

**FIRST ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1425

Introduced by

Representatives Bellew, Damschen, Kreidt, Porter, Weisz, Wieland

1 A BILL for an Act to amend and reenact sections 11-23-01, 50-06-20, 50-09-27, and 57-15-31
2 of the North Dakota Century Code, relating to programs funded at state expense and county
3 property tax levies; to repeal section 50-09-21.1 of the North Dakota Century Code, relating to
4 foster care and subsidized adoption services; to provide an appropriation; and to provide an
5 effective date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 11-23-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **11-23-01. Officers required to furnish commissioners with departmental budget.**

- 10 1. Every officer in charge of any institution, office, or undertaking supported wholly or
11 in part by the county shall file with the board of county commissioners a
12 departmental budget that is prescribed by the state auditor. The departmental
13 budget must include an itemized statement of the estimated amount of money that
14 will be required for the maintenance, operation, or improvement of the institution,
15 office, or undertaking for the ensuing year. The board of county commissioners
16 may require additional information to clarify the departmental budget.
- 17 2. The departmental budget submitted annually by the county social service board
18 must identify the reduction in county funding derived from transferring foster care
19 and subsidized adoption costs pursuant to provisions of this Act from the county
20 social service board to the department of human services beginning January 1,
21 2011. The amount reported must equal the full amount budgeted for these costs in
22 the budget submitted by the county social service board and approved by the
23 board of county commissioners in the previous year. Each county social service

1 board shall report the county funding reduction required by this subsection to the
2 department of human services by December thirty-first of each year.

3 3. Each affected county shall publish in the county's official newspaper the amount of
4 tax savings incurred as a result of the implementation of this section.

5 **SECTION 2. AMENDMENT.** Section 50-06-20 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-06-20. Programs funded at state expense - Interpretation.**

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

10 a. Except as provided in section 50-24.1-14, services provided under chapter
11 50-24.1;

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

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

14 d. ~~Services provided under chapter 50-09 as child care assistance;~~

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

16 Those services, programs, and costs listed in section 50-09-27;

17 f. ~~e.~~ Welfare fraud detection programs;

18 g. ~~f.~~ Temporary assistance for needy families; and

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

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

24 **SECTION 3. AMENDMENT.** Section 50-09-27 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **50-09-27. Programs funded at state expense - Interpretation.**

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

29 a. Services provided under ~~section 50-06-06.8~~ and this chapter as child care
30 assistance;

- 1 b. Services provided under this chapter as employment and training programs;
2 ~~and~~
3 c. Temporary assistance for needy families benefits provided under this chapter;
4 ~~and~~
5 d. Foster care and subsidized adoption costs under this chapter.
6 2. This section does not grant any recipient of services, benefits, or supplements
7 identified in subsection 1, any service, benefit, or supplement that a recipient could
8 not claim in the absence of this section.

9 **SECTION 4. AMENDMENT.** Section 57-15-31 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **57-15-31. Determination of levy.** The amount to be levied by any county, city,
12 township, school district, park district, or other municipality authorized to levy taxes shall be
13 computed by deducting from the amount of estimated expenditures for the current fiscal year as
14 finally determined, plus the required reserve fund determined upon by the governing board from
15 the past experience of the taxing district, the total of the following items:

- 16 1. The available surplus consisting of the free and unencumbered cash balance.
17 2. Estimated revenues from sources other than direct property taxes.
18 3. The total estimated collections from tax levies for previous years.
19 4. Such expenditures as are to be made from bond sources.
20 5. The amount of distributions received from an economic growth increment pool
21 under section 57-15-61.
22 6. The estimated amount to be received from payments in lieu of taxes on a project
23 under section 40-57.1-03.
24 7. The amount reported by a county under subsection 2 of section 11-23-01 relating
25 to foster care and subsidized adoption costs paid by the state beginning January 1,
26 2011.

27 Allowance may be made for a permanent delinquency or loss in tax collection not to exceed
28 five percent of the amount of the levy.

29 **SECTION 5. REPEAL.** Section 50-09-21.1 of the North Dakota Century Code is
30 repealed.

1 **SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the
2 general fund in the state treasury, not otherwise appropriated, the sum of \$3,319,748, or so
3 much of the sum as may be necessary, to the department of human services for the purpose of
4 funding nonfederal foster care and subsidized adoption costs, for the biennium beginning
5 July 1, 2009, and ending June 30, 2011.

6 **SECTION 7. EFFECTIVE DATE.** This Act is effective January 1, 2011.

7 **SECTION 8. EFFECTIVE DATE.** Section 4 of this Act is effective for taxable years
8 beginning after December 31, 2010.