

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2159

2005 SENATE HUMAN SERVICES

SB 2159

BILL/RESOLUTION NO. SB 2159

☐ Conference Committee

Tape Number	Side A	Side B	Meter #
1	x		00-1075

Committee Clerk Signature *Cathy Miner*

Chairman Lee opened the public hearing on SB 2159

Chairman Lee was a sponsor of the bill and introduced it, then introduced Maggie Anderson

Maggie Anderson, Assistant director of Medical Services for the Department of Human Services. See written testimony (Attachment 1)

Sen. Warner: Can you explain vision and how it differs from Health Steps?

Anderson: Vision is the computer system currently used by county social services to administer TANF benefits and *some* Medicaid cases. Its an eligibility system.

Sen. Warner: Do you anticipate dropping or adding clients?

Anderson: We do not anticipate losing any clients. It would be neutral.

Vice-chairman Dever: Can you explain the timeline and normal process and how it will change. The rulemaking process.

Melissa Hauer, Department of Human Services: The normal rulemaking process takes about 9 months to a year, and the rules are only effective when we get to the end of that process. With emergency rulemaking, the rules are effective at the front-end right away. That's the difference in timeline.

Vice-chairman Dever: Are you required to have legislative approval before you initiate the rulemaking process?

Hauer: No, but there's a statute that you have to find one of four things for emergency rulemaking plus approval of the governor. (tape 1 side 1 meter 640-721).

Senator Warner asked Ms. Hauer to elaborate on any upcoming projects or enhancements. Ms. Hauer these and also how vision would be integrated (tape 1 side 1 meter 740-935).

There was no more testimony in favor of the bill; no neutral testimony, no opposition testimony.

Vice-chairman Dever closed the public hearing on SB 2159.

Senator Brown moved Do Pass, seconded by Sen. Dever. Vote 5 yeas, 0 nays, 0 absent

Carrier: Sen. Brown

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

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2159

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Brown Seconded By Dever

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. Brown

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

REPORT OF STANDING COMMITTEE (410)
January 18, 2005 12:27 p.m.

Module No: SR-11-0614
Carrier: Brown
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2159: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the
Eleventh order on the calendar.

2005 HOUSE HUMAN SERVICES

SB 2159

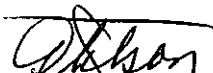
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2159

House Human Services Committee

☐ Conference Committee

Hearing Date 2/15/05

Tape Number	Side A	Side B	Meter #
1	x		700-1642
Committee Clerk Signature 			

Minutes:

Chairman Price: We will open the hearing on SB 2159 and ask the clerk to read the title.

Dave Zentner-Director of Medical Services-Department of Human Services-Support-The healthy steps to vision system project included reviewing Medicaid and healthy steps program in an attempt to simplify eligibility rules and to make the rules in processing compatible, whenever possible.

Chairman Price: DMF contributed and what Federal Funds we were able to act on.

D. Zentner: I think it was around hundred some thousand dollars, that was put in by Dakota Medical Foundation.

Rep. Porter: I can understand the need for emergency clause and why wouldn't there need to be an expiration date on this, if it is a one time move? Why do we need the authority on the books, why couldn't the authority expire, also?

D. Zentner: I don't see why it couldn't, I don't think we would have any objections to that.

Christ Andrews-Department of Human Services-I am not sure the sunset provision would apply to this, we wouldn't have the authority to do interim final without the governors approval.

D. Zentner: Are intent was to make this very specific.

Chairman Price: Would you like us to draw up the language to that effect.

Rep. Devlin: I fail to see a need for this with the emergency rule making process that we have with the governor, if can't convince the chief executive branch that you need to do this under the emergency rule, I don't know why the legislative branch should circumvent this process, that is why we set it up.

D. Zentner: We did look at that possibility, but when you look at the reasons for the granting of the emergency rule making process to the governors office, we didn't feel that this process fit into any of those.

Rep. Devlin: Madam Chairman, I would be more comfortable if you amended that process, so that you could find the reasoning that you needed for the governor to make the emergency declaration and I firmly believe that was what it was set up to do.

D. Zentner:: Is that currently in the law, in the rule making, what the governor can and can not do?

Rep. Devlin: You said that it didn't fit in the criteria of why the governor declared it, then you need to change the criteria, so the governor, he felt that it was that important and the people he appointed to run Human Services felt that it was that important could do it through the emergency process, I think it would be much easier to sell to some of us, then circumventing that process completely too. If you can't convince the governor, I think you are going to have a real difficult time convincing some of us.

D. Zentner: Again this is kind of an unusual circumstance and that is why we brought it to this body.

Rep. Kaldor: What makes the circumstance unique, what happens if it doesn't pass.

D. Zentner: It is basically a timing issue, when we moved ahead to combine the two processes, we compared to the programs and tried to make them as compatible as possible. We wanted to roll this out before the end of this biennium, because the money is available for this biennium.

Rep. Kaldor: Healthy steps and division system, are there rules in place on those?

D. Zentner: Yes, there are separate rules for each program.

Chairman Price: Any opposition to SB 2159?

Sophia Preszler-Bismarck- I do think in government that we have too many rules and regulations and they are never, never satisfied. You can implement more and more. I would like our Legislators to concentrate more on law.

Chairman Price: Anyone else in opposition to SB 2159? I will close the hearing on SB 2159.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2159**

House Human Services Committee

☐ Conference Committee

Hearing Date **February 28, 2005**

Tape Number	Side A	Side B	Meter #
1	X		655
Committee Clerk Signature <i>Janice Steir</i>			

Minutes:

COMMITTEE ACTION

REP. DEVLIN Presented amendments which should take care of the concern he had where the Governor still has to sign off on. It gets rid of the criteria that they can use the emergency rule making process, so they use adopt them, but the requirement elsewhere in that section would still make the Governor sign off on it, according to Melissa Hauer. If you want her to come down and explain this, I don't have a problem with that.

REP. PRICE This copy of the engrossed bill that we have, is with these amendments in?

REP. DEVLIN Stated Melissa just made this up so that we see what it looks like.

The amendment has an expiration date to July 1, 2007. The emergency rule does not continue indefinitely. It also clarifies that the criteria normally required by this section, is not necessary.

I wanted the Governor to sign off on this. If you don't think that is in there, then we should call Melissa Hauer down.

Page 2

House Human Services Committee

Bill/Resolution Number **SB 2159**

Hearing Date **February 28, 2005**

REP. PRICE Asked whether the department was fine with that.

REP. DEVLIN Stated they were. Unless the Governor doesn't sign off on it.

REP. PORTER Made a motion to adopt the amendment as presented.

REP. DAMSCHEN Second the motion. Motion carried by voice vote.

REP. DEVLIN Made a motion for a **do pass as amended**.

REP. NELSON Second the motion. **MOTION CARRIED**

10 YES 0 NO 2 ABSENT

REP. DEVLIN Was given the floor assignment.

Date: 2/15/05

Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL
BILL/RESOLUTION NO. 86 2159

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Deulin Seconded By Rep. Nelson

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

Total Yes 10 No 6

Absent - 2 -

Floor Assignment Rep. Deulin

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

REPORT OF STANDING COMMITTEE

SB 2159: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2159 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "new" insert "subsection to" and replace "to chapter 50-24.1 and a new section to" with "28-32-03"

Page 1, line 2, remove "chapter 50-29"

Page 1, line 3, after the semicolon insert "to provide an expiration date;"

Page 1, line 6, after "new" insert "subsection to" and replace "to chapter 50-24.1" with "28-32-03"

Page 1, line 8, remove "**Authority to adopt Interim final rules.**"

Page 1, line 9, replace "a" with "the" and replace "that emergency rulemaking is necessary and without the" with "required by subsection 2"

Page 1, line 10, remove "approval of the governor", after "eligibility" insert "requirements", and after the second "of" insert "the"

Page 1, line 11, after "assistance" insert "program described in chapter 50-24.1"

Page 1, line 15, replace "A new section to chapter 50-29 of the North Dakota Century Code is" with "**EXPIRATION DATE.** This Act is effective through July 1, 2007, and after that date is ineffective."

Page 1, remove lines 16 through 23

Renumber accordingly

2005 TESTIMONY

SB 2159

TESTIMONY BEFORE THE SENATE HUMAN SERVICES COMMITTEE

REGARDING SENATE BILL 2159

JANUARY 18, 2005

Chairman Lee, members of the committee, I am Maggie Anderson, Assistant Director of Medical Services, for the Department of Human Services. I am here in support of SB 2159.

The Healthy Steps to Vision system project included reviewing Medicaid and Healthy Steps rules in an attempt to simplify eligibility rules, and to make the rules and processing the same wherever possible. The policies identified for change allowed us to simplify and clarify policy for applicants and recipients, to simplify the system processing, and will allow for a smoother transition of existing Healthy Steps cases into Vision.

Needed changes were identified throughout the design phase of the project, which recently ended. The project is scheduled for completion in June 2005, which does not allow enough time for the rules to be changed through the normal rule process. Without interim final rules by June, the roll out of the project could be delayed, which would not allow other system projects or enhancements to begin.

For these reasons, and because none of the rule changes should negatively impact any applicants or recipients, the department respectfully recommends a DO PASS on this bill. Thank you.

I would be happy to respond to any questions you may have.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2159

Page 1, line 1, replace "create and enact a new section to chapter 50-24.1 and a new section to" with "provide for application of a new subsection to section 28-32-03"

Page 1, line 2, remove "chapter 50-29"

Page 1, line 3, after "program;" insert "to provide an effective date;"

Page 1, line 6, after "new" insert "subsection to"; after "section" insert "28-32-03" and remove " to chapter 50-24.1 of"

Page 1, line 8, replace "Authority to adopt interim final rules." with **"EMERGENCY RULEMAKING AUTHORIZATION."**

Page 1, line 9, replace "a" with "the" and after "finding", insert "required by subsection 2 of section 28-32-03" and remove "that emergency rulemaking is necessary and without the"

Page 1, line 10, remove "approval of the governor" and after "eligibility" insert "requirements"

Page 1, line 11, insert "the" before "medical" and after "assistance" insert "program described in chapter 50-24.1"

Page 1, line 15, replace "A new section to chapter 50-29 of the North Dakota Century Code is" with **"EFFECTIVE DATE – EXPIRATION DATE. This Act becomes effective immediately upon its filing with the secretary of state and becomes ineffective on July 1, 2007."**

Page 1, remove lines 16 through 23

Renumber accordingly

TESTIMONY BEFORE THE HOUSE HUMAN SERVICES COMMITTEE

REGARDING SENATE BILL 2159

FEBRUARY 15, 2005

Chairman Price, members of the committee, I am, David Zentner, Director Medical Services for the Department of Human Services. I appear before you to support this proposed Legislation.

The Healthy Steps to Vision system project included reviewing Medicaid and Healthy Steps programs in an attempt to simplify eligibility rules and to make the rules and processing compatible wherever possible. The policies identified for change allowed us to simplify and clarify policy for applicants and recipients, simplify the system processing, and will allow for a smoother transition of existing Healthy Steps cases into Vision.

Needed changes were identified throughout the design phase of the project, which recently ended. The project is scheduled for completion in June 2005, which does not allow enough time for the rules to be changed through the normal rulemaking process. Without interim final rules by June, the roll out of the project could be delayed, which would not allow other system projects or enhancements to begin.

For these reasons, and because none of the rule changes should negatively impact any applicants or recipients, the department respectfully recommends a do pass on this bill.

I will be glad to answer any questions you may have.