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## State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **630**

01/30/2017 Authored by Rarick, Erickson, Lueck, Metsa, Ecklund and others  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform  
02/23/2017 Adoption of Report: Re-referred to the Committee on Health and Human Services Finance  
03/06/2017 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act  
1.2 relating to local government; providing aid for out-of-home placement costs of  
1.3 children under the Indian Child Welfare Act; appropriating money; proposing  
1.4 coding for 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 AND TRIBES FOR**  
1.7 **CERTAIN OUT-OF-HOME PLACEMENT.**

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

1.15 Subd. 2. **Determination of nonfederal share of costs.** (a) By July 1, 2017, each county  
1.16 shall report the following information to the commissioners of human services and  
1.17 corrections:

1.18 (1) the separate amounts paid out of the county's social service agency and its corrections  
1.19 budget for out-of-home placement of children under the ICWA in calendar years 2013,  
1.20 2014, and 2015; and

1.21 (2) the number of case days associated with the expenditures from each budget.

2.1 The commissioner of human services shall prescribe the format of the report. By July 15,  
2.2 2017, the commissioner of human services, in consultation with the commissioner of  
2.3 corrections, shall certify to the commissioner of revenue and to the legislative committees  
2.4 with jurisdiction over local government aids and out-of-home placement funding whether  
2.5 the data reported under this subdivision accurately reflect total expenditures by counties for  
2.6 out-of-home placement costs of children under the ICWA.

2.7 (b) By January 1, 2018, and each January 1 thereafter, each county shall report to the  
2.8 commissioners of human services and corrections the separate amounts paid out of the  
2.9 county's social service agency and its corrections budget for out-of-home placement of  
2.10 children under the ICWA in the calendar years two years before the current calendar year  
2.11 along with the number of case days associated with the expenditures from each budget. The  
2.12 commissioner of human services shall prescribe the format of the report.

2.13 (c) Until the commissioner of human services develops another mechanism for collecting  
2.14 and verifying data on out-of-home placements of children under the ICWA, and the  
2.15 legislature authorizes the use of that data, the data collected under this subdivision must be  
2.16 used to calculate payments under subdivision 3. The commissioner of human services shall  
2.17 certify the nonfederal out-of-home placement costs for the three prior calendar years for  
2.18 each county and the amount of any federal reimbursement received by a tribe under the  
2.19 ICWA for the three prior calendar years to the commissioner of revenue by June 1 of the  
2.20 year before the aid payment.

2.21 Subd. 3. **Aid for counties.** For aids payable in calendar year 2018 and thereafter, the  
2.22 amount of reimbursement to each county is a county's proportionate share of the appropriation  
2.23 in subdivision 6 that remains after the aid for tribes has been paid. Each county's  
2.24 proportionate share is based on the county's average nonfederal share of the cost for  
2.25 out-of-home placement of children under the ICWA for the three calendar years that were  
2.26 certified by the commissioner of human services by June 1 of the prior year, provided that  
2.27 the commissioner of human services, in consultation with the commissioner of corrections,  
2.28 certifies to the commissioner of revenue that accurate data are available to make the aid  
2.29 determination under this section. For aids payable in calendar year 2018, each county's  
2.30 proportionate share is based on the county's nonfederal share of the cost for out-of-home  
2.31 placement of children under the ICWA that was certified by the commissioner of human  
2.32 services by July 15, 2017.

2.33 Subd. 4. **Aid for tribes.** For aids payable in 2018 and thereafter, the amount of  
2.34 reimbursement to each tribe shall be the greater of:

3.1 (1) five percent of the average reimbursement amount received from the federal  
3.2 government for out-of-home placement costs for the three calendar years that were certified  
3.3 by June 1 of the prior year; or

3.4 (2) \$200,000.

3.5 Subd. 5. **Payments.** The commissioner of revenue must compute the amount of the  
3.6 reimbursement aid payable to each county and tribe under this section. On or before August  
3.7 1 of each year, the commissioner shall certify the amount to be paid to each county and  
3.8 tribe in the following year. The commissioner shall pay reimbursement aid annually at the  
3.9 times provided in section 477A.015.

3.10 Subd. 6. **Appropriation.** An amount sufficient to pay aid under this section is annually  
3.11 appropriated to the commissioner of revenue from the general fund.

3.12 **EFFECTIVE DATE.** This section is effective beginning with aids payable in 2018.