

**HOUSE BILL NO. 1233**

Introduced by

Representatives Weisz, Bellew, Devlin, Porter

Senator J. Lee

1 A BILL for an Act to amend and reenact ~~sections~~section 11-23-01, ~~50-03-08, 50-06-20,~~  
2 ~~50-09-27, and 50-24.1-14~~ of the North Dakota Century Code, relating to ~~programs funded at~~  
3 ~~state expense; to repeal section 50-09-21.1 of the North Dakota Century Code, relating to foster~~  
4 ~~care and subsidized adoption costs~~the county social service board budget; to provide for a  
5 ~~study of~~department of human services payment for certain social service programs; to provide  
6 for the development of a plan for the administration and funding of state and county social  
7 services programs; and to provide an expiration date.

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

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

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

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

19 2. The departmental budget submitted by the county social service board in 2013 must  
20 identify the reduction in county funding derived from transferring foster care and  
21 subsidized adoption costs pursuant to sections 3, 4, and 6 of this Act and the county's  
22 share of medical assistance and other family preservation services pursuant to  
23 sections 2 and 5section 2 of this Act from the county social service board to the  
24 department of human services beginning August 1, 2013. The amount reported must

1           equal the full amount budgeted for these costs in the budget submitted by the county  
2           social service board and approved by the board of county commissioners in 2012. The  
3           budget must include a statement identifying the total savings to the county. Each  
4           board of county commissioners shall report to the department the property tax  
5           reduction this action provided to property taxpayers in the board's county.

6     ~~— **SECTION 2. AMENDMENT.** Section 50-03-08 of the North Dakota Century Code is~~  
7     ~~amended and reenacted as follows:~~

8     ~~— **50-03-08. Appropriation for county social service board administration and programs.**~~

9     ~~— The board of county commissioners of each county annually shall appropriate and make~~  
10    ~~available to the human services fund an amount sufficient to pay:~~

11    ~~— 1. The the local expenses of administration of locally administered economic assistance~~  
12    ~~programs;~~

13    ~~— 2. That county's share of fifteen percent of the amount expended in this state, in excess~~  
14    ~~of the amount provided by the federal government, for medical assistance in the form~~  
15    ~~of payments for care furnished to recipients of therapeutic foster care services; and~~

16    ~~— 3. That county's share of the cost of other family preservation services, including~~  
17    ~~intensive in-home services, provided under title VI-B, subpart 2, of the Social Security~~  
18    ~~Act [Pub. L. 103-66, title XIII, 13711(a)(2); 107 Stat. 649 et seq.; 42 U.S.C. 629 et~~  
19    ~~seq.], as amended, as may be agreed to by the department and the county social~~  
20    ~~service board.~~

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

23    ~~— **50-06-20. Programs funded at state expense – Interpretation.**~~

24    ~~— 1. The state shall bear the cost, in excess of the amount provided by the federal~~  
25    ~~government, of:~~

26    ~~— a. Except as provided in section 50-24.1-14, medical assistance program services~~  
27    ~~provided under chapter 50-24.1;~~

28    ~~— b. BenefitsEnergy assistance program benefits provided under subsection 19 of~~  
29    ~~section 50-06-05.1;~~

30    ~~— c. Supplements provided under chapter 50-24.5 as basic care services;~~

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

- 1 ~~\_\_\_\_\_ e. Services provided under chapter 50-09 as employment and training-~~  
2 ~~\_\_\_\_\_ programs. Those services, programs, and costs listed in section 50-09-27;~~  
3 ~~\_\_\_\_\_ f. e. Welfare fraud detection programs;~~  
4 ~~\_\_\_\_\_ g. f. Temporary assistance for needy families; and~~  
5 ~~\_\_\_\_\_ h. g. Special projects approved by the department and agreed to by any affected~~  
6 ~~\_\_\_\_\_ county social service board.~~

7 ~~\_\_\_\_\_ 2. This section does not grant any recipient of services, benefits, or supplements~~  
8 ~~\_\_\_\_\_ identified in subsection 1, any service, benefit, or supplement that a recipient could not~~  
9 ~~\_\_\_\_\_ claim in the absence of this section.~~

10 ~~\_\_\_\_\_ **SECTION 4. AMENDMENT.** Section 50-09-27 of the North Dakota Century Code is~~  
11 ~~\_\_\_\_\_ amended and reenacted as follows:~~

12 ~~\_\_\_\_\_ **50-09-27. Programs funded at state expense – Interpretation.**~~

13 ~~\_\_\_\_\_ 1. The state shall bear the cost, in excess of the amount provided by the federal~~  
14 ~~\_\_\_\_\_ government, of:~~

15 ~~\_\_\_\_\_ a. Services provided under section 50-06-06.8 and this chapter as child care~~  
16 ~~\_\_\_\_\_ assistance;~~

17 ~~\_\_\_\_\_ b. Services provided under this chapter as employment and training programs; and~~

18 ~~\_\_\_\_\_ c. Temporary assistance for needy families benefits provided under this chapter;~~  
19 ~~\_\_\_\_\_ and~~

20 ~~\_\_\_\_\_ d. Foster care and subsidized adoption costs under this chapter.~~

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 not~~  
23 ~~\_\_\_\_\_ claim in the absence of this section.~~

24 ~~\_\_\_\_\_ **SECTION 5. AMENDMENT.** Section 50-24.1-14 of the North Dakota Century Code is~~  
25 ~~\_\_\_\_\_ amended and reenacted as follows:~~

26 ~~\_\_\_\_\_ **50-24.1-14. Responsibility for expenditures – Exceptions.**~~

27 ~~\_\_\_\_\_ 1. Except as otherwise specifically provided in subsection 2 and section 50-03-08,~~  
28 ~~\_\_\_\_\_ expenditures required under this chapter are the responsibility of the federal government or the~~  
29 ~~\_\_\_\_\_ state of North Dakota.~~

30 ~~\_\_\_\_\_ 2. Each county shall reimburse the department of human services the amount required to~~  
31 ~~\_\_\_\_\_ be appropriated under subsection 3 of section 50-03-08.~~

1 ~~SECTION 6. REPEAL. Section 50-09-21.1 of the North Dakota Century Code is repealed.~~

2 **SECTION 2. DEPARTMENT OF HUMAN SERVICES TO PAY LOCAL EXPENSES OF**  
3 **ADMINISTRATION OF CERTAIN SOCIAL SERVICE PROGRAMS.** Notwithstanding sections  
4 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  
5 contrary, the department of human services shall pay the county share of, and the local  
6 expenses of administration incurred by, a county for the foster care program, including family  
7 preservation programs; subsidized adoption; and service payments for the elderly and disabled  
8 programs. Notwithstanding any provision in title 50 to the contrary, the department of human  
9 services also shall pay the local expenses of administration incurred by a county for all social  
10 services delivered by the county at the direction of the department of human services under title  
11 50. The department shall pay the county share and local expenses of administration under this  
12 section during the 2013-15 biennium pending the outcome of the plan to be developed pursuant  
13 to section 3 of this Act. The department of human services shall develop a process by which the  
14 department and a county determine whether to fill a vacant county social service position that  
15 has responsibility for any portion of the programs delivered by the county at the direction of the  
16 department of human services under title 50. A county social service employee may not receive  
17 a salary increase in excess of the increase authorized by the legislative assembly for state  
18 employees.

19 **SECTION 3. ~~STUDY~~-DEVELOPMENT OF PLAN FOR ADMINISTRATION AND FUNDING**  
20 **OF STATE AND COUNTY SOCIAL SERVICES PROGRAMS.** During the 2013-14 interim, the  
21 department of human services shall ~~study and~~ develop a plan for restructuring the  
22 administration and funding of all state and county social services programs. The plan must  
23 provide for the unification of all state and county social services programs into state  
24 administered and funded social services programs by July 1, 2015. Before June 1, 2014, the  
25 department shall present its findings, the proposed plan, and any legislative changes necessary  
26 to implement that plan to the legislative management.

27 **SECTION 4. EXPIRATION DATE.** Section 1 of this Act is effective through December 31,  
28 2013, and after that date is ineffective. Section 2 of this Act is effective through July 31, 2015,  
29 and after that date is ineffective.