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2005 SENATE HUMAN SERVICES

SB 2149

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

Senate Human Services Committee

☐ Conference Committee

Hearing Date January 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		00-5040
Committee Clerk Signature <i>Cathy Munsal</i>			

Minutes:

Chairman Lee opened the hearing on Bill 2149.

All members were present.

Paul Ronnigen Director, Children and Family Services with the Department of Human Services.

ATTACHMENT 1, 1A

Ronnigen: I will now walk you through the bill and answer any questions.

Mr. Ronningen stepped through the bill's changes.(meter 375-650 side A) ATTACHMENT 2

Sen. Brown: Is this housekeeping or is there a problem today?

Ronnigen: We're doing this at the request and from conversations with the counties in the past year, with them expressing concerns about their ability to deliver services today and in the future.

As far as housecleaning, this gives us the opportunity in the Department to then set the process in place of rule making processes to then establish a process whereby we could entertain whether or not to allow a county to ask to be de-designated or that we would de-designate them.

Sen. Lyson: I'm getting a lot of e-mails from day cares and they're really concerned about this change. They are opposed to this bill; since I haven't had a chance to go through all of them, can you tell me why?

Ronningen: I have had some conversations with individuals who are reading something into this bill that we might had different people providing the service of early childhood service, I'm not sure what their concerns are, but the intent is not to be switching providers at this point.

Sen. Lyson: I guess I'm kind of concerned; their feelings are that you're taking away the authority from the local social service board and putting it in Bismarck and they're concerned about big daddy coming in and doing all this work and making changes that they may not be aware of. Is that what you're hearing?

Ronningen: No, actually I have not heard anything from the early childhood community regarding their opposition to this bill nor have I had the opportunity to discuss it with them or hear their concerns. The Department's responsible for developing rules and some kind of processes and the county's are responsible for delivering those services.

Sen. Lyson: If they're responsible, why are we changing the wording so it might come back to haunt you?

Ronningen: The language is being changed to provide clarity between all the different chapters so that it's clear that the Department is, in fact, in charge of authorizing the county that will then give us the opportunity to set up a rulemaking process where counties could request to be

de-designated if they want. Right now, in some of the language, it says the county "shall." If country comes to me and says they don't want to be doing this, and the country commission says that they cannot provide that service, we can't find a neighboring county to do that. Right now it says the county "shall" provide that service, and right now we don't have an out.

Sen. Lyson: Under what we are doing here, can the counties retain authority?

Ronnigen: Yes, in fact, that is our intent. That our counties are our designated or authorized agent and they will continue as such.

Vice-chairman Dever: Does that mean the choice is up to the county on whether they relinquish that authority?

Ronnigen: Yes, unless we would determine through some process that the county is inadequate in providing services and the Department would not want them to be the authorized agent.

Vice-chairman Dever: Is there a problem with continuity of services across the state; are some counties fully capable of doing this and some not?

Ronnigen: Some counties have expressed concern about providing services. There is a different level of property tax base that each county is working with. The ability to recruit and retain employees and some of those issues. So we're asking for the opportunity and authority to provide process whereby counties, if they want to, could be request to be de-designated.

Sen. Lyson: If *you* decide that the county can't handle it, *you* could make the change?

Ronnigen: We want to make sure that there is clarity that we can.

Sen. Lyson: I have a problem with this bill if the county wants to retain authority but you're trying to take it away. That's what I'm asking, you can do this with a swipe of your pen.

Ronnigen: That wouldn't be my expectation that each one would go through a rule making process, but we would lay out any kind of processes that need to be in place before we would do anything like that, if we determined that the services were inadequate.

Sen. Lyson: But you could do this the way the bill is written.

Ronnigen: If we went through the rule making process and the rule committee of legislature approved our rule making process, they yes, that would be potential.

Sen. Brown: But you can do this today, can't you?

Ronnigen: Possibly, we're seeking clarification. The Department is responsible for the program.

Sen. Brown: If the county wasn't doing the job today, I can't imagine that the state couldn't be certified to do it a different way.

Ronnigen: You'd have to go through a process either way.

Sen. Lyson: I have a real problem with going through this process. The only process you have to go through if we change this wording, is a swipe of your pen to change.

Ronnigen: I don't believe that's true. We would want to have some processes in place so the counties would understand clearly what those processes were and that there would have to be some justification for the Department switching courses.

Sen. Lyson: I understand that, but the way this is written, I think that with a swipe of your pen you could change it right now if we passed it.

Krista Andrews, Attorney with the Department of Human Services

Andrews: Currently, right now, the Department is responsible for the provision of child protection; day care and foster care licensing. And it way we have the authority to supervise and

direct the provision of the services. So, as Sen. Brown indicated, if we found that a county was inadequate and were unable to, and we tried to work with them, and we just felt children were at risk, under that general section, we feel that we would have that authority just to say that this isn't working and children's safety is at risk. However, because there is a bit of inconsistency in the specific statutes that deal with foster care and day care licensing, child abuse and neglect, some statutes say that the county "shall" administer it, others say that the county in which the child is located will do the licensing, whatever it indicates and is not mandatory. So we want to have consistency among those three programs. If push came to shove, we would want to have that authority under the general provision that says this is what the Department is responsible for. So we want to clarify, and then we'd go through the rulemaking process to say here are the instances in which we feel a county could say they don't want to provide those services or in which the Department could say this isn't working out, we need to de-designate.

Sen. Lyson: I understand that, but the way it's written right now, that you can change anything you want to if this bill is passed.

Andrews: Yes, but I don't actually think that's the case right now either.

Sen. Lyson: I don't care that it's not the case right now, you won't be there forever. The next guy might decide to do that and that's my concern.

Andrews: We do have that authority, we feel, right now. It hasn't gone to an AG's opinion or to court. We feel we have that authority, we want to clarify and we want to set out a process to make it clear.

Sen. Lyson: Then why do we need this law? I have a real heartburn over this.

Vice-chairman Dever: Krista, have you had the occasion to exercise that authority?

Andrews: Right now, we have worked with a county in which we've giving another county the authority to provide those services, because they felt they weren't able to provide those services and we worked out an arrangement with another county to provide the services. There's been a mutual consideration. We haven't yanked the services away from any county if they felt they could provide services but we didn't want them to.

Vice-chairman Dever: In the bill, when it talks about "authorized agent" means the county social service board, unless another entity is designated by the department. Who would that other entity be?

Andrews: Maybe Paul can clarify this. Right now it has been other counties, if they are able to provide that service, i.e., a neighboring county that has more resources and are willing and able to do that. Otherwise, it could be a private entity.

Ronningen: The other entity could possibly be the Human Service Center if a multi-county arrangement could not provide those services. We've relied heavily on the counties providing the services for these three programs and would expect to continue unless they couldn't

Vice-chairman Dever: Is the relationship in the Human Service Center brought about by the counties themselves? My understanding the Human Service Center is that it is made up of counties.

Ronningen: The Human Service Center is actually made up of state employees who are doing multiple tasks, one of which is supervising child welfare services, some of the services, programmatically that are delivered by the county. They are multi-service entities that provide counseling, VR, drug and alcohol and mental health services, not country employees.

Vice-chairman Dever: The fiscal note implies no impact, but the state would have control and the county would pay for it.

Ronningen: We'll find out that we would continue the same relationship that we have today if there was another designation.

Vice-chairman Dever: I have a question on the Citizen Review Committee: How is that made up and are they bound by the same confidentiality as the agency would be?

Andrews: Yes, they would be bound by the same confidentiality and restrictions as every other record that the Department receives related to child abuse and neglect. The statute that the Citizen Review Committee that is being added to says that records that are generated under this chapter are confidential, but must be provided to the appropriate entities which are listed, and the Citizen Review Committee would be listed, so they would have the ability to review those records.

Vice-chairman Dever: Since we are getting input from providers and others, what has been their opportunity to provide input into this consideration?

Ronningen: We've had a general discussion with the county directors group, but no conversation with the early childhood people, I did not see this as particularly impacting them, but apparently they have some reservations.

Sen. Brown: I received a lot of e-mails also. Isn't the state, the Human Service Department, in control anyway?

Ronningen: The Department does have the responsibility and the authority to make up the rules that are governing this program.

Sen. Brown: I'm concerned about the wording of "authorized agent;" does this mean that various agencies such as CCR&R and Social Services would both be approved for approving our training hours or will it be just ones such as CCR&R, whoever CCR&R is. If CCR&R is the authorized agent, I'm concerned. Are we attempting to take the authority away from local government by eliminating the county as authorized agent in the event the authorization would go to Research and Referral. Would there be outsourcing to Minnesota, costing us more North Dakota dollars (meter 2050, side A). Is there any reality here?

Ronningen: I'm not sure what there're referring to. The Childcare Resource and Referral entity who is providing the training for the day care licensing people versus the counties who do the actual licensing, that there's apparently some friction showing up in those e-mails you're receiving.

Sen. Brown: It has nothing to do with this law?

Ronningen: I don't think so.

Sen. Dever: The fiscal note indicates no impact.

Chairman Lee: Mr. Ronningen, did you request copies of the e-mails so you can see what the concerns.

Ronningen: I would appreciate copies.

Clarence Daniel, Director of Social Services, Stutsman County

Daniel: This bill is the result of discussion between our child welfare task force committee and the Department. The concern is that some counties are finding it hard to recruit and retain good social workers. Some have vacancies that have been going on for six to eight months. This makes it virtually impossible if you have a county with only one social worker, and that position

is vacant, to get work done. We also have concerns that the bill has not come out the way we thought it would. To compare it to getting a divorce. This bill allows the Department divorce the counties and ask for alimony. In the bill, it doesn't even give us the ability to ask for a divorce. Their contention is that the rules will allow us to ask for a divorce. The counties would retain the responsibility to pay for this. We're concerned that when we get reimbursed, we talk about getting 75% reimbursement and paying 25%. The reality is we haven't got for years. Probably back when the old Title 20 was just reimbursement to the counties at 75% federal and if you could come up with the 25% you could have any service you wanted paid for by the federal government, but that open ended checkbook ended years ago. My concern in that area is that when the Department decides that the county should do something, they tell us to do it, and we take whatever amount of money is available, usually around 40 - 50%. The local county taxpayers make up the difference. If the Department decides to designate someone other than another county social service board or even if they, for example designate Stutsman county to provide services for LaMar county, LaMar county would be asked to pay full costs back to Stutsman county or we wouldn't be interested in doing it. The problem with that isn't so much between Stutsman country and LaMar county, its that they then have no control over their costs. They'll just get a bill that someone else decides. A good example would be Cass and Stutsman county's salary for social workers are much higher than LaMar's. So they're going to get a bill with increases that they have no control over. We are in favor of the bill and don't want it to go away because there is language now when we're trying to work out an agreement, because of the word "shall" in places. But we do have concerns about what the final rules might read and

whether they have to be handled in the bill or not, I leave that to a legal person. We would like something that the county has a right to ask that we be designated as the person.

Another area is the day care issue. The counties are not authorized by law to issue a license, but rather by the Department of Human Services. All we do is the inspection, the viewing of the home, etc., and we send a report in to the regional office with a recommendation. But we do not and have not issued licenses for day care. When they think they're losing the local control, we really don't have it, they might think they're losing the inspection, but they won't be losing any local control because we don't have any.

Chairman Lee: Will the day care providers see any change in procedure? Is this more of an internal thing?

Daniel: In the short run, I don't see any changes. In the long run - possibly, if counties don't want to do day care, we might have to look to an entity outside social services. This doesn't limit the agency from looking outside.

Sen. Lyson: The way the bill is written, if you're in Stutsman county and LaMar country, under this bill, you can say, Stutsman county you're taking LaMar.

Daniel: I don't see that. I don't believe this gives them authority to order another county to force somebody. Maybe that needs to be clarified in the bill, that the county has the right to reject designation, especially for social services outside our county?

Sen. Dever: My e-mails were concerned with private entities. If we were to amend the definition, instead of saying "unless another entity" to say "unless another government agency."

Daniels: I would not have an objection with that.

No further testimony in favor or neutral of Bill SB 2149.

Testimony opposed to Bill SB 2149

Diana Jacobson, Child care provider

Sen. Brown: You say the change would *dramatically* change your business. Please explain.

Jacobson: Our licensing and training goes through the county. I see a potential changing with this bill. As Sen. Lyson said, the opportunity for them to transfer from the county to another agency. We have had conflicts in the past over potential change of our training going from county and their ability to say what's approved or not, going to County Resource and Referral(CR&R) I have to be blunt, CR&R does not a good reputation. There have been conflicts and their training is expensive. Sometimes we don't feel its what we need but yet we don't have a voice. And we fear that some point in time, the county will not be allowed to say and advocate or give the authority that other training is available to us.

Sen. Brown: You're in Burleigh County and probably won't have a problem. But what if it did and Burleigh County decided it couldn't provide or want to provide the service anymore?

What's the state to do?

Jacobson: I'm not qualified to answer that question. They would have to decide who would do it, but would the child care providers have some input in that? I'm not directly opposed to them have the authority that they do, because I have a good relationship with the county people. I'm asking that child care providers have some kind of voice. That they ask us what we think about it before changing.

Chairman Lee: Does the county now have an advisory council with the day care providers?

Jacobson: We have connection with our licensors, they're our voice. If we have a concern we usually call them and it goes up the ladder from there. There has been a proposal for a professional development program, which I'd like to be involved with.

Chairman Lee: Is the primary objection of the day care providers we're getting input from, with CR&R more so with the county or the Department of Human Services?

Jacobson: Their concern is who this designated provider would be.

Chairman Lee: And that it would only be one entity instead of options that might be available for education and training.

Jacobson: Or that we would not have the input on who that provider would be.

Chairman Lee: As a Realtor, I don't have any input with the real estate commission on determining acceptable continuing education. I'm seeing your business and my business as being parallel because there are requirements for training and education. Communication is important, but I'm not sure we can legislate that. Their job is to policing it for the good of the public. Enhanced communication wouldn't hurt, but that's hard to legislate.

Jacobson: It would create a worse situation if they designate an entity they know we're in conflict with.

Chairman Lee: Who provides your other opportunities for training?

Jacobson: The county, food services people, conferences. CCR&R has designated trainers. We do reading our own, videos. And if we can show that it was something substantial for our business, we were given credit. We're afraid this wouldn't happen within that. The professional development program which at this time the final draft has gone through, and I had no idea of either, and asked to be informed, their final meeting is going to be February 17, and after that the

implementation process will go through. I understand that not just any provider will be put on their list, so if we do not comply and take their training, we will be at the bottom of their register.

CCR&R has the name of all the child care providers in the state of North Dakota and has promoted itself to the public and families as the place to call in to get referrals for child care. So, if at some time, if a day care provider with 20 years experience only takes their (CCR&R) minimum amount of training that year, they may be put low on their scale and not have their name given out as a referral. That's what we've been hearing over the last few years.

Chairman Lee: Do you have a minimum number of hours of professional education that is required each year?

Jacobson: Yes, and we usually take more than required. A lot of the time, the training is basic and we feel we need more. If I'm going to pay for something, I'd like to benefit from it. Their training benefits the new providers, but those of us in the business for 20 years- I don't want to have to pay for this basic training just for the sake that we have to have a certain amount of hours.

Sen. Dever: If were to adjust the definition to include only government agencies, would that relieve some of your concern?

Jacobson: Isn't CCR&R connected to the Department of Human Services?

Chairman Lee: Do you want to get training from other entities?

Jacobson: That's already in effect.

Chairman Lee: And you want that to continue?

Jacobson: Yes

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Senate Human Services Committee

Bill/Resolution Number SB 2149

Hearing Date January 10, 2005

Ronnigen: Just for clarification. CCR&R are under contract with the North Dakota Department of Human Services and are not a state agency.

Chairman Lee closed the hearing

Chairman Lee: Mr. Daniel, Ms. Andrews, and Mr. Ronnigen, you've heard the concerns, so could you assist us with a potential amendment that might satisfy the concerns talked about?

They agreed to help.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

Senate Human Services Committee

☐ Conference Committee

Hearing Date January 12, 2005

Tape Number	Side A	Side B	Meter #
1	x		00-2980
Committee Clerk Signature <i>Cathy Munoz</i>			

Minutes:

Chairman Lee reopened the hearing on SB 2149.

All members were present.

Paul Ronnigen, Director of Children and Family Services, Department of Human Services

Ronnigen: After talking with the child care provider from the hearing on 1/10/05, we are still in favor of this bill. The counties are concerned with two issues. One is that the county directors would like to see in law that the department set up a process where they can de-designate. They feel this bill will allow them to do this. The second issue is that of child welfare issues. If the department did find itself de-designating a county or if a county de-designated, the concern from the county is the whole billing process. That would need to be addressed in the rule making process and give legislators an opportunity to weigh in on that process and see if it is valid.

Sen. Dever: Are we looking at amendments to this bill? The county directors suggested we take a look at converting this bill over to an interim study committee on child welfare financing. I think this bill takes care of the concerns of the county.

Clarence Daniel: Director of Social Services in Jamestown

We are concerned that the bill gives the Department the authority to de-designate or designate, but it doesn't really give the county the authority to say we no longer can or desire to do this. We feel there should be some reference in the Century Code to make sure that the rules get written to include that part of the provision. The other concern is that will it they're going to have the authority to de-designate, we need it clearly defined as to what we're supposed to be doing in child welfare, up front, to be able to defend ourselves in the future. We would like it amended so the county has the right to ask.

Chairman Lee: If we amended it so that the county involvement in the process was in the statute, would that make you more comfortable. Maybe the detail should be in the rules with some mention in the statute as to the county's ability to accept or reject being de-designated and being part of the decision if that designation was removed?

Daniels: We don't want the details in the rules, either. But we want to be able to ask for a divorce. Another issue, what can you bill a county for if you de-designate? We would want that dealt with in the rules, because what is fair to charge a county with. We don't want the Department to bill one county for another county's services without some say.

Chairman Lee: Krista, do you have any concerns, from the Department's point of view, from a legal standpoint?

Krista Andrews, Attorney for the Department of Human Services

Andrews: We would prefer to a chapter in the administrative rules that covers the various areas that would be affected. This way every chapter that deals with child care issues/rules wouldn't have to be changes (tape 1 side 1 meter 775-790).

Chairman Lee: So if we put something in the statutes about de-designating the counties, then we have to also put it in all those other chapters that reference each program. So we shouldn't put it in the statute, but rather in the rules.

Andrews: That would be my preference, otherwise we would have the same law for the same provision in all three chapters-since this particular law affects three programs.

Sen. Dever: One of the concerns with a provider was the possibility of someone other than a government agency being a decision maker, i.e., an authorized agent. Could we put language in that would address that concern?

Andrews: That would be easier to accommodate because you have the definition of "authorized agent" in each of the three chapters affected. It would be easy to include something in the definition of authorized agent to say "authorized agent means the county social services board unless otherwise designated by the Department or shall include only a government entity"

Chairman Lee: Would the Department be comfortable with that?

Ronnigen: Regarding the discussions we had with the early childhood people and what we see coming in, it would appear that it would be tying the hands of the Department in who they could choose to deliver a particular service. In this particular instance, we should say that it shouldn't be the resource and referral people. If you say that it's only going to be a government agency, the county said "we're going to state-ize child welfare services. Who would that other governmental

agency be, other than the Department of Human Services. So if you restrict it to only a governmental agency I have some concern with that being the authorized agent.

Chairman Lee: Sounded like the child care providers have issues with resource and referral, so maybe there's an overreaction to what's going on here. We don't want to goof it up because there's been a couple of people don't agree with the way education should be delivered.

Ronnigen: There is an early childhood care association in the state who is concerned about this. The resource and referral people don't have any interest in doing licensing, and we don't have any interest in contracting with them to do that. I see it as a non issue.

Chairman Lee: Is there a problem with the way this is written?

Senator Lyson wants to get more input from the people who have concerns with this bill.

Sen. Dever: What are the options?

Ronnigen: If a county de-designated, we'd have to find another agency to take care of the services, and that isn't always easy to do, due to the ruralness of North Dakota.

Sen. Warner: If we put the provisions of establishing the process for rulemaking in a general administrative chapter, is there a chance that it spreads beyond the three programs here?

Andrews: The Department already has the rule-making authority. A good place to put new language would be in 50-01-09 which talks about the duties of the county social service board. We could potentially another subsection that says "the county social service board of each county in the state has the following duties:" If we could work on coming up with some language that says to accept or decline as established by the Department, that the Department falls into the rules, the provision of child welfare services. Then it would accommodate their

wishes to have something in law, then we wouldn't have to touch on each of the child welfare chapters and put all the details into the administrative rules.

Sen. Warner: If the Department already has rulemaking authority, why do we need this change?

Andrews: I don't think we would. I think if we would put a section in 50-01-09 that talks about the county will provide welfare services and have authority to de-designate, then we would just do rule making to effectuate all the details.

Sen. Brown: Who else could take over these functions? A school district? They already deal with children, and have social workers.

Ronnigen: There are a lot of examples of schools delivering services, but I haven't thought in that direction, it would be a possibility? Financing would be an issue.

Sen. Brown: If we solved the financing issue, does that take away Mr. Daniels concern? Are we not training enough people in this area?

Daniels: Financing drives a lot of things. The legislature has provided a 75% financing level, which we've never gotten. We wouldn't be at this level if we would get it. Salaries are another issue; salaries in small counties aren't high and don't attract social workers. Larger counties pay better than smaller ones. Financing would make some difference, but it wouldn't solve all the problems. The tax base just isn't there in small counties. Staff salaries are the biggest cost of a program.

Sen. Brown: So why are you concerned about the state taking over if things are falling apart anyway?

Daniels: We're not worried about the state taking because the state probably doesn't have the funds to take over all the salaries. We do a big service for the state of North Dakota in the

counties off the bill levy, property tax rather than the other taxes that are available. Concern is that the counties need to have some control over what they're told they have to do, and can't do and when they get in a crisis situation. The state doesn't have the tools to deal with Kidder county, no smooth mechanism to take care of the neglect and abuse reports they had sitting on desks that weren't being assessed within the time frames we require. They eventually resolved it but there were overdue reports and the director of Kidder county isn't a social worker and couldn't step up to the plate like some counties could. This is an attempt by both of us to come up with some solutions. The county directors feel strongly that we need to have the ability to make that petition to be de-designated rather than it being from one side.

Chairman Lee: If we include the language that Ms. Andrews suggested, would that solve your problem?

Daniels: That would address half of our concerns. The other concerns money but that isn't addressed. We need to deal with that outside of this bill.

Sen. Dever: If we're talking about the counties not having enough money, do the counties have the work load to justify the staff?

Daniels: We have the work load. One problem is the social workers keeping up their competency; with only a few assessments now and then, they can't keep up their competency. The committee talks about this constantly. This is when counties need to help each other out. There's the possibility of a lawsuit because if a person who hasn't done an assessment for a year, makes a mistake, the county is liable.

Chairman Lee: Does the Department have a person on staff that could fill in when needed for a less populated county on a contract basis?

Daniels: We've discussed that with Paul; the regional people who supervise our county social services, but they aren't doing assessments on a regular basis, so they really can't be called in in an emergency. There isn't enough money to have people on staff just for this purpose.

Ronnigen: There is some creative things going on in the state with the multi-county work. Stark county has acted as a hub for the smaller counties that don't have enough resources. It's worked out well. County commissioners have suggested that there be some sort of similar arrangement. The work load just isn't there for some counties. There are problems for some of the directors who serve on several boards, the rules are different in each county and the pay structure, too. We would be interested in drafting an amendment to the particular area of the law that would address the county director's concern and bring it back to the committee.

Chairman Lee: That would be great, and it would give our committee time to talk with their constituents about the issue. Please make the amendment available to Carlee McLeod by Friday.

Chairman Lee closed the hearing on bill 2149.

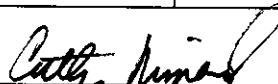
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

Senate Human Services Committee

☐ Conference Committee

Hearing Date January 17, 2005

Tape Number	Side A	Side B	Meter #
1		x	4,225-5545
Committee Clerk Signature 			

Minutes:

Chairman Lee reopened the discussion on SB 2149

All members were present.

Carlee McLeod, Sen. Human Services intern, explained the amendment possibilities for this bill.

Sen. Warner asked if the last three words "to establish procedures" does that reference a specific chapter in code, or are we deferring the issue to the Department of Human Services to establish procedures for appeal. Chairman Lee explained that the committee is looking at administrative rules, in order to alleviate the counties concern.

Sen. Lyson, my constituents say they're not opposed to this, but they want some say want to be part of the appeals process.

Chairman Lee But that would be part of the part of the administrative rules committee's oversight. I wouldn't be terribly receptive to putting that kind of detail in the statute.

Sen. Lyson: I have a problem putting something in law without knowing what the administrative rules are going to say.

Chairman Lee: But if we're saying they're establishing a process through which this is going to be done, then the administrative rules committee will have the opportunity to review and deny. What would your (Sen. Lyson) recommendation be?

Sen. Lyson: If we would have anything to say about it, which it appears we don't because its going to the administrative rules committee, that a situation be set up for a public hearing and appeal for these changes.

Chairman Lee: I don't think so, the administrative rules does require a public hearing on every set of rules that comes before them, and they're not shy about sending people back to the drawing board to say things a different way.. And we're not going to answer this this morning, but I wanted you to have this, and you can check with your administrative rules committee colleagues and find out more about the process. We could put something in there, but it would be redundant.

Sen. Brown: I have no problem with the public hearing and the appeal process, but let's remember that nothing is even to get started here unless the county asks to be taken out of their obligation.

Sen. Lyson: It appears to me they can take it out or the county can be asked to be taken out. It says "the Human Service Department may release the County Social Service Board of its duties" that means they can take it, doesn't it?

Sen. Warner: On the amendment, the way that its grammatically in the sentence, it may only refer to when the country social service board requested to be relieved that there are established procedures.

Page 3

Senate Human Services Committee

Bill/Resolution Number SB 2149

Hearing Date January 17, 2005

Sen. Lyson: That was my concern, if they request it then it has to be, but if they take it, there's no risk.

Chairman Lee: We can look at the wording and fix it.

Carlee McLeod agreed to draft less ambiguous wording. She also agreed to contact Terry Traynor, with the association of counties to get his input.

Discussion ended on SB 2149. No action at this time.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

Senate Human Services Committee

☐ Conference Committee

Hearing Date January 18, 2005

Tape Number	Side A	Side B	Meter #
1	x		-1,220-1590
Committee Clerk Signature <i>Deborah Minard</i>			

Minutes:

Chairman Lee reopened discussion on SB 2149.

All members were present.

Carlee McLeod, Senate Human Services Intern, explained changes to an amendment.

Sen. Lyson moved Do Pass on amendment, seconded by Sen. Brown. Vote: 5 yeas, 0 nays, 0 absent.

Sen. Dever asked if this took care of the concerns of the day care providers. It was agreed that it took care of the major concerns. Chairman Lee said she visited with the association of county people and the amendment took care of their concerns.

Sen. Warner moved Do Pass as amended, seconded by Sen. Lyson, Vote: 5 yeas, 0 nays, 0 absent. Carrier Sen. Dever

Chairman Lee closed the discussion on SB 2149.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

Senate Human Services

☐ Conference Committee

Hearing Date January 24, 2005

Tape Number	Side A	Side B	Meter #
2		X	1-295
Committee Clerk Signature <i>Colly Minard</i>			

Minutes:

Chairman Lee called the meeting to order to discuss SB 2149. All Senators were present with the exception of Senator Dever.

Chairman Lee informed the committee that the clause about a citizen's review committee was erroneously dropped from the amendment. Chairman Lee requested that the committee reconsider their action on passing an amended version of SB 2149.

The motion was made by Senator Warner, seconded by Senator Brown. Motion to reconsider passes.

Senator Lyson moved to pass the adoption of the amendment, attached to Paul Ronningen's testimony. Seconded by Senator Brown. The amendment passes with 4 members voting in favor, and one member absent.

Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number SB 2149

Hearing Date January 24, 2005

Senator Brown moved that SB 2149 pass as amended. Seconded by Senator Lyson. The bill as amended passes, with 4 members voting in favor, and one member absent. Senator Dever is the carrier of the bill.

Chairman Lee closed the committee meeting on SB 2149.

FISCAL NOTE

Requested by Legislative Council
01/28/2005

Amendment to: SB 2149

1A. 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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill amends and reenacts specific sections of NDCC relating to authorized agents of the Department of Human Services for foster care licensing, child care licensing and child abuse and neglect services. The bill further clarifies responsibilities. This bill has no fiscal impact.

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.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	DHS
Phone Number:	328-2397	Date Prepared:	01/31/2005

FISCAL NOTE
Requested by Legislative Council
01/03/2005

Bill/Resolution No.: SB 2149

1A. 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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill amends and reenacts specific sections of NDCC relating to authorized agents of the Department of Human Services for foster care licensing, child care licensing and child abuse and neglect services. This bill has no fiscal impact.

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.*
- C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	Human Services
Phone Number:	328-2397	Date Prepared:	01/07/2005

Date: 1-18-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2149

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass (acceptance of amendment) as amended

Motion Made By Lyson Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment _____

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

Date: 1-18-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2149

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass (acceptance of amendment)

Motion Made By Warner Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen Dever

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

Date: 1/24/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2149

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Warner Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 9

Floor Assignment _____

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

Reconsider

Date: 1/24/05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2149

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Lyson Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment _____

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

Date: 1/24/05
Roll Call Vote #: 3

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2149

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Brown Seconded By Sen Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen Dever

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

REPORT OF STANDING COMMITTEE

SB 2149: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 50-01.2-03 of the North Dakota Century Code, relating to duties of county social service boards; and to"

Page 1, after line 8, insert:

"SECTION 1. A new subsection to section 50-01.2-03 of the North Dakota Century Code is created and enacted as follows:

Supervise and administer designated child welfare services under the direction and supervision of the department of human services. Through established procedures:

- a. The department of human services may release the county social service board of this duty; or
- b. The county social service board may request to be released from this duty by the department of human services."

Page 10, line 24, after "6." insert ""Citizen review committee" means a committee appointed by the department to review the department's provision of child welfare services.

7."

Page 10, line 25, replace "7." with "8."

Page 11, line 1, replace "8." with "9."

Page 11, line 7, replace "9." with "10."

Page 11, line 17, replace "10." with "11."

Page 11, line 18, replace "11." with "12."

Page 11, line 24, replace "12." with "13."

Page 11, line 29, replace "13." with "14."

Renumber accordingly

2005 HOUSE HUMAN SERVICES

SB 2149

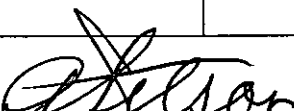
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2149**

House Human Services Committee

☐ Conference Committee

Hearing Date **09 February 2005**

Tape Number	Side A	Side B	Meter #
1	A		4790 - 6125
Committee Clerk Signature 			

Minutes:

Chairman Price opened discussion of SB 2149:

Rep. Porter: When we heard 2149 there was a concern of mine that popped up that if a county decided to opt of providing service there was nothing in the bill that said they had to continue the financial support that the were providing prior to opting out. Even though the department has to agree them to opting out by releasing them, I just felt it was important language that if they are a small enough county. I just felt it is important enough that if we are going to allow this to happen that we also make sure that we're clear from the legislative standpoint rather than have the department negotiate it. It would clear from the legislative standpoint that we expect the counties to maintain support of the child welfare services. That's basically what the amendment would do. It was drafted by Mr. Ronnigan at my request. During testimony they said they were thinking that they would do it through the administrative rules process. I guess I felt more

comfortable that we tell them that they have to retain the financial support. **I move the amendment.**

Rep. Weisz: I second.

Rep. Weisz: I just wonder how we determine the financial responsibility. I agree with the amendment. I think it has to be clear. I'm trying to figure out how we determine that responsibility if they obtain a match every five years.

Rep. Porter: It would be whatever they are responsible for now they would retain that responsibility. It basically says "it shall still maintain its financial responsibility for providing these services." If they choose to and are allowed to opt out of providing those services, whatever they were paying prior to that they would continue to pay from the local level.

Chair Price: They would negotiate at the point they want out.

Rep. Weisz: That would be the only way it could work because who knows they may even be sharing staff in the county and they somehow have to determine that. It was costing them "X" amount of dollars and the department would have to buy off on that. I can see some issues. I don't know if that changes anything. It shouldn't. It's more of a matter of clarification. I don't know if the amendment does what Rep. Porter wants it to.

Chairman Price: I thought they had it covered before.

Rep. Porter: No, they really didn't though. When Mr. Ronnigan was here he said they would do it through rules and there wasn't any guarantee that wouldn't through the rules be able to say, "well, you only have one case, we'll waive yours" and then come back to the next one and do them on an individual basis all the way through. I think it's important that it come from the legislature on how we would expect them to do it.

Chairman Price: Why don't we bring it and deal with it and then we can always double check when they do the report. We have an amendment in front of us.

A voice vote was taken. The amendment Carried.

Rep. Damschen: I might have overlooked something but when I look at this it looks like the department can designate another entity regardless as to whether the county wants them to or not.

Is that the intent? In section 1 it says "the department of human services may release the county social service board" and then section 2 "unless another entity is designated by the department." I haven't found where it says only if "the county wants to give up its. . ."

Chairman Price: I think that it probably says that for two reasons. Number one is that they are not doing their job. That has become an issue in some of the counties. We have a couple of areas that aren't going real well.

Rep. Weisz: If you are going to take it away from the counties then determining financial becomes . . finally if the county wants out then they can sit down and negotiate if this is what happens. I guess I didn't think of pulling it away because they aren't doing their job. Now we could have a real battle in determining . .

Rep. Porter: If they aren't doing the job as prescribed in law and they get it pulled and they aren't financially responsible for that then all of sudden you could end up with 10 or 15 counties that say well we'll just stop doing the job, the kids are at risk, and the state will take it over and we won't have any financial responsibility. If they aren't doing their job and it's pulled from them, they still have to be financially responsible for that.

Rep. Weisz: I agree. The battle going to be with the counties saying we're not going to pay whatever the department has determined should be their responsibly and that maybe needs to be

clarified so that we know that the department can say okay x, y, z, this what share, and this is what you are going to be responsible for. That's what I think you will find with involuntary. The county is going to try to argue that this is only costing us half as much as the department says it does and we will have a feud and I would want to make sure that whatever the cost the department ought to be able to get. If they are not doing the job already the last thing I want them to do is to be able to shirk their financial responsibility.

Chairman Price: That's why we have those words "establish procedures" so if we don't know what those are going be. We'll pull Paul in next week for whenever we deal with this and ask those questions.

Discussion closed.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2149**

House Human Services Committee

☐ Conference Committee

Hearing Date **23 February 2005**

Tape Number	Side A	Side B	Meter #
1	A		4790 - 6125
Committee Clerk Signature			

Minutes:

Chairman Price opened discussion of SB 2149:

Rep. Porter: When we heard 2149 there was a concern of mine that popped up that if a county decided to opt of providing service there was nothing in the bill that said they had to continue the financial support that the were providing prior to opting out. Even though the department has to agree them to opting out by releasing them, I just felt it was important language that if they are a small enough county. I just felt it is important enough that if we are going to allow this to happen that we also make sure that we're clear from the legislative standpoint rather than have the department negotiate it. It would clear from the legislative standpoint that we expect the counties to maintain support of the child welfare services. That's basically what the amendment would do. It was drafted by Mr. Ronnigan at my request. During testimony they said they were thinking that they would do it through the administrative rules process. I guess I felt more

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Chair Price: They would negotiate at the point they want out.

Rep. Weisz: That would be the only way it could work because who knows they may even be sharing staff in the county and they somehow have to determine that. It was costing them "X" amount of dollars and the department would have to buy off on that. I can see some issues. I don't know if that changes anything. It shouldn't. It's more of a matter of clarification. I don't know if the amendment does what Rep. Porter wants it to.

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Rep. Porter: No, they really didn't though. When Mr. Ronnigan was here he said they would do it through rules and there wasn't any guarantee that wouldn't through the rules be able to say, "well, you only have one case, we'll waive yours" and then come back to the next one and do them on an individual basis all the way through. I think it's important that it come from the legislature on how we would expect them to do it.

Chairman Price: Why don't we bring it and deal with it and then we can always double check when they do the report. We have an amendment in front of us.

A voice vote was taken. The amendment Carried.

Rep. Damshen: I might have overlooked something but when I look at this it looks like the department can designate another entity regardless as to whether the county wants them to or not.

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Chairman Price: I think that it probably says that for two reasons. Number one is that they are not doing their job. That has become an issue in some of the counties. We have a couple of areas that aren't going real well.

Rep. Weisz: If you are going to take it away from the counties then determining financial becomes . . . finally if the county wants out then they can sit down and negotiate if this is what happens. I guess I didn't think of pulling it away because they aren't doing their job. Now we could have a real battle in determining . .

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Rep. Weisz: I agree. The battle going to be with the counties saying we're not going to pay whatever the department has determined should be their responsibly and that maybe needs to be

Page 4

House Human Services Committee

Bill/Resolution Number **SB 2149**

Hearing Date **23 Feb 05**

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The county is going to try to argue that this is only costing us half as much as the department says it does and we will have a feud and I would want to make sure that whatever the cost the department ought to be able to get. If they are not doing the job already the last thing I want them to do is to be able to shirk their financial responsibility.

Chairman Price: That's why we have those words "establish procedures" so if we don't know what those are going be. We'll pull Paul in next week for whenever we deal with this and ask those questions.

Discussion closed.

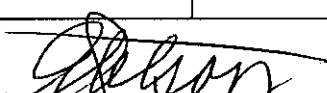
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO: SB 2149

House Human Services Committee

☐ Conference Committee

Hearing Date March 1, 2005

Tape Number	Side A	Side B	Meter #
1		x	-572
Committee Clerk Signature 			

Minutes:

Chairman Price opened the discussion on SB 2149.

Rep. Porter: I had Mr. Ronningen, stop and talk to Luke, right away this afternoon, about services with DHS amendment.. I move the amendment.

Rep. Potter: Second

Voice Vote: Unanimous

Chairman Price: Any discussion?

Rep. Weisz: Who is going to determine the cost?

P. Ronningen: That will be a sticking point, the intent was not intended to be cost sharing.

K. Hogan, Cass County: This will give us a sense of what to do and not to do, we appreciate the funding rate increases, which up to now, has been nonexistent. There are so many variables.

Chairman Price: With that information, what are your wishes?

Rep. Weisz: I move a Do Pass as Amended.

Rep. Uglem: Second **Vote: 8-1-3 Bill carrier: Rep. Weisz**

Date: 3/1/05

Roll Call Vote #: /

2005 HOUSE STANDING COMMITTEE ROLL CALL
BILL/RESOLUTION NO. 2149

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amd

Motion Made By Rep. Weisz Seconded By Rep. Uglem

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S.Price	✓		Rep.L. Kaldor	AB	
V Chrm.G. Kreidt	✓		Rep.L. Potter	5	
Rep. V. Pietsch	✓		Rep.S. Sandvig	AB	
Rep.J.O. Nelson	✓				
Rep.W.R. Devlin		✓			
Rep.T. Porter	✓				
Rep.G. Uglem	✓				
Rep.C. Damschen	AB				
Rep.R. Weisz	✓				

Total Yes 8 No 1

Absent 3

Floor Assignment Rep. Weisz

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

REPORT OF STANDING COMMITTEE

SB 2149: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the underscored colon

Page 1, line 15, replace "a. The" with "the"

Page 1, line 16, remove the underscored semicolon

Page 1, line 17, replace "b. The" with "the"

Page 1, line 18, after the underscored period insert "If a county is released from the county's duty to supervise and administer designated child welfare services under this subsection, the county retains its financial responsibility for providing those services."

Renumber accordingly

2005 SENATE HUMAN SERVICES

CONFERENCE COMMITTEE

SB 2149

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2149

Senate Human Services Committee

☒ Conference Committee

Hearing Date March 28, 2005

Tape Number	Side A	Side B	Meter #
1	x		00-1270
Committee Clerk Signature <i>Cathy Keener</i>			

Minutes:

Chairman Dever opened the conference committee meeting. Present were Senators Brown and Warner, Representatives Devlin, Damschen and Potter.

Chairman Dever: We ask the House to explain their amendment.

Rep. Devlin: There was some fear on the committee that a county would just make an effort to give up their responsibilities under the child welfare requirements to walk away from a financial responsibility and we felt they had the financial responsibility all the time. That was why we added that clarification just to keep a big county from walking away from it, get all their money and breaking the system.

Chairman Dever: It makes sense to me, but I understand that there's an interest in adding to that a phrase that would say 'unless otherwise negotiated.' Terry (Traynor - Association of Counties) would you like to mention.....I think you're the one that brought that forward.

Traynor: We agree with the idea that a county should remain responsible but the feel was, after reviewing that with several counties, it was awful hard and fast the way it was written and as we got further down the road, if a county gave up a designation or service, it might be difficult to understand what that financial responsibility was versus what it would have been if they would have kept it. The case load may continue to go down further and further, and we felt if there was some opportunity to put in language that they could negotiate what that financial responsibility would be if another county took it over maybe that would change over the years. I don't think it changes the intent but it would make it clear that this is something that may have to be looked at periodically and negotiated in the future rather than be set at one time and that would be their financial responsibility forever.

Chairman Dever: Do you see that as negotiated between the two counties or would the department be the mediator.

Traynor: Depending on whether the service was taken over by a neighboring county it would be negotiated with that county. It's possible that the regional human service center would take over and that would be negotiated with the state. I guess it would depend upon who the parties were.

Chairman Dever: Would you see one county as being at a disadvantage in the negotiation process, by it's size?

Traynor: I hadn't considered that. Certainly the county that would be most likely to give up a service is going to be smaller and they're probably going to be at a disadvantage because they're probably going to have to get the state or another county willing to assume that service. But, I guess that's the price you'd pay for looking for that sort of change in the structure.

Chairman Dever: I think the language, looking at the 0300 version, to establish procedures, sort of sets up a rulemaking process that might address that.

Traynor: Possibly.

Sen. Brown: Where would the 'unless otherwise negotiated' go?

Traynor: We thought at the very end of that sentence..the county retains its financial responsibility providing those services...unless otherwise negotiated.

Paul Ronnigen, Director of Children and Family Services was asked by Rep. Devlin about his thoughts on the additional language.

Ronnigen: It's fine, we can be working with that in the rule making process.

Rep. Devlin: I'm assuming that we're negotiating with the department. I'd be a little more uneasy with negotiating between two counties if both want to get rid of something. I think it needs to be clarified that the department has to give the okay for the counties to walk away from financial responsibility.

Chairman Dever: The testimony in the Senate on this hearing, the social service director of Stutsman County was here and talked about them providing services to neighboring counties now.

Rep. Devlin: I understand that, but it would still be under the oversight of the department of human services. I would be more comfortable that if you're going to negotiate to get out of the financial responsibility and whatever scenario you can lay out, that the negotiation take place among the department and the counties involved.

Chairman Dever: Would you be comfortable with the language regarding the rulemaking process to address that?

Rep. Devlin: If we're comfortable with the language we have now with the rulemaking process, then you don't need the amendment you're talking about because the rulemaking process, we feel, takes care of that, that they can work through that.

Rep. Potter: I'm a little fuzzy on the rulemaking process we're referring to; therefore, it's hard to agree or disagree.

Chairman Dever: Essentially the department would hold hearings to set up the rules and any interested party would have input into that.

Rep. Devlin: Correct, and then the rules would come to the administrative rules committee. What would be the objection to having the negotiations take place between the department and whichever counties wanted to do this?

Chairman Dever: I think that as long as they set up that process where it's fair for everybody going into it. I'm inclined with you and think it's probably already spelled out through established procedures.

Rep. Damschen: What are established procedures? Can the department make the decision without the request of the county or without the county failing in any area? When do they get released?

Sen. Warner: My understand of the bill, is that it is entirely county driven. The department can't force the counties into anything, can they?

Chairman Dever: I think that some of the amendments that were made in the Senate were to spell that out and allow the county's that decision.

Rep. Potter asked the county person in the room to answer some questions.

Keith Burger, Director of Grand Forks County Social Services: We do have arrangements now, like we're doing work for Nelson County to do their child care licensing. But I think what Rep. Devlin is getting at is...if another county is going to provide a service, DHS is going to want to make sure that they're meeting program requirements and that we have a qualified person in there. I can see them overseeing or being involved, but they probably wouldn't get involved in the actual negotiation of dollar arrangement between counties. It gets really complex because of all the issues, like travel time, case load, etc.

Sen. Brown: I think that sounds good, so what would the next step be.

Chairman Dever: That the Senate accede to the House amendments and SB 2149 be further amended.

Senator Brown moved for the Senate to recede from House amendments and further amend, seconded by Representative Devlin.

VOTE: Senate: 3 yeas, 0 nays House: 3 yeas, 0 nays

Motion carries.

Representative Devlin moved DO PASS as amended by the conference committee, seconded by Senator Brown.

VOTE: Senate 3 yeas, 0 nays House: 3 yeas, 0 nays

Carrier: Representative Devlin

Note: Legislative council changed the wording as follows: The *House* *recedes* from the House amendments.

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

(Bill Number) SB 2149 (, as (re)engrossed):

Your Conference Committee

For the Senate: *att vote as amended*

Chairman Dever	✓	y y
Sen. Brown	✓	y y
Sen. Warner	✓	y y

For the House: *att vote*

Rep. Devlin	✓	y y
Rep. Ramschler	✓	y y
Rep. Patter	✓	y y

☒ recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
the (Senate/House) amendments on (SJ/HJ) page(s) _____

☐ and place _____ on the Seventh order.

☒ , adopt (further) amendments as follows, and place
_____ on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the
calendar.

DATE: 3 / 28 / 05

CARRIER: Rep. Devlin

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE

SB 2149, as engrossed: Your conference committee (Sens. Dever, Brown, Warner and Reps. Devlin, Damschen, Potter) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 734, adopt amendments as follows, and place SB 2149 on the Seventh order:

That the House recede from its amendments as printed on page 734 of the Senate Journal and page 889 of the House Journal and that Engrossed Senate Bill No. 2149 be amended as follows:

Page 1, line 14, remove the underscored colon

Page 1, line 15, replace "a. The" with "the"

Page 1, line 16, remove the underscored semicolon

Page 1, line 17, replace "b. The" with "the"

Page 1, line 18, after the underscored period insert "If a county is released from the county's duty to supervise and administer designated child welfare services under this subsection, the county retains its financial responsibility for providing those services unless otherwise negotiated and approved by the department."

Renumber accordingly

Engrossed SB 2149 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

SB 2149

Testimony
Senate Human Service Committee
January 10, 2005
SB 2149

Chairman Lee and members of the Human Services Committee, I am Paul Ronningen, Director, Children and Family Services with the Department of Human Services. I am here to provide testimony on SB 2149.

SB 2149 provides a definition of "authorized agent" for those entities that conduct child welfare work for the Department. The definition is: "Authorized agent" means the county social service board, unless another entity is designated by the Department. This definition does several things. First it reaffirms that county social service boards are currently the Department's "authorized agent" for delivering the child welfare services of foster care, early childhood services and child protective services. It also supports the collaboration that many counties have developed in delivering child welfare services as multi-county units. In addition, it indicates that the Department may designate another entity to provide these services should the county not be able to provide the service and the county is unable to enter into a multi-county arrangement.

This clarification is being sought since some counties are expressing a concern that they are not able to effectively deliver child welfare services to their counties. They cite very low or high caseloads and supervisors who do not have a child welfare background, training or certification in child welfare. In addition, counties cite the liability of trying to deliver these complex services in a rural area with limited training for law enforcement, states attorney offices and their staff. With this language change, the Department can begin developing a process whereby a county could request that the Department designate another entity to provide these

services or the Department could de-designate a county that is not providing adequate services. However, it is the Department's expectation that the county would retain its financial responsibility for these services and these costs would not become an obligation of the state or the designated entity.

The only other change that occurs in this bill is found on page 13 where the words "and citizen review committee members" is inserted into section 50-25.1-11 Confidentiality of Records – Authorized Disclosures. The citizen review committee members will thus be a designated entity that reports must be provided to. Citizen review committees are a requirement of the federal government and are now being established in North Dakota.

The Division of Children and Family Services will be forming a Citizen Review Committee, which will be appointed by the Department of Human Services. This committee will meet to review how child protection services are provided in North Dakota, and they will offer suggestions on ways the Division may improve the response to concerns of children being abused or neglected. During these meetings, it may be necessary to discuss information from specific cases and therefore I am requesting that the Citizen Review Committee members be added to the confidentiality section of our child abuse and neglect law.

In addition, I would request that an amendment be added to this bill with the following definition: 6. Citizen Review Committee means a committee appointed by the Department to review the Department's provision of child protection services.

I will now walk you through the bill and answer any questions that you may have.

DRAFT

PROPOSED AMENDMENTS TO SENATE BILL NO. 2149

Page 13, after line 5, insert:

"Section 17. AMENDMENT. Section 50-01.2-03 of the North Dakota Century Code is amended and reenacted as follows:

50-01.2-03. Duties of county social service board. The county social service board of each county in this state shall:

1. Supervise and direct all human service activities conducted by the county including county general assistance or other public assistance.
2. Supervise and administer, under the direction and supervision of the department of human services, human services in the county which are financed in whole or in part with funds allocated or distributed by the department of human services.
3. Aid and assist in every reasonable way to efficiently coordinate and conduct human service activities within the county by private as well as public organizations.
4. Subject to subsection 17 of section 50-06-05.1, administer the food stamp program in the county under the direction and supervision of the department of human services in conformity with the Food Stamp Act of 1964, as amended, and enter into an agreement for administering the food stamp program with the department of human services.
5. Subject to subsection 19 of section 50-06-05.1, administer the energy assistance program in the county under the direction and supervision of the department of human services and to enter into an agreement for administering the energy assistance program with the department of human services.
6. Charge and collect fees and expenses for services provided by its staff in accordance with policies and fee schedules adopted by the department of human services.
7. Supervise and administer designated child welfare services under the direction and supervision of the department of human services. The department of human services may release the county social service board of this duty, or the county social service board may request to be released from this duty by the department of human services through established procedures."

PROPOSED AMENDMENTS TO SENATE BILL NO. 2149

Page 10, line 24, after "6." insert ""Citizen review committee" means a committee appointed by the department to review the department's provision of child welfare services."

Renumber accordingly

Diana Jacobson
116 W Wachter Ave.
Bismarck, N. D. 58504
701-223-6670

Attachment 3
Submitted January 10, 2005
Attachment
was copy
of the
bill
SB 2149

Madam Chairman and other members of the committee,

Thank you for the opportunity to testify of my concerns regarding the proposed amendment in childcare licensing. Which is before you this morning SB 2149.

My name is Diana Jacobson, I am a native of ND, a single mother of 2 teenage daughters, and have been a licensed childcare provider in our state for nearly 20 years. I began working with children at the age of 19, I was trained and worked for a center here in the Bismarck/Mandan area before deciding to license and begin my own business. Over the past 13 years I have had the privilege of caring for over 100 children in my home from over 50 different families in our community alone. Needless to say I love my profession and I take it very seriously.

I, and many of my fellow childcare providers, am deeply concerned with the many changes, conflicts and proposed changes that we have seen in the past few years. Many of which have happened without provider input. I for one have attempted over the past year and a half to involve myself by attending meetings and asking for updates and have not been taken seriously or been kept informed of progress that has been made. I learned of this proposed amendment change only because I took it upon myself to check the legislator website. The potential of this amended change would dramatically affect my business yet I was neither informed of it nor asked my opinion!

At present the county social service board and their licensors have strived over the years to serve the providers of this state by building relationships and cultivating an atmosphere of encouragement and empowerment. They have invested their time and patience to gain the respect and trust of the providers they serve. My profession currently has no collective voice in ND, which I hope to change, our voice has been our licensors, with this proposed amendment I fear that that will change in the future. This amendment will open the door to the possibility of that authority going from the county to the state not to mention the funds that it generates. I am directly opposed to that.

Home providers are already struggling to keep their businesses going with the cost of licensing, inspections, training cost, and the continual change in rules and regulations over the past few years. This proposed change and the possibilities it presents could very well make it impossible for some of the most experienced providers to continue.

I implore you to take the time to investigate further the potential this amendment will have for the over 2000 of our states childcare providers. We are an invaluable resource for our state and the very first link influencing the emotional development and education of our children! Thank you.

#1

Paul.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2149

Page 1, after line 18, insert "c. If a county is released from its duty to supervise and administer designated child welfare services under this subsection, it shall still retain its financial responsibility for providing these services."

Renumber accordingly

Testimony
House Human Service Committee
February 9, 2005
SB 2149

Chairman Price and members of the Human Services Committee, I am Paul Ronningen, Director, Children and Family Services with the Department of Human Services. I am here to provide testimony on SB 2149.

SB 2149 provides a definition of "authorized agent" for those entities that conduct child welfare work for the Department. The definition is: "Authorized agent" means the county social service board, unless another entity is designated by the Department. This definition does several things. First it reaffirms that county social service boards are currently the Department's "authorized agent" for delivering the child welfare services of foster care, early childhood services and child protective services. It also supports the collaboration that many counties have developed in delivering child welfare services as multi-county units. In addition, it indicates that the Department may designate another entity to provide these services should the county not be able to provide the service and the county is unable to enter into a multi-county arrangement.

This clarification is being sought since some counties are expressing a concern that they are not able to effectively deliver child welfare services to their counties. They cite very low or high caseloads and supervisors who do not have a child welfare background, training or certification in child welfare. In addition, counties cite the liability of trying to deliver these complex services in a rural area with limited training for law enforcement, states attorney offices and their staff. With this language change, the Department can begin developing a process whereby a county could request that the Department designate another entity to provide these services or the Department could de-designate a county that is not

providing adequate services. However, it is the Department's expectation that the county would retain its financial responsibility for these services and these costs would not become an obligation of the state or the designated entity.

The only other change that occurs in this bill is found on pages 11 and 13. A definition is provided for "citizens review committee" on page 11 and on page 13 the phrase "and citizen review committee members" is inserted into section 50-25.1-11 Confidentiality of Records – Authorized Disclosures. The citizen review committee members will thus be a designated entity that reports must be provided to. Citizen review committees are a requirement of the federal government and are now being established in North Dakota.

The Division of Children and Family Services will be forming a Citizen Review Committee, which will be appointed by the Department of Human Services. This committee will meet to review how child protection services are provided in North Dakota, and they will offer suggestions on ways the Division may improve the response to concerns of children being abused or neglected. During these meetings, it may be necessary to discuss information from specific cases and therefore I am requesting that the Citizen Review Committee members be added to the confidentiality section of our child abuse and neglect law.

I will now walk you through the bill and answer any questions that you may have.

Do I need to choose a Primary Care Provider for my child?

Healthy Steps insurance does not require families to select a primary doctor or provider for their children.

Do I need a referral to bring my child to a specialist?

A child covered by Healthy Steps insurance does not need a referral to a specialist, but parents may want to contact the insurance company (Noridian Mutual Insurance 1-800-342-4718) for details on any coverage question especially if the specialist is out of state.

What happens if our income changes?

When a child is enrolled in Healthy Steps insurance, he or she is enrolled for a 12-month period, or until the end of the month in which the child turns 19 years old. This helps assure that children receive consistent access to health care. Household income is not reviewed for twelve months.

If after that 12-month period, a family's income decreases to the point that the children are determined eligible for the North Dakota Medicaid Program, the family would be referred to the county social service office to apply for Medicaid. Medicaid, which also provides comprehensive health coverage for low-income families, has different rules and requirements. When a child has health coverage under Medicaid, the family's

income may be reviewed monthly to determine if the child is fully covered (poverty level eligible) or if the family is responsible for part of their medical bills.

How do I apply for Healthy Steps insurance coverage for my child?

To apply, families must fill out a short two-page application and provide copies of all pay check stubs from the preceding month.

Applications are available by calling toll-free at 1-800-755-2604, or can be printed from the Internet at www.state.nd.us/childrenshealth.

Many community health care providers, county social service offices, WIC offices, Community Action Agencies and other local organizations also have applications on hand.

To contact Healthy Steps insurance by mail, write to Healthy Steps,
Department 325, 600 E. Boulevard
Avenue, Bismarck, ND 58505-0250.



ENGLISH

Healthy Steps



Children's Health
Insurance Plan



Low cost health insurance plan for children

Healthy Steps, North Dakota's children's health insurance plan, provides premium-free health coverage to uninsured children in qualifying families. It is intended to help meet the health care needs of children from working families that earn too much to qualify for full Medicaid coverage, but not enough to afford private insurance.

Healthy Steps insurance is for children who:

- ☐ Do not have health insurance coverage
- ☐ Are 18 years of age or younger (covers children through the month they turn 19)
- ☐ Do not qualify for Medicaid
- ☐ Live in families with qualifying incomes

Healthy Steps insurance features comprehensive coverage.



Some of the Covered Services:

- ☐ Inpatient hospital stay, medical & surgical services
- ☐ Outpatient hospital and clinic services
- ☐ Mental health and substance abuse services
- ☐ Prescription medications
- ☐ Routine preventive services (such as well-baby check-ups and immunizations)
- ☐ Dental and vision services
- ☐ Prenatal services

Cost of care:

- ☐ There are no monthly premiums
- ☐ Most families are required to pay modest copayments when a child receives certain services.

The only copayments for Healthy Steps are:

- ☐ Emergency Room -- \$5 per visit
- ☐ Hospitalization -- \$50 per hospitalization
- ☐ Prescription -- \$2 per prescription

NOTE: Due to the unique relationship that exists between the federal government and tribal governments, the co-payment requirement has been waived for Native American children.

Questions & Answers

How much can I earn and still have my children qualify for coverage?

Your NET income (after subtracting childcare costs and payroll taxes such as social security tax, Medicare tax, and income tax) must be greater than the Medicaid level, but it cannot exceed the monthly/annual income levels listed below.

Qualifying Income Levels

Family Size	Annual Net Income	Monthly Income
1	\$13,034	\$1,087
2	\$17,486	\$1,458
3	\$21,938	\$1,829
4	\$26,390	\$2,200
5	\$30,842	\$2,571
6	\$35,294	\$2,942

NOTE to farmers and self-employed families: Eligibility is based on adjusted gross income.