

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2089

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new subsection to section 50-06-32 of the North Dakota  
2 Century Code, relating to the autism spectrum disorder task force; to amend and reenact  
3 subsection 17 of section 50-06-05.1 and section 50-06-32.1 of the North Dakota Century Code,  
4 relating to financing of welfare programs and housing stabilization supports and rental  
5 assistance and the autism spectrum disorder voucher program; to repeal sections 1-02-35 and  
6 50-06-14 of the North Dakota Century Code, relating to obsolete effective date language and  
7 financing of welfare programs; to provide a statement of legislative intent; to provide for a  
8 legislative management study; and to declare an emergency.

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

10 **SECTION 1. AMENDMENT.** Subsection 17 of section 50-06-05.1 of the North Dakota  
11 Century Code is amended and reenacted as follows:

12 17. To administer, allocate, and distribute any funds made available for the making of  
13 direct cash assistance payments, housing ~~assistance payments~~ stabilization supports,  
14 and rental ~~subsidies under any rental assistance programs initiated by the federal-~~  
15 ~~government not otherwise by law made the responsibility of another state agency-~~  
16 ~~possessing statewide jurisdiction~~ and to promote cooperation and working agreements  
17 with public agencies and including the housing finance agency and department of  
18 commerce, and private human services agencies.

19 **SECTION 2.** A new subsection to section 50-06-32 of the North Dakota Century Code is  
20 created and enacted as follows:

21 The department shall contract with a private, nonprofit entity that does not provide  
22 autism spectrum disorder services to facilitate and provide support services to the  
23 autism spectrum disorder task force.

1       **SECTION 3. AMENDMENT.** Section 50-06-32.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-06-32.1. Autism spectrum disorder voucher program ~~pilot project~~ - ~~Legislative-~~**  
4 **~~management report~~ Report to autism spectrum disorder task force - Appeal.**

- 5       1. The department of human services shall establish a voucher program ~~pilot project~~  
6 ~~beginning July 1, 2014~~, to assist individuals and the family of such individuals in  
7 funding equipment, services, care and ~~general educational needs related to social~~  
8 activities or other needs to compensate for a deficit created by an autism spectrum  
9 disorder for individuals below two hundred percent of the federal poverty level from  
10 age three to under age ~~eighteen~~twenty-five who have been diagnosed with autism  
11 spectrum disorder. The program must include funding for in-home supports not to  
12 exceed forty hours per month, community activities, and transportation of the  
13 individual diagnosed with autism spectrum disorder to and from voucher-funded  
14 activities or services. The program may include funding for assistive technology; video  
15 modeling videos or equipment; language-generating devices; training and educational  
16 material for parents; parenting education; sensory equipment; tutors; safety  
17 equipment; travel tools; self-care equipment; timers; visual representation systems;  
18 respite care; specialized day care; language comprehension equipment; and  
19 registration and related expenses for workshops and training to improve independent  
20 living skills, employment opportunities, and other executive or social skills.
- 21       2. The department shall adopt rules addressing management of this voucher program  
22 ~~pilot project~~ and establishing the eligibility requirements and exclusions for this  
23 voucher program ~~pilot project~~. The program may not provide a voucher for early  
24 intensive behavioral intervention, including applied behavioral analysis, intensive early  
25 interventional behavioral therapy, intensive behavioral intervention, the Lovaas  
26 method, the Denver model, LEAP (learning experiences - an alternative program for  
27 preschoolers and parents), TEACCH (treatment and education of autistic and related  
28 communication handicapped children), pivotal response training, or discrete trial  
29 training.
- 30       3. The department shall allocate funding for family care navigator services that will assist  
31 the autism spectrum disorder voucher-approved individual and family in navigating

systems related to obtaining and coordinating services, equipment, care, and other eligible needs.

4. The department shall conduct ongoing outreach efforts to increase awareness of the voucher program funding available to eligible individuals with autism spectrum disorder and the families of these individuals. Quarterly, the department shall report to the autism spectrum disorder task force.

5. A decision on a voucher application which is issued by the department under this section may be appealed as provided under chapter 28-32.

~~4. The department of human services shall report to the legislative management regarding the autism spectrum disorder program pilot project.~~

**SECTION 4. REPEAL.** Sections 1-02-35 and 50-06-14 of the North Dakota Century Code are repealed.

**SECTION 5. LEGISLATIVE INTENT - AUTISM SPECTRUM DISORDER VOUCHER**

**PROGRAM.** The department of human services shall ~~adopt~~draft proposed rules to seek additional flexibility for the administration of the autism spectrum disorder voucher program to ensure families can be served within available appropriations. ~~The administrative code changes should consider changes that include reducing the amount of approved voucher funds available to each household and the amount of time during which a household may use approved voucher funds.~~Before being adopted by the department of human services, the draft rules first must be approved by the autism spectrum disorder task force. The department of human services shall request the legislative assembly to fund the autism spectrum disorder voucher program with one million three hundred and eighty-five thousand dollars.

**SECTION 6. LEGISLATIVE MANAGEMENT STUDY - AUTISM SPECTRUM DISORDER**

**WAIVER AND VOUCHER PROGRAMS ~~AND TASK FORCE.~~** During the 2021-22 interim, the legislative management shall consider studying the autism spectrum disorder waiver and voucher programs and other programs designed to provide services to children who are impacted by autism spectrum disorder ~~and the elimination of the autism spectrum disorder task force.~~ The study may include consideration of the structure of the programs and whether there are any gaps and unmet needs. The legislative management shall report its finding and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

1        **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.