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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 995

- 02/18/2015 Authored by Rarick, Sundin, Erickson, Schultz, Persell and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform
- 03/09/2015 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices
- 03/19/2015 Adoption of Report: Re-referred to the Property Tax and Local Government Finance Division

1.1 A bill for an act
1.2 relating to local government aid for out-of-home placement costs of children
1.3 under the Indian Child Welfare Act; appropriating money; proposing coding for
1.4 new law in Minnesota Statutes, chapter 477A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[477A.0126] REIMBURSEMENT OF COUNTY FOR CERTAIN**
1.7 **OUT-OF-HOME PLACEMENT.**

1.8 Subdivision 1. **Definition.** When used in this section, "out-of-home placement"
1.9 means 24-hour substitute care for an Indian child as defined by section 260C.007,
1.10 subdivision 21, placed under the Indian Child Welfare Act (ICWA) and chapter 260C,
1.11 away from the child's parent or guardian and for whom the county social services agency
1.12 or county correctional agency has been assigned responsibility for the child's placement
1.13 and care, which includes placement in foster care under section 260C.007, subdivision
1.14 18, and a correctional facility pursuant to a court order.

1.15 Subd. 2. **Determination of nonfederal share of costs.** (a) By January 1, 2016, each
1.16 county shall report the following information to the commissioners of human services and
1.17 corrections: (1) the separate amounts paid out of its social service agency and its corrections
1.18 budget for out-of-home placement of children under the ICWA in calendar years 2012,
1.19 2013, and 2014; and (2) the number of case days associated with the expenditures from
1.20 each budget. By March 15, 2016, the commissioner of human services, in consultation with
1.21 the commissioner of corrections, shall certify to the commissioner of revenue and to the
1.22 legislative committees responsible for local government aids and out-of-home placement
1.23 funding, whether the data reported under this subdivision accurately reflects total
1.24 expenditures by counties for out-of-home placement costs of children under the ICWA.

2.1 (b) By January 1, 2018, and each January 1 thereafter, each county shall report to the
2.2 commissioners of human services and corrections the separate amounts paid out of its
2.3 social service agency and its corrections budget for out-of-home placement of children
2.4 under the ICWA in the calendar years two years before the current calendar year along
2.5 with the number of case days associated with the expenditures from each budget.

2.6 (c) Until the commissioner of human services develops another mechanism for
2.7 collecting and verifying data on out-of-home placements of children under the ICWA, and
2.8 the legislature authorizes the use of that data, the data collected under this subdivision
2.9 must be used to calculate payments under subdivision 3. The commissioner of human
2.10 services shall certify the information to the commissioner of revenue by July 1 of the year
2.11 prior to the aid payment.

2.12 Subd. 3. **Aid payments.** For aids payable in calendar year 2017 and thereafter, the
2.13 commissioner of revenue shall reimburse each county for 100 percent of the nonfederal
2.14 share of the cost of out-of-home placement of children under the ICWA provided the
2.15 commissioner of human services, in consultation with the commissioner of corrections,
2.16 certifies to the commissioner of revenue that accurate data is available to make the aid
2.17 determination under this section. The amount of reimbursement is the county's average
2.18 nonfederal share of the cost for out-of-home placement of children under the ICWA for the
2.19 most recent three calendar years for which data is available. The commissioner shall pay
2.20 the aid under the schedule used for local government aid payments under section 477A.015.

2.21 Subd. 4. **Appropriation.** An amount sufficient to pay aid under this section is
2.22 annually appropriated to the commissioner of revenue from the general fund.

2.23 **EFFECTIVE DATE.** This section is effective beginning with aids payable in 2017.