

**BEFORE THE
ADMINISTRATIVE RULES COMMITTEE
OF THE
NORTH DAKOTA LEGISLATIVE COUNCIL**

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| N.D. Admin. Code Chapter |) | <u>REPORT OF THE</u> |
| 75-03-36, Licensing of |) | <u>DEPT. OF HUMAN SERVICES</u> |
| Child-Placing Agencies |) | June 9, 2020 |
| |) | |
| (Pages 854-857) |) | |

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For its report, the North Dakota Department of Human Services (Department) states:

1. The proposed amendments to N.D. Admin. Code chapter 75-03-36, Licensing of Child-Placing Agencies, in part, are necessary to implement 2019 Senate Bill No. 2124.
2. These rules are not related to a change in a federal statute or regulation.
3. The Department uses direct and electronic mail as the preferred ways of notifying interested persons of proposed rulemaking. The Department uses a basic mailing list for each rulemaking project that includes the human service zone directors, the regional human service centers, Legal Services offices in North Dakota, all persons who have asked to be on the basic list, and internal circulation within the Department. Additionally, the Department constructs relevant mailing lists for specific rulemaking. The Department also places public announcements in all county newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state

where the proposed rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing.

The Department conducts public hearings on all substantive rule-making. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a redrafted rule incorporating any changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on March 19, 2020. The record was held open until 5:00 p.m. on March 30, 2020, to allow written comments to be submitted. No one attending the public hearing provided comments. No written comments were received within the comment period. A "Summary of Comments" is attached to this report.
5. The cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$2,350.26
6. The proposed amendments to update N.D. Admin. Code chapter 75-03-36, are necessary to comply with 2019 Senate Bill No. 2124. The following specific changes were made:

Section 75-03-36-01 is amended to remove the definition of "regional supervisor". The definition will be removed from this chapter because the role of the Department employee is not directly affiliated with the work of a North Dakota licensed child placing agency (LCPA). Licensing of the agency is completed by the Department's Children and Family Services Division administration with only one further reference to

"regional supervisor" existing in the chapter. The later reference will be amended in section 75-03-36-17.

Section 75-03-36-13 is amended to ensure consistency with recently updated N.D. Admin. Code chapter 75-03-14, Family Foster Home for Children, fingerprint based criminal background check requirements.

Section 75-03-36-17 is amended to reflect the removal of the definition of "regional supervisor" in section 75-03-06-01 by replacing "regional supervisor" with "department". The Department is undergoing redesign efforts specific to 2019 Senate Bill No. 2124 and this task will be accommodated in the redesign of tasks for Department employees, inclusive of current regional supervisors statewide.

Section 75-03-36-32 is amended to update custody from county social services to human service zone in response to 2019 Senate Bill No. 2124, while also referencing the tribes in the case plan for adoption cases.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The rule amendments are not expected to have an impact on the regulated community in excess of \$50,000. A regulatory analysis was prepared and is attached to this report.
8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.
9. The anticipated fiscal impact resulting from the implementation of the proposed amendments is nominal.
10. A constitutional takings assessment was prepared and is attached to this report.
11. These rules were not adopted as emergency (interim final) rules.

Prepared by:

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June 4, 2020