

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1037

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE HUMAN SERVICES

HB 1037

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Halista Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037
House Human Services Committee

Conference Committee

Hearing Date January 14, 2003

Tape Number	Side A	Side B	Meter #
1	x		26.6 - 57.9
1		x	0.0 - 34.8
2	x		30.2 - 57.5
2		x	0.0 - 7.4
Committee Clerk Signature <i>Sharon Langston</i>			

Jennifer Clark of Legislative Council appeared neutral and to hand out a copy of an appeal. She also went through what was house keeping changes and additions or changes in the bill.

Delores Friedt, Coordinator of Services to Birth and Adoptive Families for ND Dept. of Human Services appeared for Julie Hoffman, Administrator of Adoption Services in support with written testimony.

The committee asked for an explanation of Section 13 in regard to a relative.

Answer: Depends on how closely related and waived by the court if child lived within home for 9 months. Would need to petition the court, etc., otherwise, need to go through adoption agency.

Further discussion on Identified Adoption Law, Expense of Adoption Service, if there was uniformity, why the Dept. is getting into price fixing for adoption services and the word excessive not being defined anywhere. Concerns if the records were anywhere protected in closed records or are they open to the public.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Halosta Rickford
Operator's Signature

10/2/03
Date

Page 2

House Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date January 14, 2003

Leanne Johnson of Lutheran Social Services of North Dakota and serves as the A.A.S.K.

Adoption Director appeared in support with written testimony.

The committee had questions on accreditation, facilitator agencies, the difference of facilitator or agencies and services provided by each. If a birth parent gets reimbursed for being on the list or if anyone uses a facilitator agency, does this in any way preclude them from utilizing some of the services of the adoption agency, and how long before a new agency becomes credible or in good standing. Foreign Born Adoptions and Special Needs Children.

The committee asked that Krista Andrews come back and possibly Linda Hoffman, when available to get the accurate answers and right information.

No opposition appeared.

Julie Hoffman, Adm. of Adoption Services for the Dept. appeared to explain and answer questions from the committee.

Discussion on term of license from 1 yr to 2 yrs and why, modified licensure and going with 4 yrs. The language is a problem with the Dept. saying what is and what isn't excessive and not saying or telling us what that would be based on in the process. Price fixing, financial records and nothing in the bill that keeps it from being a public record.

Adoption Agencies charge a typical fee for an infant adoption in North Dakota ranges from 8 to \$11,000.00 for all the services. The Dept. does not regulate those fees now.

Committee had concerns with being able to see a list of those services, if they were overcharging and if charging at cost, then why would we need to regulate it? If the dept. is receiving calls now about overcharging, how would this legislation slow down those calls or how would this stop

Page 3
House Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date January 14, 2003

someone from going to another state to adopt? What other states have put this type in language in their adoptive laws? (patterned after MN statute)

Judy Hoffmann believes the intent of this bill is that anyone of these things, if you advertise in a public median, that you knew of a child that was available for adoption and were not licensed in this state, that you would be guilty of this infraction or if you advertised in a public median that you were willing to accept a child for the placement for adoption and were not licensed in this state, you would be violating this section and likewise for the 3rd.

Krista Andrews appeared and offered to look at rewording for clarification and possibly offer an amendment. Possibly breaking down to three separate sections.

Rep. Price had concerns with Section 6 on placement contact, in adding an adoptive home, there is no time limit. Julie stated that contact ends when adoption is final.

LeAnne Johnson from Adoption Option & Linda Jaeger of Catholic Family Services offered themselves available to the committee if needed as Rep. Devlin questioned the costs and fees.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037

House Human Services Committee

Conference Committee

Hearing Date January 27, 2003

Tape Number	Side A	Side B	Meter #
1	x		10.5 - 38.3
Committee Clerk Signature <i>Sharon Rengrow</i>			

Minutes: Committee Work

Rep. Porter has trouble with the facilitate part in what the Dept. is trying to do regarding D (3) in reference to knowing of someone who has a baby to put up for adoption and I tell someone else, then is he guilty of a Class B felony?

Answer: If you advertise. They need to advertise in order to be guilty.

Rep. Porter noted that this is almost unenforceable, it would just stop from advertising in the yellow pages, but would be able to advertise on the Internet, etc. I would rather see them try to accommodate to fit that need in the adoption than try to force them to be out with something that's basically unenforceable.

Concerns of the committee in charging excessive fees and that the committee could probably change D to say if charging a fee. Also doubts of the State going after anyone from the facilitators point. Possible amending of Section 1, adding in the definition, facilitator and what

Page 2
House Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date January 27, 2003

it is; Section 2, If they want to do business in ND, then they should be licensed. Section 9 and excessive fees, lines 9 & 10.

Rep. Porter stated that now there is 4 licensed agencies that provide these services, they are all nonprofit agencies and they all answer to a board of directors. Doesn't feel they need to answer to the Dept. of Human Services at the same time. The Dept. should be able to say "here's the four agencies licensed within the State, here's their phone numbers and call them directly to find out what they are charging". Its not the job of the Dept. to be in the fee business.

Rep. Kreidt stated that the State has no business in regulating fees and motioned to take out all the new language, second by Rep. Porter.

Discussion.

Vote: 11-2-0 (Sandvig & Devlin opposed)

Rep. Porter, Weisz and Niemeier to work on language.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037

House Human Services Committee

Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
2		x	57.5 - 61.5
3	x		0.0 - 4.8
Committee Clerk Signature <i>Sharon Perry</i>			

Minutes: Committee Work

Rep. Porter gave some background on what other states were doing.

Rep. Weisz: Court stating they couldn't limit the fees. Doesn't like Section 9 regarding fees.

Also suggested having them register, so if a complaint we could find them.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yalosta Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1037

House Human Services Committee

Conference Committee

Hearing Date January 29, 2003

Tape Number	Side A	Side B	Meter #
2	x		22.5 - 59.
Committee Clerk Signature <i>Sharon Remyrow</i>			

Minutes: Committee work.

Rep. Weisz handed out 4 sets of amendments

Rep. Porter moved the amendment .0202 which removes all new language, second by Rep. Weisz.

Rep. Porter feels it is not the Dept.'s job justifying or changing fees.

Rep. Niemeier stated she favors .0203 amendment and feels there is a need to have an oversight on fees being they are in licensing.

Rep. Price stated that if a for-profit comes in, they can charge whatever they want.

Rep. Weisz noted that currently, the Dept. can call each business and see what they charge.

Rep. Devlin has a problem with excessive fees and over charging.

Roll call vote on amendment 8 - 5 - 0