

FISCAL NOTE
Requested by Legislative Council
02/07/2017

Amendment to: SB 2279

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 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).*

Engrossed SB 2279 requires individuals, in the TANF program, participating in an employment plan to undergo an addiction screening, and provides for an April 1, 2018 effective date. Also the impact on children due to section one of this bill is required to be reported to Legislative Management.

- 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.*

If the contractor identifies an individual employment plan participant at risk of addiction, the individual will be referred to appropriate treatment. The cost of the treatment would be at the expense of the applicant, through their third-party coverage including Medicaid. The additional Medicaid costs or Human Service Center costs related to treatment are undeterminable.

The Department may see a change in TANF benefits, however the number of applicants who fail or who do not comply with a treatment plan, and the timeframe for which they may be denied benefits, is undeterminable and the spouse or the dependents may still qualify for TANF benefits.

The fiscal impact on the counties for performing Child Protection Services assessments is undeterminable. The effects on the Department's Foster Care grant costs are also undeterminable.

Any responsibilities added to the county social services due to the implementation of this bill are not included in the County Social Service Financing formula methodology included in 2017 SB2206.

The additional administrative duties related to implementation of this bill will be absorbed by Department staff and their employment contractor.

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.*

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.*

If the contractor identifies an individual employment plan participant at risk of addiction, the individual will be referred to appropriate treatment. The cost of the treatment would be at the expense of the applicant, through their third-party coverage including Medicaid. The additional Medicaid costs or Human Service Center costs related to treatment are undeterminable.

The Department may see a change in TANF benefits, however the number of applicants who fail or who do not comply with a treatment plan, and the timeframe for which they may be denied benefits, is undeterminable and the spouse or the dependents may still qualify for TANF benefits.

The fiscal impact on the counties for performing Child Protection Services assessments is undeterminable. The effects on the Department's Foster Care grant costs are also undeterminable.

Any responsibilities added to the county social services due to the implementation of this bill are not included in the County Social Service Financing formula methodology included in 2017 SB2206.

The additional administrative duties related to implementation of this bill will be absorbed by Department staff and their employment contractor.

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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: Jennifer Scheet

Agency: Human Services

Telephone: 328-4608

Date Prepared: 02/08/2017

FISCAL NOTE
Requested by Legislative Council
01/17/2017

Bill/Resolution No.: SB 2279

- 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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$158,890		\$6,720	
Appropriations			\$158,890		\$6,720	

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 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).*

SB 2279 requires a five panel drug test to be performed for applicants applying for assistance through the Temporary Assistance for Needy Families (TANF) program if an applicant is suspected of drug use.

- 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.*

The estimated fiscal impact for SB 2279 is \$158,890, of which all is general fund, due to the Department of Human Services (Department) incurring costs relating to; drug testing, \$2,880, the creation of new administrative rules, \$2,500, and programming costs for necessary changes to the Department's eligibility determination systems, \$153,510.

The cost of the initial drug test is estimated at \$40 per test, including the cost of a second "confirmation test", as required in the bill for all failed tests. If any of the individuals selected for a urine-based drug test fail they must be referred by the county to an appropriate treatment resource. This fiscal note assumes that the cost of the treatment would be at the expense of the applicant or through their third-party coverage. Upon completion of the treatment plan they must be re-tested before eligibility for TANF benefits can be determined. In this analysis it is assumed applicants selected for testing will need to be re-tested as least once.

The Department may see a change in TANF benefits, however the number of applicants who fail or who do not comply with a treatment plan, and the timeframe for which they may be denied benefits, is undeterminable and the spouse or the dependents may still qualify for TANF benefits.

The fiscal impact on the counties to develop a treatment plan, and for performing Child Protection Services assessments is undeterminable. The effects on the Department's Foster Care grant costs and Human Service Center costs related to additional treatment services are also undeterminable.

Any responsibilities added to the county social services due to the implementation of this bill are not included in the County Social Service Financing formula methodology included in 2017 SB2206.

System costs do not include extra costs to secure computer systems to ensure confidential treatment information is not disclosed. The VISION system changes of \$80,410 wouldn't need to be made if bill wasn't implemented until 1/1/2018.

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.*
- 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.*

In the 17-19 biennium the Department of Human Services would incur additional operating expenditures of \$158,890, of which, all would be general fund, to perform drug tests on TANF applicants who are suspected of potential drug use.

The cost of the initial drug test is estimated at \$40 per test, including the cost of a second "confirmation test". The costs related to the 17-19 biennium include; \$2,880 for drug testing, \$2,500 for the creation of administrative rules, and \$153,510 in programming costs, for necessary changes to the Department's eligibility determination systems.

The fiscal impact on the counties to develop a treatment plan, and for performing Child Protection Services assessments is undeterminable. The effects on the Department's Foster Care grant costs and Human Service Center costs related to additional treatment services are also undeterminable.

Any responsibilities added to the county social services due to the implementation of this bill are not included in the County Social Service Financing formula methodology included in 2017 SB2206.

System costs do not include extra costs to secure computer systems to ensure confidential treatment information is not disclosed. The VISION system changes of \$80,410 wouldn't need to be made if bill wasn't implemented until 1/1/2018.

For the 19-21 biennium, an increase of \$6,720 in operating expenditures to perform drug testing, of which all would be general fund, is anticipated.

- 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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

The Department of Human Services would need an appropriation increase of \$158,890, of which, all would be general fund, to the base level budget HB1012 and an increase of \$158,890, of which all is general fund, to the Executive Budget Recommendation HB1072 for the 17-19 biennium. For the 19-21 biennium an appropriation increase of \$6,720, of which all is general fund would be needed for drug testing.

Name: Debra A McDermott

Agency: Human Services

Telephone: 328-3695

Date Prepared: 01/23/2017

2017 SENATE HUMAN SERVICES

SB 2279

2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2279
1/23/2017
Job Number 27216

- Subcommittee
 Conference Committee

Committee Clerk Signature

Emmey Prothberg

Explanation or reason for introduction of bill/resolution:

A bill relating to drug testing for temporary assistance to needy families program benefits.

Minutes:

Attachments: 1 - 7

Chair J. Lee: Brought the meeting to order.

Senator Tom Campbell: Testified in Favor of SB 2279 (See Attachments #1). Described the process of a drug test he chose to receive and explained images. He said the test was eight dollars and was a noninvasive experience (See Attachments #2 -3). Senator Campbell expressed concern that the TANF (Temporary Assistance to Needy Families) program was being abused by those abusing drugs. He said he had seen the majority of kids who grow up in a drug abuse home also develop drug problems.

(10:56) **Chair J. Lee:** We need some data for your figures so we can look at the impact on the whole state.

Committee Discussion: Chair J. Lee discussed some of her concerns with the bill. Senator Campbell agreed with the Chair that the state could use more treatment facilities and staff.

(12:35) **Senator Anderson:** How is this bill going to help get people off drugs rather than just cutting their benefits?

Senator Campbell: (Read Page 3, lines 27-31). Senator Campbell said the bill would catch people who were abusing the system. He referred to similar legislation Representative Cramer had introduced in Washington. Senator Campbell said it was important to ensure the state was not enabling drug abusers through the TANF program at the expense of the children.

Chair J. Lee: Informed the committee about the challenges people face when they get out of prison and try to resume life. She also highlighted the problems with giving up parental rights. She said the bill may have unintended consequences so the committee will have to consider the challenges and value of the bill.

Senator Heckaman: How much does ND put from the general funds into the TANF program and what do you expect to save?

Senator Campbell: I do not have those numbers but my objective is not to save money in TANF; My objective is to reduce drugs in the home. I would even promote increasing funds for TANF. We can take TANF funds to help with this drug testing. It has to be approved by a board and based on the information from the counties that are already doing drug testing, it is affordable.

Senator Heckaman: I worked at a school where we drug tested randomly for ten years and only one person was ever found positive. How many people do you expect this to benefit? There may be another way to open a community facility where people are volunteering to test—not to lose benefits but to get off of drugs. That would be better than penalizing someone on a program where taking the money away may affect the children. How do you determine suspicion?

Senator Campbell: We left that to the Human Services to determine suspicion; there are many programs that test on suspicion we could emulate. I would like to require mandatory drug testing; I do not believe a person on drugs will volunteer to get tested.

Senator Heckaman: I would like information on the drug testing in Senator Campbell's county.

Chair J. Lee: It is not an issue of the time it takes to do the testing, there has to be a system set up to keep records and ensure the tests are available and private. There is a cost involved.

Senator Heckaman: When the school I worked at had drug testing, it did not look like that (See Attachments #2-3). The sink was taped off and you do not have an opportunity wash your hands. It is a different situation when you have actual drug testing rather than going to a facility and testing on a volunteer basis.

Senator Kreun: I have had drug testing for my CDL and it is not any more difficult than what Senator Campbell described. If we are talking about lost benefits, where is the benefit when the children come home and the parents are on drugs? I know of children whose parents were on TANF and drugs and many tried to be good parents but they made a mistake. This bill may be an opportunity to be more stiff. We may be doing a disservice if we don't interject our ability to help people at some point in time. I agree we need more information but the down side of not taking care of those kids in those situations is much greater than imposing some dissatisfaction to the parents.

Senator Piepkorn: The most widely abused substance is alcohol; where does that factor into this issue?

Senator Campbell: I'm trying to fight one thing at a time. I am not promoting alcohol use or abuse but I am focusing on the drug issue which is prevalent.

(27:20) **Kim Jacobson, Director of Trail County Social Services:** Testified in Opposition to SB 2279 (See Attachment #4).

(32:50) **Senator Anderson:** Let us focus on the TANF population. What are the strategies in place now through the county social service office to help kids keep safe in drug addicted homes?

Kim Jacobson: The county social agency is a designee of the state of ND. We do not provide counseling or behavioral health services, that is the roll of the Human Service Center and private providers. Rather we provide child protective services which includes the investigation of child abuse and neglect reports. We also provide in home services on both a volunteer and court ordered basis to provide support in case management to families who may be struggling. We also provide foster care management and custodial services to families involved in the child welfare system.

Senator Anderson: If a worker is suspicious or has identified a situation where the parents might be using drugs, what do you do?

Kim Jacobson: If the concern came before a social worker, they are subject to mandatory reporting laws. But any individual can file a report of suspected child abuse and neglect and we could approach it from that model. As far as an eligibility worker being able to deduct reasonable suspicion, they certainly will communicate with our child welfare staff that they have a concern but there are program requirements that prohibit the transfer of information between our eligibility programs and our child welfare services.

Senator Anderson: Are those prohibitions federal?

Kim Jacobson: I believe that statute is federal.

Senator Kreun: On your list, (See Attachment #4) you mention 4 counties with more than 100 families which adds up to 1,349 kids. Any program that we put together is not going to benefit more than what we are already doing. I do not understand—if we have 1,349 kids and if you add the others who have over 100 eligible children that is another 453. We have almost 2,000 kids who may or may not benefit from something of this nature. How do you justify not looking at this?

Kim Jacobson: The way the bill reads it is for reasonable suspicion for application, so it is not for ongoing eligibility. It would be if a new applicant came to the door and you questioned reasonable suspicion, that would be the individual who would be subject to this bill as proposed. The numbers would decrease and within our existing system, there would be a concern of someone acting under the influence or putting their children at risk, any individual in ND can file a report of suspected child abuse and neglect and our child welfare system would look at it.

Senator Kreun: You indicated the cost and difficulties of making this test and hiring people; wouldn't you contract with a hospital or clinic for doing this?

Kim Jacobson: That would be an option that may be available but drug testing contracts are typically more than \$8 when you have an outside firm administering a test.

Senator Kreun: The test still only takes ten minutes and there is not a lot of time involved. Security is very tight and no one was watching who went in and out. I think we are over exaggerating and we have the ability to do this in a professional manner.

Senator Heckaman: When we are talking about drug testing, it not as simple as going and buying the kit. You have to be certified and trained in order to get the accurate results, correct?

Kim Jacobson: That is accurate. In order for drug testing to be held with a high level of accountability and responsibility, administrators should be certified for a number of companies and it is rather costly.

Senator Heckaman: You are speaking on behalf of the directors across the state; do any of your county social services offices do drug testing right now?

Kim Jacobson: Different counties approach drug testing in different ways, it is not applicable to our economic assistance programs. It is used primarily for our child welfare. In Traill County, we only utilize drug testing for hair sample testing for children who are in foster care once we have a court order that gives us medical control. Shortly after a child is moved from a home where a child may have been exposed to illicit substances, a test is done to demonstrate whether a child has been truly impacted by that substance in that home and that is often used by the state's attorney in order for prosecution for felony child abuse and neglect charges. Also we can develop a service that would be distinctive to meeting the needs of that parent so they can accomplish reunification. If we receive a report of suspected abuse and neglect, we offer the opportunity to a parent to do a urine analysis test by a certified individual in order to disprove it and demonstrate their sobriety. That is an option and we only do them for custodial children or on a voluntary basis.

Senator Heckaman: When test, do you do it with your office staff or do you hire it out?

Kim Jacobson: We have done both. I have had staff in the past that have been certified and we have also utilized private drug testing agencies to accomplish that. There is liability associated with doing the test ourselves so it is something we look at very closely.

(41:40) Pamela Sagness, director, Behavior Health Division, Department of Human Services: Testified in Opposition to SB 2279. Miss Sagness said that stigmatizing recipients did not help to fix substance abuse and penalizing parents drives them away from help which affects the children. She testified that before individuals can reach recovery, they need to have their hierarchy of needs met. Research from other states who have implemented the testing have resulted in a small percentage of positive results. As a solution, she proposed that there was an opportunity to look at training for staff on how to help individuals move towards recover rather than punishing them for a chronic disease.

(46:10) **Chair J. Lee:** We have tried for years to do some wrap-around family counseling that would help families with children and that was never funded. Do you have thoughts on the wrap-around programs?

Pamela Sagness: One of the things that is key is looking at how we can encourage individuals to seek treatment. Research shows a wrap-around approach or the engagement services are effective in the realm of substance abuse disorders.

Senator Anderson: This bill may be more focused on recreational users versus people who actually have a substance use disorder. One opportunity here might be to discourage that type of recreational behavior. Can you speak to what you see in that environment?

Pamela Sagness: It is important to note that a positive drug screen doesn't equal a diagnosis. We focus the services to treat individuals who have a substance abuse disorder and would meet the qualifications or a diagnosis. As far as recreational use, the concern is that we do not define what is considered recreational in regard to how it would be handled at the county level so I would feel uncomfortable identifying the line between recreational use and something that is problematic and has an impact on the family and children. We are certainly recognizing that recreational use can have an impact.

Senator Kreun: You mentioned there is a lot of cost involved with counseling and doing some of these services; have we looked at partnering with other facilities?

Pamela Sagness: It is key to encourage integration and collaboration across system partners whenever possible. I cannot speak specifically to which program is being identified. We certainly know there are providers across the state that need to collaborate because of our rural and many of the services are typically only in the urban areas. It is important to note that addiction programs must be licensed in this state and we know there are some serious gaps in regard to addiction programs in the state, especially in the rural areas. We have one-man providers who provide the majority of those services in our rural areas and those services tend to be assessment services and are not ongoing treatment services.

Senator Kreun: That is true; but if you take a look at the information in the large counties, that's where we have those kinds of treatment facilities. You referenced only the rural areas—we are talking 2,000 kids in those larger facility areas and I would seek out those certified to do family counseling to find out if we can partner with them to alleviate some of these particular problems.

Chair J. Lee: We do not have enough facilities or enough licensed counselors.

Committee Discussion: Senator Kreun said that the committee should be looking at all possibilities. Chair J. Lee said they were not enough people available to fill a larger workforce. Chair J. Lee left to testify at another hearing and Vice Chair Larson resumed responsibility.

(54:20) **Trina Gress, Vice President, Community Options:** Testified in Opposition to SB 2279 (See Attachment # 6).

(57:10) Christopher Dodson, ND Catholic Conference: Testified in Opposition to SB 2279 (See Attachment #7). Mr. Dodson said the conference testified in opposition to previous iterations of this idea and the fundamental problem is that testifying positive for drug use does not equate with an addiction. Mr. Dodson said he had not heard of any peer reviewed studies demonstrating that the denial of economic assistance leads to addiction recovery. He said that discovering why a person is poor helps us to address the problems that might have contributed to the person's plight, but this information should not be used to determine worthiness or deny or delay filling the person's need.

Senator Kreun: You indicated that using drugs does not constitute drug addiction. Drug use is against the law so if it is not an addiction, shouldn't we still be asking people to obey the law?

Christopher Dodson: TANF isn't designed to enforce criminal law. The fact that a person breaks the law does not negate their need.

(1:01:45) Carol Cartledge, Director of the Economic Assistance Division, DHS: Testified Neutral on SB 2279 (See Attachment #5).

(1:06:00) Senator Anderson: If a minor has a child are they automatically emancipated?

Carol Cartledge: A minor is not automatically emancipated by having a child.

Senator Kreun: You indicated we would have to ensure any records relating to applicants' participation treatment program confidentiality; do we not have those things in place already? Do we have to set up another program within the TANF?

Carol Cartledge: Due to the drug and alcohol laws, this would be separate and apart. Drug and alcohol laws have more restrictive confidentiality laws.

Senator Kreun: Can't we use those requirements if they're more restrictive as confidentiality and transfer of records to obtain and release information to receive treatment records?

Carol Cartledge: Referred the question to Jonathan Alm, attorney for the Department of Human Services.

Jonathan Alm, Department of Human Services: The difficulty with 42 CFR part 2 and our current system is that the computerized system would allow all TANF eligibility workers to be able see information. 42 CFR part 2 says the information has a heightened security so all TANF workers cannot see that information. We are going to have to build another system to allow the prohibition of that information to be fully disclosed. We can use the outlines of what 42 CFR part 2 says who we can disclose to and who we can't, but the systems that we have today do not have that extra protection.

Senator Kreun: Can that not be adapted? We are making a huge issue of transferring records and the goal is to try to take care of the kids.

Vice Chair Larsen: Closed the hearing on SB 2279.

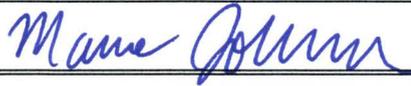
2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2279
1/23/2017
Job Number 27257

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill relating to drug testing for temporary assistance to needy family's program benefits.

Minutes:

discussion

Chair J. Lee: opened the meeting on SB 2279. The parties involved will come back if we want further information. We need to let them know if we want more information. I do not think anyone else, except Senate Campbell. Anything else that committee wants to talk about.?

Senator Kreun: You brought up some questions about hard numbers, did we want them to give us more information on this?

Chair J. Lee: Hard numbers on what?

Senator Kreun: The number of incidence. Let me see what I can find.

V-Chair Larsen: Do you need children to get SNAP?

Chair J. Lee: There's CHIP, (LIHEAP), Low Income Heat Energy Assistance Program. We got a whole sheet of those. Why would we only do it for this. If we want hard data, lets tell them what we want. I do not know if they have any data on how many TANF recipients are drug users because they are not testing. If they think there's an issue with somebody, they can encourage Child Protective Services and foster care, the case load which has grown dramatically. I don't know if everybody neglecting their children is on TANF, anyway.

V-Chair Larsen: I was doing a tour at child protective services, don't forget to get your heating assistance, living together with this mother all three were getting heating checks, she was 32. I assumed the heating assistance was for older people. All three were getting heating checks.

Chair J. Lee: We don't know if they had a disability or something. I don't approve of abuse of these programs. The reason we don't have a fraud investigative team in Medicaid, and we did, is because the money being spent to support fraud investigation program, was more than what they were able to recapture. There wasn't that much cheating. Now the feds say we must have one. Now they're supposed to follow up. There's a potential for data. If you want something from the department, let me know.

Senator Kreun: Just looking at info, the number of families and recipients is 1131 families. There is total eligible of 2781. But then we have eligible adults that get TANF. Not quite sure what that means.

Chair J. Lee: That was 585 adults getting benefits, and the rest are children that belong to those adults. (5.46)

Senator Kreun: There are 2196 that are eligible children. The 585 are eligible adults. Thought you had to have kids because it was temporary assistance for needy families in divergent caseloads. What does that mean?

Chair J. Lee: I am not seeing this. it's 1131 families.

Senator Kreun: Look at the bottom total and it says 585. On the top it states eligible adults. I thought this was a family thing.

Chair J. Lee: When you break it down, you need to look over at the families. Those numbers and add up children and adults, you get the total eligible.

Senator Kreun: Are those the parents of those? You have 585 eligible parents for 2396 children.

Chair J. Lee: (6.57) Yes. It is 1131 families which comprise of 2781 total people.

Senator Kreun: It seemed during her testimony she was only picking out the big numbers because they had the facilities.

Chair J. Lee: She picked out the big numbers because otherwise it's hardly any in a county. She was focusing on the ones that hit 100 or more. There is 50% unemployment on the reservations.

Senator Kreun: We gave \$5M for tribal people and train them to work off the reservation. We did that for two sessions. Any success?

Chair J. Lee: We could ask that specific question, and that is a good one. The other thing is welfare reform, which we implemented in 1997, and there has been a dramatic improvement. Not just because our economy has grown so much, but because you no longer lose your benefits if you do not have a job. You can save some dollars to get on your feet. They have to participate in work preparation work classes and programs. They have to document to county social services how many job interviews they have been on. If they can't find a job in ND right now, they aren't looking. They have a 5 year cap on benefits. Here is an exemption. People taking care of someone with a disability or caregiver, who can't leave the caregiving. It costs us less to keep the caregiver. All came with welfare reform. You get special benefits if you are in an area with high unemployment, Special benefits 50% unemployment, lifetime benefits clock stops. My point is there are special provisions for unique circumstances. If Carol didn't give us the data, we can ask her.

Senator Kreun: Those exemptions aren't working well.

Chair J. Lee: No, not in those areas.

Senator Kreun: I'd like to know the results of that today. We started that 4 years ago.

V-Chair Larsen: They do have the data for that. One of biggest things with our Natives, is that if I was to go to Minot, and then got to Wahpeton, there is a huge expense with these folks. They might not have a car. Any kind of education will help those folks.

Chair J. Lee: That's through higher ed. and is separate issue.

Senator Kreun: Have we contacted the employer to find out if this is successful?

V-Chair Larsen: The colleges that got the grants are required to submit a report to the state and they submitted those reports to the Indian and government affairs committee.

Senator Kreun: So the employers have submitted back to the colleges what the results are?

V-Chair Larsen: They have to track where those students go. The college tracks. The information comes from exiting students. I trained as an CDL driver for Cross Country. They call the company and ask if that person works there. (15.54)

Chair J. Lee: We are digressing. That program has nothing to do with this bill. Do you want information from Carol?

Senator Kreun: Is there a need for drug testing to have qualifications for TANF? Problem is we have different areas that one protective services does this and another does something else. They do not get together to utilize each other's information to do a better job in taking care of those kids. We had testified is recreational drug use vs drug addiction. Maybe not, but still against the law. Shouldn't these people be made aware of it being against the law. You are doing drugs and getting fed and state money. Does that require them to have a drastic reduction in or take something away? They are breaking the law and we are condoning it.

Chair J. Lee: We're not condoning it.

Senator Kreun: We are not enforcing it. That's where this bill is coming from. The public sees that and knows that. This isn't a big deal, but we're talking 2000 kids that could be exposed to this.

Senator Piepkorn: Much of Campbell's test was anecdotal, hear say, and storytelling. I understand the resistance from the public. I get it. We do have to tread carefully. These three statements. Law officers, States attorneys, and most citizens. I don't see how that affects this police officer's job. It's just so vague and emotional and doesn't have the facts that's needed to go forward.

Chair J. Lee: We didn't hear from the association of state's attorneys, and not hear from police officer's association. I know what my police department would say, and it's not this. We've got to get past the hump of drug punishment when it's really a chronic disease. I think the sponsors are anxious. We can ask for that info from Ms. Cartlege. The TANF program is the only one being addressed. Other bills like this have been defeated. If it's the only one that we can address. I'm a little awkward with this thing.

V-Chair Larsen: (22.21) I think we can solidly go on the states in that 2% number. I think that the funding part is ok. My wife, when she sees people that the judge says, you have to meet with her. The TANF will not be withheld from the children. It goes to another responsible adult. The children aren't losing the money. It's an extra headache to administer through an advocate.

Chair J. Lee: Do we put them into Kinship Care? Or foster care? Hey have to do all the background checks them. (23.48)

V-Chair Larsen: I don't know if the person who comes up with a hot drug test, that if it would be out patient. Not sure how that would be. I don't know how this pans out.

Chair J. Lee: Anybody receiving TANF, must participate in a jobs program. Read this.

Senator Kreun: Do we want to call this drug screening? Simply because there's not communication, we do not know, when we go on a domestic call, whether they are on food stamps or TANF, fuel assistance, we don't know as officers. We should be able to report on domestic calls; then that should be the trigger for drug screening. Somehow, if we're going to go after this drug usage; I don't know how we start this. It has to be the communication that triggers a response for an authority. Intervene and be there.

Chair J. Lee: There is a bill that is coming forward this session. We are doing 2 different pilots right now that are being examined. The thing that gives me heartburn about this is that I have been working for 4 years on behavioral health, and how to deal with intersecting substance abuse disorder. This doesn't tie into anything. The people who sponsored it did

not even read the bills that we considered that are talking about this. There are plans in place, if we can move them forward and will make a difference in what we are doing here. This doesn't plug in at all. It would be helpful for communication. The research has been done. It has been found not to be cost effective to do this. And we care about the kids. This is a random bill. (31:00 referenced SB2038 and SB2039)

Senator Piepkorn: These are individual things. As freshman senators, we have a slight different opinion. We all want to get to the root cause. This will test our metal and our resolve to truly be public servants. We have to make baby steps. It takes a lot to stick with something that you believe in.

Senator Kreun: SB 2038 is what we should be working on. To stop that at an early age. Circumvent that intervene quicker. Share that information.

Chair J. Lee: There is no law intervening at that point.

Senator Kreun: That domestic call should trigger something to make sure we can intervene if there's children involved.

Senator Piepkorn: 37:15 personal story 37:35

Chair J. Lee: **We can adjourn.**

2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2279
1/24/2017
Job Number 27331

- Subcommittee
 Conference Committee

Committee Clerk Signature *Mary Munder*

Explanation or reason for introduction of bill/resolution:

Relating to drug testing for temporary assistance to needy family's program benefits.

Minutes:

Chairman J. Lee: Brought the meeting to order. All members present.

Senator Heckaman: What struck me was that Senator Campbell has stated that 50% of his recipients are on drugs. If I would know for sure that was in my district, I would have to report that someplace. He didn't say whether or not he reported. And the statistics of 2 out of 4 doesn't make a pool. But I would hope he would report that someplace. As a former teacher, I was a mandatory reporter on everything. Whether it was child abuse or whatever, you are a mandatory reporter. Are legislators' mandatory reporters?

Chairman J. Lee: No, I don't think so. But how does he know?

Senator Heckaman: I don't know, but if he knows then he's been undercover and he needs to report that.

Senator Kreun: His undercover work was mostly in the mission in Grand Forks. He spent a lot of time there and he lived there. I don't know what he's relating to but maybe he is just relating his experience and what he has learned about drugs. I don't know, but it's not going to go away. One of the things I would like to do is make sure that the money doesn't go away for the kids so they don't suffer in any way, shape, or form. I don't mind too much that it goes to another relative. Hopefully these people will do it from goodness of their heart. In my opinion that is the main concern. It may not hurt to send a message to the public.

Senator Anderson: The only reason I like the idea of 2279 is a lot of constituents feel like we're giving money and things to people who don't deserve them and I think to a certain extent we have to separate those people that have a disease of drug addiction or whatever else from those people that are just using drugs because they have extra money now that we are helping support them. I am going to support 2279 just for that reason even though I don't like to disagree with the department or what they are trying to do. It will get my yes vote because of that.

Vice Chairman Larsen: Some clients are required to be there by the court. I think of it as shining a light on it more than a negative thing. It is to the discretion of the people in the departments. I'm not going to go off of Senator Campbell's stat of 50%. I did hear a lot of nation-wide like Arkansas 2%, here in ND 1%, and I was thinking if it was even up to 5% of the 2000 that we had, it's a small number and then the part that would be moved forward to have to do the test would be a smaller number and the first test isn't complete. They do have to do another test that is more accurate. In my family and the people I know, unless a light is shown upon it, it just keeps going away. It's not so much a punishment as it is an enlightenment. I don't believe, if it does pass, that it will hit a very large number of people. I think the people in the departments, seeing as how it is voluntary for them, are not going to waste time with it.

Chairman J. Lee: Well somebody has to set up a system for confidentiality and the sharing of information. It doesn't matter if there are 5 or 5000 that come in you still have to have the administrative system set up to handle this information.

Senator Heckaman: That's my concern right now. I thought Christopher Dodson had some good comments on the Social theory on this. But that's not my concern specifically because I read on line what other states are doing, and they are not finding hardly any people that are on drugs. Its more in the general population percentage than it would be in tanf recipients. His comments, are we transferring our social assistance programs in to cold demeaning systems. That's what we do here but you bring up the question that we as a state are concerned about and that would be the implementation of this. I just think that would be too hard right now, there's no plan. We heard from county social workers. The word suspicion is sort of a broad general term that we couldn't quantify. Just because you are poor doesn't mean you are a druggie. We target that population because we think our dollars helping them out. I think we have to be more careful about putting more stigma on people who don't have enough to live on in the first place. \$275.00 a month is not a lot.

Vice Chairman Larsen: I think some of this bill is coming from business owners who are having to drug test their people. Everybody who is getting drug tested and I feel it is a backlash, we're doing it, we are all working and they're not. That's where some of this is coming from. If it did move forward then you could say, everybody's on the same boat now. I honestly believe that the people in these departments are not going to do the testing if it is volunteer. If it was mandated, then it would be different.

Chairman J. Lee: Tell me about the voluntary.

Vice Chairman Larsen: Everyone was tested on a suspicion basis.

Chairman J. Lee: I get that but I have a couple of problems here. One, it does combine treatment of a disease with the criminal system and I think that is a bad idea. They also said they had to have places for treatment. Think of the 4 counties that have 100 or more adults and they are Benson, Sioux, Rolette, and Cass. Three of them are major tribal counties. We can't do anything about what's going on there and they definitely don't have any addiction counselor treatment center that can handle the kind of volume they're going to have there.

Cass has more people in the county than it has addiction counselors but there are not enough there either.

Senator Anderson: I think it's a cop out on our part to say we can't do anything about those situations. We're never going to resolve the issue if we say that we don't have anybody to take care of it. We have to have the demand and part of that demand is created by the referral system.

Chairman J. Lee: The workforce is the issue. We have enough demand but have nobody to do the treatment.

Senator Anderson: I don't know if that's true, but then I don't think there is anybody looking to help with treatment.

Senator Heckaman: I disagree. Spirit Lake has tried looking for counselors; family, abuse, drug, and alcohol counselors and they don't have a lot of people flocking to help do that. First of all, it is very, very draining work up there. Second of all there is no place to live on the reservation. So they have to live in Devils Lake and that becomes an issue too. I have worked with every tribal chairman and we have discussed these issues. I have been to the children's health symposium to try to help them. They're trying to keep people even HIS, doctors, dentists. If anybody has a solution they are looking for answers.

Chairman J. Lee: Part of the problem is recertification every year.

Senator Kreun: Two things; one is all the information given to us by the department is 1 maybe 2 % so only 28 people would be there. We're not talking 1000 people inundate any office that will give counseling. Another thing; Isn't it true, first person who would visit with them is the eligibility worker, they would be the one who is technically suspicious. Who would they report that to? If it is reported at the Daycare, boom, it takes not ten minutes to get somebody over there. Who's the supervisor that works with that individual and determines if they do a test or not? If you're talking 30 people to do that, I don't believe that that can't be done that way. Their all with HIPAA, it just seems like we are looking for a reason to not try it.

Chair J. Lee: Reminded committee of the fiscal note.

Senator Kreun: If we do our own silos again.

Chair J. Lee: We've got the Medicaid management system and new eligibility system that would require changes, because it can't be separate from that so there are programming changes for this. If appropriations want to spend that much money for 30 people, then it will be up to them.

Senator Anderson: Motion do pass on 2279 referral to appropriations

Senator Kreun: Second

Senator Piepkorn: What we ought to be focusing on is the greater problem. This is a priority of the first lady, and I think we can take advantage of that by going after the root problem of addiction, alcohol and drugs, and help out all these programs. This is an attention getting deal and it is hard to say no. It is hard to attack the root problem and it takes effort and determination to do that. We have to look at the bigger picture.

Chair J. Lee: I've been looking at the bigger picture for 4 years, everybody's looked at this for 4 years. This is not part of the big picture. We do not talk about the executive branch in here. This is the legislative decision. We make the laws and we are the ones that appropriate the money, they don't.

Senator Piepkorn: Point well taken.

Chairman J. Lee: My concern is the cost. Assume parties pay for treatment or third parties pay.

Vote taken: Motion passes: 4 yeas, 3 nays. 0 absent

Carrier Senator Anderson

2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2279
2/6/2017
Job Number 27918

- Subcommittee
 Conference Committee

Committee Clerk Signature

Jenabellamy for Mary Alm

Explanation or reason for introduction of bill/resolution:

A bill relating to drug testing for temporary assistance to needy families' program benefits

Minutes:

Attachment #1 – 2279. Attachment #2 - 1308

Chair J. Lee: Brought the meeting to order. All Senators present.

Chair J. Lee: Committee will work on SB 2279. We have received two sets of proposed amendments. Attachment #1 is proposed amendments from Senator Campbell (2279). Attachment #2 is proposed amendments from the Department of Human Services (1308).

Mr. Alm: The main distinction between the two is that 2279 would not require drug testing. They both include screening, with the screening tool that would be approved by the department. Both have training provided.

Chair J. Lee: If the screening tool indicated a risk of addiction, what would happen when it doesn't call for a drug test?

Mr. Alm: Under 1308, if the screening tool does not indicate a risk of addiction, then they wouldn't have to do anything. Under 2279, if the individual is considered at risk then it may include a drug test.

Chair J. Lee: If the screening tool in each of these leads to a suggestion that there might be an addiction, is there a difference in the way it's followed up?

Mr. Alm: They would still get referred to treatment and still follow the regular job program. The only difference would be, under 2279, if they felt it necessary that a drug test would be needed then they could refer it to be done.

Chair J. Lee: Couldn't that be done with 1308/2279 amendment, isn't the option there for it to be done if the screen shows a potential risk.

Mr. Alm: The drug testing in 1308 is not included. They would still screen, refer for treatment and comply with the regular jobs program requirements. If they fail to, they can be sanctioned. It's the same on both sides.

V-Chair Larsen: In 1308 the second line says mandatory. When I look at 2279, may include a drug test. 1308 says mandatorily supposed to have a drug screen?

Mr. Alm: Language is talking about mandatory addiction screening, a screening tool like a questionnaire. It will be looked at, developed, and worked through with the department. It's the same requirement as when we require each individual employment plan participant to undergo an addiction screening. 2279 just adds additional may include the drug testing.

Chair J. Lee: The 2279 amendment does say require each individual employment plan participant undergo the screening. In each case, it would be required to have the screening.

It would not necessarily have the drug test, in one case it would be an intermediate step, and then referred to treatment if indicated it was appropriate.

Mr. Alm: Both refer to treatment as needed. In 2279, the jobs contractor determines if a drug test is required.

Senator Heckaman: Is there a FN attached to this bill?

Mr. Alm: There would be no FN. The behavior health division would be able to assist and they have the training modules.

Senator Kreun: In 2279, you don't have to have a drug test to go through the program, so it leaves out a step, so that person can get help without going through a drug test. That individual would be contacted by Social Services to help go through the process without going through the full treatment regiment, could have help without the last part of it.

Mr. Alm: In 2279, each individual undergoes addiction screening with results of "at risk" or "no risk". If "at risk", would need to look at treatment a provider and if they comply with all requirements and won't lose benefits.

Senator Kreun: you could have a person go through process and have some treatment without losing benefits and going through the full drug test that indicates they have the problem. Is that a stop gap so we don't have to do that?

Mr. Alm: If the drug test is not necessary, it doesn't need to be done.

Chair J. Lee: They're very similar, just a more detail in 2279.

Senator Kreun: You don't want to punish, that's what I'm hoping that means

Chair J. Lee: I don't want it to be onerous or restrictive. Do you use anything in 2279 that would be restrictive in a way that the 1308 is not?

Senator Anderson moved to adopt amendment 17.0626.02003.

Senator Kreun: seconded

A Roll Call vote was taken. 3 ayes, 3 nays, 1 not voting.

Chair J. Lee: 3-3 motion fails.

V-Chair Larsen: I thought we had passed this out as a 4-3 as it stood, so that is why my no vote to not amend it. Do we have to bring it back for purposes of amendment, maybe we have to have language first to say that we want to bring SB 2279 back for purposes of amendments. If we do that, I'll change my vote. I would propose we bring 2279 back for purposes of amendments and at that time if we vote to bring that back. We'll do the next step.

Motion to reconsider.

Senator Kreun seconded

A voice vote was taken. Motion passes.

V-Chair Larsen: Move to adopt amendment 17.0626.02003.

Senator Kreun: seconded

A Roll Call Vote was taken. 4 ayes, 2 nays, 1 absent. Motion passes

V-Chair Larsen Move do pass, as amendment and rerefer to appropriations.

Senator Kreun: seconded

A Roll Call Vote was taken. 4 ayes, 2 nays, 1 absent.

Motion passes, hold vote for Clemens.

Senator Anderson will carry the bill.

Senator Clemens voted in favor of adopting amendment 17.0626.02003 and voted in favor of the motion for a do pass, as amended, with a rereferral to Appropriations.

Roll Call votes were changed to reflect Senator Clemens votes. 5 ayes, 2 nays for each of the two previous motions.

****Notification was received prior to the standing committee report being completed that the bill did not need to be rereferred to Appropriations.**

February 1, 2017

ET
2-6-17
p. 1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2279

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to mandatory addiction screening for temporary assistance for needy families program individual employment plan participants; to provide for a report to the legislative management; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code is created and enacted as follows:

Require each individual employment plan participant to undergo an addiction screening to identify whether the participant is at risk for addiction. The department shall establish a screening tool. The department shall provide training on the use of this screening tool to any person contracting to provide individual employment plan services under this subsection. If a contractor identifies an individual employment plan participant as at risk for addiction, that contractor shall refer that participant to appropriate treatment services, which may include a drug test. A contractor may seek assistance from the department to identify appropriate treatment services for a participant identified as at risk for addiction. A participant who fails to comply with the referred treatment services under this subdivision is subject to sanction under this subsection.

SECTION 2. DEPARTMENT OF HUMAN SERVICES - REPORT TO LEGISLATIVE MANAGEMENT. During the 2017-18 interim, the department of human services, through its third-party contractors, shall collect data regarding whether implementation of section 1 of this Act has an impact on children in households receiving temporary assistance to needy families. Before August 1, 2018, the department shall report to the legislative management on the implementation of section 1 of this Act and any impact implementation has on children in these households.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on April 1, 2018."

Renumber accordingly

Date: 4/24 2017

Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2279

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Sen. Anderson Seconded By Sen Kreun

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)		X	Senator Joan Heckaman		X
Senator Oley Larsen (Vice-Chair)	X		Senator Merrill Piepkorn		X
Senator Howard C. Anderson, Jr.	X				
Senator David A. Clemens	X				
Senator Curt Kreun	X				

Total (Yes) 4 No 3

Absent 0

Floor Assignment Sen Anderson

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

Date: 2/6 2017

Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2279

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: 17.0626.02003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider

Motion Made By Sen. Anderson Seconded By Sen. Kreun

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	X		Senator Joan Heckaman		X
Senator Oley Larsen (Vice-Chair)		X	Senator Merrill Piepkorn		X
Senator Howard C. Anderson, Jr.	X				
Senator David A. Clemens					
Senator Curt Kreun	X				

Total (Yes) 3 No 3

Absent _____

Floor Assignment _____

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

Date: 2/6 2017

Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2279

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: Voice Vote

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider

Motion Made By Sen. Larsen Seconded By Sen. Kreun

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)			Senator Joan Heckaman		
Senator Oley Larsen (Vice-Chair)			Senator Merrill Piepkorn		
Senator Howard C. Anderson, Jr.					
Senator David A. Clemens					
Senator Curt Kreun					

Total (Yes) Passes No _____

Absent _____

Floor Assignment _____

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

Date: 2/6 2017

Roll Call Vote #: 3

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2279

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: 17.0626.02003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider

Motion Made By Sen. Larsen Seconded By Sen. Kreun

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	X		Senator Joan Heckaman		X
Senator Oley Larsen (Vice-Chair)	X		Senator Merrill Piepkorn		X
Senator Howard C. Anderson, Jr.	X				
Senator David A. Clemens	X				
Senator Curt Kreun	X				

Total (Yes) 5 No 2

Absent 0

Floor Assignment _____

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

Date: 2/6 2017

Roll Call Vote #: 4

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2279

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: 17.0626.02003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider

Motion Made By Sen. Larsen Seconded By Sen. Kreun

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	<input checked="" type="checkbox"/>		Senator Joan Heckaman		<input checked="" type="checkbox"/>
Senator Oley Larsen (Vice-Chair)	<input checked="" type="checkbox"/>		Senator Merrill Piepkorn		<input checked="" type="checkbox"/>
Senator Howard C. Anderson, Jr.	<input checked="" type="checkbox"/>				
Senator David A. Clemens	<input checked="" type="checkbox"/>				
Senator Curt Kreun	<input checked="" type="checkbox"/>				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Sen. Anderson

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

REPORT OF STANDING COMMITTEE

SB 2279: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

SB 2279, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2279 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to mandatory addiction screening for temporary assistance for needy families program individual employment plan participants; to provide for a report to the legislative management; to provide a penalty; and to provide an effective date.

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SECTION 2. DEPARTMENT OF HUMAN SERVICES - REPORT TO LEGISLATIVE MANAGEMENT. During the 2017-18 interim, the department of human services, through its third-party contractors, shall collect data regarding whether implementation of section 1 of this Act has an impact on children in households receiving temporary assistance to needy families. Before August 1, 2018, the department shall report to the legislative management on the implementation of section 1 of this Act and any impact implementation has on children in these households.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on April 1, 2018."

Renumber accordingly

2017 TESTIMONY

SB 2279

Testimony

The department of Human Services shall develop a plan to implement a program of suspicion drug testing for temporary assistance to needy families (TANF)

Why? I know we have a serious drug problem in ND, one county which only has 4 families receiving these benefits, two are on drugs (50%).

If they test positive they must be referred to the county for a drug assessment .

Many States Attorneys, law officers and most citizens believe we need to start drug testing for those receiving welfare benefits. We cannot drug test Food Stamps because Fed Law prohibits us.

It is time we send a message to all that we will no longer put up with drug users who receive TANF benefits.

North Dakotans work force have to get drug tested in the workplace for their jobs, then surely we should be drug testing those who receive TANF benefits, especially when children are involved.

The only negative reason I heard why not to test is of the inconvenience it will cause for County workers.

14 other states test now, 19 more considering it.

Applicant is ineligible for benefits for one year if the applicant:

- 1. Refuses to submit to a drug test
- 2. Refuses to submit to a drug assessment

3. Does not participate in a treatment plan

4. If he tests positive after treatment plan, indelible for 6 months .

2279
#1
1/23

If positive confirmation drug test.

If a parent or caretaker relative is deemed ineligible for benefits as a result of

failing a drug test, the dependent child's eligibility for benefits is not affected, and

an appropriate protective payee must be designated to receive benefits on behalf

of a child who is under sixteen years

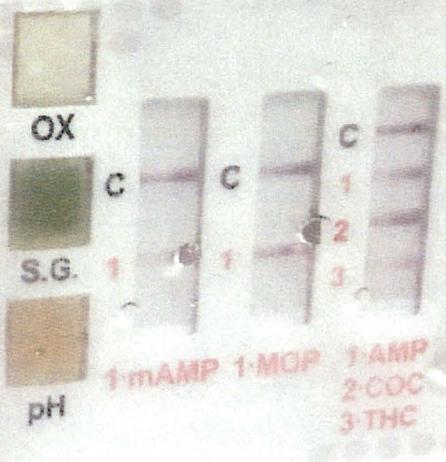
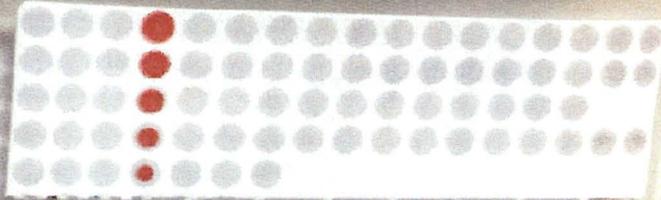
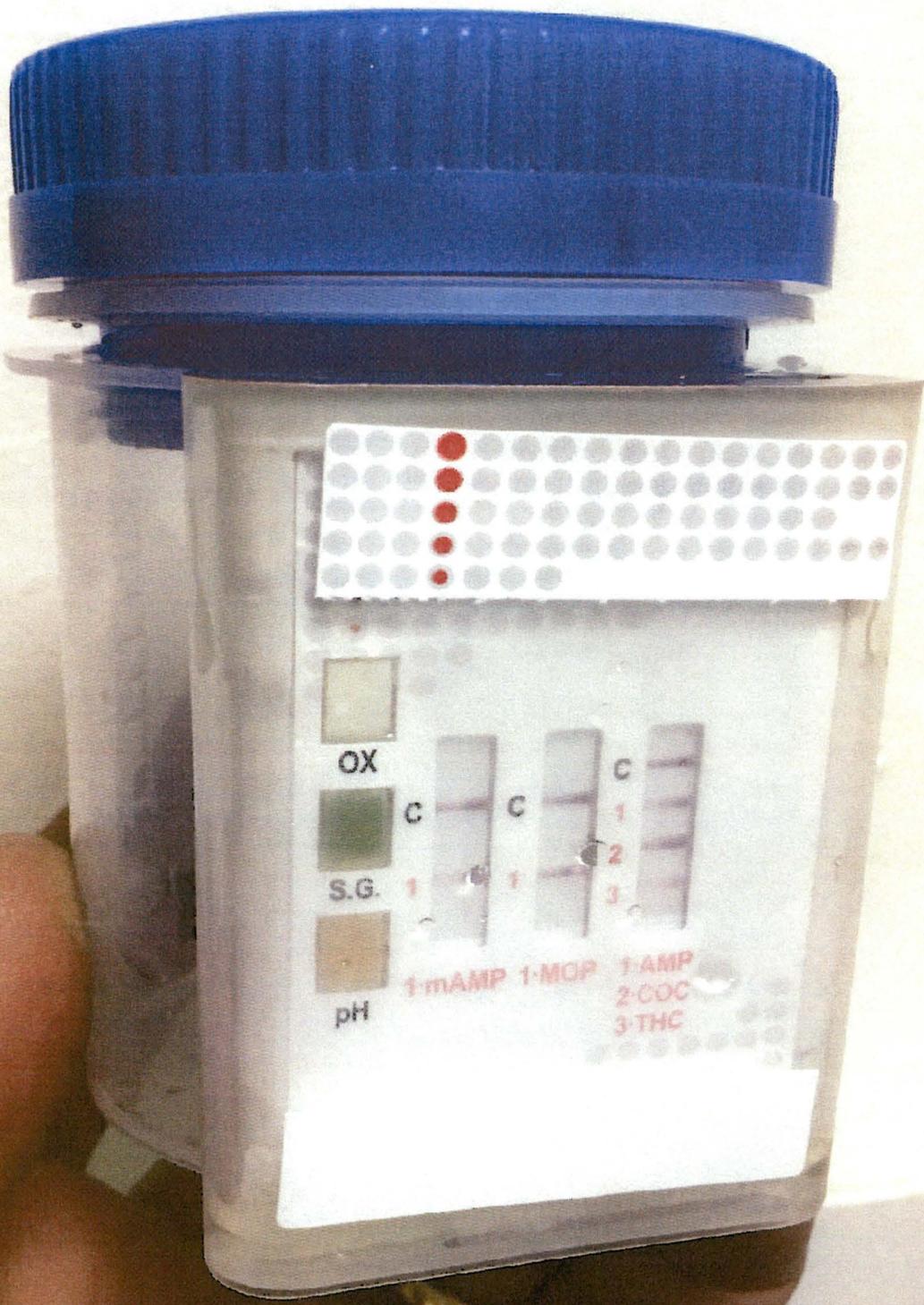
We can very easily set up in each county to suspicion drug test with very low costs. I went thru the test that took about 10 minutes with immediate results.

Why wouldn't you?? Would you drop off your kids to a day care if you knew they were using drugs? Now is the time to send a message to fight and stop drugs.

Thank you

Senator Tom Campbell. District 10.

SB 2279
Attch #2
1/23



PLEASE
FLUSH
AFTER
EACH USE

SB 2279
Attach #3
1/23



D
be
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SB 2279
Attach # 4
1/23

**Testimony
Drug Testing of TANF Applicants
Senate Bill 2279
Senate Human Services Committee
January 23, 2017**

Chairman Lee, members of the Senate Human Services Committee, I am Kim Jacobson, Director of Traill County Social Services and member of the North Dakota County Director's Association. I speak in opposition to Senate Bill 2279.

In North Dakota, county social service agencies are the designee of the Department of Human Services. One of the designated duties of the county social services is to administer a variety of public assistance programs including the TANF program. In this capacity, applicants applying for TANF benefits would contact the county social service office and their application would be processed by the county worker. Eligibility is determined by the county worker based on federal law and state policy. In addition, TANF benefits are subject to re-certification. This process is also done through the county office during the designated renewal period.

The number of TANF recipients in North Dakota has greatly reduced over the years. Therefore, the impact of this bill would have very limited scope. For example, according to recent statistics, Traill County has four (4) TANF households. As of December 2016, there were 1,131 TANF households statewide (See attachment). In contrast, there were 25,265 SNAP households in North Dakota in November 2016.

Senate Bill 2279 would require drug testing of TANF applicants if there was "reasonable suspicion." I am concerned that this bill places the burden on reasonable suspicion upon the County. Eligibility workers determine income eligibility for economic assistance programs. Eligibility workers are not social workers nor do they have experience/education/training in working with individuals impacted by substance abuse nor to identify signs of substance abuse. It is concerning that this bill would place county staff in the position of profiling potential clients without adequate education, training, supports, or experience.

2279
#4
1/23

Furthermore, I am concerned that the County may be required to perform the drug testing procedures. Drug-testing is a complex process. Testing must be completed in a confidential manner with a high level of privacy and security. Individuals administering such test administers require proper training and certification. Such certification is expensive and requires periodic re-certification. This is in addition to the five-panel testing supplies and if needed, confirmation testing.

As there is no fiscal note to this bill, I would assume that the cost of the certification training and supplies may fall upon the County, impacting each county social service office across the state of North Dakota. Add the cost of training/supplies/testing, risk and/or liability related to testing, in contrast with low case numbers, I urge you to consider the cost to benefit/utilization ratio.

As a county social service director I am very aware of the systemic issues created by substance abuse and how this impacts our communities. However, I do not feel that this bill solves this issue. Rather this bill may create new issues, including liabilities, which would likely result in not be the best use of public dollars. However, our behavioral health system (including substance abuse, dual diagnosis, and mental health services) is in dire need of support, funding, and program development.

I urge you to "Do Not Pass" Senate Bill 2279 and rather support funding and development of behavioral health services that can be available to all North Dakotans in need.

This concludes my testimony on Senate Bill 2279. I would be happy to answer any questions from the committee.

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NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
Temporary Assistance for Needy Families & Diversion Caseload
 Number of Families, Recipients (Adults and Children)

December-16

Cty	TANF Families and Recipients (Includes Kinship Care)				Diversion Families and Recipients				Number of 'Child Only' Cases*
	Families	Total Eligibles	Eligible Adults	Eligible Children	Families	Total Eligibles	Eligible Adults	Eligible Children	
1 Adams	-	-	-	-	-	-	-	-	-
2 Barnes	12	35	8	27	1	2	1	1	4
3 Benson	101	274	27	247	-	-	-	-	74
4 Billings	-	-	-	-	-	-	-	-	-
5 Bottineau	3	5	-	5	-	-	-	-	3
6 Bowman	-	-	-	-	-	-	-	-	-
7 Burke	1	3	-	3	-	-	-	-	1
8 Burleigh	75	201	50	151	-	-	-	-	25
9 Cass	188	446	136	310	-	-	-	-	52
10 Cavalier	6	13	3	10	-	-	-	-	3
11 Dickey	1	3	1	2	-	-	-	-	-
12 Divide	-	-	-	-	-	-	-	-	-
13 Dunn	2	3	-	3	-	-	-	-	2
14 Eddy	2	6	2	4	-	-	-	-	-
15 Emmons	1	2	1	1	-	-	-	-	-
16 Foster	6	10	2	8	-	-	-	-	4
17 G.Valley	-	-	-	-	-	-	-	-	-
18 G.Forks	90	209	53	156	1	2	1	1	37
19 Grant	2	3	-	3	-	-	-	-	2
20 Griggs	2	4	1	3	-	-	-	-	1
21 Hettinger	2	3	1	2	-	-	-	-	1
22 Kidder	-	-	-	-	-	-	-	-	-
23 LaMoure	3	8	1	7	-	-	-	-	2
24 Logan	1	2	-	2	-	-	-	-	1
25 McHenry	2	7	2	5	-	-	-	-	-
26 McIntosh	-	-	-	-	-	-	-	-	-
27 McKenzie	11	26	6	20	-	-	-	-	5
28 McLean	11	24	4	20	-	-	-	-	7
29 Mercer	5	12	3	9	-	-	-	-	2
30 Morton	27	67	17	50	-	-	-	-	10
31 Mountrail	4	9	1	8	-	-	-	-	3
32 Nelson	1	3	1	2	-	-	-	-	-
33 Oliver	-	-	-	-	-	-	-	-	-
34 Pembina	5	12	2	10	-	-	-	-	3
35 Pierce	1	1	-	1	-	-	-	-	1
36 Ramsey	24	59	13	46	-	-	-	-	11
37 Ransom	2	2	-	2	-	-	-	-	2
38 Renville	1	2	1	1	-	-	-	-	-
39 Richland	9	28	5	23	-	-	-	-	4
40 Rolette	272	712	129	583	1	3	1	2	143
41 Sargent	-	-	-	-	-	-	-	-	-
42 Sheridan	1	2	-	2	-	-	-	-	1
43 Sioux	100	234	25	209	-	-	-	-	75
44 Slope	-	-	-	-	-	-	-	-	-
45 Stark	20	44	9	35	-	-	-	-	11
46 Steele	1	2	1	1	-	-	-	-	-
47 Stutsman	7	13	-	13	1	5	1	4	7
48 Towner	6	13	3	10	-	-	-	-	3
49 Traill	4	11	4	7	-	-	-	-	-
50 Walsh	7	13	2	11	-	-	-	-	5
51 Ward	86	202	56	146	1	3	1	2	30
52 Wells	4	9	3	6	-	-	-	-	1
53 Williams	22	44	12	32	-	-	-	-	10
Total	1,131	2,781	585	2,196	5	15	5	10	546

Regions	TANF Families and Recipients				Diversion Families and Recipients				Number of 'Child Only' Cases*
	Families	Total Eligibles	Eligible Adults	Eligible Children	Families	Total Eligibles	Eligible Adults	Eligible Children	
1 Northwest	33	70	18	52	-	-	-	-	15
2 North Central	98	229	60	169	1	3	1	2	38
3 Lake Region	411	1,077	177	900	1	3	1	2	234
4 Northeast	103	237	58	179	1	2	1	1	45
5 Southeast	204	489	146	343	-	-	-	-	58
6 South Central	36	84	16	68	2	7	2	5	20
7 West Central	222	545	100	445	-	-	-	-	122
8 Badlands	24	50	10	40	-	-	-	-	14
Total	1,131	2,781	585	2,196	5	15	5	10	546

* These cases are included in the total of 'Families' as the children are eligible. However, the Caretaker is not eligible and is not a parent.

#N/A

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Testimony
Senate Bill 2279 Department of Human Services
Senate Human Services Committee
Senator Lee, Chairman
January 23, 2017

Chairman Lee, members of the Senate Human Services Committee, I am Carol Cartledge, Director of the Economic Assistance Division, for the Department of Human Services (Department). I am here today to provide information on Temporary Assistance for Needy Families (TANF).

TANF provides cash assistance to eligible low-income families that include a child, deprived of support of a parent, who is living with a parent or a caretaker relative. The average monthly caseload was 1,145 and the average month benefit was \$274 per month according to the Quarterly Budget Insight for July 2015 through September 2016. Adult members in receipt of TANF must comply with TANF requirements by participating in the Job Opportunity and Basic Skills (JOBS) program.

TANF program has a five year limit for receiving benefits. The five year limit applies if the adult member is in receipt of a TANF benefit for themselves. A disqualification removes the adult's benefits; the benefit is for the children only and does not count towards the five year limit.

Through the JOBS program, the adult member is assessed for barriers to employment, and an employment plan is developed that provides a work plan for the individual to achieve self-sufficiency. If a plan includes a requirement to receive treatment, such as substance use treatment, and the individual does not follow-through with the recommended treatment, the individual is sanctioned. A sanction means the TANF benefit is

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reduced to the amount needed for the child or children only, and if the individual does not resolve the issue within a month, the entire case is closed.

Information received through the JOBS program, provided that less than one percent of adult members identified a substance use disorder either through the initial or ongoing assessment and case management.

According to The Center for Law and Social Policy (CLASP) article dated October 2016, in states that have implemented these policies, few applicants have been identified as likely users, and even fewer have tested positive – in many cases, less than one percent of applicants. This compares to our findings of less than one percent.

Impact

This bill would require county social service agencies to refer the individual to a local facility for a drug test. To assure appropriate chain of custody, the county would need to receive the drug test results directly from the clinic or lab. There are federal and state safeguarding rules that require the results to be received and maintained in a secure area and which define who may receive the results and who may have access to the results. The counties would need to retain the actual drug test results as the results become a requirement of eligibility and are subject to review during routine program audits.

In addition, the bill states a minor parent who is an applicant for benefits who does not live with a parent may be subject to a drug test. Minor parents may not have the authority to give consent to obtain the results of the drug test without parental consent and the county may not be able to receive the results to determine eligibility for TANF.

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Additionally, confidentiality requirements for drug and alcohol treatment records are governed by 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records, so allowance would have to be made within the program to ensure that any records relating to an applicant's participation in a treatment program are afforded the confidentiality required under 42 CFR Part 2. This would need to include a process for the county to obtain a release of information to receive treatment records and to redisclose them to the Department and to the Office of Administrative Hearings if necessary.

This concludes my testimony and I would be happy to answer any questions.

65th Legislative Session
Senate Human Services Committee
January 23, 2017

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Good afternoon Chairwoman Lee and members of the Committee. My name is Trina Gress, I am Vice President of Community Options. Community Options is in opposition to SB 2279.

Community Options is a provider agency that contracts with various Divisions at the Department of Human Services (DHS), including Economic Assistance Division, which administers the Temporary Assistance to Needy Families (TANF). Community Options is an Employment Provider for the Job Opportunities and Basic Skills Program (JOBS) that all work eligible people must participate in when utilizing the TANF services. Currently, there are three providers for the JOBS program, North Dakota Job Services in Fargo, Turtle Mountain Employment and Training in Rolette and Community Options throughout the rest of the state. I am here to share with you the steps the Employment Providers take to ensure people who are using drugs and alcohol are held accountable.

After a client goes to the local county social service office, the Eligibility Work refers all work eligible clients to an Employment Provider. Within the first 7 days an intake and assessment in which the client and family is assessed and barriers are identified. A plan is written that addresses each barrier (including drug and alcohol use). Recommended treatment is written in the plan and participation in treatment is required. If the client does not follow the plan, they are sanctioned from the program and do not receive TANF funds. TANF clients are not allowed to "live on the system."

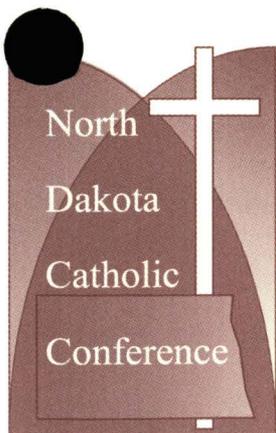
In most cases, the client finds a job and the local employer does the drug test. If the client does not pass the drug test then the written plan would be modified to include treatment supports. Once again if the client does not follow the plan, they are sanctioned.

As an Employment Provider, when we see a child living in an environment with drugs, the Employment Specialist is required to complete a State Form Number 960 to report child abuse and neglect. Then the Child and Family Services will address the safety of the child.

In conclusion, Community Options opposes SB 2279. Thank you for your time, are there any questions?

Sincerely Submitted,

Trina Gress



Representing the Diocese of Fargo
and the Diocese of Bismarck

Christopher T. Dodson
Executive Director and
General Counsel

#7
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To: Senate Human Services Committee
From: Christopher T. Dodson, Executive Director
Subject: Senate Bill 2279 — Drug Testing for TANF Recipients
Date: January 23, 2017

A fundamental criterion for our state's welfare policy should be protecting human life and human dignity in the spirit of charity. Senate Bill 2279 fails that test.

Testing positive for drug use does not equate with drug addiction. At best, it only proves that an illicit drug was used. The purpose of the Temporary Assistance for Needy Families Program (TANF), however, is to help families in poverty, not to punish drug users. Deterring illicit drug use is the proper purview of criminal law.

Substance abuse is a medical problem. Therefore, it is incumbent upon us to ask whether there exist peer-reviewed studies demonstrating that denial of economic assistance leads to addiction recovery. Without that evidence, this bill, though well-meaning, becomes a misguided experiment that puts kids at risk.

The temptation to judge worthiness for assistance is understandable. It may be part of our *fallen* human nature. St. John Chrysostom addressed this very question back in the fourth century in what became the standard response to the issue in Christian teaching. He said:

"The poor man has one plea, his want and his standing in need: do not require anything else from him; but even if he is the most wicked of all men and is at a loss for his necessary sustenance, let us free him from hunger." "Need alone is the poor man's worthiness . . ."

Asking why a person is poor has its value, but not for the purpose of determining whether the person deserves help. The person deserves help because he or she needs help. Discovering why a person is poor helps us address the problems that might have contributed to the person's plight. The information, though, should not be used to determine worthiness or to deny or delay filling the person's need. Otherwise, we transform our social assistance programs to a cold, paternalistic, and demeaning system.

We urge a **Do Not Pass** recommendation on Senate Bill 2279.

February 1, 2017

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2279

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to mandatory addiction screening for temporary assistance for needy families program individual employment plan participants; to provide for a report to the legislative management; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code is created and enacted as follows:

Require each individual employment plan participant to undergo an addiction screening to identify whether the participant is at risk for addiction. The department shall establish a screening tool. The department shall provide training on the use of this screening tool to any person contracting to provide individual employment plan services under this subsection. If a contractor identifies an individual employment plan participant as at risk for addiction, that contractor shall refer that participant to appropriate treatment services, which may include a drug test. A contractor may seek assistance from the department to identify appropriate treatment services for a participant identified as at risk for addiction. Failure of a participant to comply with the referred treatment services under this subdivision is subject to sanction under this subsection.

SECTION 2. DEPARTMENT OF HUMAN SERVICES - REPORT TO LEGISLATIVE MANAGEMENT. During the 2017-18 interim, the department of human services, through its third-party contractors, shall collect data regarding whether implementation of section 1 of this Act has an impact on children in households receiving temporary assistance to needy families. Before August 1, 2018, the department shall report to the legislative management on the implementation of section 1 of this Act and any impact implementation has on children in these households.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on April 1, 2018."

Renumber accordingly

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to mandatory addiction screening for temporary assistance for needy families program individual employment plan participants; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code is created and enacted as follows:

Require each individual employment plan participant undergo a mandatory addiction screening, using a screening tool approved by the department. The department shall provide training to the jobs opportunity and basic skills program contractors on the use of the screening tool. Individual employment plan participants who are identified, via the screening tool as at-risk for an addiction, shall be referred to appropriate treatment services. The jobs opportunity and basic skills program contractor may seek assistance from the department to identify appropriate treatment.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on April 1, 2018."

Renumber accordingly