

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2012
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the department of human services; to create and enact a new section to chapter 25-03.2, a new section to chapter 50-09, a new section to chapter 50-11, a new chapter to title 50, and a new section to chapter 50-24.4 of the North Dakota Century Code, relating to a moratorium on residential treatment center and residential child care facility beds, the children's health insurance program, the county share of foster care costs, and the limits on geropsychiatric nursing facilities; to amend and reenact section 25-03.1-04, subsection 3 of section 50-01.2-03.2, subsection 5 of section 50-24.4-10, and section 50-24.4-13 of the North Dakota Century Code, relating to public treatment facilities, human services financing in exceptional circumstances, operating cost limits for nursing homes, and to exceptions to case mix nursing home rates; to amend and reenact section 4 of chapter 561 of the 1991 Session Laws, as amended by section 18 of chapter 2 of the 1993 Session Laws, section 9 of chapter 34 of the 1995 Session Laws, and section 16 of chapter 12 of the 1997 Session Laws, relating to appropriation for projects at westwood park; to repeal section 25-04-20 of the North Dakota Century Code, relating to the westwood park assets management committee; to provide for the transfer of appropriations between agencies and institutions; to provide for reports to the budget section; to provide for a legislative council study; to provide legislative intent; to provide a contingent appropriation; to provide for land board distributions; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of human services and its various divisions, for the purpose of defraying their expenses, for the biennium beginning July 1, 1999, and ending June 30, 2001, as follows:

Subdivision 1.

MANAGEMENT AND COUNCILS

Salaries and wages	\$11,171,996
Operating expenses	39,431,599
Equipment	1,782,707
Capital improvements	493
Grants	1,055,889
Loan fund - DD	<u>1,840,956</u>
Total all funds	\$55,283,640
Less estimated income	40,478,356
Total general fund appropriation	\$14,805,284

Subdivision 2.

ECONOMIC ASSISTANCE

Salaries and wages	\$8,914,445
Operating expenses	11,855,427
Equipment	26,000
Capital improvements	2,543
Grants - assistance payments	118,748,623
Grants - medical assistance	<u>668,673,150</u>
Total all funds	\$808,220,188

Less estimated income	<u>612,275,533</u>
Total general fund appropriation	<u>\$195,944,655</u>

Subdivision 3.

PROGRAM AND POLICY

Salaries and wages	\$9,971,172
Operating expenses	12,561,478
Equipment	166,325
Capital improvements	1,619
Grants	<u>125,218,183</u>
Total all funds	<u>\$147,918,777</u>
Less estimated income	<u>110,838,978</u>
Total general fund appropriation	<u>\$37,079,799</u>

Subdivision 4.

NORTHWEST HUMAN SERVICE CENTER

Total all funds	\$7,656,098
Less estimated income	<u>3,554,087</u>
Total general fund appropriation	<u>\$4,102,011</u>

NORTH CENTRAL HUMAN SERVICE CENTER

Total all funds	\$14,352,172
Less estimated income	<u>7,030,328</u>
Total general fund appropriation	<u>\$7,321,844</u>

LAKE REGION HUMAN SERVICE CENTER

Total all funds	\$7,383,028
Less estimated income	<u>3,086,833</u>
Total general fund appropriation	<u>\$4,296,195</u>

NORTHEAST HUMAN SERVICE CENTER

Total all funds	\$17,265,256
Less estimated income	<u>10,589,332</u>
Total general fund appropriation	<u>\$6,675,924</u>

SOUTHEAST HUMAN SERVICE CENTER

Capital improvements	\$151,332
Human service center operations	18,485,400
Total all funds	\$18,636,732
Less estimated income	<u>10,922,681</u>
Total general fund appropriation	<u>\$7,714,051</u>

SOUTH CENTRAL HUMAN SERVICE CENTER

Total all funds	\$9,386,728
Less estimated income	<u>4,341,654</u>
Total general fund appropriation	<u>\$5,045,074</u>

WEST CENTRAL HUMAN SERVICE CENTER

Total all funds	\$17,918,416
Less estimated income	<u>10,680,615</u>
Total general fund appropriation	<u>\$7,237,801</u>

BADLANDS HUMAN SERVICE CENTER

Total all funds	\$8,900,485
Less estimated income	<u>4,626,639</u>
Total general fund appropriation	<u>\$4,273,846</u>

STATE HOSPITAL

Capital improvements	\$1,699,665
Operations	49,170,289
Total all funds	\$50,869,954
Less estimated income	<u>15,717,017</u>
Total general fund appropriation	<u>\$35,152,937</u>

DEVELOPMENTAL CENTER

Capital improvements	\$195,390
Operations	39,031,377
Total all funds	<u>\$39,226,767</u>

Less estimated income	29,840,448
Total general fund appropriation	\$9,386,319
Total all funds - subdivision 4	\$191,595,636
Total estimated income - subdivision 4	\$100,389,634
Total general fund appropriation - subdivision 4	\$91,206,002
Grand total general fund appropriation section 1	\$339,035,740
Grand total special fund appropriation section 1	\$863,982,501
Grand total all funds section 1	\$1,203,018,241

SECTION 2. LANDS AND MINERALS TRUST FUND. The amount of \$1,840,956, or so much of the sum as may be necessary, as appropriated in the developmentally disabled facility loan fund line item in section 1 of this Act, may be expended by the department of human services from the lands and minerals trust fund for the purpose of making payments of principal and interest to the common schools trust fund on any loans made from it pursuant to the developmentally disabled loan fund program nos. 2 and 3 for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 3. DEVELOPMENTAL DISABILITIES REVOLVING LOAN FUND. There may be expended by the department of human services, on or before June 1, 2001, from the cash balance of, any payments deposited in, the revolving loan fund created under section 6-09.6-01, the sum of \$1,192,700, or so much of the sum as may be necessary, which is appropriated in section 1 of this Act.

SECTION 4. TRANSFER. Subject to the provisions of chapter 54-16, the director of the department of human services may transfer appropriation authority between agencies and institutions included in subdivisions 1 through 4 of section 1 of this Act.

SECTION 5. CORRELATION OF RESOURCES FOR DEPARTMENTAL CLIENTS. Notwithstanding section 4 of this Act, the director of the department of human services may transfer appropriation authority and authorized positions between agencies and institutions included within subdivision 4 of section 1 of this Act to correlate fiscal and staff resources with the flow of institutional residents and human service center clients between community-based programs and institutions. The transfers from human service centers require prior consultation with the regional human service center advisory boards.

SECTION 6. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT EMPLOYEES - REPORTS TO THE BUDGET SECTION AND THE LEGISLATIVE COUNCIL. It is the intent of the legislative assembly that the human service centers, the state hospital, and the developmental center report to the budget section and the legislative council, or its designee, on the hiring of any additional full-time equivalent positions in addition to those authorized by the legislative assembly in subdivision 4 of section 1 of this Act for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 7. AMENDMENT. Section 25-03.1-04 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-04. Voluntary Screening and admission to a public treatment facility. Under rules adopted by the department, an application for screening and admission of an individual to a public treatment facility for observation, diagnosis, care, or treatment as a voluntary patient may be made by any person who is mentally ill or chemically dependent or who has symptoms of those illnesses for mental illness or chemical dependency must be performed by a regional human service center. An application for admission as a voluntary patient may be made on behalf of a minor who is mentally ill or chemically dependent or who has symptoms of those illnesses, by the This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a qualified mental health professional, the individual's legal guardian, a minor's parent or legal guardian custodian, or the individual requesting services, the regional human service center shall conduct a screening. The application must be submitted to a regional human services center, or, in an emergency, to the state hospital. Upon receipt of an application the request, the regional human service center must shall arrange for an evaluation a screening of the applicant individual and must, if appropriate, treat the applicant, or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or ~~the~~ director shall immediately designate a physician, psychiatrist, psychologist, or mental health professional to examine the patient individual.

SECTION 8. A new section to chapter 25-03.2 of the North Dakota Century Code is created and enacted as follows:

Moratorium on expansion of residential treatment center for children bed capacity. Notwithstanding sections 25-03.2-03 and 25-03.2-08, the department may not issue a license under this chapter for any additional bed capacity for a residential treatment center for children above the state's gross number of beds licensed as of June 30, 1999.

SECTION 9. AMENDMENT. Subsection 3 of section 50-01.2-03.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. ~~The~~ Notwithstanding any other provisions of law, the department shall ~~seek appropriations for the purpose of providing additional financial assistance to~~ reimburse county social service boards for ~~human service program costs and local expenses of administering human service~~ locally administered economic assistance programs in counties in which ~~the presence of an Indian reservation substantially reduces the amount of property subject to taxation~~ more than twenty percent of the caseload for these programs consists of people who reside on a federally recognized Indian reservation or property tax-exempt tribal trust lands. The reimbursement must be such that:
 - a. An affected county's expenses for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at one hundred percent;
 - b. Each calendar year the affected counties will receive quarterly allocations based on the actual county expenses for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date;
 - c. The reimbursement will be calculated for each county and reported to the county social service board prior to August first of the year preceding the allocation; and
 - d. For calendar year 2000, up to fifteen percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement. For the first six months of calendar year 2001, up to seven and one-half percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement.

SECTION 10. A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

County share of foster care costs.

1. For all periods after January 1, 1998, each county shall reimburse the state agency, upon claim being made therefor by the state agency, for that county's share of one-fourth of the amount expended in the state in excess of any amount provided by the federal government under title IV-E for payments on behalf of children approved and granted foster care for children or subsidized adoption, without regard to that child's eligibility for benefits under title IV-E.
2. Each county's share of all counties' shares must be calculated under a formula established by the state agency through consultation with county representatives. The formula must:
 - a. Include consideration of the most recent census data or official census estimates of the number of youth in each county;
 - b. Include consideration of recent expenditures for foster care for youth from each county; and

c. Be established by policy, and not by rule.

SECTION 11. A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

Moratorium on expansion of residential child care facility bed capacity. Notwithstanding sections 50-11-02 and 50-11-09, the department may not issue a license under this chapter for any additional bed capacity for a residential child care facility above the state's gross number of beds licensed as of June 30, 1999.

SECTION 12. A new chapter to title 50 of the North Dakota Century Code is created and enacted as follows:

Definitions. As used in this chapter:

1. "Children's health insurance program" means a program to provide health assistance to low-income children funded through title XXI of the federal Social Security Act [42 U.S.C. 1397aa, et seq.].
2. "County agency" means the county social service board.
3. "Department" means the department of human services.
4. "Plan" means the children's health insurance program state plan.
5. "Poverty line" means the official income poverty line as defined by the United States office of management and budget and revised annually in accordance with 42 U.S.C. 9902(2), applicable to a family of the size involved.

Duties of the department. The department shall:

1. Prepare, submit, and implement the plan that includes eligibility determinations for self-employed applicants based on the average of the previous three years of adjusted gross income, which means the adjusted gross income as computed for an individual for federal income tax purposes under the Internal Revenue Code;
2. Supervise the administration of the children's health insurance program throughout this state;
3. Take action, give directions, and adopt rules as may be necessary or desirable to carry out the provisions of this chapter;
4. After federal approval of the plan, apply for a federal waiver allowing plan coverage for a family through an employer-based insurance policy if an employer-based family insurance policy is more cost-effective than the traditional plan coverage for the children;
5. Report annually to the legislative council and describe enrollment statistics and costs associated with the plan;
6. Reimburse counties for expenses incurred in the administration of the children's health insurance program at rates based upon all counties' total administrative costs; and
7. Administer all funds appropriated or made available to the department for the purpose of carrying out the provisions of this chapter.

Duties of county agency. In the administration of the plan, unless the department otherwise establishes eligibility, the county agency shall:

1. Administer the plan under the direction and supervision of the department; and
2. Make an investigation and record the circumstances of each applicant, obtaining information as may be required by the department.

Plan requirements. The plan:

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

Limitations of chapter. Health assistance provided under this chapter is not an entitlement. A person does not have a property interest in any health assistance sought or provided under this chapter. If the department estimates that available funds are insufficient to allow participation by additional applicants, the department may take any action appropriate to avoid commitment of funds in excess of available funds, including denying applications and establishing waiting lists, that is not forbidden by title XXI of the federal Social Security Act [42 U.S.C. 1397aa, et seq.] or regulations adopted thereunder. If federal children's health insurance program funding decreases, the department may decrease the income eligibility limit to accommodate the decrease in federal funding, notwithstanding any other provisions of this chapter.

SECTION 13. AMENDMENT. Subsection 5 of section 50-24.4-10 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. The department shall establish a composite index or indices ~~by determining the appropriate economic change indicators~~ based on the average of the increase in the Data Resources, Incorporated, nursing home input price index and the increase in the consumer price index for all urban wage earners and clerical workers (all items, United States city average) to be applied to specific operating cost categories or combination of operating cost categories.

SECTION 14. AMENDMENT. Section 50-24.4-13 of the North Dakota Century Code is amended and reenacted as follows:

50-24.4-13. Exclusion. Until procedures for determining operating cost payment rates according to mix of resident needs are established for nursing homes that exclusively provide residential services for ~~the nongeriatric physically handicapped individuals with physical disabilities or units within nursing homes which exclusively provide geropsychiatric services~~, such nursing homes ~~or units within nursing homes~~ may not be included in the calculation of the percentiles of any group. Each of these nursing homes ~~or units within nursing homes~~ shall receive ~~their~~ its actual allowed historical operating cost per diem adjusted by a percentage amount equal to the increase, if any, in the national or state economic change index, made available under section 50-24.4-10, and which the department determines to be relevant to residential services for ~~the nongeriatric physically handicapped individuals with physical disabilities or geropsychiatric services~~.

SECTION 15. A new section to chapter 50-24.4 of the North Dakota Century Code is created and enacted as follows:

Limits on geropsychiatric facilities. The number of units within nursing homes which exclusively provide geropsychiatric services may not exceed one, and admission to a nursing home which exclusively provides geropsychiatric services may only be granted after the state hospital has performed an evaluation of the individual being admitted. After a geropsychiatric unit has been established within a nursing home, the state hospital may not offer geropsychiatric services through a separate geropsychiatric unit.

SECTION 16. AMENDMENT. Section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws, by section 9 of chapter 34 of the 1995 Session Laws, and by section 16 of chapter 12 of the 1997 Session Laws is amended and reenacted as follows:

SECTION 4. PROCEEDS - APPROPRIATION. The proceeds from the sale of land, property, and equipment at westwood park must be deposited in the lands and minerals trust fund. There is hereby appropriated \$200,000, or so much thereof as may be necessary, from the lands and minerals trust fund, to the department of human services for capital improvements or demolition of existing buildings at westwood park for the period beginning July 1, 1991, and ending June 30, ~~1999~~ 2001.

SECTION 17. LEGISLATIVE INTENT - BASIC CARE RATES. It is the intent of the legislative assembly that rates effective July 1, 1999, and July 1, 2000, for basic care facilities include a three percent operating margin on direct care costs and include property costs as pass-through costs, not subject to limitations. The department may adopt interim final rules without a finding that emergency rulemaking is necessary to implement this intent. Any interim final rules so adopted may take effect on a date no earlier than the date of first filing with the legislative council of the notice of proposed adoption of a rule.

SECTION 18. NORTHEAST HUMAN SERVICE CENTER BUDGET SAVINGS - BUDGET SECTION REPORT. The department of human services shall identify savings in the budget to be requested for the northeast human service center for the 2001-03 biennium totaling five hundred thousand dollars from the general fund through efficiencies and related to the collocation of service delivery. The department of human services shall present a report regarding the planned reductions to the budget section prior to the submission of the department's budget request for the 2001-03 biennium.

SECTION 19. TRADITIONAL MEDICAID GRANTS - BUDGET SECTION APPROVAL. The department of human services shall periodically report to the budget section regarding the status of funding for traditional medicaid grants and receive prior budget section approval before exceeding the amount appropriated for traditional medicaid grants during the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 20. LEGISLATIVE COUNCIL STUDY - HUMAN SERVICE CENTER SERVICES - SERIOUSLY MENTALLY ILL. The legislative council shall consider studying during the 1999-2000 interim community services provided for the seriously mentally ill including human service center services and the number of clients served.

SECTION 21. LEGISLATIVE COUNCIL STUDY - OPTIONAL MEDICAID SERVICES. The legislative council shall consider studying during the 1999-2000 interim the services provided by the

state in its medical assistance program, including optional medical assistance services and the impact to the state and its citizens of providing those services.

SECTION 22. LEGISLATIVE COUNCIL STUDY - RESIDENTIAL TREATMENT CENTERS AND RESIDENTIAL CHILD CARE FACILITIES. The legislative council shall consider studying during the 1999-2000 interim residential treatment centers and residential child care facilities, including occupancy rates, the number of out-of-state residents, and the need for additional facilities.

SECTION 23. LEGISLATIVE INTENT - MEDICAL ASSISTANCE - CERTIFIED NURSE MIDWIVES. It is the intent of the legislative assembly that the department of human services reimburse through the medical assistance program certified nurse midwives at a rate of at least eighty-five percent of the fee paid physicians for the same service.

SECTION 24. LEGISLATIVE INTENT - SOCIAL SERVICES BLOCK GRANT FUNDING. It is the intent of the legislative assembly that the department of human services in presenting the department's budget request for the 2001-03 biennium to the fifty-seventh legislative assembly identify the use of social services block grant funds, including information on any proposed federal changes in the block grant funding, and identify specific areas where an appropriation from the state general fund is requested to replace reduced social services block grant funds.

SECTION 25. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES PROGRAMS - PROGRAM EFFICIENCIES - APPROPRIATE USE OF FEDERAL FUNDS - REPORTS TO THE LEGISLATIVE COUNCIL. It is the intent of the legislative assembly that the department of human services review departmental program funding issues during the 1999-2000 interim, including the appropriateness of maximizing the use of federal funds, the opportunities to reduce general fund program expenditures, the appropriate methods to provide detailed justification prior to the expansion of programs, the appropriateness of the state replacing reductions in federal funds with state resources, the coordination of programs to avoid duplication in program delivery, and the cost/benefit of programs. The department of human services shall report its findings and recommendations as a result of reviewing these issues to the legislative council, or an appropriate committee of the legislative council during the 1999-2000 interim.

SECTION 26. LEGISLATIVE INTENT - NURSING HOME LIMITATIONS - BUDGET SECTION APPROVAL. It is the intent of the legislative assembly that the department of human services not reduce the nursing home limitations for direct, other direct, and indirect cost categories from the levels anticipated in the executive budget and contained in section 1 of this Act during the biennium beginning July 1, 1999, and ending June 30, 2001, unless receiving prior budget section approval.

SECTION 27. LEGISLATIVE INTENT - WAGE INCREASES FOR DIRECT CONTACT AND PROFESSIONAL STAFF OF COMMUNITY DEVELOPMENTAL DISABILITIES PROVIDER AGENCIES. It is the intent of the legislative assembly that funding increases provided community developmental disabilities provider agencies in subdivision 2 of section 1 of this Act specifically for salaries and wages adjustments be allocated by the department of human services specifically to the salaries and wages line item for the individual provider agencies and those funds be used only for that purpose by the provider agencies.

SECTION 28. LEGISLATIVE COUNCIL STUDY - HUMAN SERVICE CENTER SERVICES. The legislative council shall consider studying during the 1999-2000 interim the services provided by human service centers, including the appropriateness of and justification for continuing human service center programs, the cost/benefit of human service programs, methods for evaluating the effectiveness and outcomes of human service center programs, and the need to establish priorities relating to human service center programs.

SECTION 29. LEGISLATIVE COUNCIL STUDY - NURSING HOME REGULATIONS - IMPACT ON COST OF CARE. The legislative council shall consider studying during the 1999-2000 interim the state and federal regulations relating to nursing homes, the impact of those regulations on the cost of care at North Dakota nursing homes, and state options for reducing regulations and the related reductions in cost of care.

SECTION 30. LEGISLATIVE COUNCIL STUDY - NURSING HOME RATE EQUALIZATION.

The legislative council shall consider studying during the 1999-2000 interim the appropriateness of the state continuing rate equalization for private pay and public pay residents in nursing homes, including the fiscal impact on private pay and public pay residents of the repeal of rate equalization.

SECTION 31. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 1999-2000 interim, the feasibility and desirability of collocating the developmental center and the state hospital at one location and the feasibility and desirability of transferring additional buildings on the state hospital grounds to the department of corrections and rehabilitation.

SECTION 32. ALCOHOL AND DRUG EDUCATION PROGRAM - EXPENDITURE - LIMITATIONS. The moneys appropriated in the grants line item in subdivision 3 of section 1 of this Act for the native American youth alcohol and drug abuse education program may not be spent for the services provided by the tribes to administer the program. The local grant recipient is required to provide match equal to the grant amount with funding or in-kind service.

SECTION 33. ESTIMATED INCOME. The estimated income line item in subdivision 3 of section 1 of this Act includes the sum of \$200,000, or much of the sum as may be necessary, from the children's services coordinating committee for the purpose of defraying the expenses related to the native American youth alcohol and drug abuse education program.

SECTION 34. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - NETWORK TECHNICAL SUPPORT. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, and federal funds of \$50,000 to the department of human services for the purpose of providing network technical support to county social service boards, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 35. CONTINGENT APPROPRIATION - TRAUMATIC BRAIN-INJURED FACILITY. There is hereby appropriated a total of \$200,000, including \$140,000 of federal funds and \$60,000 from the general fund in the state treasury, not otherwise appropriated, or so much of the funds as may be necessary, for the biennium beginning July 1, 1999, and ending June 30, 2001. This money may be spent by the department of human services only if additional beds for traumatic brain-injured persons are established in western North Dakota and after receiving emergency commission and budget section approval.

SECTION 36. LEGISLATIVE INTENT - COMPREHENSIVE CHILD WELFARE INFORMATION AND PAYMENT SYSTEM. It is the intent of the legislative assembly that the funding provided in subdivision 1 of section 1 of this Act for the comprehensive child welfare information and payment system is for the completion of the project during the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 37. CONTINGENT GENERAL FUND APPROPRIATION - SPED PROGRAM. The estimated income line item in subdivision 3 of section 1 of this bill includes \$4,262,410 from special funds derived from the health care trust fund created pursuant to Senate Bill No. 2168. In the event that moneys in the health care trust fund are less than anticipated resulting in a reduction of funds available for the SPED program there is hereby appropriated up to \$4,262,410, or so much of the funds as may be necessary, from the general fund in the state treasury, not otherwise appropriated, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 38. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the state hospital all income from a permanent fund managed for this institution.

SECTION 39. REPEAL. Section 25-04-20 of the 1997 Supplement to the North Dakota Century Code is repealed.

SECTION 40. EFFECTIVE DATE. Section 9 of this Act becomes effective on January 1, 2000, and section 12 of this Act becomes effective on October 1, 1999.

SECTION 41. EXPIRATION DATE. Sections 8 and 11 of this Act are effective through June 30, 2001, and after that date are ineffective.

SECTION 42. EMERGENCY. The appropriation contained in subdivision 4 of section 1 of this Act for the state hospital includes \$1,050,000 from the general fund to replace a boiler, which is declared to be an emergency measure and those funds are available immediately upon filing of this Act with the secretary of state. Section 17 of this Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2012 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 48 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 74 Nays 15 Absent 9

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at ___ o'clock _____ M.

Secretary of State