

(Return in triplicate)

FISCAL NOTE

Bill/Resolution No.: House Bill No. 1652 Amendment to: \_\_\_\_\_

Requested by: Legislative Council Date of Receipt: 2/27/85

Please estimate the fiscal impact of the above measure for:

State general or special funds       Counties       Cities

In the following space note the fiscal effect in dollars of this measure:

Narrative:

No fiscal impact expected in 1985-87 biennium. See attached.

We request bill be referred to Public Instruction for assessment.

State Fiscal Effect:

<u>1985-86</u>		<u>1986-87</u>		<u>Biennium Total</u>	
<u>Special Funds</u>	<u>General Fund</u>	<u>Special Funds</u>	<u>General Fund</u>	<u>Special Funds</u>	<u>General Fund</u>
				-0-	-0-

County and City Fiscal Effect:

<u>1985-86</u>		<u>1986-87</u>		<u>Biennium Total</u>	
<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>

If additional space is needed, attach a supplemental sheet.

Signed Mike Schwindt

Typed Name Mike Schwindt

Date prepared: 3/1/85

Department Human Services

## NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

## INTEROFFICE MEMORANDUM

Date 3/1/85 Case Name \_\_\_\_\_  
Case Number 85-DH-028  
Subject Request for Fiscal Note on HB 1652

TO: Mike Schwindt, Director, Management Services  
FROM: *DH* Darwin Hirsch, Director, Developmental Disabilities Division

I have discussed the contents of House Bill 1652 and the fiscal impact that could be projected in relation to the terms measurably enhanced, and in-so-far as the treatment, services, and habilitation enhances or furthers their exercise of basic liberty with my staff.

Due to requirements imposed upon the state by several court orders in the ARC lawsuit, there appears to be no fiscal impact at the present time. There may be a fiscal impact in the future, a time when the executive branch of government is no longer bound by orders of the federal district court.

At the present time, specific services are designated through the Federal District Court Order. Those services not specifically contained in the Federal District Court Order have been designed by the Division to account for persons where professional judgment has determined service in the present service setting would no longer measurably enhance the developmentally disabled person's exercise of basic liberty. Consequently, the request for services such as congregate care, adult day care, extended employment, technical employment, etc., which are projected at a daily cost less than services that would measurably enhance the persons enjoyment of basic liberty interests.

We cannot project any fiscal impact of section 25-01.2-17, Enforcement of Rights, as there has been no instance that we know of where the department has paid reasonable attorney's fees to a successful plaintiff in an administrative proceeding. The attorneys in the ARC lawsuit were paid under federal determinations based upon federal court proceedings and not state law.

DH:kb