

1999 SENATE HUMAN SERVICES

SB 2115

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2115

Senate Human Services Committee

Conference Committee

Hearing Date JANUARY 18, 1999

Tape Number	Side A	Side B	Meter #
1	X		1 - 645
1/19/99 1		X	1995
Committee Clerk Signature <i>Carol Klodejchale</i>			

Minutes:

The Human Services Committee was called to order by SENATOR THANE with all senators present, except SENATOR FISCHER, who was absent. The hearing on SB 2115 was opened.

A quorum was declared to be present by SENATOR THANE.

YVONNE SMITH, the Deputy Director of the North Dakota Department of Human Services, explained the bill. The bill was introduced to correct an error. The 1997 Welfare Reform Bill amended the North Dakota Century Code two times. One amendment was effective before January 1, 1998, and the second amendment was to be effective after that. Through inadvertence, the bill also repealed Section 50-09-21 that was effective on January 1, 1998. Because of the order in which clauses are printed in the bills, it was the repeal that became effective. Testimony is attached.

SENATOR KILZER asked if this was anything to do with the SWAP, or is this the SWAP?

YVONNE SMITH answered that it really is not the SWAP. The SWAP affected the economic assistance program, and foster care would not be affected.

SENATOR LEE asked if we are going to see some changes in that as we work our way through the adoption safe families act. I know that we have to put this back in, but will it be something that will come up again?

YVONNE SMITH answered that she did not believe that there will be an effect on the payment of care. There is a committee that works on billing made up of department members as well as members of county social services, that constantly work on the formula and how things should be funded.

SENATOR DeMERS asked If this was the exact same language as the part that was repealed, or has it changed at all?

YVONNE SMITH answered that it is the same language.

SENATOR DeMERS asked if we would have had the costs that the fiscal note shows regardless, this is not an additional cost.

YVONNE SMITH answered that this is right.

SENATOR DeMERS asked why this is done by policy and not by rule?

YVONNE SMITH answered the reason is that it is a work in progress, there is constant negotiation between the counties and the department of health in terms of the mix of funding and if we were to do the formula for calculating the county share is done by policy. If that were the case, if we were to do it by the rule, it would take some time to make any change in the formula.

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Senate Human Services Committee

Bill/Resolution Number Sb2115

Hearing Date JANUARY 18, 1999

BETTY KEEGEN the County Social Service Director for Rolette County, confirmed what YVONNE SMITH had presented, that indeed the manner in which the bill was presented is the practice that the counties are operating under today.

SENATOR KILZER asked YVONNE SMITH how it happened that we inadvertently repealed this?

YVONNE SMITH answered that it was basically that the bill was amended twice and that it was a mistake that it was done that way.

The hearing was closed on SB2115.

Discussion was resumed on SB2115 on 1/19/99.

SENATOR DEMERS moved a DO PASS and rerefer to Appropriations Committee. SENATOR LEE seconded the motion. Roll call vote carried 6-0. SENATOR DEMERS will carry the bill.

FISCAL NOTE

(Return original and 13 copies)

Bill / Resolution No.: SB 2115

Amendment to: _____

Requested by Legislative Council

Date of Request: December 30, 1998

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

This bill enacts a new section of the NDCC 50-09 allowing the state agency to bill counties for their share of foster care and subsidized adoption grant costs. 1997 Session Law HB 1226 inadvertently repealed the NDCC 59-09-21 effective January 1, 1998. This section of the Code described the amount Counties were liable for under Title IV-E of the Social Security Act.

The Department of Human Services and the Counties have built into their budgets the amount counties are liable for under Title IV-E of the Social Security Act and continue to proceed with the reimbursement process.

2. State fiscal effect in dollar amounts:

	1997-1999 Biennium		1999-2001 Biennium		2001-2003 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:						
Expenditures:	(3,644,794)	3,644,794	(5,930,388)	5,930,388	(6,994,371)	6,994,371

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

a. For rest of 1997-99 biennium:	-0-
b. For the 1999-01 biennium:	-0-
c. For the 2001-03 biennium:	-0-

4. County, City, and School District fiscal effect in dollar amounts:

1997-1999 Biennium			1999-2001 Biennium			2001-2003 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
3,644,794			5,930,388			6,994,371		

If additional space is needed,
attach a supplemental sheet.

Signed

Brenda M. Weisz

Typed Name

Brenda M. Weisz

Date Prepared: January 8, 1999

Department

Human Services

Phone No.

328-2397

Date: 2/19/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2115

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass referred

Motion Made By Sen DeMers Seconded By Sen Lee

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment Sen DeMers

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 19, 1999 1:08 p.m.

Module No: SR-11-0830
Carrier: DeMers
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2115: Human Services Committee (Sen. Thane, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was rereferred to the Appropriations Committee.

1999 SENATE APPROPRIATIONS

SB 2115

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2115

Senate Appropriations Committee

Conference Committee

Hearing Date February 1, 1999

Tape Number	Side A	Side B	Meter #
1	X		1663-2000
2-11-99 1		X	1490-1615
Committee Clerk Signature <i>Kathy C. Kottelerock</i>			

Minutes:

SENATOR NETHING: Opened the hearing on SB2115; A BILL FOR AN ACT TO CREATE AND ENACT A NEW SECTION TO CHAPTER 50-09 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO COUNTY SHARE OF FOSTER CARE COSTS.

YVONNE SMITH: Deputy Director of Department of Human Services to testify in support of SB2115 (testimony attached tape 1, side A, meter 1663-1820).

SENATOR SOLBERG: Why is this referred to us if no fiscal effect?

SENATOR NETHING: The fiscal note has almost a \$6M general effect to the biennium if we don't pass it. If we pass, no effect. It's shifting it from the Counties to the State and the Counties have already budgeted for this. If you don't take action because of previous law there is an impact.

YVONNE SMITH: That's correct.

SENATOR TALLACKSON: What do the Counties think?

YVONNE SMITH: They're budgeted for this and in support of the way business has been done.

MICHON SAX: County Director from McKenzie and Wing Social Services to testify in support of SB2115 (meter 1950-1995). I was aware of this bill and it has no impact because we have already budgeted for Foster Care, it's the way we've been doing business.

SENATOR NETHING: Closed the hearing on SB2115.

2/11/99

SENATOR NETHING: Reopened the hearing on SB2115.

SENATOR ST. AUBYN: Explained that SB2115 was incorporated in SB2012, Section 8.

SENATOR NETHING: Called for the motion on SB2115.

SENATOR ST. AUBYN: Moved a Do Not Pass on SB2115.

SENATOR KRAUTER: Seconded the motion.

ROLL CALL: 14 YEAS; 0 NAYS, 0 ABSENT & NOT VOTING.

CARRIER: SENATOR SOLBERG

SENATOR NETHING: Closed the hearing on SB2115.

Date: 2/11/99
Roll Call Vote #: _____

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2115

Senate APPROPRIATIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Sen. St. Aubyn Seconded By Sen. Krauter

Senators	Yes	No	Senators	Yes	No
Senator Nething, Chairman	✓				
Senator Naaden, Vice Chairman	✓				
Senator Solberg	✓				
Senator Lindaas	✓				
Senator Tallackson	✓				
Senator Tomac	✓				
Senator Robinson	✓				
Senator Krauter	✓				
Senator St. Aubyn	✓				
Senator Grindberg	✓				
Senator Holmberg	✓				
Senator Kringstad	✓				
Senator Bowman	✓				
Senator Andrist	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Sen. Solberg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 12, 1999 9:24 a.m.

Module No: SR-29-2675
Carrier: Solberg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2115: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was placed on the Eleventh order on the calendar.

**1999 TESTIMONY
SB 2115**

**TESTIMONY BEFORE THE
SENATE HUMAN SERVICES COMMITTEE
REGARDING SENATE BILL NO. 2115
January 18, 1999**

Chairman Thane and members of the Senate Human Services Committee, my name is Yvonne Smith. I am the deputy director of the North Dakota Department of Human Services.

This bill was introduced at the request of the department to correct an error. The 1997 Welfare Reform bill amended N.D.C.C. § 50-09-21 twice. One amendment was effective before January 1, 1998. The second amendment was to be effective thereafter. Unfortunately, and through inadvertence, the bill also repealed section 50-09-21, effective January 1, 1998. Because of the order in which clauses are printed in bills, it was the repeal that became effective.

Senate Bill No. 2115 would create a new section to chapter 50-09 to produce the same outcome as was intended for the version of section 50-09-21 that was to go into effect on January 1, 1998. County social services and the department have, since January 1, 1998, funded foster care as provided in Senate Bill 2115.

Prepared by:

**Yvonne Smith, Deputy Director
ND Department of Human Services**