

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2174

2001 SENATE HUMAN SERVICES

SB 2174

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2174

Senate Human Services Committee

Conference Committee

Hearing Date January 17, 2001

Tape Number	Side A	Side B	Meter #
1	X		45
January 24, 2001 1	X		44.3
January 24, 2001 1		X	
Committee Clerk Signature <i>Paul Solodichuk</i>			

Minutes:

The hearing was opened on SB 2174

SENATOR TIM MATHERN introduced the bill (written testimony). SENATOR KILZER:

How does this check in with Social Security disability? SENATOR MATHERN: I have not checked into that specifically; there is a relationship because what one receives in Social Security disability also affects eligibility. SENATOR POLOVITZ: If my parents at age of 80 were divorced they would have come out much better off financially. SENATOR MATHERN: If one spouse is working and the other is disabled and applies for medical assistance the system does encourage divorce to obtain eligibility for aid. This bill does not isolate family support and responsibility. SENATOR ERBELE: We need to encourage family responsibility. Should we raise the eligibility income line of the healthy spouse? SENATOR MATHERN: This would be one of the options.

CURTIS VOLESKY, Director of Medicaid Eligibility, Dept Human Services, explains some of the Medicaid options available (Written Testimony). SENATOR MATHERN: What are the possibilities of taking Federal impoverishment situations for LTC and applying same to Medicaid? Would that be okay with the Feds? MR. VOLESKY: It could work with income and maybe assets under the new Federal regulations. They just came out Friday. SENATOR KILZER: What are asset levels preventing spousal impoverishment? MR. VOLESKY: The t impoverishment level currently allows \$3,000 for spouse in the institution; communal spouse to have \$87,000 in assets. Look at combined assets - must spend down their assets to that level; then there would be eligibility. No difference for dependents in asset level; increase in income level roughly around \$500 per individual.

RAYLYNN LAUDERDALE, People First of ND, supports bill (written testimony).

SENATOR MATHERN: Would your group have a suggestion on how this can be done financially? MS. LAUDERDALE: Income level could be raised. Would like to see them be able to be equal to middle class lifestyle. It is sad to force people into poverty because of a disability.

The hearing on SB2174 was closed.

January 24, 2001, Tape 1, Side A, Meter 44.3

SENATOR LEE opened the discussion on SB 2174. SENATOR MATHERN discussed the amendments. There are two options: the bill to disregard the income of the spouse of the disabled lest they lead the persons to get a divorce because of the eligibility requirements. It was illegal to do this prior to last Friday and if we did it, it would be very expensive to do it. The second amendment would be to change this into a study for LC to work on during the interim.

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Senate Human Services Committee
Bill/Resolution Number SB 2174
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The cost for the 1st option is about \$750,000 with \$200,000 in state funds per biennium. We have 127 individuals, 48 new members

MR. VOLESKY: In the realm of the new clients and total 127 clients the cost would be \$738,000 total, \$504,000 Federal money and \$233,000 state money. The cap would be \$2175 per month with the cap. It is \$491. Now. SENATOR MATHERN moved the amendment of 1/22/01. The motion failed for lack of second. SENATOR MATHERN moved the 2nd amendment 1/22/01 that determines a study resolution of the problem. SENATOR POLOVITZ seconded the motion. The amendment was discussed. Study resolution would be done by Legislative Council. SENATOR MATHERN moved a DO PASS AS AMENDED. SENATOR POLOVITZ seconded the motion. Roll call vote carried 6-0. SENATOR KILZER will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 01/30/2001

Bill/Resolution No.:

Amendment to: SB 2174

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 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.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 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.*

The amendment to the bill provides for the Legislative Council to conduct a study regarding the feasibility of altering medical assistance requirements to permit the disregard of income of the spouse of a disabled person. There is no fiscal impact based on the amendment. The fiscal impact will need to be evaluated after the results of the study are known.

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:	Department of Human Services
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Phone Number:

328-2397

Date Prepared: 01/30/2001

FISCAL NOTE
 Requested by Legislative Council
 12/28/2000

Bill/Resolution No.: SB 2174

Amendment to:

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 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.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 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 proposes a change to income consideration of a disabled spouse when determining eligibility for the Medicaid program. This bill would not have a fiscal impact on the Department of Human Services as proposed since it would not be an allowed change under current federal regulations.

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:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	01/12/2001

Date: 1/24/01

Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2174

Senate HUMAN SERVICES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number 10339, 0101 file 0200

Action Taken Amendment & resolution

Motion Made By Sen Mathern

Seconded By Sen Polovitz

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Amendment 2 1/22/01

REPORT OF STANDING COMMITTEE

SB 2174: Human Services Committee (Sen. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "create and enact a new section to chapter 50-24.1 of the North Dakota" with "require a legislative council study."

Page 1, remove line 2

Page 1, replace lines 4 through 8 with:

"SECTION 1. MEDICAL ASSISTANCE - LEGISLATIVE COUNCIL STUDY REQUIRED. The legislative council shall study the feasibility of altering North Dakota medical assistance requirements to permit the disregard of income of the spouse of a disabled individual up to the amount of the cap established under section 1924(d)(3)(C) of the Social Security Act [42 U.S.C. 1396r-5(d)(3)(C)]. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

2001 HOUSE HUMAN SERVICES

SB 2174

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2174

House Human Services Committee

Conference Committee

Hearing Date February 12, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		2515 to 3370
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: We will open the hearing on SB 2174.

Senator Tim Mathern: Presented SB 2174. The Bill 2174 as originally introduced deals with Medicaid eligibility. The intent of the original bill was to address the public policy matter that still remains about inappropriate incentive we're making in our assistance program. Your committee, this last legislative session and the session before, worked on welfare reform. One of the issues you were concerned about was are we giving incentives to people to be single the way our programs were established. We changed that trying to clarify the public policy issue as we moved into welfare reform. Some sessions before that we changed our eligibility in terms of persons getting care in homes for the elderly, because our policy there was promoting a situation

