

**2013 HOUSE HUMAN SERVICES**

**HB 1176**

# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Human Services Committee Fort Union Room, State Capitol

HB 1176  
January 21, 2013  
Job # 17449

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:]

Relating to eligibility for supplemental nutrition assistance and to temporary assistance for needy families programs.

### Minutes:

Testimony #1, 2

**Chairman Weisz:** Opened the hearing on HB 1176.

**Rep. Kathy Hogan:** Introduced and testified in support of the bill. (See Testimony #1)

0:00:33 - 0:03:16

The same situation could be charged as a felony in one court and with a deferred sentence in another court and there are significant differences in sentencing because this becomes a lifetime ban and that is one of my concerns. Some courts and judges are significantly more aggressive than others. Because of the severity of the band the consequence of the band on SNAP and TANF is almost more debilitating than some of the sentences. I am concerned about the mythology in which the information is obtained. Currently applicants are asked to ask if they have a felony band when they apply. If they lie they can get benefits. If they tell the truth there is a lifetime band. If the system catches them then they will have a lifetime violation but because we have a significant number of people who come from other states and there is no cross reference information, the people who are really having the lifetime band are the people who are being honest. The intent of this bill is to modify the lifetime ban to recognize that a convicted drug felon has gone at least five years without an additional felony conviction. The individual if they go five years without an additional felony conviction could become eligible for SNAP and TANF if he or she meets all the program eligibility requirements. I worked with the Human Services to be sure that the language complies with the federal law. They have proposed amendments that are attached here that we really need to consider to be sure we are in compliance with the federal law. I think rehabilitation works. I urge your support.

5:59 **Chairman Weisz:** Do we know how many have been rejected?

**Rep. Hogan:** I did not ask that question, but think the people from the department can answer that.

**Rep. Mooney:** You are proposing a modified version of the ban?

**Rep. Hogan:** Yes.

**Rep. Fehr:** Is the ban a punishment? Is it intended to help with rehabilitation? Somehow if they get food stamps or SNAP benefits that somehow they are a higher risk of relapse. Can you clarify that?

**Rep. Hogan:** When the ban was established that was a relationship between benefits and drugs. This was a punishment for conviction on drug felonies and I think it intended that it be a deterrent to drug use. I don't think that works and that is why the ban has been lifted in many states.

**Chairman Weisz:** The discussion never came up. The feds put it on, but we never had a discussion if we should modify or no ban or keeping that. That was one issue that did not come up in 1997 when we passed it on whether that was all part of the welfare reform. It was one thing if we were required but if they already did it then we didn't look at it.

**Rep. Porter:** I noticed in the language you only talk at the felony level. If a felony is plea bargained and reduced to misdemeanor then they would still be eligible for this program even going forward if we put that exemption in place.

**Rep. Hogan:** If they don't have the conviction on their records they are also and a plea agreement they could still be eligible.

**Rep. Porter:** If they are convicted of a felony even under the federal based law then they would still be eligible.

**Rep. Hogan:** Yes.

**Rep. Porter:** If we are allowing convicted felons back into the system. Should we also be requiring random drug testing to continue on program?

**Rep. Hogan:** Drug testing is very cumbersome and costs quite a bit to do.

**Rep. Oversen:** The proposed amendments would address the plea situation?

**Rep. Hogan:** Yes

**Rep. Oversen:** Are you asking us to include these amendments to move the bill?

**Rep. Hogan:** Yes we need the amendments to be sure we are in compliance with the federal law.

**Rep. Mooney:** What other types of felonies are there?

**Rep. Hogan:** Only disqualifying is drugs. So you could be a murderer or sex offender and it would not matter.

**Michelle Driscoll:** Testified in support of the bill. (See Testimony #2) 0:12:31  
If my sheriff of my town is willing to give me a second chance why aren't my state and my county? 0:18:43

**Rep. Mooney:** I think I remember seeing the press conference on that of the Sheriff presenting some of that to your son. Congratulations to you son. Regarding the ban. So you are holding down two full time jobs?

**Michelle Driscoll:** Two part-time jobs.

**Rep. Mooney:** As a parent who has had to deal with this for a considerable period of time now do you feel it has been more detrimental to you or to your son?

**Michelle Driscoll:** To my son.

**Rep. Fehr:** Is there any way this ban is helpful to society. Would notifying the ban be enabling? What is the benefit of the ban? Given your position of having been in the system.

**Michelle Driscoll:** I think there is a benefit to the ban for certain amount of years. I think when you do something or make bad choices we are all going to pay for it one way or another. I don't think the punishment fits the crime. Not a lifetime ban as I feel that is pretty strong. If you need the help it feels you're not supported anywhere with your community.

**Rep. Fehr:** So if there is a benefit for the ban how long and what should a person do to demonstrate in order to left the ban?

**Michelle Driscoll:** I can't speak for people who are actual users because I wasn't one. I feel the five year mark is a good mark and I feel that a five year mark on relatives or family that you know if their rehabilitation is going to work or if they are going to continue to keep going back or someday go six feet under.

**Vice-Chair Hofstad:** Would you be offended for drug testing if you are required to do so for eligibility?

**Michelle Driscoll:** No it protects me. If you already have a job that drug tests you why be drug tested twice. I encourage drug testing, but if the cost is too high.

**Steve Reiser: Social Service Director for Dakota Central:** Testified in support of the bill. I think it is important that people get a second chance.

**Chairman Weisz:** How many rejections do we get in a given year?

**Steve Reiser:** I know a handful in our county. Up to five in our district currently serving their lifetime ban because of drug felonies.

**Rep. Fehr:** Do you see a benefit to the ban and how long?

**Steve Reiser:** I support a limited ban. Don't think having no ban is not a good message to send. I think time is the best method to get off.

**Rep. Mooney:** Would DUI people have to take a drug test too so their status would be monitored as well? I am trying to understand the difference between one type of substance abuse and another substance abuse.

**Steve Reiser:** I don't believe alcohol felony affects your eligibility. So the only one the disqualified you right now is a drug felony.

**Rep. Porter:** What should we do with repeated offenders? Should there be a lifetime ban for the second offense or just repeating within that five year window?

**Steve Reiser:** I'm not an expert in addiction. I believe relapse is on-going; but I don't believe you should have a lifetime ban after a second or third strike. I think it should remain constant throughout.

**Rep. Porter:** Inside of the provision to receive the benefits, should the individual have to be subjected to drug testing?

**Steve Reiser:** It would be a huge expense and don't know if that would justify doing that. We'd have to find someone to do that and it would be difficult for us.

Opposition: None

Hearing closed.

# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Human Services Committee Fort Union Room, State Capitol

HB 1176  
February 6, 2013  
Job #18423

☐ Conference Committee

Committee Clerk Signature

*Licky Crabtree*

### Explanation or reason for introduction of bill/resolution:

Relating to eligibility for supplemental nutrition assistance and temporary assistance for needy families.

### Minutes:

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Chairman Weisz: The cost is strictly to add that many more.

Rep. Porter: Our only fiscal effect is \$11,000 of administrative expense inside of SNAP. I motion an amendment. On page 3, overstrike the word "five" and insert "ten" and on line 19, overstrike the word "five" and insert "ten" and the same on page 6, line 1.

Rep. Hofstad: Second.

Chairman Weisz: Rep. Porter, explain yourself.

Rep. Porter: Mr. Chairman you were part of the re-write back in 1997. It is a mixed bag when you look at the sheet between the life time ban and the modified one and no ban at all. I think we should inch our way into this and see what it is going to do. I would feel comfortable with it being 10 years.

Rep. Mooney: I respectfully disagree with Rep. Porter's amendment. Ten years is too much.

Rep. Oversen: I oppose the amendment.

Chairman Weisz: (Speaking to Carol Cartledge) You gave us a fiscal note showing that in five years you estimated 158 would come off the program. What would it be at 10 years? How many would come off from that 158?

Carol Cartledge: From the DHS. We would have to look and see if someone dropped off. Right now that is the existing number that we have.

Chairman Weisz: Qualify average per month.

Cartledge: That is the average number of individuals being disqualified because of a drug felony.

Chairman Weisz: You weren't going back in how long it had been, but merely that they have a conviction.

Cartledge: Correct.

Rep. Muscha: Do you know the average age that would be affected?

Cartledge: Depend on the age of the adult. The children's age could be from one to nineteen to be on assistance. Don't know the ages of the individuals at this point and time.

Rep. Oversen: There is a difference between TANF and SNAP if the parents aren't receiving assistance, but the child is?

Cartledge: Under TANF an individual has a need there can be a protective payee. It is not the same for SNAP. They can have a representative payee who will assist with buying the groceries.

Chairman Weisz: Did you offer any amendments on this bill?

Cartledge: They came from Rep. Kathy Hogan.

Chairman Weisz: We had two of them. One removed the plea of guilt or felony and one for SNAP and TANF. Were these yours?

Cartledge: We worked with Kathy Hogan on these and they both came from her.

Chairman Weisz: You are ok with the amendments?

Cartledge: Yes.

Rep. Laning: A 158 individuals you have, not a 158 per month?

Cartledge: It is 158 per month.

Rep. Silbernagel: I think moving it to 10 years is a step in right direction and support the amendment.

Rep. Laning: I think if someone had a drug problem and stayed clean for 5 years we should give him a break because his kids are going to need it.

VOICE CALL VOTE: 6 y 6 n 0 absent

MOTION FAILED

Rep. Hofstad: Would the committee be more receptive to 5 years with a drug test?

Chairman Weisz: We can ban them for life, but can't let them on if they take a drug test.

Rep. Hofstad: I move the 5 years to 7 years.

Rep. Porter: Second.

Rep. Kiefert: If we do this won't many people from Minnesota come here?

Chairman Weisz: I don't think that will happen when you look at what Minnesota offers them compared to ND.

ROLL CALL VOTE: 11 y 1 n 0 absent.

MOTION CARRIED

Chairman Weisz: We have two other amendments here.

Rep. Porter: I move the amendments with the exception of overstriking the "five" to "seven" and move the other set of amendments.

Rep. Looyesen: Second.

VOICE VOTE: MOTION CARRIED

Rep. Oversen: I move a Do Pass as amended and re-referred to Appropriations on HB 1176.

Rep. Mooney: Second

ROLL CALL VOTE: 12 y 0 n 1 absent

MOTION CARRIED



**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/14/2013**

Bill/Resolution No.: HB 1176

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$489,168		\$504,336
Expenditures			\$11,136	\$489,168	\$11,136	\$504,336
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1176 will allow individuals convicted of a drug felony to be eligible to participate in the supplemental nutrition assistance program (SNAP) and the temporary assistance for needy families program (TANF) if at least 5 years has elapsed since their most recent conviction.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the SNAP and TANF programs permanently disqualify an individual from participating in either program if the individual has been convicted of a drug felony. HB1176 will allow for participation if at least 5 years has elapsed since the most recent conviction. Potentially the SNAP and TANF programs could see an increase in the number of eligible individuals as a result of this bill.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The increase in other fund revenue is a result of the additional federal SNAP funding the state will be able to access.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is estimated that an additional 158 individuals could meet the requirements of eligibility for the SNAP program with an estimated monthly benefit of \$129 per person for a 2013-15 biennium total of \$489,168 of which all are federal funds. The estimated amount for the 2015-17 biennium is \$504,336 of which all are federal funds, assuming a 3% inflationary increase in the per person rate. It is estimated that 2 additional individuals could meet the requirements of eligibility for the TANF program with an estimated monthly benefit of \$232 per person for a 2013-15 biennium total of \$11,136 of which all is general fund. The estimated amount for the 2015-17 biennium is \$11,136, of which all is general fund; no inflationary increase is expected for this program. The TANF increase is all general fund due to

TANF federal funds being a capped source of federal funds and the department is currently not projecting to have excess TANF funds available for either the 2013-15 or the 2015-17 bienniums. The additional individuals expected to be eligible for the programs were left at constant levels because it is anticipated that individuals will move off the programs and others will enter the programs so the average numbers of additional individuals on the programs will remain constant at the numbers reflected above.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Department will need an appropriation increase of \$500,304 of which \$11,136 is general fund and \$489,168 is federal fund for the 2013-15 biennium. The Department will need an appropriation increase of \$515,472 of which \$11,136 is general fund and \$504,336 is federal fund for the 2015-17 biennium.

**Name:** Paul R. Kramer

**Agency:** Department of Human Services

**Telephone:** (701) 328-4608

**Date Prepared:** 01/18/2013

February 6, 2013

VR  
2/7/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1176

Page 3, line 19, replace "five" with "seven"

Page 3, line 19, remove "plea of"

Page 3, line 20, replace "guilt or" with "felony"

Page 3, line 20, after "conviction" insert "that has as an element the possession, use, or distribution of a controlled substance"

Page 3, line 21, remove "plead guilty to or"

Page 3, line 23, replace "201" with "102"

Page 6, line 1, replace "five" with "seven"

Page 6, line 1, replace "plea of guilt or" with "felony"

Page 6, line 2, after "conviction" insert "that has as an element the possession, use, or distribution of a controlled substance"

Page 6, line 2, remove "plead guilty to or"

Page 6, line 3, remove "for an act"

Page 6, line 4, replace "201" with "102"

Renumber accordingly

Date: 2-6-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1176

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. PORTER Seconded By Rep. HOFSTAD

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ		<input checked="" type="checkbox"/>	REP. MOONEY		<input checked="" type="checkbox"/>
VICE-CHAIRMAN HOFSTAD	<input checked="" type="checkbox"/>		REP. MUSCHA		<input checked="" type="checkbox"/>
REP. ANDERSON		<input checked="" type="checkbox"/>	REP. OVERSEN		<input checked="" type="checkbox"/>
REP. DAMSCHEN	<input checked="" type="checkbox"/>				
REP. FEHR	<input checked="" type="checkbox"/>				
REP. KIEFERT	<input checked="" type="checkbox"/>				
REP. LANING		<input checked="" type="checkbox"/>			
REP. LOOYSEN	<input checked="" type="checkbox"/>				
REP. PORTER	<input checked="" type="checkbox"/>				
REP. SILBERNAGEL	<input checked="" type="checkbox"/>				

Total (Yes) 6 No 6

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*motion failed*

*overstrike "5" insert "10"  
same on page 6 line 1*

Date: 2-6-13  
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1176

House Human Services

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. HOFSTAD Seconded By Rep. PORTER

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. MOONEY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
VICE-CHAIRMAN HOFSTAD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. MUSCHA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. ANDERSON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. OVERSEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. DAMSCHEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. FEHR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. KIEFERT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. LANING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. LOOYSEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. PORTER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. SILBERNAGEL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Total (Yes) 11 No 1

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

move 5 to 7 years

Date: 2-6-13  
Roll Call Vote #: 3

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1176

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. PORTER Seconded By Rep. Looyesen

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ			REP. MOONEY		
VICE-CHAIRMAN HOFSTAD			REP. MUSCHA		
REP. ANDERSON			REP. OVERSEN		
REP. DAMSCHEN					
REP. FEHR					
REP. KIEFERT					
REP. LANING					
REP. LOOYSEN					
REP. PORTER					
REP. SILBERNAGEL					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*move amendment*  
*accept 5 to 7*  
*Rep. Kathy Hogan's*  
*amendments*  
*Voice*  
*Vote*

Date: 2-6-13  
Roll Call Vote #: 4

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1176

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☒ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Oversen Seconded By Rep. Mooney

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. MOONEY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
VICE-CHAIRMAN HOFSTAD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. MUSCHA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. ANDERSON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	REP. OVERSEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
REP. DAMSCHEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. FEHR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. KIEFERT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. LANING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. LOOYSEN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. PORTER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
REP. SILBERNAGEL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Total (Yes) 12 No 0

Absent \_\_\_\_\_

Floor Assignment Rep. Mooney

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1176: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1176 was placed on the Sixth order on the calendar.

Page 3, line 19, replace "five" with "seven"

Page 3, line 19, remove "plea of"

Page 3, line 20, replace "guilt or" with "felony"

Page 3, line 20, after "conviction" insert "that has as an element the possession, use, or distribution of a controlled substance"

Page 3, line 21, remove "plead guilty to or"

Page 3, line 23, replace "201" with "102"

Page 6, line 1, replace "five" with "seven"

Page 6, line 1, replace "plea of guilt or" with "felony"

Page 6, line 2, after "conviction" insert "that has as an element the possession, use, or distribution of a controlled substance"

Page 6, line 2, remove "plead guilty to or"

Page 6, line 3, remove "for an act"

Page 6, line 4, replace "201" with "102"

Re-number accordingly



**2013 HOUSE APPROPRIATIONS**

**HB 1176**

# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Appropriations Committee Roughrider Room, State Capitol

HB 1176  
2/14/13  
Jobs 18974, 19008

☐ Conference Committee

Committee Clerk Signature

### Explanation or reason for introduction of bill/resolution:

Relating to eligibility for the supplemental nutrition assistance program and the temporary assistance for needy families program

### Minutes:

You may make reference to "attached testimony."

### Recording job 18974

**Rep. Robin Weisz, District 14:** Introduced the bill.

**Chairman Delzer:** If you read the fiscal note, that is for two people to be on TANF. Where does this bill also deal with TANF?

**Rep. Weisz:** That was not brought up in our discussion because this bill had strictly to do with SNAP participants.

**Chairman Delzer:** Would you call Department of Human Services and ask why \_\_ (audio unclear)

**Rep. Weisz:** There was no testimony that we had dealing with TANF. This is supposed to be just SNAP. It was that this is 100% federal and would increase the federal funds. From the committee standpoint, we thought it did not make sense to have the lifetime ban from SNAP. Again, you could have any other kind of felony conviction; it does not preclude you from SNAP. States have the option to have a lifetime ban. We thought it made sense to allow SNAP benefits if the person has been clean for seven years or at least has not gotten into trouble for seven years.

4:05

**Chairman Delzer:** Section 6 is the one that does it, bottom of page 3 to top of page 5 where they put the new language. I think Section 6 is all about TANF. There was no discussion in your committee about that?

**Rep. Weisz:** No. I missed that in the fiscal note because the fiscal note was not explained with TANF at all in it. I can get you that information today.

**Chairman Delzer:** A fiscal note for an amendment is triggered when the bill is turned in with a report at the front desk. I've asked the legislative council if they could consider an idea that when a policy committee adopts an amendment, they intern could pass that one to the LC and they could work on the fiscal note more quickly. That way, we would get the fiscal note more quickly.

5:45

**Rep. Brandenburg:** At the end of the seven year period, is there any drug testing required? How do we know they're clean? Maybe they just never got caught.

**Rep. Weisz:** Under Federal law, you cannot test for drug use for SNAP, whether random or at application or at any other time. We can prohibit them from being on SNAP if they've ever received a drug-related felony conviction.

**Chairman Delzer:** What about TANF?

**Rep. Weisz:** We are having that debate and bringing a bill forward. The argument in the courts on TANF is that it violates the search and seizure laws, so we cannot require it in TANF either. That is in the courts; there is no federal ban on it per se.

**Rep. Pollert:** I thought their ending fund balance for TANF was \$1.2 million, but I don't have the numbers in front of me. If the continuing pattern for TANF goes into next biennium, they don't have enough funds.

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### **Recording Job 19008**

**Chairman Delzer:** The question is whether we want to allow convicted felons to come back on SNAP and TANF.

**Rep. Hawken:** This actually is a constituent of mine. I put her in touch with Rep. Hogan who is much more knowledgeable about going through the human services maze than I am. While cannot pass laws for one person, her case did bring this issue to light.

**Rep. Grande:** We have spent a lot of time and energy and money on alternatives to incarceration, but that drug felony record keeps you out of housing, jobs, etc. That can cause them to slide backwards. If they are kept on nutritional programs and their bodies stay healthy, it will help them stay clean.

**Chairman Delzer:** I don't have a problem on the SNAP side at all. It's all federal money. But I think we need to discuss and question the TANF side. Gave scenario.

**Rep. Brandenburg:** People make mistakes, and people change. If they would be willing to take a drug test, I have no problem trying to help them out. Otherwise, how do you know they really have quit?

**Chairman Delzer:** We cannot do a drug test on SNAP

**Rep. Holman:** I see TANF on the fiscal note, but I don't find it on the bill.

**Chairman Delzer:** It's Section 6 of the bill.

**Rep. Grande:** This is requiring seven years, that's a long time. This is somebody that I'm guessing will have a family, but I don't know where the consternation is. What was testified to is that all other felons are eligible for all of these things, but we take this one section of people out of eligibility. We throw them to the wayside. Other felons have these benefits, but the former drug abuser does not. I am having an issue trying to figure this out in my mind.

**Chairman Delzer:** The issue on TANF is that it can be fairly costly. There are also a number of other things involved besides just nutrition, and the state's costs go up and up. Is there still the 60 month qualifier on TANF, and how many have hit the 60 month disqualifier? A lot of TANF was going to Native Americans who were exempted from the 60 month lifetime disqualifier.

**Rep. Pollert:** I believe the qualifier is 60 months unless the county has higher than 50% unemployment.

**Chairman Delzer:** What are your wishes?

**Rep. Pollert:** If Section 6 is dealing with TANF....

**Chairman Delzer:** Let's try to work on it tomorrow. Why don't you check with the Department of Human Services? I'd hate to take it out of they felt that was the solid number.

**Rep. Dosch:** Can we require drug testing for TANF?

**Chairman Delzer:** I think there is a bill coming forward that deals with that one way or the other. I don't think we'd need to add it to this bill.

**Rep. Brandenburg:** If we could require it on one and not the other, that would solve our issue.

**Chairman Delzer:** I don't think this is necessarily people who are proven clean; it's those who have not been reconvicted in the seven years. We want to try to help those trying to get ahead, but I am not sure we want to help those who are not trying to get ahead.

# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Appropriations Committee Roughrider Room, State Capitol

HB 1176  
2/19/13  
Job 19200

☐ Conference Committee



**Explanation or reason for introduction of bill/resolution:**

**Minutes:**

**Chairman Delzer:** There was some question about FN that Rep Pollert will address.

**Rep. Pollert:** We had further discussion with DHS and they are pretty confident in that number of two. The general fund requirement is true is well because the TANF funds are going to get tight and that is why the general fund is in there.

**Rep Pollert:** Do Pass motion.

**Rep Skarphol:** Second.

21-0-1

**Carried by:** Rep Hawken.

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/07/2013**

Amendment to: HB 1176

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$489,168		\$504,336
Expenditures			\$11,136	\$489,168	\$11,136	\$504,336
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1176 will allow individuals convicted of a drug felony to be eligible to participate in the supplemental nutrition assistance program (SNAP) and the temporary assistance for needy families program (TANF) if at least 7 years has elapsed since their most recent conviction.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the SNAP and TANF programs permanently disqualify an individual from participating in either program if the individual has been convicted of a drug felony. HB1176 will allow for participation if at least 7 years has elapsed since the most recent conviction. Potentially the SNAP and TANF programs could see an increase in the number of eligible individuals as a result of this bill.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The increase in other fund revenue is a result of the additional federal SNAP funding the state will be able to access.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is estimated that an additional 158 individuals could meet the requirements of eligibility for the SNAP program with an estimated monthly benefit of \$129 per person for a 2013-15 biennium total of \$489,168 of which all are federal funds. The estimated amount for the 2015-17 biennium is \$504,336 of which all are federal funds, assuming a 3% inflationary increase in the per person rate. It is estimated that 2 additional individuals could meet the requirements of eligibility for the TANF program with an estimated monthly benefit of \$232 per person for a 2013-15 biennium total of \$11,136 of which all is general fund. The estimated amount for the 2015-17 biennium is \$11,136, of which all is general fund; no inflationary increase is expected for this program. The TANF increase is all general fund due to

TANF federal funds being a capped source of federal funds and the department is currently not projecting to have excess TANF funds available for either the 2013-15 or the 2015-17 bienniums. The additional individuals expected to be eligible for the programs were left at constant levels because it is anticipated that individuals will move off the programs and others will enter the programs so the average numbers of additional individuals on the programs will remain constant at the numbers reflected above.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Department will need an appropriation increase of \$500,304 of which \$11,136 is general fund and \$489,168 is federal fund for the 2013-15 biennium. The Department will need an appropriation increase of \$515,472 of which \$11,136 is general fund and \$504,336 is federal fund for the 2015-17 biennium.

**Name:** Paul R. Kramer

**Agency:** Department of Human Services

**Telephone:** (701) 328-4608

**Date Prepared:** 02/11/2013

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/14/2013**

Bill/Resolution No.: HB 1176

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law:*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$489,168		\$504,336
Expenditures			\$11,136	\$489,168	\$11,136	\$504,336
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1176 will allow individuals convicted of a drug felony to be eligible to participate in the supplemental nutrition assistance program (SNAP) and the temporary assistance for needy families program (TANF) if at least 5 years has elapsed since their most recent conviction.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the SNAP and TANF programs permanently disqualify an individual from participating in either program if the individual has been convicted of a drug felony. HB1176 will allow for participation if at least 5 years has elapsed since the most recent conviction. Potentially the SNAP and TANF programs could see an increase in the number of eligible individuals as a result of this bill.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The increase in other fund revenue is a result of the additional federal SNAP funding the state will be able to access.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

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TANF federal funds being a capped source of federal funds and the department is currently not projecting to have excess TANF funds available for either the 2013-15 or the 2015-17 bienniums. The additional individuals expected to be eligible for the programs were left at constant levels because it is anticipated that individuals will move off the programs and others will enter the programs so the average numbers of additional individuals on the programs will remain constant at the numbers reflected above.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Department will need an appropriation increase of \$500,304 of which \$11,136 is general fund and \$489,168 is federal fund for the 2013-15 biennium. The Department will need an appropriation increase of \$515,472 of which \$11,136 is general fund and \$504,336 is federal fund for the 2015-17 biennium.

**Name:** Paul R. Kramer

**Agency:** Department of Human Services

**Telephone:** (701) 328-4608

**Date Prepared:** 01/18/2013

Date: 2/19/13  
Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1176**

House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Pollert Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Rep. Streyle	X	
Vice Chairman Kempenich	X		Rep. Thoreson	X	
Rep. Bellew	X		Rep. Wieland	X	
Rep. Brandenburg	X				
Rep. Dosch					
Rep. Grande	X		Rep. Boe	X	
Rep. Hawken	X		Rep. Glassheim	X	
Rep. Kreidt	X		Rep. Guggisberg	X	
Rep. Martinson	X		Rep. Holman	X	
Rep. Monson	X		Rep. Williams	X	
Rep. Nelson	X				
Rep. Pollert	X				
Rep. Sanford	X				
Rep. Skarphol	X				

Total Yes 21 No 0

Absent 1

Floor Assignment Rep. Hawken

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1176, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)**  
recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed HB 1176 was placed on the Eleventh order on the calendar.

**2013 SENATE HUMAN SERVICES**

**HB 1176**

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Human Services Committee Red River Room, State Capitol

HB 1176  
3/11/13  
19700 & 19730

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to eligibility for the supplemental nutrition assistance program and the temporary assistance for the needy families program.

### Minutes:

See attached testimony.

**Chairwoman J. Lee** Opens testimony on HB 1176

**Kathy Hogan** District 21 testifying in support of HB 1176 see attachment #1.

Chairwoman J lee takes a Recess

Recording number 19730 :

Chairwoman J lee reopens the hearing for HB1176

**Michelle Driscoll:** Testified in favor HB 1176. See attachment #2 (Ends 0:06:00) Dever asked if it was a class C felony.

**(0:07:08) Kristen Hasbargen** Director of Richland county Social Services located in Wahpeton, North Dakota. Testified in support of HB 1176. See attachment #3. **Chairwoman J. Lee** asks consists with other policies for individuals with felony convictions. Senator Dever: asks if drug offences have restrictions on SNAP and TANAF.

Chairwoman J. Lee. Closes testimony.

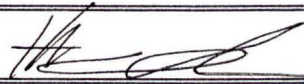
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Human Services Committee Red River Room, State Capitol

1176  
3-13-13  
19891

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Committee work.

### Minutes:

You may make reference to "attached testimony."

Chairman J. Lee opens the meeting.

**Senator Larsen** motions for a Do Pass

**Senator Axness** seconds

**Do Pass** 5-0-0 (rerefer to appropriations)

**Senator Larsen** will carry.

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/07/2013**

Amendment to: HB 1176

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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**Name:** Paul R. Kramer

**Agency:** Department of Human Services

**Telephone:** (701) 328-4608

**Date Prepared:** 02/11/2013



**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/14/2013**

Bill/Resolution No.: HB 1176

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law:*

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**Name:** Paul R. Kramer

**Agency:** Department of Human Services

**Telephone:** (701) 328-4608

**Date Prepared:** 01/18/2013

13  
Date: 3-13-13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1176

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☒ Rerefer to Appropriations ☐ Reconsider

Motion Made By SEN. LARSEN Seconded By SEN. AXNESS

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent \_\_\_\_\_

Floor Assignment SEN. LARSEN

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1176, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1176 was rereferred to the Appropriations Committee.**

**2013 SENATE APPROPRIATIONS**

**HB 1176**


# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

HB 1176  
03-22-2013  
Job # 20349

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to eligibility for the nutrition assistance program and assistance for needy families program

### Minutes:

See attached testimony.

**Chairman Holmberg** called the committee to order on Friday, March 22, 2013 at 9:00 am in regards to HB 1176. All committee members were present. Sheila M. Sandness from Legislative Council and Lori Laschkewitsch from OMB were also present.

**Representative Kathy Hogan, District 21** testified in favor of HB 1176 and provided written Testimony attached # 1 in support of this bill. This passed unanimously in the House. (4.08)

**Senator Mathern:** Thank you for bringing this bill forward. How many other kinds of important programs are there that people miss? What got you to take on this one?

**Representative Hogan:** I began to research, without that this could have flown under the radar screen. In most states it comes out on the criminal justice and on the probation side, because it is very hard if you come out of jail, you often face restrictions in employment, housing, and it's hard if you have a felony conviction for reestablishing your life and the original bill had a 5 year time limit, the House extended it to 7 and the Senate Policy side concurred with that 7 year ban. That's a long time to be clean, and the individual I was working two jobs just to pay for their family's food. It impacts the children.

**Senator Warner:** Last session we passed a law which I disagreed with, a possession of any drug in any amount that wasn't prescribed specifically for you was a felony. That would qualify under this as well, not just illegal drugs, street drugs but prescription drug abuse.

**Representative Hogan:** The situation of this person was she was in a home that got raided. She was not using, she did not sell, but she was in the home and got a felony conviction. There is so much court variability, that's my concern about this ban.

**Chairman Holmberg:** This bill will go to the Human Services Subcommittee which is Senators: Kilzer, Lee, Erbele and Mathern. The hearing was closed on HB 1176.

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee

Harvest Room, State Capitol

HB 1176 subcommittee

March 25, 2013

Job # 20389

☐ Conference Committee

Committee Clerk Signature

*Rose Lanning*

### Explanation or reason for introduction of bill/resolution:

A Bill relating to eligibility for the supplemental nutrition assistance program and the temporary assistance for needy families program

### Minutes:

Legislative Council - Sheila M. Sandness

OMB - Lori Laschkewitsch

Senator Kilzer explained the bill. Senators Erbele, Lee, Mathern were present. There is a fiscal note and this would make more people eligible.

**Senator Mathern** - I thought the most compelling information we got is the manner in which justice is metered out in different ways and different places. In the specific case there was an individual who was at a place where there was erroneous activity going on which then transferred to that individual, where in other jurisdictions a person would not have gotten that conviction. I think in light of those kinds of circumstances I would hope that we could pass this bill. I think we ought to include other things, but that wouldn't be appropriate for our Appropriations Committee. This happens in housing programs, SNAP programs, all kinds of other things, where people are caught in a situation that includes illegal behavior when they themselves were not perpetrators of that behavior. Then their lives are affected permanently and the fact that this is regarding children, the children didn't do anything wrong even if the adult did do something wrong, the kids didn't.

**Senator Kilzer** - What impressed me most was that they rely on self-reporting. That was probably the thing that impressed me the most, that if you can lie your way out of it your out of it, you're okay. I agree that it is a policy decision and we are here to deal with the appropriation. The question is shall we allow that change in order to spend a half a million dollars more on the SNAP and TANF programs? Is there a way to change the self-reporting aspect of it? Is that saying the defining procedure in other criminal penalties that people are not eligible to do something based upon self-reporting, for example voting and things like that? If you lie your way into the voting booth can you just keep doing it? That is my concern which really isn't much to do with the money.

**Senator Mathern** - That aspect is controlled by the state plan that is approved by the feds but there is an agreement with federal government as to how certain data will be corroborated whether self-reporting or needs to have documentation so I suspect that it probably also a federal initiative.

**Senator Mathern** - I would move a **Do Pass**.

**Senator Erbele** seconded the motion.

Discussion:

**Senator Gary Lee** - We're just dealing with the dollars here we are just accepting what the Human Services Committee decided was reasonable policy.

**Senator Kilzer** - We're making a do pass recommendation to the full appropriation committee as the bill comes before us.

**Senator Erbele** - 7 years is a reasonable amount of time to come back into the system.

**Senator Kilzer** - I assume they would have to be eligible for SNAP or TANF.

**Senator Gary Lee** - Current law doesn't allow them to come back at all? Answer: Correct.

**Senator Kilzer** - If they fall off the wagon and commit those drug crimes and get convicted, they'd have to start their seven years over I would assume.

**A roll call vote was taken. Yea: 3 Nay: 1 Absent: 0**

**Senator Kilzer** said the recommendation to the full committee will be a **Do Pass**.



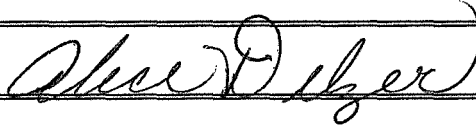
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

HB 1176  
03-26-2013  
Job # 20465

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A BILL relating to supplemental nutrition assistance & needy families programs (DO PASS)

### Minutes:

You may make reference to "attached testimony."

**Chairman Holmberg** called the committee to order on Tuesday, March 26, 2013 in regards to HB 1176. All committee members were present.

Sheila M. Sandness - Legislative Council  
Lori Laschkewitsch- OMB

**Senator Kilzer:** Representative Hogan presented her testimony at the request of one of her constituents. Her constituent was a single mother of two who held two jobs and she had been convicted on a felony level for drug possession some years ago and was ineligible for lifetime on current ND law regarding the fact that if you are convicted of a felony you can't be eligible for Medicaid and other benefits. The Welfare Reform Act in 1997 gave the option to states and this bill would make so that after 7 years of clean living, you would be given a second chance and you would be eligible for benefits. If I recall right the fiscal note was about \$500,000 with 158 potentially eligible people. Your 4 person committee voted 3 to 1 Do Pass on this bill.

**Senator Kilzer moved a Do Pass. 2<sup>nd</sup> by Senator Robinson.**

**Senator Gary Lee:** stated that unfortunately when you do something there is a price to pay and that was his rationale for voting against the bill.

**Senator Mathern:** The fiscal note essentially is primarily in other funds, not general funds, but the other thing I just wanted to note in light of Senator Lee's comment is the primary beneficiary of supplemental nutritional benefits, (SNAP) benefits is children, and the children made no decisions whether or not their parents should use drugs. I would hope we can support the motion.

**A Roll Call vote was taken. Yea: 12; Nay: 1; Absent: 0. This goes back to Human Services. Senator Larsen will carry the bill.** The hearing was closed on HB 1176

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/07/2013**

Amendment to: HB 1176

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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Revenues				\$489,168		\$504,336
Expenditures			\$11,136	\$489,168	\$11,136	\$504,336
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1176 will allow individuals convicted of a drug felony to be eligible to participate in the supplemental nutrition assistance program (SNAP) and the temporary assistance for needy families program (TANF) if at least 7 years has elapsed since their most recent conviction.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the SNAP and TANF programs permanently disqualify an individual from participating in either program if the individual has been convicted of a drug felony. HB1176 will allow for participation if at least 7 years has elapsed since the most recent conviction. Potentially the SNAP and TANF programs could see an increase in the number of eligible individuals as a result of this bill.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The increase in other fund revenue is a result of the additional federal SNAP funding the state will be able to access.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is estimated that an additional 158 individuals could meet the requirements of eligibility for the SNAP program with an estimated monthly benefit of \$129 per person for a 2013-15 biennium total of \$489,168 of which all are federal funds. The estimated amount for the 2015-17 biennium is \$504,336 of which all are federal funds, assuming a 3% inflationary increase in the per person rate. It is estimated that 2 additional individuals could meet the requirements of eligibility for the TANF program with an estimated monthly benefit of \$232 per person for a 2013-15 biennium total of \$11,136 of which all is general fund. The estimated amount for the 2015-17 biennium is \$11,136, of which all is general fund; no inflationary increase is expected for this program. The TANF increase is all general fund due to

TANF federal funds being a capped source of federal funds and the department is currently not projecting to have excess TANF funds available for either the 2013-15 or the 2015-17 bienniums. The additional individuals expected to be eligible for the programs were left at constant levels because it is anticipated that individuals will move off the programs and others will enter the programs so the average numbers of additional individuals on the programs will remain constant at the numbers reflected above.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Department will need an appropriation increase of \$500,304 of which \$11,136 is general fund and \$489,168 is federal fund for the 2013-15 biennium. The Department will need an appropriation increase of \$515,472 of which \$11,136 is general fund and \$504,336 is federal fund for the 2015-17 biennium.

**Name:** Paul R. Kramer

**Agency:** Department of Human Services

**Telephone:** (701) 328-4608

**Date Prepared:** 02/11/2013

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/14/2013**

Bill/Resolution No.: HB 1176

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law:*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$489,168		\$504,336
Expenditures			\$11,136	\$489,168	\$11,136	\$504,336
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1176 will allow individuals convicted of a drug felony to be eligible to participate in the supplemental nutrition assistance program (SNAP) and the temporary assistance for needy families program (TANF) if at least 5 years has elapsed since their most recent conviction.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Currently the SNAP and TANF programs permanently disqualify an individual from participating in either program if the individual has been convicted of a drug felony. HB1176 will allow for participation if at least 5 years has elapsed since the most recent conviction. Potentially the SNAP and TANF programs could see an increase in the number of eligible individuals as a result of this bill.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The increase in other fund revenue is a result of the additional federal SNAP funding the state will be able to access.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

It is estimated that an additional 158 individuals could meet the requirements of eligibility for the SNAP program with an estimated monthly benefit of \$129 per person for a 2013-15 biennium total of \$489,168 of which all are federal funds. The estimated amount for the 2015-17 biennium is \$504,336 of which all are federal funds, assuming a 3% inflationary increase in the per person rate. It is estimated that 2 additional individuals could meet the requirements of eligibility for the TANF program with an estimated monthly benefit of \$232 per person for a 2013-15 biennium total of \$11,136 of which all is general fund. The estimated amount for the 2015-17 biennium is \$11,136, of which all is general fund; no inflationary increase is expected for this program. The TANF increase is all general fund due to

TANF federal funds being a capped source of federal funds and the department is currently not projecting to have excess TANF funds available for either the 2013-15 or the 2015-17 bienniums. The additional individuals expected to be eligible for the programs were left at constant levels because it is anticipated that individuals will move off the programs and others will enter the programs so the average numbers of additional individuals on the programs will remain constant at the numbers reflected above.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Department will need an appropriation increase of \$500,304 of which \$11,136 is general fund and \$489,168 is federal fund for the 2013-15 biennium. The Department will need an appropriation increase of \$515,472 of which \$11,136 is general fund and \$504,336 is federal fund for the 2015-17 biennium.

**Name:** Paul R. Kramer

**Agency:** Department of Human Services

**Telephone:** (701) 328-4608

**Date Prepared:** 01/18/2013

Date: 3-26-13Roll Call Vote # 1

**2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 1176Senate Appropriations Committee☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken      ☐ Adopt Amendment      ☒ Do Pass  
                          ☐ Do Pass as Amended      ☐ Do Not Pass

Motion Made By Kilger      Seconded By Robinson

Senators	Yes	No	Senator	Yes	No
Chairman Ray Holmberg	/		Senator Tim Mathern	/	
Co-Vice Chairman Bill Bowman	/		Senator David O'Connell	/	
Co-Vice Chair Tony Grindberg	/		Senator Larry Robinson	/	
Senator Ralph Kilger	/		Senator John Warner	/	
Senator Karen Krebsbach	/				
Senator Robert Erbele	/				
Senator Terry Wanzek	/				
Senator Ron Carlisle	/				
Senator Gary Lee		/			

Total (Yes) 12 No 1Absent 0Floor Assignment Human Services Larson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1176, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)**  
recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1176 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**HB 1176**



#1

Testimony - HB 1176  
Human Service Committee  
January 21, By Representative Kathy Hogan

Chairman Weisz and members of the Committee, my name is Kathy Hogan, I represent District 21 which is central Fargo. I urge your support of HB 1176.

HB 1176 is a result of a constituent's request for assistance. A single mother with two jobs was concerned because she was disqualified from the SNAP program because of a felony drug conviction that happened many years ago. She identified two concerns – first she questioned why felony drug convictions created a lifetime ban on SNAP/TANF benefits but other felony convictions did not. Secondly, she questioned why after 10 years of successful employment and no criminal activities, there was no method for her to receive assistance. As a result of the felony drug conviction ban, her family received a reduced benefit.

In 1996, the federal welfare reform act established the felony drug conviction ban on SNAP/TANF but it did allow states the flexibility to eliminate the ban or to modify it. This is an issue that has not been considered by the legislature since the original PRWORA (Federal Welfare Reform Law) was adopted in 1996.

After hearing her story and reviewing the facts, it appears that North Dakota is one of only 15 states that still have a lifetime ban. Attached is a summary of the other states' actions on this issue.

Let me briefly describe my concerns about the current lifetime ban. First, felony drug convictions have many variables. Based on experience in various court situations, some courts are extremely aggressive on felony convictions and others are more lenient. Because of the lifetime ban, an individual who happens to be sentenced in an aggressive court may face a lifetime problem, while an individual who is

sentenced in a more lenient court may not. Because of the severity of ban, this consequence is often more debilitating than other criminal sentencing.

A second issue that concerns me regarding the lifetime ban for convicted drug felons is the methodology in which the information is obtained. Currently, the applicant is asked to self-report felony drug convictions. Those individuals, who fully report, receive a lifetime ban.

The intent of this bill is to modify lifetime limit to recognize that when a convicted drug felon has gone five years without an additional felony conviction, the individual could become eligible for SNAP/TANF benefits again if he or she applied and met program eligibility criteria based on income and other factors.

Finally, after introducing this legislation, I have worked with the ND Department of Human Services to assure that the language complies with federal law. Attached are proposed amendments that I have asked the Department to develop to assure federal compliance.

Rehabilitation works. I believe that giving people a second chance is critical. I urge you to support this bill. I am willing to answer any questions and my constituent is here to share her story with you.

Thank you for your consideration

AM

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1176

Page 3, line 19, remove "plea of"

Page 3, line 20, replace "guilt or" with "felony"

Page 3, line 20, after "conviction" insert "that has as an element the possession, use, or distribution of a controlled substance as defined in section 201(6) of the Controlled Substances Act [21 U.S.C. 802(6)]"

Page 3, line 21, remove "plead guilty to or"

Page 6, line 1, replace "plea of guilt or" with "felony"

Page 6, line 2, after "conviction" insert "that has as an element the possession, use, or distribution of a controlled substance as defined in section 201(6) of the Controlled Substances Act [21 U.S.C. 802(6)]"

Page 6, line 2, remove "plead guilty to or"

Page 6, line 3, remove "for an act"

Renumber accordingly

For SNAP it would read as follows: "Unless at least five years has elapsed since the most recent felony conviction that has as an element the possession, use, or distribution of a controlled substance as defined in section 201(6) of the Controlled Substances Act [21 U.S.C. 802(6)], the department shall deny assistance under the supplemental nutrition assistance program to any individual who has been convicted of a felony offense that has as an element the possession, use, or distribution of a controlled substance as defined in section 201(6) of the Controlled Substances Act [21 U.S.C. 802(6)]."

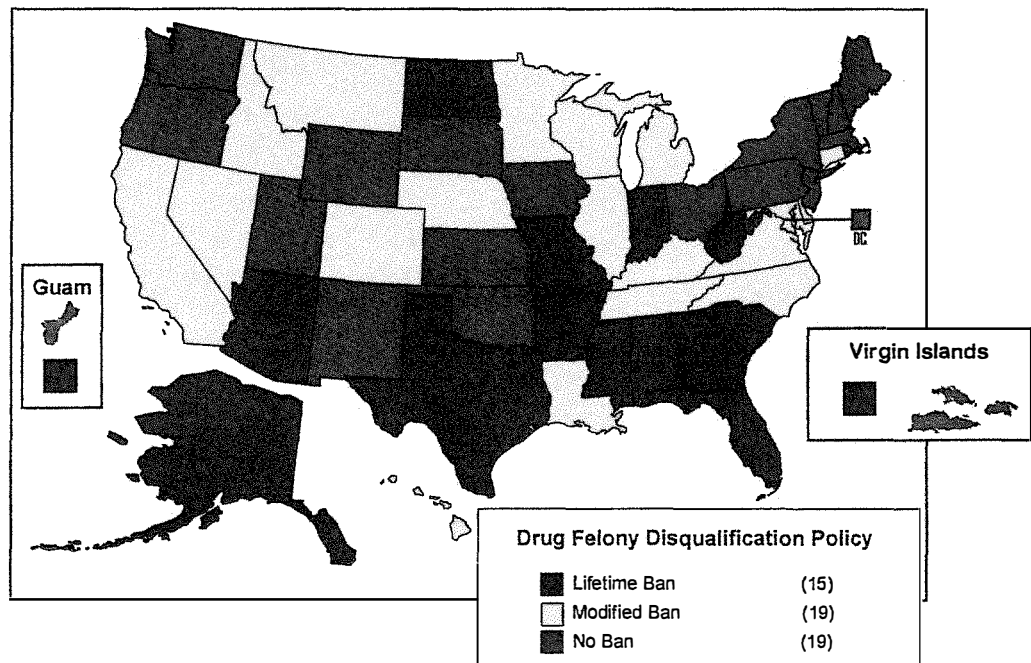
For TANF it would read as follows: 1. Except as provide in subsection 2, 3, and 4, the department of human services, shall: "z. Unless at least five years has elapsed since the most recent felony conviction that has as an element the possession, use, or distribution of a controlled substance as defined in section 201(6) of the Controlled Substances Act [21 U.S.C. 802(6)], deny assistance to any individual who has been convicted of a felony offense that has as an element the possession, use, or distribution of a controlled substance as defined in section 201(6) of the Controlled Substances Act [21 U.S.C. 802(6)]."

## Drug Felony Disqualification

273.11(m)

Welfare reform legislation permanently disqualifies people from SNAP participation if they have been convicted of a state or federal felony offense involving the possession, use or distribution of a controlled substance. State legislatures can opt out of the penalty entirely or choose to impose less severe restrictions. Examples of these modified approaches are 1) limiting the circumstances in which the permanent disqualification applies (such as only when convictions involve the *sale* of drugs); 2) requiring the person convicted to submit to drug testing; 3) requiring participation in a drug treatment program; and/or 4) imposing a temporary disqualification period.

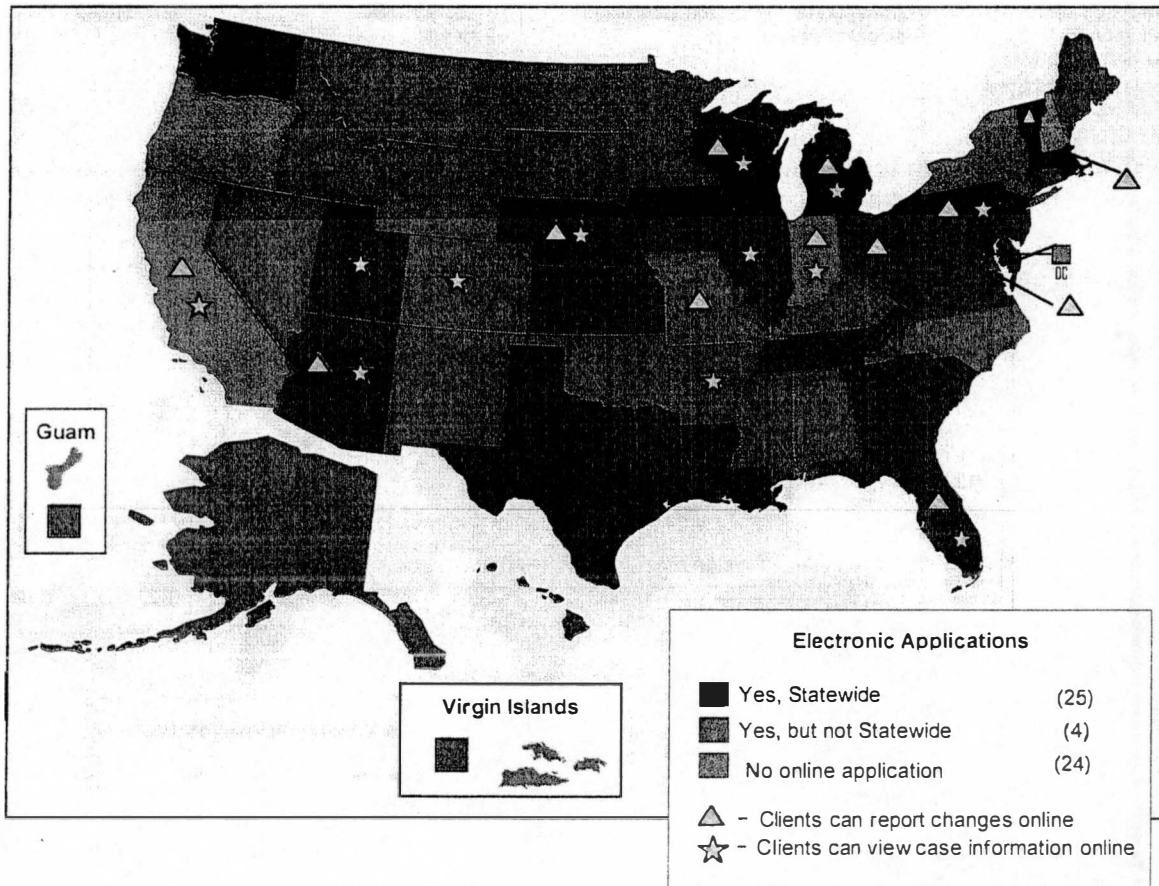
Lifetime Ban	Modified Ban		No Ban
15	19	19	
ALABAMA ALASKA ARIZONA ARKANSAS FLORIDA GEORGIA GUAM INDIANA MISSISSIPPI MISSOURI NORTH DAKOTA SOUTH CAROLINA TEXAS VIRGIN ISLANDS WEST VIRGINIA	CALIFORNIA COLORADO CONNECTICUT DELAWARE HAWAII IDAHO ILLINOIS KENTUCKY LOUISIANA MARYLAND	MICHIGAN MINNESOTA MONTANA NEBRASKA NEVADA NORTH CAROLINA TENNESSEE VIRGINIA WISCONSIN	DISTRICT OF COLUMBIA IOWA KANSAS MAINE MASSACHUSETTS NEW HAMPSHIRE NEW JERSEY NEW MEXICO NEW YORK OHIO OKLAHOMA OREGON PENNSYLVANIA RHODE ISLAND SOUTH DAKOTA UTAH VERMONT WASHINGTON WYOMING



## Online Applications and Case Management

Thirty States provide applicants for SNAP with the opportunity to apply for benefits online. This option has been fully implemented statewide in 25 States, and is limited to certain counties or project areas in the remaining four States. Many State websites also allow clients to view information about their case or report changes in factors that affect eligibility or benefit level. In 12 States, clients can view case information online and in 13 States, clients can report changes online.

Electronic Application States				Online Case Management Only
29				3
ARIZONA CALIFORNIA DELAWARE FLORIDA GEORGIA ILLINOIS INDIANA IOWA	KANSAS LOUISIANA MARYLAND MASSACHUSETTS MICHIGAN NEBRASKA NEW JERSEY	NEW YORK OHIO OREGON PENNSYLVANIA RHODE ISLAND SOUTH CAROLINA TENNESSEE	TEXAS UTAH VERMONT VIRGINIA WASHINGTON WEST VIRGINIA WISCONSIN	ARKANSAS COLORADO MISSOURI



#2

Testimony -- HB 1176  
Human Service Committee  
January 21, 2013  
By Michelle Driscoll

Chairman Weisz and members of the Committee, my name is Michelle Driscoll, I am a citizen of District 21 which is central Fargo. I urge your support of HB 1176.

HB 1176 is a bill that I have been waiting a long time to see come to life. I am a single Mother with two jobs, just trying to make ends meet. I do have two questions -- first I questioned why felony drug convictions created a lifetime ban on SNAP/TANF benefits but other felony convictions did not.

Secondly, I questioned why after 10 years of successful employment and no criminal activities, there was no method for me to receive assistance. As a result of the felony drug conviction ban, my family is look at in the computer that my nine year old son, lives by himself, goes to school, and works both of my jobs. Many times this equation in the computer leaves my nine year old son to not qualify. When in fact I have not made over what a two household person is allowed to make. This affects my son in a big way, because me as the Mom is not only banned, but I also am not counted as a person. It does upset me greatly that I am not counted as a person.

In 2001 I made some bad choices in friends and turned my eyes off to things happening around me. I have always been the kind of person to want to help people. I was in an apartment that was raided for drugs. I went through the Cass County Courts and they dropped the charges. Then after the birth of my son I was charged again, back to court I went. New prosecutor and at the end of trail I heard the statement to the jury, " It does not matter if the drugs were hers, all that we need for a guilty verdict today is that she was in the apartment." I knew then that I would be leaving my then 15 month old son, to serve a prison sentence. It was the worst time of my life so far.

I was not in prison long and I was made inmate counsel, and I worked directly with the warden. All the staff started asking me why I was there and a little over four months later I was transferred to Center Inc. I was back in Fargo and grateful to be back with my son.

No time to lose when I was at home again for good. Potty trained my now two year old son. I started the process that next fall to find out how to get my son into Head Start. By age 3 ½ he was in rolled and started the Head Start program. Now Michael, my son, is 9 soon to be 10 and is in the 4<sup>th</sup> grade. Michael does well in school and it is nice to be that proud Mom. I was on the policy council at Head Start for both years that Michael was there and I have been on the PTA at Michael school for the last 5 years. I am the head of Foreign Language program, Bennett Clothing, and Restaurant Fundraisers. Plus I hold down two part-time jobs.

I want everyone to know I would not change a day of my life. No not even going to prison, I learned more in my living life experiences then any book could ever teach me. I know now how not to enable people, to help people make the best choices they can, and in the end hopefully my son will be respectful, honest, caring, and loving human being.

I would really like my state and my county to count me as a person. I think I have earned it.

Thank you for your consideration



Testimony -- HB 1176  
Human Service Committee  
March 11, 2013  
By Representative Kathy Hogan

Chairman Lee and members of the Committee, my name is Kathy Hogan, I represent District 21 which is central Fargo. I urge your support of HB 1176.

HB 1176 is a result of a constituent's request for assistance. A single mother with two jobs was concerned because she was disqualified from the SNAP program because of a felony drug conviction that happened many years ago. She identified two concerns. First she questioned why felony drug convictions created a lifetime ban on SNAP/TANF benefits but other felony convictions did not. Secondly, she questioned why after 10 years of successful employment and no criminal activities, there was no method for her to receive assistance. As a result of the felony drug conviction ban, her family received a reduced benefit.

In 1996, the federal welfare reform act established the felony drug conviction ban on SNAP/TANF but it did allow states the flexibility to eliminate the ban or to modify it. This is an issue that has not been considered by the legislature since the original PRWORA (Federal Welfare Reform Law) was adopted in 1996.

After hearing her story and reviewing the facts, it appears that North Dakota is one of only 15 states that still have a lifetime ban. Attached is a summary of the other states' actions on this issue.

Let me briefly describe my concerns about the current lifetime ban. First, felony drug convictions have many variables. Based on experience in various court situations, some courts are extremely aggressive on felony convictions and others are more lenient. Because of the lifetime ban, an individual who happens to be sentenced in an aggressive court may face a lifetime problem, while an individual who is

sentenced in a more lenient court may not. Because of the severity of ban, this consequence is often more debilitating than other criminal sentencing.

A second issue that concerns me regarding the lifetime ban for convicted drug felons is the methodology in which the information is obtained. Currently, the applicant is asked to self-report felony drug convictions. Those individuals, who fully report, receive a lifetime ban.

The intent of this bill is to modify lifetime limit to recognize that when a convicted drug felon has gone seven years without an additional felony conviction, the individual could become eligible for SNAP/TANF benefits again if he or she applied and met program eligibility criteria based on income and other factors.

Rehabilitation works. I believe that giving people a second chance is critical. I urge you to support this bill. I am willing to answer any questions and my constituent is here to share her story with you.

Thank you for your consideration

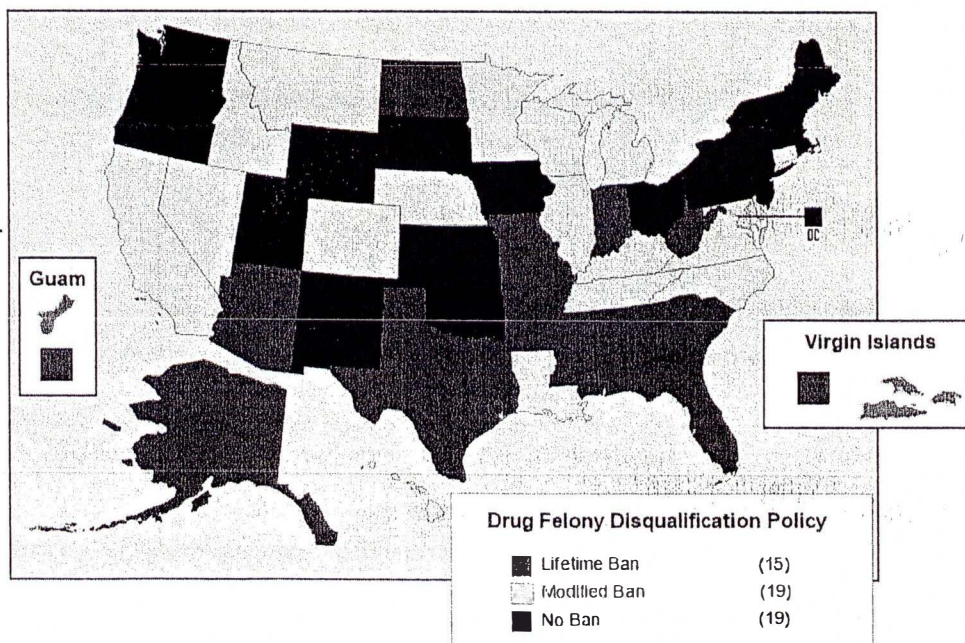
74

## Drug Felony Disqualification

273.11(m)

Welfare reform legislation permanently disqualifies people from SNAP participation if they have been convicted of a state or federal felony offense involving the possession, use or distribution of a controlled substance. State legislatures can opt out of the penalty entirely or choose to impose less severe restrictions. Examples of these modified approaches are 1) limiting the circumstances in which the permanent disqualification applies (such as only when convictions involve the *sale* of drugs); 2) requiring the person convicted to submit to drug testing; 3) requiring participation in a drug treatment program; and/or 4) imposing a temporary disqualification period.

Lifetime Ban	Modified Ban		No Ban	
15	19		19	
ALABAMA ALASKA ARIZONA ARKANSAS FLORIDA GEORGIA GUAM INDIANA MISSISSIPPI MISSOURI NORTH DAKOTA SOUTH CAROLINA TEXAS VIRGIN ISLANDS WEST VIRGINIA	CALIFORNIA COLORADO CONNECTICUT DELAWARE HAWAII IDAHO ILLINOIS KENTUCKY LOUISIANA MARYLAND	MICHIGAN MINNESOTA MONTANA NEBRASKA NEVADA NORTH CAROLINA TENNESSEE VIRGINIA WISCONSIN	DISTRICT OF COLUMBIA IOWA KANSAS MAINE MASSACHUSETTS NEW HAMPSHIRE NEW JERSEY NEW MEXICO NEW YORK OHIO	OKLAHOMA OREGON PENNSYLVANIA RHODE ISLAND SOUTH DAKOTA UTAH VERMONT WASHINGTON WYOMING



Testimony -- HB 1176  
Human Service Committee  
March 11, 2013  
By Michelle Driscoll

Chairman Judy Lee and members of the Committee, my name is Michelle Driscoll, I am a citizen of District 21 which is central Fargo. I urge your support of HB 1176.

HB 1176 is a bill that I have been waiting a long time to see come to life. I am a single Mother with two jobs, just trying to make ends meet. I do have two questions -- first I questioned why felony drug convictions created a lifetime ban on SNAP/TANF benefits but other felony convictions did not. Secondly, I questioned why after 10 years of successful employment and no criminal activities, there was no method for me to receive assistance. As a result of the felony drug conviction ban, - my family is look at in the computer that my nine year old son, lives by himself, goes to school, and works both of my jobs. Many times this equation in the computer leaves my nine year old son to not qualify. When in fact I have not made over what a two household person is allowed to make. This affects my son in a big way, because me as the Mom is not only banned, but I also am not counted as a person. It does upset me greatly that I am not counted as a person.

In 2001 I made some bad choices in friends and turned my eyes off to things happening around me. I have always been the kind of person to want to help people. I was in an apartment that was raided for drugs. I went through the Cass County Courts and they dropped the charges. Then after the birth of my son I was charged again, back to court I went. New prosecutor and at the end of trail I heard the statement to the jury, " It does not matter if the drugs were hers, all that we need for a guilty verdict today is that she was in the apartment." I knew then that I would be leaving my then 15 month old son, to serve a prison sentence. It was the worst time of my life so far.



I was not in prison long and I was made inmate counsel, and I worked directly with the warden. All the staff started asking me why I was there and a little over four months later I was transferred to Center Inc. I was back in Fargo and grateful to be back with my son.

No time to lose when I was at home again for good. Potty trained my now two year old son. I started the process that next fall to find out how to get my son into Head Start. By age 3 ½ he was in rolled and started the Head Start program. Now Michael, my son, is 9 soon to be 10 and is in the 4<sup>th</sup> grade. Michael does well in school and it is nice to be that proud Mom. I was on the policy council at Head Start for both years that Michael was there and I have been on the PTA at Michael school for the last 5 years. I am the head of Foreign Language program, Bennett Clothing, and Restaurant Fundraisers. Plus I hold down two part-time jobs.

I want everyone to know I would not change a day of my life. No not even going to prison, I learned more in my living life experiences then any book could ever teach me. I know now how not to enable people, to help people make the best choices they can, and in the end hopefully my son will be respectful, honest, caring, and loving human being.

I would really like my state and my county to count me as a person. I think I have earned it.

Thank you for your consideration

**Senate Human Services Committee  
March 11, 2013  
House Bill 1176  
Kristen Hasbargen, Director – Richland County Social Services**

Chairman Lee and members of the Senate Human Services Committee, my name is Kristen Hasbargen. I am the Director of Richland County Social Services located in Wahpeton, North Dakota. I am also a member of the North Dakota County Social Service Director Association. I speak in support of House Bill 1176.

North Dakota's current policy prohibits those with felony drug convictions to receive TANF (Temporary Assistance for Needy Families) or SNAP (Supplemental Nutrition Assistance Program) benefits for their entire life. ~~It is interesting that in North Dakota other felony convictions result in a seven-year ban from SNAP and TANF. It is only drug convictions that result in lifelong bans. Under our~~ current law, the lifetime ban for drug convictions continues no matter if rehabilitation is accomplished. North Dakota is one of fifteen states which operates under a lifetime ban policy.

House Bill 1176 would bring consistency in how felony convictions are handled when issuing economic assistance benefits. The bill would require drug-related felons to be banned from program participation for seven years. However, after that seven year period, provided no other felony convictions occur; their eligibility would be determined like everyone else. This truly provides families and individuals who have made destructive decisions in the past, a second chance of meeting their basic needs in the future. It would also send the message that rehabilitation is recognized for all felons on an equal basis.

For these reasons, I urge you to give House Bill 1176 a "Do PASS" recommendation. Thank you for your consideration. I would be happy to answer any questions.

Testimony -- HB 1176  
Senate Appropriations Committee  
March 22, 2013  
Representative Kathy Hogan

#1

Chairman Holmberg and members of the Committee, my name is Kathy Hogan, I represent District 21 which is central Fargo. I urge your support of HB 1176.

HB 1176 is a result of a constituent's request for assistance. A single mother with two jobs was concerned because she was disqualified from the SNAP program because of a felony drug conviction that happened many years ago. She identified two concerns. First she questioned why felony drug convictions created a lifetime ban on SNAP/TANF benefits but other felony convictions do not. Secondly, she questioned why after 10 years of successful employment and no criminal activities, there was no method for her receive assistance. This penalty not only impacts her but also hurts her family.

In 1996, the federal welfare reform act established the felony drug conviction ban on SNAP/TANF but it did allow states the flexibility to eliminate the ban or to modify it. This is an issue that has not been considered by the legislature since the original PRWORA (Federal Welfare Reform Law) was adopted in 1996

After hearing her story and reviewing the facts, it appears that North Dakota is one of only 15 states that have not either eliminated the benefit ban or modified it. Attached is a summary of the other states' actions on this issue.

Let me briefly describe my concerns about the current life time ban. First, felony drug convictions have many variables. Based on experience in various court situations, some courts are extremely aggressive on felony convictions and others are more lenient. Because of the life time ban, an individual who happens to be sentences in an aggressive court may result in a life time problem while an individual who

is sentences in a more lenient court may not have the same ban. Because of the severity of ban, this consequence is often more debilitating than other criminal sentence.

A second issue that concerns me regarding the lifetime ban for convicted drug felons is the methodology in which the information is obtained. Currently, the applicant is asked to self-report felony drug convictions. Those individual who fully report receive the life time ban but if they are not honest, there is not system to cross reference and they could be determined eligible.

The intent of this bill is to modify the life time limit to recognize that when a convicted drug felon has gone seven years without any additional convictions the individual would become eligible for SNAP/TANF benefits again. Because the majority of both TANF and SNAP benefits are federal funds there is only a small general fund impact from this bill.

Rehabilitation works, I believe that giving people a second chance is critical.



## Drug Felony Disqualification

273.11(m)

Welfare reform legislation permanently disqualifies people from SNAP participation if they have been convicted of a state or federal felony offense involving the possession, use or distribution of a controlled substance. State legislatures can opt out of the penalty entirely or choose to impose less severe restrictions. Examples of these modified approaches are 1) limiting the circumstances in which the permanent disqualification applies (such as only when convictions involve the *sale* of drugs); 2) requiring the person convicted to submit to drug testing; 3) requiring participation in a drug treatment program; and/or 4) imposing a temporary disqualification period.

Lifetime Ban	Modified Ban		No Ban	
15	19		19	
ALABAMA ALASKA ARIZONA ARKANSAS FLORIDA GEORGIA GUAM INDIANA MISSISSIPPI MISSOURI NORTH DAKOTA SOUTH CAROLINA TEXAS VIRGIN ISLANDS WEST VIRGINIA	CALIFORNIA COLORADO CONNECTICUT DELAWARE HAWAII IDAHO ILLINOIS KENTUCKY LOUISIANA MARYLAND	MICHIGAN MINNESOTA MONTANA NEBRASKA NEVADA NORTH CAROLINA TENNESSEE VIRGINIA WISCONSIN	DISTRICT OF COLUMBIA IOWA KANSAS MAINE MASSACHUSETTS NEW HAMPSHIRE NEW JERSEY NEW MEXICO NEW YORK OHIO	OKLAHOMA OREGON PENNSYLVANIA RHODE ISLAND SOUTH DAKOTA UTAH VERMONT WASHINGTON WYOMING

