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Sixty-third
Legislative Assembly
of North Dakota

**SECOND ENGROSSMENT
with Senate Amendments
REENGROSSED 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 11-23-01, 50-03-08, 50-06-20, 50-09-27, and
2 50-24.1-14 and subsection 34 of section 57-15-06.7 of the North Dakota Century Code, relating
3 to the county social service board budget, programs funded at state expense, and county tax
4 levy limitations; to repeal sections 50-06.2-05.1 and 50-09-21.1, subsection 26 of section
5 57-15-06.7, and section 57-15-57 of the North Dakota Century Code, relating to foster care and
6 subsidized adoption costs and a levy for county welfare; to provide for the development of a
7 plan for the administration and funding of state and county social services programs; to provide
8 an appropriation; to provide an effective date; and to provide an expiration date.

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

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

12 **11-23-01. Officers required to furnish commissioners with departmental budget.**

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

20 2. The departmental budget submitted by the county social service board in 2013 must
21 identify the reduction in county funding derived from transferring foster care, service
22 payments to the elderly and disabled, and subsidized adoption costs pursuant to
23 sections 3, 4, and 7 of this Act and the county's share of medical assistance and other
24 family preservation services pursuant to sections 2 and 5 of this Act from the county

1 social service board to the department of human services beginning August 1, 2013.
2 The amount reported must equal the full amount budgeted for these costs in the
3 budget submitted by the county social service board and approved by the board of
4 county commissioners in 2012. The budget must include a statement identifying the
5 total savings to the county. Each board of county commissioners shall report to the
6 department the property tax reduction this action provided to property taxpayers in the
7 board's county.

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

10 **50-03-08. Appropriation for county social service board administration and programs.**

11 The board of county commissioners of each county annually shall appropriate and make
12 available to the human services fund an amount sufficient to pay:

13 1. ~~The~~ the local expenses of administration of locally administered economic assistance
14 programs;

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

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

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

25 **50-06-20. Programs funded at state expense - Interpretation.**

26 1. The state shall bear the cost, in excess of the amount provided by the federal
27 government, of:

28 a. Except as provided in section 50-24.1-14, medical assistance program services
29 provided under chapter 50-24.1;

30 b. ~~Benefits~~Energy assistance program benefits provided under subsection 19 of
31 section 50-06-05.1;

- 1 c. Supplements provided under chapter 50-24.5 as basic care services;
 - 2 d. ~~Services provided under chapter 50-09 as child care assistance;~~
 - 3 e. ~~Services provided under chapter 50-09 as employment and training-~~
 - 4 ~~programs~~ Those services, programs, and costs listed in section 50-09-27;
 - 5 f.e. Welfare fraud detection programs;
 - 6 g.f. Temporary assistance for needy families; and
 - 7 h.g. Special projects approved by the department and agreed to by any affected
 - 8 county social service board.
- 9 2. The state shall bear the cost of amounts expended for service payments to the elderly
 - 10 and disabled.
 - 11 3. This section does not grant any recipient of services, benefits, or supplements
 - 12 identified in subsection 1, any service, benefit, or supplement that a recipient could not
 - 13 claim in the absence of this section.

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

16 **50-09-27. Programs funded at state expense - Interpretation.**

- 17 1. The state shall bear the cost, in excess of the amount provided by the federal
- 18 government, of:
 - 19 a. ~~Services provided under section 50-06-06.8 and this chapter as child care~~
 - 20 ~~assistance;~~
 - 21 b. ~~Services provided under this chapter as employment and training programs; and~~
 - 22 c. ~~Temporary assistance for needy families benefits provided under this chapter;~~
 - 23 d. Foster care and subsidized adoption costs under this chapter.
- 24 2. This section does not grant any recipient of services, benefits, or supplements
- 25 identified in subsection 1, any service, benefit, or supplement that a recipient could not
- 26 claim in the absence of this section.

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

1 **50-24.1-14. Responsibility for expenditures - Exceptions.**

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

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

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

9 34. Counties levying an annual tax for human services purposes as provided in section
10 50-06.2-05 may levy a tax not exceeding twentyfifteen mills.

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

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

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

16 **SECTION 10. DEVELOPMENT OF PLAN FOR ADMINISTRATION AND FUNDING OF**
17 **STATE AND COUNTY SOCIAL SERVICES PROGRAMS.** During the 2013-14 interim, the
18 department of human services and county representatives shall develop a plan for the phased
19 restructuring of the administration and funding of all state and county social services programs.
20 The plan must provide for the phased unification of all state and county social services
21 programs into state-administered and state-funded social services programs. The plan must
22 provide for the continuation of local access to social services and local input into the service
23 delivery system. Before September 1, 2014, the department shall present its findings, the
24 proposed plan, and any legislative changes necessary to implement that plan, to the legislative
25 management.

26 **SECTION 11. APPROPRIATION.** There is appropriated out of any moneys in the general
27 fund in the state treasury, not otherwise appropriated, the sum of \$21,180,735, or so much of
28 the sum as may be necessary, to the department of human services for the purpose of providing
29 additional state financial support for county social services programs and defraying the
30 expenses associated with developing a plan pursuant to section 10 of this Act, for the biennium
31 beginning July 1, 2013, and ending June 30, 2015.

1 **SECTION 12. EFFECTIVE DATE.** Sections 6, 8, and 9 of this Act are effective for taxable
2 years beginning after December 31, 2013.

3 **SECTION 13. EXPIRATION DATE.** Section 1 of this Act is effective through December 31,
4 2013, and after that date is ineffective.