Prepared by the North Dakota Legislative Council staff for the Budget Committee on Human Services
June 1997

STUDY OF THE RESPONSIBILITY OF SOCIAL SERVICE AGENCIES PROVIDING SERVICES TO CHILDREN, FAMILIES, THE DISABLED, AND THE ELDERLY - BACKGROUND MEMORANDUM

STUDY DIRECTIVE

House Concurrent Resolution No. 3032 directs the study of the responsibilities of county social service agencies as they are distinguished from the responsibilities of regional human service centers and the Department of Human Services when providing services to children and their families and persons with disabilities, including the elderly. Reasons cited in the resolution for the study include:

- The study represents a continuation of the Budget Committee on Human Services study during the 1995-96 interim which conducted a similar study that focused on economic assistance programs and the state and county financing and administrative responsibilities;
- North Dakota Century Code (NDCC) Chapter 50-06 establishes the Department of Human Services and its components as the agency responsible for administering programs for children and their families, persons with developmental disabilities, crippled children, aging services, mental health services, and alcohol and drug services;
- North Dakota Century Code Section 50-06-05.1 directs the department to direct and supervise county social service board activities that are financed with funds distributed by the department;
- Section 50-06-05.1 directs the department to carry out various human service programs and regulatory functions which the department has delegated to county social service agencies; and
- Each program or function delegated to county agencies may have a unique method of assurance compliance, and the role of county government in the delivery system may vary from county to county.

Attached as Appendix "A" is a copy of House Concurrent Resolution No. 3032 .

OTHER RELATED 1997-98 INTERIM STUDIES

The Legislative Council's Child Support Committee is studying the provision of child support services and child care licensing as required by Section 14 of House Bill No. 1041. In addition, the Budget Committee on Long-Term Care is studying areas related to the provision of services for the elderly, including basic care rate equalization, the monitoring of Alzheimer's and case management pilot projects, the expansion of home and community-based service availability, the combination of service reimbursement payment sources for the elderly and disabled, American Indian long-term care needs, and long-term care financing issues.

1995-96 BUDGET COMMITTEE ON HUMAN SERVICES STUDY

During the 1995-96 interim, the Budget Committee on Human Services, as mentioned previously, studied the responsibilities of county social service agencies, regional human service centers, and the Department of Human Services, with an emphasis on economic assistance programs. The committee held meetings at various locations around the state and received testimony from county officials and other interested persons regarding human services priorities and suggested changes to the human services delivery system.

The Department of Human Services, the North Dakota Association of Counties, and the North Dakota Association of Social Service Board Directors met and discussed alternative methods of delivery and funding of the administration of economic assistance programs. As a result of this task force's recommendations to the committee, 1997 House Bill No. 1041 was introduced and was passed by the 1997 Legislative Assembly which requires counties, effective January 1, 1998, to assume the financial responsibility for the cost of administering economic assistance programs in return for the state assuming complete financial responsibility for the grant costs of medical assistance and basic care. Attached as Appendix "B" is a copy of 1997 House Bill No. 1041.

The Department of Human Services/County Task Force also included work groups in the areas of children and family services. The work groups were unable to complete their work, resulting in the study

resolution before the committee. Attached as Appendix "C" is a copy of a mission statement and overview of a vision for future services to be provided by county social services. This document was presented to the 1995-96 interim Budget Committee on Human Services by representatives of the Finance Committee of the North Dakota Association of Social Service Board Directors.

1997 HOUSE BILL NO. 1041

House Bill No. 1041 discussed briefly earlier and attached as Appendix "B" requires counties, effective January 1, 1998, to assume the financial responsibility for the cost of administering locally administered economic assistance programs that include:

- Temporary assistance for needy families.
- Child support enforcement programs.
- Programs established under NDCC Section 50-06-01.8.
- Employment and training programs.
- Child care assistance programs.
- Medical assistance, including early periodic screening, diagnosis, and treatment.
- Food stamp programs, including employment and training programs.
- Refugee assistance programs.
- Basic care services.
- Energy assistance programs.
- Information and referral.

In exchange, the state bears the cost, in excess of the amount provided by the federal government, of the following programs:

1. Medical assistance (counties are responsible for 15 percent of the amount expended in North Dakota in excess of that provided by the federal government for medical assistance in the form of payments for care furnished to recipients of therapeutic foster care services);
2. Housing assistance payments (NDCC Section 50-06-05.1(9));
3. Supplements provided under NDCC Chapter 50-24.5 as basic care services;
4. Services provided under NDCC Section 50-06-06.8 and NDCC Chapter 50-09 as child care assistance;
5. Services provided under Chapter 50-09 as employment and training;
6. Welfare fraud detection programs;
7. Temporary assistance for needy families; and
8. Special projects approved by the department and agreed to by any effective county social services board.

Section 8 of House Bill No. 1041 provides that before August 1 of each year the boards of county commissioners shall make a collective recommendation to the department regarding the distribution among counties of the social service block grant funds and child support incentive funds available to the department for distribution to county social service boards. The department shall consider the recommendation in determining the distribution to the county social service boards in the following calendar year.

Attached as Appendix "D" is information prepared by the Department of Human Services after the 1997 Legislative Assembly regarding the impact of House Bill No. 1041 on counties individually and collectively for the period January 1, 1998, through June 30, 1999. The schedule shows that in total all counties received savings of $3,706,409 for the 18-month period. The North Dakota Association of Counties, in testimony provided during the 1997 Legislative Assembly on House Bill No. 1041, expressed concerns that the "savings" are based on estimates and in part reflect the avoidance by counties of increased costs that may have become a county responsibility without the "swap."

1997 HOUSE BILL NO. 1226

The 1997 Legislative Assembly passed House Bill No. 1226 which provided for welfare reform. Section 67 of the bill, effective January 1, 1998, requires counties to be responsible for the costs of administration of the temporary assistance for needy families (TANF) program, with local expenses of administration, including the cost for personnel, space, equipment, computer software, materials, travel, utilities, and related costs and not including the initial acquisition of computers and related hardware approved by the department for the training, education, employment, and management program, custom computer programs, and other computer development undertaken at the direction of the department to the extent those costs exceed the county's cost of operation of the technical eligibility computer systems in calendar year 1995, adjusted by the increase in the consumer price index for all urban consumers.

Section 69, effective July 1, 1997, amends NDCC Section 50-09-21 to provide that counties are responsible for their respective share of the program costs of the TANF program with all counties' share of program costs equal to 5.2 percent of statewide program costs. This is in effect until January 1, 1998, when the section is repealed and the state assumes the full nonfederal cost of the TANF grant program (Section 70). Attached as Appendix "E" is a copy of Sections 67 and 69 of House Bill No. 1226.

STUDY PLAN

The following is a study plan for the committee's consideration regarding the committee's study of the responsibilities of county social service agencies,

regional human service centers, and the Department of Human Services regarding providing services to children and their families, persons with disabilities, and the elderly:

1. Receive testimony from representatives of the Department of Human Services, the North Dakota Association of Counties, the North Dakota Association of County Social Service Board Directors, regional human service center directors, and the North Dakota County Social Service Boards Association concerning:
   - Suggested issues to be considered by the committee;
   - Suggested changes to better define the respective responsibilities of counties, regional centers, and the central office of the Department of Human Services for these services; and
   - Information on service costs, funding, and related caseloads and performance standards.
2. Receive information from the Department of Human Services regarding the implementation of House Bill No. 1041 regarding the "swap" of state and county responsibilities for economic assistance programs.
3. Receive testimony from other interested persons regarding the committee's study, including service providers and representatives of organizations representing clients and providers.
4. Develop recommendations and any necessary legislation to implement the recommendations.
5. Prepare a final report for submission to the Legislative Council.

ATTACH:5

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

HOUSE CONCURRENT RESOLUTION NO. 3032
(Representatives Maragos, Svedjan, Price)
(Senators Kelsh, Nalewaja)

A concurrent resolution directing the Legislative Council to study the responsibilities of county social services as they are distinguished from the responsibilities of regional human service centers and the Department of Human Services when providing services to children and their families and persons with disabilities, including the elderly.

WHEREAS, North Dakota Century Code Chapter 50-06 establishes the Department of Human Services and its various components as the agency responsible for administering programs for children and families, persons with developmental disabilities, crippled children, aging services, mental health services, and alcohol and drug services; and

WHEREAS, Section 50-06-05.18 directs the Department of Human Services to direct and supervise county social service board activities as may be financed with funds distributed by the department; and

WHEREAS, Section 50-06-05 directs the Department of Human Services to carry out various human service programs and regulatory functions which the department has delegated to county social service agencies; and

WHEREAS, each program or function delegated to county agencies has a unique method for assuring compliance with the department's wishes; and

WHEREAS, the role of county government in this delivery system is often open to administrative interpretation and may vary from region to region and county to county; and

WHEREAS, during the 1995-96 interim the Legislative Council's Budget Committee on Human Services undertook a similar study of economic assistance programs which has led to proposals for significant changes in these programs; and

WHEREAS, the 1995-96 interim Budget Committee on Human Services had intended to include social services provided to children and families and persons with disabilities, including the elderly, but was unable to complete the work within the time available;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study the responsibilities of county social services as they are distinguished from the responsibilities of regional human service centers and the Department of Human Services when providing services to children and their families and person with disabilities, including the elderly; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-sixth Legislative Assembly.

Filed March 18, 1997

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

HOUSE BILL NO. 1041
(Legislative Council)
(Budget Committee on Human Services)
(Representatives Boucher, Sandvig, Svedjan)
(Senators Kelsh, O'Connell, Lips)

AN ACT to create and enact four new sections to chapter 50-01.2, four new sections to chapter 50-03, a new subsection to section 50-06-05.1, a new section to chapter 50-06, a new section to chapter 50-24.1, and a new section to chapter 50-24.5 of the North Dakota Century Code, relating to the administration and financing of human services programs; to repeal sections 50-03-07, 50-09-16, 50-09-17, 50-09-18, 50-09-20, 50-09-20.1, 50-09-20.2, 50-09-21, 50-09-22, 50-24.1-03, and 50-24.5-06 of the North Dakota Century Code, relating to the administration and financing of human service programs; to require a legislative council study; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-01.2 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Department" means the department of human services.

2. "Local expenses of administration" includes costs for personnel, space, equipment, computer software, costs associated with achieving caseload ratios of sixty-five cases to one worker, materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the training, education, employment, and management program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996, or, unless agreed to by the county social service board, any costs related to pilot programs before the programs are implemented on a statewide basis.

3. "Locally administered economic assistance programs" means those primary economic assistance programs that need to be accessible to all citizens of the state through a county social service office and include:

   a. Temporary assistance for need families;

   b. Child support enforcement programs;

   c. Programs established under section 50-06-01.8;

   d. Employment and training programs;

   e. Child care assistance programs;

   f. Medical assistance, including early periodic screening, diagnosis, and treatment;

g. Food stamp programs, including employment and training programs;

h. Refugee assistance programs;

i. Basic care services;

j. Energy assistance programs; and

k. Information and referral.

SECTION 2. A new section to chapter 50-01.2 of the North Dakota Century Code is created and enacted as follows:

Standards of administration - Action upon failure to administer - Peer review committee - Appeal.

1. The department shall adopt standards for administration for locally administered economic assistance programs and shall provide training for the implementation of those standards. Each county social service board shall provide for administration of locally administered economic assistance programs that meet those standards.

2. If a county social service board fails to provide for administration of locally administered economic assistance programs that meet the standards adopted under subsection 1, the department may take any of the following actions:

   a. Provide training to the persons responsible for administration.

   b. Require the county social service board to prepare and implement a corrective action plan.

   c. Appoint a receiver to act in place of the county social service board.

3. At least thirty days before taking any action under subsection 2, the department shall provide notice of its proposed action to the county social service board and the board of county commissioners of the affected county. The notice must describe the proposed action and the reasons therefor.

4. If the county disputes a notice of proposed action, the board of county commissioners, before the effective date of the action, shall:

   a. Request reconsideration by the department;

   b. Propose an alternative action under subsection 2;

   c. Request a peer review; or

   d. Make any combination of these responses.

5. If the county's response includes a request for reconsideration or proposed alternative action under subsection 2, the department promptly shall consider that request or proposal and notify the county of its determination.

6. If the county's response includes a request for a peer review, the board of county commissioners shall name two members of a peer review committee, the department shall name two members of the peer review committee, and those four committee members shall name a fifth member of the peer review committee. At least one member of the peer review committee must be a member of a board of county commissioners and at least two members of the peer review committee must be county social service board directors or former county social service board directors. No member of the peer review committee may hold or have held office as county social service board director, or as a member of the county social service board or board of county commissioners, or be a resident of the county requesting the peer review.

7. A peer review must be based upon written submissions made by the department and the county requesting the peer review. The county submission must be made within fifteen days after the county requests peer review, and the department's submission must be made within fifteen days after receipt of a copy of the county's submission. The peer review committee may direct written questions to the parties, and the parties shall respond in writing within fifteen days.

8. A committee member designated by the department shall chair the peer review committee. The committee shall meet at the call of the presiding officer, and may meet by teleconference. Any committee action must be by motion. A decision on the county's request must be made within sixty days after receipt of the county's request, and subject to subsection 9, is binding on both parties.

9. The decision of the peer review committee is a final administrative decision. That decision may be appealed to the district court, and for that purpose, the decision must be treated as a decision on a request for rehearing made pursuant to section 28-32-14. Appeal to the district court must be taken in the manner required by section 28-32-15. The department shall submit a record consisting of:

   a. Submissions made, and questions asked and answered, under subsection 7; and

   b. The motion and vote upon which the peer review committee acted to decide the matter.

10. A timely dispute of a notice to appoint a receiver under subsection 2 stays that action until thirty days after issuance of a decision by a peer review committee.

11. A timely appeal of a decision by a peer review committee stays that decision until determination of that appeal.

12. A receiver appointed under this section may take any action that may lawfully be taken by the county social service board and may draw upon the human services fund.

13. Members of a peer review committee are entitled to receive compensation by the department in the same amounts as members of the legislative council. The county requesting the review shall reimburse the department for one-half of that cost.

SECTION 3. A new section to chapter 50-01.2 of the North Dakota Century Code is created and enacted as follows:

Board may contract. In addition to actions a county social service board may take under chapter 54-40, a board may contract with another county social service board, the receiver of a county social service board appointed under section 2 of this Act, the department, or any other public or private person to discharge any of its duties or exercise any of its powers to administer economic assistance programs.

SECTION 4. A new section to chapter 50-01.2 of the North Dakota Century Code is created and enacted as follows:

County duties - Financing in exceptional circumstances.

1. Each county social service board shall administer, under the direction and supervision of the department:

   a. Locally administered economic assistance programs;

   b. Replacement programs with substantially similar goals, benefits, or objectives; and

   c. When necessary, experimental, pilot, or transitional programs with substantially similar goals, benefits, or objectives.

2. On or before February twenty-eighth of each year, each county shall report to the department the total amount of county funds expended in the previous year to meet the cost of providing human services required under this title and the number of mills that must have been levied by that county in the prior year to raise that total amount. Upon receipt of reports from all counties, the department shall determine the statewide average of the mill levies and identify each county that levied ten mills more than that average. Each identified county is entitled to a share of funds appropriated for distribution under this subsection. Each identified county's share is determined by:

   a. Reducing its mill levy necessary to meet the costs of providing human services required under this title by the statewide average mill levy determined under this subsection plus ten mills;

   b. Determining the amount that could have been raised in that county and year through a mill levy in the amount calculated under subdivision a;

   c. Totaling the amounts determined under subdivision b for all counties entitled to a distribution;

   d. Calculating a decimal fraction equal to each identified county's proportionate share of the total determined under subdivision c; and

   e. Multiplying that decimal fraction times one-half of the biennial appropriation.

3. The department shall seek appropriations for the purpose of providing additional financial assistance to county social service boards for human service program costs and local expenses of administering human service programs in counties in which the presence of an Indian reservation substantially reduces the amount of property subject to taxation.

SECTION 5. A new section to chapter 50-03 of the North Dakota Century Code is created and enacted as follows:

Definitions. Terms defined in chapter 50-01.2 have the same meaning when used in this chapter.

SECTION 6. A new section to chapter 50-03 of the North Dakota Century Code is created and enacted as follows:

Appropriation for county social service board administration and programs. The board of county commissioners of each county annually shall appropriate and make available to the human services fund an amount sufficient to pay:

1. The local expenses of administration of locally administered economic assistance programs; and

2. That county's share of fifteen percent of the amount expended in this state, in excess of the amount provided by the federal government, for medical assistance in the form of payments for care furnished to recipients of therapeutic foster care services; and

3. That county's share of the cost of other family preservation services, including intensive in-home services, provided under title VI-B, subpart 2, of the Social Security Act [Pub. L. 103-66, title XIII, 13711(a)(2); 107 Stat. 649, et seq.; 42 U.S.C. 629, et seq.], as amended, as may be agreed to by the department and the county social board.

SECTION 7. A new section to chapter 50-03 of the North Dakota Century Code is created and enacted as follows:

Department to develop formula. The department, with the cooperation of the boards of county commissioners, shall develop a formula to be used to determine the appropriate amount of each county's share under subsection 2 of section 6 of this Act.

SECTION 8. A new section to chapter 50-03 of the North Dakota Century Code is created and enacted as follows:

County commissions to make recommendations. Before August first of each year, the boards of county commissioners of the counties shall make a collective recommendation to the department concerning the distribution between counties, of the social service block grant funds, general fund equivalents of social service block grant funds, and child support incentive funds available to the department for distribution to county social service boards. The department shall consider the recommendation of the county commissioners in determining the distribution to the county social service boards, in the following calendar year, of the social service block grant funds, general fund equivalents of social service block grant funds, and child support incentive funds available to the department for that purpose.

SECTION 9. A new subsection to section 50-06-05.1 of the North Dakota Century Code is created and enacted as follows:

For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

SECTION 10. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Programs funded at state expense - Interpretation.

1. The state shall bear the cost, in excess of the amount provided by the federal government, of:

   a. Except as provided in section 11 of this Act, services provided under chapter 50-24.1;

   b. Benefits provided under subsection 19 of section 50-06-05.1;

   c. Supplements provided under chapter 50-24.5 as basic care services;

   d. Services provided under section 50-06-06.8 and chapter 50-09 as child care assistance;

   e. Services provided under chapter 50-09 as employment and training programs;

   f. Welfare fraud detection programs;

   g. Temporary assistance for needy families; and

   h. Special projects approved by the department and agreed to by any affected county social service board.

2. This section does not grant any recipient of services, benefits, or supplements identified in subsection 1, any service, benefit, or supplement that a recipient could not claim in the absence of this section.

SECTION 11. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Responsibility for expenditures - Exceptions.

1. Except as otherwise specifically provided in subsection 2 and section 6 of this Act, expenditures required under this chapter are the responsibility of the federal government or the state of North Dakota.

2. Each county shall reimburse the department of human services the amount required to be appropriated under subsection 3 of section 6 of this Act.

SECTION 12. A new section to chapter 50-24.5 of the North Dakota Century Code is created and enacted as follows:

Responsibility for expenditures. Except as otherwise specifically provided in section 6 of this Act, expenditures required under this chapter are the responsibility of the state of North Dakota.

SECTION 13. REPEAL. Sections 50-09-16, 50-09-17, 50-09-18, 50-09-20, 50-09-21, 50-09-22, and 50-24.1-03 of the North Dakota Century Code and sections 50-03-07, 50-09-20.1, 50-09-20.2, and 50-24.5-06 of the 1995 Supplement to the North Dakota Century Code are repealed.

SECTION 14. LEGISLATIVE COUNCIL STUDY OF CHILD SUPPORT SERVICES AND CHILD CARE LICENSING. The legislative council shall study the provision of child support services and child care licensing in this state during the 1997-98 interim. The study must consider whether child support services and child care licensing can be more efficiently and effectively provided and, if so, by which agency or unit of government. The legislative council shall report its findings, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly.

SECTION 15. COMPUTER DEVELOPMENT - BUDGET SECTION APPROVAL. Except as may be waived by approval of the budget section of the legislative council, the department of human services shall meet the requirements provided by the administration for children and families of the United States department of health and human services in its communication dated February 12, 1997, related to the state's development of the reforming and enhancing services for the people of North Dakota (RESPOND) and training, education, employment, and management (TEEM) projects. The requirements include information regarding client eligibility and expert system rules, cost benefit analysis for the TEEM and RESPOND projects, and a revised budget for the TEEM and RESPOND projects. The department of human services may not spend the related general fund appropriations provided by the fifty-fifth legislative assembly until the department receives assurances that the requirements will be met.

SECTION 16. EFFECTIVE DATE. Sections 1 through 11 of this Act become effective January 1, 1998.

Approved April 4, 1997
Filed April 4, 1997

Vision for future services provided through and with County Social Services

MISSION STATEMENT

County Social Services is committed to providing quality programs and services with dignity and respect that are directed by public statute or policy to vulnerable children, adults and families so that they may secure or maintain safety and self-sufficiency.

OVERVIEW

County Based Core Services Those primary public services that need to be available and accessible to all citizens of the state of North Dakota through the county social service office. These services may and are being provided through individual county offices, consolidated agencies, or through collaborative efforts. County Core services may be funded with county, state and/or federal funds.

Related Services Those services/programs that need to be studied to determine if the program needs to have equal state-wide access for all citizens. If the legislature determines that state-wide services are necessary, then each program will be designed and evaluated to ensure that the services are provided through the most cost effective method that ensures both quality and access. Those related services could be provided through contracts with the county social service agencies, other public or private agencies based on pre-established standards for quality and cost effectiveness. If state-wideness is not determined as a necessity, the legislature may direct the Department to develop specialized programs for targeted needs. Related services may be financed with either federal/state/county funds but local and state financial participation will be optional.

Economic Assistance Programs to Meet Needs of State Residents:

County Based Core Services	*Responsibility*
AFDC	Shared
Basic	
UP	
TEEM	
JOBS	
JOBS Child Care	
Transitional	
Medical Assistance	Shared
EPSDT	Shared
Food Stamps	Shared
Refugee Cash Assistance/Refugee Medical Assistance	Shared
Child Support	Shared
LIHEAP	Shared
Basic Care	Shared

Child Care (Block Grant/IV-A)	Shared
General Assistance	County
Information and Referral	County
Coordination of other public/private services that meet basic needs	County

Related Services	*Responsibility*
Welfare Fraud	State
Aid to Blind Remedial Care	State

Protection and Safety of Children and Families

County Based Core Services	*Responsibility*
Child Protection Assessment	Shared
Family Social Work	Shared
Foster Care Home Studies	Shared
Foster Care Eligibility	Shared
Information/referral - Community coordination	County

Related Services	*Responsibility*
Early Childhood Licensing	???
Parent Aide	State
Wrap Around	State
Special Health Service for Children (MHC/CCS)	State
Intensive In-Home	State
Unwed Parent	State
Special Needs Childhood (Prime Time/Respite)	State
Family Focused	State
Subsidized Adoption	State
Crossroads	State

Home and Community Based Services for Elderly and Disabled

County Based Core Services	*Responsibility*
Case Management	Shared
Homemaker	Shared
Home Health Aide	Shared
Information/Referral - community coordination	County

Related	*Responsibility*
Adult day care; adult family foster care; chore services; non-medical transportation; personal attendant care; respite care; family care; environmental modification services; specialized equipment	State

North Dakota Department of Human Services
HB 1041, As Enacted
18 Months (1/98 - 7/99)

Row	County / Column	Federal & State Total Assumed by Counties	County Total Assumed by State	COUNTY FISCAL IMPACT	Offset for CSSB Econ. Asst. Programs State Funds Indian Co. Admin. Reimbursement. (9)	Net Fiscal Impact
		Col. N	Col. U	Col. V	Col. W	Col. X
1	Adams	88,753	146,982	(58,229)	0	(58,229)
2	Barnes	294,695	490,286	(195,591)	0	(195,591)
3	Benson	495,738	225,663	270,075	174,804	95,271
4	Billings (10)	5,841	18,135	(12,294)	0	(12,294)
5	Bottineau	192,446	325,370	(132,924)	0	(132,924)
6	Bowman (10)	131,975	119,710	12,265	0	12,265
7	Burke	66,390	109,536	(43,146)	0	(43,146)
8	Burleigh	1,518,333	1,568,082	(49,749)	0	(49,749)
9	Cass	2,072,093	2,491,055	(418,962)	0	(418,962)
10	Cavalier	235,429	246,279	(10,850)	0	(10,850)
11	Dickey	162,387	326,103	(163,716)	0	(163,716)
12	Divide	81,566	99,270	(17,704)	0	(17,704)
13	Dunn	168,072	176,143	(8,071)	0	(8,071)
14	Eddy	106,578	169,427	(62,849)	0	(62,849)
15	Emmons	101,804	172,333	(70,529)	0	(70,529)
16	Foster	100,838	227,898	(127,060)	0	(127,060)
17	G. Valley (10)	88,903	67,396	21,507	0	21,507
18	G. Forks	1,403,411	1,407,487	(4,076)	0	(4,076)
19	Grant	94,733	144,120	(49,387)	0	(49,387)
20	Griggs	100,763	164,956	(64,193)	0	(64,193)
21	Hettinger	98,227	123,309	(25,082)	0	(25,082)
22	Kidder	82,984	163,391	(80,407)	0	(80,407)
23	LaMoure	116,431	190,010	(73,579)	0	(73,579)
24	Logan	59,323	134,440	(75,117)	0	(75,117)
25	McHenry	155,032	392,932	(237,900)	0	(237,900)
26	McIntosh	113,500	221,931	(108,431)	0	(108,431)
27	McKenzie	291,412	170,857	120,555	0	120,555
28	McLean	221,209	471,051	(249,842)	0	(249,842)
29	Mercer	186,968	308,529	(121,561)	0	(121,561)
30	Morton	626,654	904,279	(277,625)	0	(277,625)
31	Mountrail	251,970	247,807	4,163	0	4,163
32	Nelson	121,143	227,809	(106,666)	0	(106,666)
33	Oliver	71,794	58,862	12,932	0	12,932
34	Pembina	302,509	385,452	(82,943)	0	(82,943)
35	Pierce	126,894	244,637	(117,743)	0	(117,743)
36	Ramsey	424,599	490,750	(66,151)	0	(66,151)
37	Ransom	140,633	262,214	(121,581)	0	(121,581)
38	Renville	62,142	72,698	(10,556)	0	(10,556)
39	Richland	327,188	580,984	(253,796)	0	(253,796)
40	Rolette	958,532	171,208	787,324	606,696	180,628
41	Sargent	123,779	206,764	(82,985)	0	(82,985)
42	Sheridan	53,377	120,799	(67,422)	0	(67,422)
43	Sioux	253,526	37,278	216,248	167,500	48,748
44	Slope (10)	10,889	27,323	(16,434)	0	(16,434)
45	Stark	956,146	728,520	227,626	0	227,626
46	Steele	89,736	82,233	7,503	0	7,503
47	Stutsman	618,565	893,614	(275,049)	0	(275,049)
48	Towner	124,698	202,733	(78,035)	0	(78,035)
49	Traill	180,351	291,904	(111,553)	0	(111,553)
50	Walsh	325,507	500,095	(174,588)	0	(174,588)
51	Ward	1,346,037	1,566,680	(220,643)	0	(220,643)
52	Wells	155,363	266,699	(111,336)	0	(111,336)
53	Williams	884,665	685,920	198,745	0	198,745
54	**Total**	**$17,372,532**	**$20,129,941**	**($2,757,409)**	**$949,000**	**($3,706,409)**

Notes:

(1) Last 18 months of 1997-99 Budget Appropriation.

(2) Updated 1996 Basic Care County Share Formula became effective January 1997.

(3) Figures reflect the estimated sum of all of 1998 and half of 1999 county administrative reimbursements. (CY 1996 actual county administrative reimbursement amount x 1.02 = 1997 x 1.02 = 1998 x 1.02 = 1999 (1998 + half of 1999 = amount used)).

(4) County Child Support Administration (IV-D Unit) figures reflect 75% of the 1997-1999 Biennium Unit Appropriation Budget.

(5) LIHEAP Admin. & Service calculated using 1996 reimbursements times 1.5.

(6) Includes County wide cost allocation in AFDC, Food Stamp, Medical, Refugee Assistance, Basic Care, Transitional Child Care, and JOBS Child Care funded programs. No adjustments made for payment of fees for processing county-wide cost allocation.

(7) Excludes Rolette County ND Health Tracks (EPSDT), Stutsman County State Hospital, and Walsh County Physical Residence.

(8) Some inconsistencies or differences in the figures may be present due to rounding.

(9) 1/98 - 7/99 Indian County Offset CSSB Admin. = $330,000. Additional funding applied to TANF Swap = $619,000. Total = $949,00 represents figure used. Distribution was calculated used the 95-97 CSSB Offset total of $440,222 (Benson = $81,088 or 0.18419797%; Rolette = $281,434 or 0.63930017%; Sioux = $77,700 or 0.17650186%).

(10) Services Combined for Billings and Golden Valley and Bowman and Slope Counties.

North Dakota Department of Human Services

HB 1041, As Enacted Effective January 1998 - July 1999 (applying actual CY 96 administrative costs inflated @ 2% each year and 97-99 Grant appropriations)

18 Month THE BOTTOM LINE

DHS Responsibility

	TANF & Child Care Block Grants	Regular Medical Requiring County Match	DD Community Based Care Requiring County Match	State Hospital	Basic Care	Welfare Fraud Detection Units	18 MONTH 1997-1999 Biennium Total
Total	48,611,302	348,176,707	47,993,069	10,501,622	4,596,536	420,841	$460,300,077
Federal	37,115,885	243,611,879	33,661,207	7,354,286	0	210,419	$321,953,676
State	5,655,592	89,570,381	12,511,107	2,734,622	3,194,295	105,211	$113,771,208
County	2,913,440	13,515,117	1,820,755	412,714	1,362,704	105,211	$20,129,941
Other	2,926,385	1,479,330	0	0	39,537	0	$4,445,252

18 Months Administrative Costs By Program

	TEEM Statewide Admin. Roll-Out	AFDC (4) (7) (9)	JOBS Program (4)	Child Care Block Grant (4)	IV-A At Risk Child Care (4)	Food Stamps (50% & 75%) Includes Migrants (4)	Medical Assistance (4) (8)	LIHEAP Admin. & Service (4) (6)	Refugee Assistance (4)	JOBS Child Care (4)	Transitional Child Care (4)	Child Support Admin. (5)	County SSB Admin. Basic Care (4)	18 MONTH 1997-1999 Biennium Total
Total	$1,913,408	$3,904,860	$180,509	$118,868	$288,130	$8,031,508	$8,448,336	$2,008,083	$31,951	$65,490	$120,570	$5,508,298	$56,188	$30,676,199
Federal	$621,861	$1,952,430	$90,257	$118,868	$197,851	$4,110,796	$4,224,168	$715,322	$31,951	$32,745	$60,285	$3,635,478	$0	$15,792,012
State	$449,657	$0	$45,126	$0	$90,279	$30,954	$0	$0	$0	$0	$0	$936,410	$28,094	$1,580,520
County	$841,890	$1,952,430	$45,126	$0	$0	$3,889,758	$4,224,168	$1,292,761	$0	$32,745	$60,285	$936,410	$28,094	$13,303,667
Other	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0

	NDDHS Responsibility: 18 Month County Portion	County Responsibility: 18 Month Federal & State Portions
Federal	$0	$15,792,012
State	$0	$1,580,520
County	$20,129,941	$0
Total	$20,129,941	$17,372,532

County Responsibility

$2,757,409

NDDHS Pays Difference of

18 Month THE BOTTOM LINE

indirect costs properly allocated to those costs. The term does not include custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's cost of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers, all items, United States city average, after January 1, 1996.

3. If the financial condition of any county is such that it cannot make an appropriation or levy a tax for ~~aid to dependent children~~ temporary assistance for needy families or cannot issue warrants legally in an amount sufficient to provide the necessary funds to comply with the provisions of this chapter, the board of county commissioners shall report such fact to the state agency. After a hearing before the state agency, and such investigation as the state agency may make, the state agency may increase the amount to be supplied from state funds and adjust accordingly the amount to be supplied from county funds.

SECTION 67. AMENDMENT. Section 50-09-20 of the North Dakota Century Code is amended and reenacted as follows:

50-09-20. Appropriation of county funds.

1. For the purpose of carrying out the provisions of this chapter, the board of county commissioners of each county annually shall appropriate and make available an amount sufficient to pay:

~~1.~~ a. Local expenses of administration ~~and the county's share of assistance payments as specified in section 50-09-21~~ of temporary assistance for needy families;

~~2.~~ b. Local expenses of administration of the child support enforcement program; and

~~3.~~ c. Local expenses of administration ~~and the county's share of program costs of the early childhood services program, job opportunity and basic skills training program, transportation program, and case management program as specified in section 50-09-21~~ of child care assistance programs and employment and training programs.

2. For purposes of this section, "local expenses of administration" include costs for personnel, space, equipment, computer software, materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the training, education, employment, and management program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's cost of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers, all items, United States city average, after January 1, 1996.

3. If the financial condition of any county is such that it cannot make an appropriation or levy a tax for ~~aid to dependent children~~ temporary assistance for needy families or cannot issue warrants legally in an amount sufficient to provide the necessary funds to comply with the provisions of this chapter, the board of county commissioners shall report such fact to the state agency. After a hearing before the state agency, and such investigation as the state agency may make, the state agency may increase the amount to be supplied from state funds and adjust accordingly the amount to be supplied from county funds.

SECTION 68. AMENDMENT. Section 50-09-20.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-09-20.1. Amounts state liable for - Reimbursement by state. ~~The~~

1. Except as provided in subsection 2, the state agency shall reimburse each county, upon claim being made therefor by the county agency, for ~~fifty~~:

a. Fifty percent of the amount expended by the county agency ~~in excess of the amount provided by the federal government~~ for the administration of the ~~early childhood services program, the job opportunity and basic skills training program, the transportation program, and the case management program~~ temporary assistance for needy families program; and

b. Seventy-five percent of the amount expended by the county agency for the administration of the child care assistance program and employment and training programs provided under this chapter.

2. After January 1, 1998, the state agency shall not reimburse for any increased costs associated with achieving caseload ratios of sixty-five cases to one worker in the training, education, employment, and management program or increased costs for travel and training expended by a county agency for converting cases previously administered substantially in the form of the aid to families with dependent children program to administration in the form of the training, education, employment, and management program.

SECTION 69. AMENDMENT. Section 50-09-21 of the North Dakota Century Code is amended and reenacted as follows:

50-09-21. Amount county liable for - Reimbursement by county.

1. Each county shall reimburse the state agency, upon claim being made therefor by the state agency, for ~~one fourth of the amount expended, in the county, for aid to dependent children~~ each county's share of all counties' shares of program costs of the temporary assistance for needy families program, ~~and program costs of~~ the early childhood services program~~, job opportunity and basic skills training program, transportation program, and case management program, in excess of the amount provided by the federal government for assistance payments to dependent children and for the program costs~~ and employment and training programs provided under this chapter. For purposes of this section, "all counties' shares of program costs" is equal to five and two-tenths percent of statewide program costs of the temporary assistance for needy families program, the child care assistance program, and employment and training programs provided under this chapter.

2. a. Each county shall reimburse the state agency, upon claim being made therefor by the state agency, for ~~an amount equal to one half of that county's share of all counties' shares based upon the combined percentage average of the four year period beginning November 1983 and ending October 1987, and the one year period beginning November 1986 and ending October 1987, plus one half of that county's share of all counties' shares allocated according to each county's percentage of population of persons under age eighteen according to the 1980 census,~~ 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 of the Social Security Act [94 Stat. 501; 42 U.S.C. 670 et seq.], as amended, for payments for children approved and granted foster care for children or subsidized adoption, without regard to that child's eligibility for benefits under title IV-E of the Social Security Act.

b. Each county's share of all counties' shares must be calculated under a formula established by the department through consultation with county representatives. The formula must:

(1) Include consideration of the most recent census data or official census estimates of the number of youth in each county;

(2) Include consideration of recent expenditures for foster care for youth from each county; and

(3) Be established by policy, and not by rule.