

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1233

Introduced by

Representatives Weisz, Bellew, Devlin, Porter

Senator J. Lee

A BILL ~~for an Act to amend and reenact section 11-23-01 of the North Dakota Century Code, relating to the county social service board budget; to provide for department of human services payment for certain social service programs; to provide for the development of a plan for the administration and funding of state and county social services programs; and to provide an expiration date.~~ for an Act to amend and reenact sections 11-23-01, 50-03-08, 50-06-20, 50-09-27, and 50-24.1-14 and subsection 34 of section 57-15-06.7 of the North Dakota Century Code, relating to the county social service board budget, programs funded at state expense, and county tax levy limitations; to repeal sections 50-06.2-05.1 and 50-09-21.1, subsection 26 of section 57-15-06.7, and section 57-15-57 of the North Dakota Century Code, relating to foster care and subsidized adoption costs and a levy for county welfare; to provide for a legislative management study; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

~~1. Every officer in charge of any institution, office, or undertaking supported wholly or in part by the county shall file with the board of county commissioners a departmental budget that is prescribed by the state auditor. The departmental budget must include an itemized statement of the estimated amount of money that will be required for the maintenance, operation, or improvement of the institution, office, or undertaking for the ensuing year. The board of county commissioners may require additional information to clarify the departmental budget.~~

~~2. The departmental budget submitted by the county social service board in 2013 must identify the reduction in county funding derived from transferring foster care and~~

~~subsidized adoption costs and the county's share of medical assistance and other family preservation services pursuant to section 2 of this Act from the county social service board to the department of human services beginning August 1, 2013. The amount reported must equal the full amount budgeted for these costs in the budget submitted by the county social service board and approved by the board of county commissioners in 2012. The budget must include a statement identifying the total savings to the county. Each board of county commissioners shall report to the department the property tax reduction this action provided to property taxpayers in the board's county.~~

~~— SECTION 2. DEPARTMENT OF HUMAN SERVICES TO PAY LOCAL EXPENSES OF~~

~~ADMINISTRATION OF CERTAIN SOCIAL SERVICE PROGRAMS.~~ Notwithstanding sections 50-03-08, 50-06.2-05, 50-09-21.1, and 50-24.1-14, or any other provision in title 50 to the contrary, the department of human services shall pay the county share of, and the local expenses of administration incurred by, a county for the foster care program, including family preservation programs; subsidized adoption; and service payments for the elderly and disabled programs. Notwithstanding any provision in title 50 to the contrary, the department of human services also shall pay the local expenses of administration incurred by a county for all social services delivered by the county at the direction of the department of human services under title 50. The department shall pay the county share and local expenses of administration under this section during the 2013-15 biennium pending the outcome of the plan to be developed pursuant to section 3 of this Act. The department of human services shall develop a process by which the department and a county determine whether to fill a vacant county social service position that has responsibility for any portion of the programs delivered by the county at the direction of the department of human services under title 50. A county social service employee may not receive a salary increase in excess of the increase authorized by the legislative assembly for state employees.

~~— SECTION 3. DEVELOPMENT OF PLAN FOR ADMINISTRATION AND FUNDING OF~~

~~STATE AND COUNTY SOCIAL SERVICES PROGRAMS.~~ During the 2013-14 interim, the department of human services shall develop a plan for restructuring the administration and funding of all state and county social services programs. The plan must provide for the unification of all state and county social services programs into state administered and funded

1 ~~social services programs by July 1, 2015. Before June 1, 2014, the department shall present its~~
2 ~~findings, the proposed plan, and any legislative changes necessary to implement that plan to~~
3 ~~the legislative management.~~

4 ~~—SECTION 4. EXPIRATION DATE. Section 1 of this Act is effective through December 31,~~
5 ~~2013, and after that date is ineffective. Section 2 of this Act is effective through July 31, 2015,~~
6 ~~and after that date is ineffective.~~

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 in
11 part by the county shall file with the board of county commissioners a departmental
12 budget that is prescribed by the state auditor. The departmental budget must include
13 an itemized statement of the estimated amount of money that will be required for the
14 maintenance, operation, or improvement of the institution, office, or undertaking for the
15 ensuing year. The board of county commissioners may require additional information
16 to clarify the departmental budget.

17 2. The departmental budget submitted by the county social service board in 2013 must
18 identify the reduction in county funding derived from transferring foster care, service
19 payments to the elderly and disabled, and subsidized adoption costs pursuant to
20 sections 3, 4, and 7 of this Act and the county's share of medical assistance and other
21 family preservation services pursuant to sections 2 and 5 of this Act from the county
22 social service board to the department of human services beginning August 1, 2013.
23 The amount reported must equal the full amount budgeted for these costs in the
24 budget submitted by the county social service board and approved by the board of
25 county commissioners in 2012. The budget must include a statement identifying the
26 total savings to the county. Each board of county commissioners shall report to the
27 department the property tax reduction this action provided to property taxpayers in the
28 board's county.

29 **SECTION 2. AMENDMENT.** Section 50-03-08 of the North Dakota Century Code is
30 amended and reenacted as follows:

50-03-08. 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~~ the local expenses of administration of locally administered economic assistance programs;

~~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 service board.~~

SECTION 3. AMENDMENT. Section 50-06-20 of the North Dakota Century Code is amended and reenacted as follows:

50-06-20. 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 50-24.1-14, medical assistance program services provided under chapter 50-24.1;

b. ~~Benefits~~ Energy assistance program 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 chapter 50-09 as child care assistance;~~

~~e. Services provided under chapter 50-09 as employment and training-~~
~~programs~~ Those services, programs, and costs listed in section 50-09-27;

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

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

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

2. The state shall bear the cost of amounts expended for service payments to the elderly and disabled.

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

50-09-27. 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. Services provided under ~~section 50-06-06.8 and~~ this chapter as child care assistance;
- b. Services provided under this chapter as employment and training programs; ~~and~~
- c. Temporary assistance for needy families benefits provided under this chapter;
- d. Foster care and subsidized adoption costs under this chapter.

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 5. AMENDMENT. Section 50-24.1-14 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-14. Responsibility for expenditures - Exceptions.

~~1.~~ Except as otherwise specifically provided in ~~subsection 2 and~~ section 50-03-08, 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 50-03-08.~~

SECTION 6. AMENDMENT. Subsection 34 of section 57-15-06.7 of the North Dakota Century Code is amended and reenacted as follows:

34. Counties levying an annual tax for human services purposes as provided in section 50-06.2-05 may levy a tax not exceeding twentyfifteen mills.

SECTION 7. REPEAL. Sections 50-06.2-05.1 and 50-09-21.1 of the North Dakota Century Code are repealed.

SECTION 8. REPEAL. Subsection 26 of section 57-15-06.7 of the North Dakota Century Code is repealed.

SECTION 9. REPEAL. Section 57-15-57 of the North Dakota Century Code is repealed.

SECTION 10. LEGISLATIVE MANAGEMENT STUDY - ADMINISTRATION AND FUNDING OF STATE AND COUNTY SOCIAL SERVICES PROGRAMS. During the 2013-14 interim, the legislative management shall consider studying the restructuring of the administration and funding of all state and county social services programs. The study must address the feasibility and desirability of unifying all state and county social services programs into state-administered and state-funded social services programs. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement those recommendations, to the sixty-fourth legislative assembly.

SECTION 11. EFFECTIVE DATE. Sections 6, 8, and 9 of this Act are effective for taxable years beginning after December 31, 2013.

SECTION 12. EXPIRATION DATE. Section 1 of this Act is effective through December 31, 2013, and after that date is ineffective.