. SENATOR LEE: If we can clarify the language would this be helpful? MS. JUAREZ: The Tribal Council would have to accept.

MS. MAULA: There is always the possibility of Tribes going right to the Federal Government. The process gets very complicated. We are in an era that the government calls self determination in Indian Country. Tribes have the authority or right to take under contract or compact to manage the system that the Federal Govt has decided for us. There are many Tribes going to this self government compacting concept. Eventually all Tribes will take over all management, all administrative control of these services and programs and this is one of them. Red Lake is an example of this model. The push by the Government is self determination. There are pilot projects to negotiate these agreements for the betterment of the people that are trying to affect change. HICKFA would like Tribes and states to work together and to find common ground in addressing these issues because of how the systems are there against the financing part of it. We can come to common ground between ND and the Tribes.

SENATOR LEE: The changes are omitted and not the section in the amendment.

No further testimony. The hearing was closed.

January 24, 2001, Tape 1, Side A, Meter 11.6

SENATOR LEE opened the discussion of SB 2098. SHELLEY PETERSON was present to discuss how the bill came about and what it will do. SENATOR LEE stated that is HB1113

1-24-01

passes it would be the same as deleting section 1 on this bill. If HB 1113 does not pass and we pass this we will have done what they decided not to do. The expression of Tribes in the title is probably not needed. Discussion on amendments. SENATOR MATHERN moved to amend with Mr. Kramer's amendments and to correct the title. SENATOR POLOVITZ seconded the motion. Roll call vote carried 6-0. SENATOR MATHERN moved a DO PASS AS AMENDED. SENATOR POLOVITZ seconded it. Roll call vote carried 6-0. SENATOR MATHERN will carry the bill.

SB 2098 was called back to committee from the Senate floor. SENATOR FISCHER moved to reconsider the bill. SENATOR MATHERN seconded it. Roll call vote carried 6-0.

Discussion on the intent of the bill not being compatible with HB 1113. SHELDON WOLF was called from the Department of Human Services. We really wanted an exemption for the Tribes, not to repeal the moratorium. HB 1113 was killed on the House floor. The committee discussed reamending the bill and permit the Tribe to move ahead only with the moratorium in place. SENATOR MATHERN moved to further amend SB 2098 to eliminate the repealer and replace with section on moratorium so that the Tribes would be able to move ahead with their plans and create the moratorium for anyone else. SENATOR FISCHER seconded it. Roll call vote carried 6-0. SENATOR MATHERN will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 03/22/2001

Bill/Resolution No.:

Amendment to: Reengrossed
 3B 2098

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would continue the moratorium on basic care bed capacity and long-term care bed capacity. Additionally, it would allow long-term care facilities and basic care facilities to bank beds for up to 24 months from the date of transfer. For each bed transferred, one bed must be reduced. For transfers to a tribal reservation, licensed capacity must be reduced by an amount equal to twice the number of beds transferred. Also, long-term care facilities may transfer licensed nursing facility capacity to basic care capacity, and nursing facility capacity back to licensed long-term care capacity once during a twelve-month period. Fiscal impact cannot be determined for this bill.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and*

appropriations.

Name:	Brenda M. Welsz	Agency:	Department of Human Services
Phone Number:	328-3297	Date Prepared:	03/23/2001

FISCAL NOTE

Requested by Legislative Council
02/09/2001

Bill/Resolution No.:

Amendment to: Engrossed
 SB 2098

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would continue the moratorium on basic care and long-term care bed capacity. Additionally, it would allow long-term care facilities to bank beds for up to 18 months from the date of transfer. The bill would also allow tribal facilities to bank beds for up to 18 months for basic care facilities. It also provides for a provision that for each bed transferred one must be reduced, with the exception of purchasing a facility where this provision doesn't apply. This bill would not cause a fiscal impact at this time. Fiscal impact would need to be reevaluated if a new basic care or long-term care facility is established with the transferred beds.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and*

appropriations.

Name:	Brenda M. Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	02/14/2001

FISCAL NOTE
 Requested by Legislative Council
 12/21/2000

Bill/Resolution No.: SB 2098

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would allow tribal facilities, that are established as basic care facilities and as nursing facilities, to be exempt from the moratorium on the expansion of basic care and long-term care bed capacity. The bill would also allow the banking of beds for future transfer to tribal facilities. There currently are no tribal facilities which qualify as a basic care facility or a long-term care facility in the state. This bill would not cause a fiscal impact at this time. Fiscal impact would need to be reevaluated if a tribal basic care or long-term facility is established.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda Welsz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	12/28/2000

