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Sixty-sixth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2124**

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact four new sections to chapter 50-01.1 and chapter 50-35 of  
2 the North Dakota Century Code, relating to creation of human service zones; to amend and  
3 reenact sections 11-16-01 and 11-23-01, subdivision c of subsection 1 of section 14-02.1-02.1,  
4 sections 14-08.1-01, 14-09-06.3, 14-09-06.4, 14-09-12, and 14-09-19, subdivision i of  
5 subsection 1 of section 14-15-09, sections 14-15-12.1, 23-06-03, 23-41-01, 23-41-06,  
6 25-04-08.1, and 25-04-11, subsection 2 of section 25-04-16, sections 26.1-45-13 and 27-20-11,  
7 subsection 7 of section 27-20-20.1, sections 27-20-30 and 27-20-30.1, subsection 2 of section  
8 27-20-31, sections 27-20-44, 27-20-49, and 27-20-54, subsection 2 of section 27-21-12, section  
9 30-16-04, subsection 1 of section 30.1-26-01, subsection 3 of section 30.1-28-11, subdivision h  
10 of subsection 1 of section 40-01.1-04, sections 50-01-01, 50-01-01.1, 50-01-02, 50-01-04,  
11 50-01-13, 50-01-17, 50-01-17.1, 50-01-17.2, 50-01-17.3, 50-01-17.5, 50-01-19, 50-01-21,  
12 50-01-26, 50-01-27, 50-01-28, 50-01-29, 50-01.1-01, 50-01.1-02, 50-01.1-03, 50-01.1-04,  
13 50-01.2-00.1, 50-01.2-01, 50-01.2-02, 50-01.2-03, 50-01.2-03.2, 50-01.2-04, and 50-01.2-05,  
14 subsection 4 of section 50-06-01, sections 50-06-01.4, 50-06-01.9, and 50-06-05.1,  
15 subsection 3 of section 50-06-05.3, sections 50-06-05.8, 50-06-06.2, 50-06-06.5, 50-06-06.14,  
16 50-06-12, 50-06-20, 50-06.2-01, 50-06.2-02, 50-06.2-03, 50-06.2-04, 50-06.2-06, 50-09-01,  
17 50-09-02, 50-09-02.2, 50-09-03, 50-09-04, 50-09-06, 50-09-07, and 50-09-08, subsections 2, 3,  
18 and 4 of section 50-09-08.2, sections 50-09-08.3, 50-09-08.4, and 50-09-09, subsection 1 of  
19 section 50-09-14, sections 50-09-29 and 50-09-30, subsection 2 of section 50-11-00.1, sections  
20 50-11.1-02, 50-11.2-01, 50-11.2-02, 50-24.1-03.1, 50-24.1-03.2, and 50-24.5-01, subsection 1  
21 of section 50-24.5-02, sections 50-24.5-03, 50-24.5-07, 50-24.5-09 and 50-24.7-01,  
22 subsection 1 of section 50-24.7-02, sections 50-24.7-03 and 50-24.7-06, subsections 6 and 11  
23 of section 50-25.1-02, sections 50-25.1-04.3, 50-25.2-14, 50-29-01, 50-29-02, 50-29-03, and  
24 54-46-13, subsection 3 of section 57-15-01.1, sections 57-15-06.7 and 57-20-07.1,  
25 subdivision b of subsection 1 of section 57-55-10, and subsection 16 of section 65-01-02 of the

1 North Dakota Century Code, relating to the establishment and operation of human service zone  
2 areas, taxing district levy limitations, and property tax statements; to repeal sections 50-01-03,  
3 50-01.1-02.1, 50-01.2-03.1, and 50-01.2-06, chapter 50-03, and sections 50-06-05.7,  
4 50-06-06.1, 50-06-20.1, 50-06.2-05, and 50-25.1-06.1 of the North Dakota Century Code,  
5 relating to administration of county social service boards, the county human services fund, and  
6 caseload standards; to provide a contingent appropriation; to provide an effective date; and to  
7 declare an emergency.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. AMENDMENT.** Section 11-16-01 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **11-16-01. Duties of the state's attorney.**

12 The state's attorney is the public prosecutor, and shall:

- 13 1. Attend the district court and conduct on behalf of the state all prosecutions for public  
14 offenses.
- 15 2. Institute proceedings before magistrates for the arrest of persons charged with or  
16 reasonably suspected of public offenses when the state's attorney has information that  
17 such offenses have been committed, and for that purpose, when the state's attorney is  
18 not engaged in criminal proceedings in the district court, the state's attorney shall  
19 attend upon the magistrates in cases of arrests when required by them except in  
20 cases of assault and battery and petit larceny.
- 21 3. Attend before, and give advice to, the grand jury whenever cases are presented to it  
22 for consideration.
- 23 4. Draw all indictments and informations.
- 24 5. Defend all suits brought against the state or against the county.
- 25 6. Prosecute all bonds forfeited in the courts of record of the county and prosecute all  
26 actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state  
27 or to the county.
- 28 7. Deliver duplicate receipts for money or property received in the state's attorney's  
29 official capacity and file copies thereof with the county auditor.

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- 1           8.    On the first Monday of January, April, July, and October in each year, file with the  
2           county auditor an account, verified by the state's attorney's oath, of all money received  
3           by the state's attorney in an official capacity in the preceding three months, and at the  
4           same time, pay it over to the county treasurer.
- 5           9.    Give, when required and without fee, the state's attorney's opinion in writing to the  
6           county, district, township, and school district officers on matters relating to the duties of  
7           their respective offices.
- 8           10.   Keep a register of all official business in which must be entered a note of each action,  
9           whether civil or criminal, prosecuted officially, and of the proceedings therein.
- 10          11.   ~~Repealed by S.L. 1945, ch. 161, § 1.~~
- 11          ~~12.~~   Act as legal adviser of the board of county commissioners, attend the meetings thereof  
12          when required, and oppose all claims and actions presented against the county which  
13          are unjust or illegal.
- 14   ~~13.~~12.   Institute an action in the name of the county to recover any money paid upon the order  
15          of the board of county commissioners without authority of law as salary, fee, or for any  
16          other purpose, or any money paid on a warrant drawn by any officer to that officer's  
17          own order or in favor of any other person without authorization by the board of county  
18          commissioners or by law.
- 19   ~~14.~~13.   Institute an action in the name of the county to restrain the payment of any money  
20          described in any order or warrant of the kind described in subsection 13 when the  
21          state's attorney secures knowledge of such order or warrant before the money is paid  
22          thereon.
- 23   ~~15.~~14.   Assist the district court in behalf of the recipient of payments for child support or  
24          spousal support combined with child support in all proceedings instituted to enforce  
25          compliance with a decree or order of the court requiring such payments.
- 26   ~~16.~~15.   Institute proceedings under chapter 25-03.1 if there is probable cause to believe that  
27          the subject of a petition for involuntary commitment is a person requiring treatment.
- 28          16.    Institute and defend proceedings under sections 14-09-12 and 14-09-19 and chapters  
29          27-20 and 50-01 upon consultation with the human service zone director or the  
30          executive director of the department of human services.

1        17. Act as the legal advisor and represent a human service zone as set forth in a plan  
2        approved under section 50-01.1-03. The state's attorney of the county in which the  
3        human service zone office is located shall act as the legal advisor of the human  
4        service zone, with the assistance of the other state's attorneys of the counties  
5        comprised of the human service zone.

6        18. Act as the legal advisor and represent the human service zone regarding employer  
7        actions, including grievances and appeals, taken against the human service zone  
8        team member. The state's attorney of the county by which the human service zone  
9        team member is employed shall act as the legal advisor of the human service zone.

10      The state's attorney shall not require any order of the board of county commissioners to institute  
11      an action under subsection 13 or 14.

12      **SECTION 2. AMENDMENT.** Section 11-23-01 of the North Dakota Century Code is  
13      amended and reenacted as follows:

14      **11-23-01. Officers required to furnish commissioners with departmental budget.**  
15      **(Effective through ~~July~~December 31, 2019)**

16      Every officer in charge of any institution, office, or undertaking supported wholly or in part  
17      by the county shall file with the board of county commissioners a departmental budget that is  
18      prescribed by the state auditor. The departmental budget must include an itemized statement of  
19      the estimated amount of money that will be required for the maintenance, operation, or  
20      improvement of the institution, office, or undertaking for the ensuing year. The board of county  
21      commissioners may require additional information to clarify the departmental budget.

22      **Officers required to furnish commissioners with departmental budget. (Effective after**  
23      **~~July~~December 31, 2019)**

24      1. Every officer in charge of any institution, office, or undertaking supported wholly or in  
25      part by the county shall file with the board of county commissioners a departmental  
26      budget that is prescribed by the state auditor. The departmental budget must include  
27      an itemized statement of the estimated amount of money that will be required for the  
28      maintenance, operation, or improvement of the institution, office, or undertaking for the  
29      ensuing year. The board of county commissioners may require additional information  
30      to clarify the departmental budget.

- 1           2.   a.   The departmental budget submitted by the county social~~human~~ service board in-  
2                   2019 for the 2020 budget~~zone~~ may not exceed an amount determined using the  
3                   departmental budget submitted in 2016 by the county social service board as a  
4                   starting point, subtracting the reduction in the county's social service funding  
5                   responsibility for 2016 derived from transferring the county social service costs  
6                   identified in this subdivision from the county social service board to the  
7                   department of human services, and applying to the resulting amount the  
8                   percentage salary and benefits increase provided by legislative appropriations for  
9                   state employees for taxable year 2019. For purposes of this subdivision, the  
10                  reduction in the county's social service funding responsibility derived from  
11                  transferring the county social service costs identified in this subdivision from the  
12                  county social service board to the department of human services includes the  
13                  following:
- 14                (1) Foster care and subsidized adoption costs that would have been paid by the  
15                    county after December 31, 2015;
  - 16                (2) The county's share of grant costs for medical assistance in the form of  
17                    payments for care furnished to recipients of therapeutic foster care services  
18                    which would have been paid by the county after December 31, 2015;
  - 19                (3) The county's share of the costs for service payments to the elderly and  
20                    disabled which would have been paid by the county after December 15,  
21                    2015;
  - 22                (4) The county's share of salary and benefits for family preservation services  
23                    pursuant to section 50-06-05.8 which would have been paid by the county  
24                    after December 31, 2015;
  - 25                (5) The county's share of the cost of the electronic benefits transfers for the  
26                    supplemental nutrition assistance program which would have been paid by  
27                    the county after December 31, 2015; and
  - 28                (6) The computer processing costs which would have been paid by the county  
29                    after December 31, 2015, which exceed the county's costs of operation of  
30                    the technical eligibility computer system in calendar year 1995 increased by  
31                    the increase in the consumer price index for all urban consumers (all items,

1 United States city average) after January 1, 1996 by the department of  
2 human services and the human service zone director pursuant to section  
3 50-35-04 and must include the county's cost allocation of indirect costs  
4 based on a formula established by the department of human services.

5 b. The county share of the human service zone budget must be funded entirely from  
6 the county's property tax levy for that purpose and the county may not use funds  
7 from any other source to supplement the human services budget, with the  
8 exception that the county may make use of the identifiable amount of other  
9 sources the county has used to supplement its human services budget for 2015  
10 and the county may use grant funds that may be available to the county under  
11 section 50-06-20.1 general fund.

12 c. The department of human services shall develop a process to review a request  
13 from a ~~county social~~ human service board zone for any proposed increase in staff  
14 needed as a result of significantly increased caseloads for state-funded human  
15 services programs, if the increase in staff would result in the county exceeding  
16 the budget limitation established under this subsection. As part of its review  
17 process, the department of human services shall review ~~countywide~~ pertinent  
18 factors, which may include caseload information and ~~consider the option of~~  
19 multicounty sharing of staff. If the department of human services approves a  
20 request for a proposed increase in staff, the ~~county~~ human service zone budget  
21 limitation established under subdivision b may be increased by the amount  
22 determined necessary by the department of human services to fund the approved  
23 additional staff. The human service zone director shall submit the proposed  
24 increase in staff to the board of county commissioners. If the board of county  
25 commissioners approves the proposed increase in staff, the human service zone  
26 director may hire the increase in staff in accordance with the designated  
27 classification pay grade.

28 **SECTION 3. AMENDMENT.** Subdivision c of subsection 1 of section 14-02.1-02.1 of the  
29 North Dakota Century Code is amended and reenacted as follows:

30 c. Materials that include information on the support obligations of the father of a  
31 child who is born alive, including the father's legal duty to support his child, which

1           may include child support payments and health insurance, and the fact that  
2           paternity may be established by the father's signature on an acknowledgment of  
3           paternity or by court action. The printed material must also state that more  
4           information concerning paternity establishment and child support services and  
5           enforcement may be obtained by calling state public assistance agencies or  
6           ~~county public assistance agencies~~ human service zones.

7           **SECTION 4. AMENDMENT.** Section 14-08.1-01 of the North Dakota Century Code is  
8           amended and reenacted as follows:

9           **14-08.1-01. Liability for support.**

10          A person legally responsible for the support of a child under the age of eighteen years who  
11          is not subject to any subsisting court order for the support of the child and who fails to provide  
12          support, subsistence, education, or other necessary care for the child, regardless of whether the  
13          child is not or was not in destitute circumstances, is liable for the reasonable value of physical  
14          and custodial care or support which has been furnished to the child by any person, institution,  
15          agency, or ~~county social~~ human service board ~~zone~~. Any payment of public assistance money  
16          made to or for the benefit of any dependent child creates a presumption that such payment  
17          equals the reasonable value of physical and custodial care or support.

18          **SECTION 5. AMENDMENT.** Section 14-09-06.3 of the North Dakota Century Code is  
19          amended and reenacted as follows:

20          **14-09-06.3. Custody investigations and reports - Costs.**

- 21          1. In contested proceedings dealing with parental rights and responsibilities the court,  
22          upon the request of either party, or, upon its own motion, may order an investigation  
23          and report concerning parenting rights and responsibilities regarding the child. The  
24          court shall designate a person or agency responsible for making the investigation and  
25          report, which designees may include the ~~county social~~ human service board ~~zone~~,  
26          public health officer, school officials, and any other public agency or private  
27          practitioner ~~at~~ the court deems qualified to make the investigation.
- 28          2. The investigator may consult any person who may have information about the child  
29          and any potential arrangements for parenting rights and responsibilities, and upon  
30          order of the court may refer the child to any professional personnel for diagnosis.

1           3. The court shall mail the investigator's report to counsel and to any party not  
2           represented by counsel at least thirty days before the hearing. The investigator shall  
3           make available to any such counsel or party the complete file of data and reports  
4           underlying the investigator's report and the names and addresses of all persons whom  
5           the investigator has consulted. A party may call the investigator and any person whom  
6           the investigator has consulted for cross-examination at the hearing. A party may not  
7           waive the party's right of cross-examination before the hearing.

8           4. The court shall enter an order for the costs of any such investigation against either or  
9           both parties, except that if the parties are indigent the expenses must be borne by the  
10          ~~county~~human service zone where the child resided at the time the action was  
11          commenced or if a modification of parental rights and responsibilities, at the time the  
12          motion to modify is served.

13          **SECTION 6. AMENDMENT.** Section 14-09-06.4 of the North Dakota Century Code is  
14          amended and reenacted as follows:

15          **14-09-06.4. Appointment of guardian ad litem or investigator for child in proceedings**  
16          **involving parental rights and responsibilities - Immunity.**

17          In any action for an annulment, divorce, legal separation, or other action affecting marriage,  
18          when either party has reason for special concern as to the future of the minor child, and in any  
19          action when the parenting rights and responsibilities concerning the child is contested, either  
20          party to the action may petition the court for the appointment of a guardian ad litem to represent  
21          the child concerning parenting rights and responsibilities. The court may appoint a guardian ad  
22          litem or investigator on its own motion. If appointed, a guardian ad litem shall serve as an  
23          advocate of the child's best interests. If appointed, the investigator shall provide those services  
24          as prescribed by the supreme court. The court may direct either or both parties to pay the  
25          guardian ad litem or investigator fee established by the court. If neither party is able to pay the  
26          fee, the court may direct the fee to be paid, in whole or in part, by the ~~county~~human service  
27          zone where the child resided at the time the action was commenced. The court may direct  
28          either or both parties to reimburse the ~~county~~human service zone, in whole or in part, for such  
29          payment. Any guardian ad litem or investigator appointed under this section who acts in good  
30          faith in making a report to the court is immune from any civil liability resulting from the report.

1 For the purpose of determining good faith, the good faith of the guardian ad litem or investigator  
2 is a disputable presumption.

3 **SECTION 7. AMENDMENT.** Section 14-09-12 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **14-09-12. Support by county - Liability of parent's estate.**

6 If a parent chargeable with the support of a child dies leaving it chargeable upon the  
7 ~~county~~human service zone and leaving an estate sufficient for its support, the ~~board of county~~  
8 ~~commissioners of the county~~department of human services, in the name of the ~~county~~human  
9 service zone, may claim provision for its support from the parent's estate by civil action, and for  
10 this purpose may have the same remedies as any creditor against that estate and against the  
11 heirs, devisees, and next of kin of the parent.

12 **SECTION 8. AMENDMENT.** Section 14-09-19 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **14-09-19. Parental abuse.**

15 The abuse of parental authority is the subject of judicial cognizance in a civil action in the  
16 district court brought by the child, or by its relatives of the child within the third degree, or by the  
17 ~~county social~~human service board~~zone~~ of the county where the child resides, and when the  
18 abuse is established the child may be freed from the dominion of the parent and the duty of  
19 support and education may be enforced.

20 **SECTION 9. AMENDMENT.** Subdivision i of subsection 1 of section 14-15-09 of the North  
21 Dakota Century Code is amended and reenacted as follows:

22 i. The department or a ~~county social~~human service board~~zone~~ as respondent.

23 **SECTION 10. AMENDMENT.** Section 14-15-12.1 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **14-15-12.1. Health insurance requirements for adoptees.**

26 The department or child-placing agency involved in an adoption action may at any time  
27 before a final decree of adoption, if legal custody of the individual to be adopted is not held by  
28 the department, a child-placing agency, or an equivalent office or agency outside the state,  
29 require the petitioner for the adoption of another individual to show proof that a health insurance  
30 policy is in effect which provides coverage for the individual to be adopted. If proof of health  
31 insurance coverage is submitted by the petitioner, no further bond of any kind may be required

1 by the department or a ~~county social~~human service ~~board~~zone in regard to health coverage of  
2 the individual to be adopted.

3 **SECTION 11. AMENDMENT.** Section 23-06-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **23-06-03. Duty of final disposition - Indigent burial - Decedent's instructions.**

6 1. The duty of disposition of the body of a deceased individual devolves upon the  
7 following individual in the order of priority:

- 8 a. Any legally competent adult given the duty of final disposition by the deceased  
9 individual in a statement conforming with section 23-06-31, except the legally  
10 competent adult specified in the statement conforming with section 23-06-31 may  
11 decline the duty of final disposition unless the individual would otherwise have  
12 the duty of final disposition under this section;
- 13 b. The surviving spouse if the deceased was married;
- 14 c. If the deceased was not married but left kindred, upon the majority of the adult  
15 children of the decedent; however, in the absence of actual knowledge to the  
16 contrary, a funeral director or mortician may rely on instructions given by the child  
17 who represents to be the sole surviving child or the children who represent to  
18 constitute a majority of the surviving children;
- 19 d. The surviving parent or parents of the decedent, each having equal authority;
- 20 e. The adult sibling or the majority of the adult siblings of the decedent; however, in  
21 the absence of actual knowledge to the contrary, a funeral director or mortician  
22 may rely on instructions given by the sibling who represents to be the sole  
23 surviving sibling or the siblings who represent to constitute a majority of the  
24 surviving siblings;
- 25 f. The adult grandchild or the majority of the adult grandchildren of the decedent;  
26 however, in the absence of actual knowledge to the contrary, a funeral director or  
27 mortician may rely on instructions given by a grandchild who represents to be the  
28 only grandchild reasonably available to control final disposition of the decedent's  
29 remains or the grandchildren who represent to constitute a majority of  
30 grandchildren reasonably available to control final disposition of the decedent's  
31 remains;

- 1           g. The grandparent or the grandparents of the decedent, each having equal  
2           authority;
- 3           h. The adult nieces and nephews of the decedent or a majority of the adult nieces  
4           and nephews; however, in the absence of actual knowledge to the contrary, a  
5           funeral director or mortician may rely on instructions given by a niece or nephew,  
6           who represents to be the only niece or nephew reasonably available to control  
7           final disposition of the decedent's remains or the nieces and nephews who  
8           represent to constitute a majority of the nieces and nephews reasonably  
9           available to control final disposition of the decedent's remains;
- 10          i. An individual who was acting as the guardian of the decedent with authority to  
11          make health care decisions for the decedent at the time of death;
- 12          j. An adult who exhibited special care and concern for the decedent;
- 13          k. An individual respectively in the next degree of kinship in the order named by law  
14          to inherit the estate of the decedent; or
- 15          l. The appropriate public or court authority, as required by law. For purposes of this  
16          subdivision, the appropriate public or court authority includes the ~~county~~  
17          socialhuman service boardzone of the county in which the death occurred if the  
18          individual dies without apparent financial means to provide for final disposition or  
19          the district court in the county in which the death occurred.
- 20          2. If there is only one individual in a degree of relationship to the decedent described in  
21          subsection 1, and a district court determines the person and the decedent were  
22          estranged at the time of death, the right to control and the duty of disposition devolves  
23          to the next degree of relationship under subsection 1. For purposes of this subsection,  
24          "estranged" means having a relationship characterized by mutual enmity, hostility, or  
25          indifference.
- 26          3. If an individual to whom the right to control and duty of disposition devolves under  
27          subsection 1, refuses to accept or declines to act upon the right or duty, that right and  
28          duty passes as follows:
- 29              a. To another individual with the same degree of relationship to the decedent as the  
30              individual refusing to accept or declining to act; or

- 1           b. To the individual in the next degree of relationship to the decedent under  
2           subsection 1.
- 3       4. If a dispute exists regarding the right to control or duty of disposition, the parties in  
4       dispute or the mortician or funeral director may file a petition in the district court in the  
5       county of residence of the decedent requesting the court make a determination in the  
6       matter. If the right to control and duty of disposition devolves to more than one  
7       individual with the same degree of relationship to the decedent and those individuals  
8       do not, by majority vote, make a decision regarding arrangements and final disposition  
9       and a district court has been petitioned to make a determination, the court shall  
10      consider the following factors in making a determination:
- 11      a. The reasonableness, practicality, and resources available for payment of the  
12      proposed arrangements and final disposition;
- 13      b. The degree of the personal relationship between the decedent and each of the  
14      individuals in the same degree of relationship to the decedent;
- 15      c. The expressed wishes and directions of the decedent and the extent to which the  
16      decedent provided resources for the purpose of carrying out the wishes or  
17      directions; and
- 18      d. The degree to which the arrangements and final disposition will allow for  
19      participation by all who wish to pay respect to the decedent.
- 20   5. If the individual who has the duty of final disposition does not arrange for final  
21   disposition of the body within the time required by this chapter, the individual next  
22   specified shall bury or otherwise dispose of the body within the requirements of this  
23   chapter.
- 24   6. a. If the deceased did not leave sufficient means to pay for expenses of final  
25   disposition, including the cost of a casket, and is not survived by an individual  
26   described by subsection 1 and identified for financial responsibility within the  
27   ~~county's~~human service zone's general assistance policy, within fifteen days of  
28   application for services the ~~county social~~human service board~~zone~~ of the county  
29   in which the deceased had residence for ~~county~~ general assistance purposes or,  
30   if residence cannot be established, within fifteen days of application for  
31   assistance the ~~county social~~human service board~~zone~~ of the county in which the

- 1 death occurs shall employ a person to arrange for and supervise the final  
2 disposition. If the deceased was a resident or inmate of a public institution, within  
3 fifteen days of application for assistance the ~~county~~human service zone in which  
4 the deceased was a resident for ~~county~~ general assistance purposes immediately  
5 before entering the institution shall employ a person to arrange for and supervise  
6 the final disposition.
- 7 b. Each ~~board of county commissioners~~human service zone director or the  
8 director's designee may negotiate with the interested funeral directors or funeral  
9 homes regarding cremation expenses and burial expenses but the total charges  
10 for burial services, including transportation of the deceased to the place of burial,  
11 the grave box or vault, grave space, and grave opening and closing expenses,  
12 may not be less than one thousand five hundred dollars.
- 13 c. The ~~county social services board~~human service zone may provide for the use of  
14 a military casket or urn, if the deceased was a veteran as defined in section  
15 37-01-40, unless the additional cost exceeds the negotiated expenses of this  
16 section or a surviving spouse or the nearest of kin of the deceased elects a  
17 nonmilitary casket.
- 18 d. The ~~county social~~human service boardzone shall pay the charge for funeral  
19 expenses as negotiated by the ~~board of county commissioners~~human service  
20 zone director or the director's designee. The ~~county social~~human service  
21 ~~board~~zone may not decrease the ~~county~~human service zone payment due to a  
22 nominal amount left by the deceased or contributed by kin or any other party to  
23 defray the expenses of burial or cremation. Funds adequate to allow for burial  
24 instead of cremation are considered nominal under this section.
- 25 7. If the individual with the duty of final disposition under this section, or the personal  
26 representative of the decedent's estate, if any, is aware of the decedent's instructions  
27 regarding the disposition of the remains, that person shall honor those instructions, to  
28 the extent reasonable and possible, to the extent the instructions do not impose an  
29 economic or emotional hardship. A decedent's instructions may be reflected in a  
30 variety of methods, including pre-need funeral arrangements a deceased articulated  
31 and funded in a pre-need funeral service contract, a health care directive, a durable

1 power of attorney for health care, a power of attorney, a will, a document created  
2 under section 23-06-31, or a document of gift for an anatomical gift.

3 8. If the decedent died while serving in any branch of the United States armed forces, the  
4 United States reserve forces, or the national guard, as provided by 10 U.S.C. 1481  
5 section (a)(1) through (8) as effective through December 2001, and completed a  
6 United States department of defense record of emergency data, DD form 93, or its  
7 successor form or its equivalent branch's form, the duty to bury or cremate the  
8 decedent or to provide other funeral and disposition arrangements for the decedent  
9 devolves on the person authorized by the decedent pursuant to that form.

10 **SECTION 12. AMENDMENT.** Section 23-41-01 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **23-41-01. Definitions.**

13 In this chapter unless the context or subject matter otherwise requires:

14 1. ~~"County agency" means the county social service boards in this state.~~

15 2. "Department" means the state department of health.

16 2. "Human service zone" means a county or consolidated group of counties  
17 administering human services within a designated area in accordance with a plan  
18 approved by the department of human services.

19 3. "Human services" means:

20 a. A service or assistance provided to an individual or an individual's family in need  
21 of services or assistance, including child welfare services, economic assistance  
22 programs, medical service programs, and aging service programs, to assist the  
23 individual or the individual's family in achieving and maintaining basic self-  
24 sufficiency, including physical health, mental health, education, welfare, food and  
25 nutrition, and housing.

26 b. A service or assistance provided, administered, or supervised by the department  
27 of human services in accordance with chapter 50-06.

28 c. Licensing duties as administered or supervised by the department of human  
29 services or delegated by the department of human services to a human service  
30 zone.

1       **SECTION 13. AMENDMENT.** Section 23-41-06 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **23-41-06. Duties of ~~county agency~~ human service zones.**

4       A ~~county agency~~ human service zone shall:

- 5       1. Cooperate with the department in administering this chapter in its ~~county~~ human  
6       service zone, subject to rules adopted by the ~~department~~ state health council.
- 7       2. Make surveys and reports regarding children with special health care needs in the  
8       various counties to the department when the department directs and in the way the  
9       department directs.
- 10      3. Provide for the transportation of a child with special health care needs to a clinic for  
11      medical examination and to a hospital or a clinic for treatment.

12      **SECTION 14. AMENDMENT.** Section 25-04-08.1 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14      **25-04-08.1. Notification ~~prior to~~ before discharge.**

15      ~~Prior to~~ Before discharge the superintendent shall consult with the parent or guardian of the  
16 person to be discharged, or with the court ~~which~~ that ordered the commitment, and shall notify  
17 the director of the ~~county social~~ human service ~~board~~ zone of the county ~~wherein~~ in which it is  
18 proposed that such person will assume residence and also shall notify the executive director of  
19 the department of human services.

20      **SECTION 15. AMENDMENT.** Section 25-04-11 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22      **25-04-11. Disposition of person who is not a legal resident.**

23      If a person who has no legal residence in this state is subject to admission to the life skills  
24 and transition center or other appropriate state facility, by order of a court of competent  
25 jurisdiction, such person must be sent, at the expense of the county or human service zone, to  
26 the life skills and transition center in the same manner as a resident of this state who is found to  
27 be in need of services offered at the life skills and transition center, and the superintendent of  
28 the life skills and transition center shall then arrange for the transportation of such person to the  
29 place where the person belongs. The department of human services shall ascertain the place  
30 where such person belongs when the same conveniently can be done.

1       **SECTION 16. AMENDMENT.** Subsection 2 of section 25-04-16 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3       2. Upon receipt of such application, the supervising department shall direct the ~~county-~~  
4       ~~social~~human service ~~board~~zone of the county from which the patient was admitted to  
5       determine whether the application is complete and supported by the required proofs.  
6       The supervising department shall approve, reject, or amend the determination made  
7       by the ~~county-social~~human service ~~board~~zone. The determination made by the  
8       supervising department may be appealed to the district court of the county of  
9       residence of the patient.

10       **SECTION 17. AMENDMENT.** Section 26.1-45-13 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **26.1-45-13. Qualified service providers.**

13       Any insurance company providing long-term care coverage for home and community-based  
14 services shall pay a provider meeting qualified service provider standards a daily payment  
15 allowance as defined in the policy or certificate. "Qualified service provider" means a ~~county-~~  
16 ~~agency~~human service zone or independent contractor that agrees to meet standards for  
17 personal attendant care service as established by the department of human services.

18       **SECTION 18. AMENDMENT.** Section 27-20-11 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20       **27-20-11. Venue.**

21       A proceeding under this chapter may be commenced in the county in which the child  
22 resides. A proceeding under section 27-20-30.1 must be commenced in the ~~administrative-~~  
23 county within the administrative human service zone, as determined by the department of  
24 human services. If delinquent or unruly conduct is alleged, the proceeding may be commenced  
25 in the county in which the acts constituting the alleged delinquent or unruly conduct occurred. If  
26 deprivation is alleged, the proceeding may be brought in the county in which the child is present  
27 when it is commenced, the county in which the child has resided the majority of the thirty days  
28 prior to the date of the alleged deprivation, or the county where the alleged deprivation has  
29 occurred. The court shall determine the appropriate venue for a deprivation action based upon  
30 the best interests of the child.

1           **SECTION 19. AMENDMENT.** Subsection 7 of section 27-20-20.1 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           7. For purposes of this section:

4           a. "A finding that the child has been subjected to child abuse or neglect" means:

5                 (1) A finding of deprivation made under chapter 27-20; or

6                 (2) A conviction of a person, responsible for a child's welfare, for conduct  
7 involving the child, under chapter 12.1-16 or sections 12.1-17-01 through  
8 12.1-17-04 or 12.1-20-01 through 12.1-20-08.

9           b. "Compelling reason" means a recorded statement that reflects consideration of:

10                (1) The child's age;

11                (2) The portion of the child's life spent living in the household of a parent of the  
12 child;

13                (3) The availability of an adoptive home suitable to the child's needs;

14                (4) Whether the child has special needs; and

15                (5) The expressed wishes of a child age ten or older.

16           c. "Department" means the department of human services or its designee, including  
17 any ~~county social~~human service ~~board~~zone.

18           **SECTION 20. AMENDMENT.** Section 27-20-30 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **27-20-30. Disposition of deprived child.**

21           1. If the child is found to be a deprived child, the court may make any of the following  
22 orders of disposition best suited to the protection and physical, mental, and moral  
23 welfare of the child:

24           a. Permit the child to reside with the child's parents, guardian, or other custodian,  
25 subject to conditions and limitations as the court prescribes, including supervision  
26 as directed by the court for the protection of the child.

27           b. Subject to conditions and limitations as the court prescribes, transfer temporary  
28 legal custody to any of the following:

29                (1) An agency or other private organization licensed or otherwise authorized by  
30 law to receive and provide care for the child.

- 1                   (2) The director of the ~~county social~~human service ~~board~~zone or other public  
2                   agency authorized by law to receive and provide care for the child.
- 3                   c. Require the parents, guardian, or other custodian to participate in treatment.
- 4                   d. Appoint a fit and willing relative or other appropriate individual as the child's legal  
5                   guardian.
- 6                   e. In cases in which a compelling reason has been shown that it would not be in the  
7                   child's best interests to return home, to have parental rights terminated, to be  
8                   placed for adoption, to be placed with a fit and willing relative, or to be placed  
9                   with a legal guardian, establish, by order, some other planned permanent living  
10                  arrangement.
- 11                  f. Without a compelling reason to the contrary, a court order that transfers the child  
12                  from the current protective placement to a parent or other biological family must  
13                  provide a reasonable period of time to facilitate a beneficial transition for the child  
14                  and other parties involved.
- 15                  2. Unless a child found to be deprived is found also to be delinquent or unruly and not  
16                  amenable to treatment, the child may not be committed to or confined in an institution  
17                  or other facility designed or operated for the benefit of delinquent children.

18                  **SECTION 21. AMENDMENT.** Section 27-20-30.1 of the North Dakota Century Code is  
19                  amended and reenacted as follows:

20                  **27-20-30.1. Disposition of child needing continued foster care services.**

- 21                  1. For purposes of this section, "child" means an individual between the ages of eighteen  
22                  and twenty-one years who is in need of continued foster care services.
- 23                  2. A petition to commence an action under this section must contain information required  
24                  under section 27-20-21 along with an affidavit either prepared by the administrative  
25                  ~~county~~human service zone, as determined by the department of human services, or  
26                  prepared by an agency or tribal council of a recognized Indian reservation in North  
27                  Dakota.
- 28                  3. The court shall issue a summons in accordance with section 27-20-22 upon the filing  
29                  of a petition and affidavit.

- 1           4. If a child is in need of continued foster care services as determined by the department  
2           of human services and as set forth in a continued foster care agreement, the court  
3           shall make the following judicial determination:
- 4           a. That the child is not deprived, delinquent, or unruly but is in need of continued  
5           foster care services;
- 6           b. That the child will remain in or will return to foster care pursuant to the child's  
7           continued foster care agreement;
- 8           c. That the child's continued foster care agreement has been willfully entered  
9           between:
- 10           (1) The department of human services or its agent, the child, and the foster  
11           care provider; or
- 12           (2) An agency or tribal council of a recognized Indian reservation in North  
13           Dakota if the child is not subject to the jurisdiction of the state of North  
14           Dakota, the child, and the foster care provider;
- 15           d. That it is in the best interest of the child to remain in or return to foster care;
- 16           e. That reasonable efforts were made in accordance with subsection 7 of section  
17           27-20-32.2;
- 18           f. That the child has attained the age of eighteen or older but does not exceed the  
19           age of twenty-one years;
- 20           g. That the child has satisfied the education, employment, or disability requirements  
21           under the Fostering Connections to Success and Increasing Adoptions Act of  
22           2008 [Pub. L. 110-351] and as set forth by the department of human services;
- 23           h. That the administrative ~~county~~human service zone, as determined by the  
24           department, or that an agency or tribal council of a recognized Indian reservation  
25           in North Dakota, shall continue foster care case management, unless otherwise  
26           agreed to or required by the department;
- 27           i. That the administrative ~~county~~human service zone or an agency or tribal council  
28           of a recognized Indian reservation in North Dakota must have care and  
29           placement responsibility of the child;
- 30           j. That permanency hearing must be as set forth in section 27-20-36; and

1 k. That there are no grounds to file a petition to terminate parental rights under  
2 chapter 27-20.

3 5. Pursuant to ~~N.D.R.Juv.P., Rule 16~~ rule 16 of the North Dakota Rules of Juvenile  
4 Procedure, a court may modify or vacate the judicial determination made under  
5 subsection 4.

6 **SECTION 22. AMENDMENT.** Subsection 2 of section 27-20-31 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 2. Placing the child on probation under the supervision of the director, probation officer,  
9 or other appropriate officer of the court or the director of the ~~county social~~ human  
10 service board ~~zone~~ under conditions and limitations the court prescribes;

11 **SECTION 23. AMENDMENT.** Section 27-20-44 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **27-20-44. Termination of parental rights.**

14 1. The court by order may terminate the parental rights of a parent with respect to the  
15 parent's child if:

16 a. The parent has abandoned the child;

17 b. The child is subjected to aggravated circumstances as defined under  
18 subsection 3 of section 27-20-02;

19 c. The child is a deprived child and the court finds:

20 (1) The conditions and causes of the deprivation are likely to continue or will not  
21 be remedied and that by reason thereof the child is suffering or will probably  
22 suffer serious physical, mental, moral, or emotional harm; or

23 (2) The child has been in foster care, in the care, custody, and control of the  
24 department, or a ~~county social~~ human service ~~board~~ zone, or, in cases  
25 arising out of an adjudication by the juvenile court that a child is an unruly  
26 child, the division of juvenile services, for at least four hundred fifty out of  
27 the previous six hundred sixty nights; or

28 d. The written consent of the parent acknowledged before the court has been given.

29 2. If the court does not make an order of termination of parental rights, it may grant an  
30 order under section 27-20-30 if the court finds from clear and convincing evidence that  
31 the child is a deprived child.

1       **SECTION 24. AMENDMENT.** Section 27-20-49 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **27-20-49. Costs and expenses for care of child.**

- 4       1. The following expenses are a charge upon the funds of the county or human service  
5 zone upon certification thereof by the court:
- 6           a. The cost of medical and other examinations and treatment of a child ordered by  
7           the court.
- 8           b. The cost of care and support of a child committed by the court to the legal  
9           custody of a public agency other than an institution for delinquent children or to a  
10          private agency or individual other than a parent.
- 11          c. The cost of any necessary transportation for medical and other examinations and  
12          treatment of a child ordered by the court unless the child is in the legal custody of  
13          a state agency.
- 14       2. The commission on legal counsel for indigents shall pay reasonable compensation for  
15       services and related expenses of counsel provided at public expense for a party and  
16       the supreme court shall pay reasonable compensation for a guardian ad litem. The  
17       attorney general shall pay the witness fees, mileage, and travel expense of witnesses  
18       incurred in the proceedings under this chapter in the amount and at the rate provided  
19       for in section 31-01-16. Expenses of the state include the cost of any necessary  
20       transportation for medical and other examinations and treatment of a child ordered by  
21       the court if the child is in the legal custody of a state agency in which case the cost  
22       must be reimbursed to the county or human service zone by that state agency at the  
23       state mileage rate, excluding meals and lodging, plus twenty-nine cents per mile.
- 24       3. If, after due notice to the parents or other persons legally obligated to care for and  
25       support the child, and to a child over the age of eighteen, and after affording them an  
26       opportunity to be heard, the court finds that they are financially able to pay all or part  
27       of the costs and expenses stated in subsection 1, and expenses payable by the  
28       supreme court under subsection 2, the court may order them to pay the same and  
29       prescribe the manner of payment. Unless otherwise ordered, payment shall be made  
30       to the clerk of the juvenile court for remittance to the person to whom compensation is  
31       due, or if the costs and expenses have been paid by the county, human service zone.

1           or the state to the county treasurer of the county, the county treasurer of the county in  
2           which the human service zone office is located, or to the state treasurer.

3           4. Unless it finds that there is no likelihood that the party is or will be able to pay  
4           attorney's fees and expenses, the court, in its order or judgment following a hearing  
5           under this chapter, shall order the parents or other persons legally obligated to care for  
6           and support the child, and the child if over the age of eighteen, to reimburse the  
7           presumed amount of indigent defense costs and expenses, as determined by the  
8           commission on legal counsel for indigents, and shall notify the party of the right to a  
9           hearing on the reimbursement amount. If the party or the state requests a hearing  
10          within thirty days of receiving notice under this subsection, the court shall schedule a  
11          hearing at which the actual amount of attorney's fees and expenses must be shown. In  
12          determining the amount of reimbursement and method of payment, the court shall  
13          consider the financial resources of the party and the nature of the burden that  
14          reimbursement of costs and expenses will impose.

15          5. A party who is required to reimburse indigent defense costs and expenses and who is  
16          not willfully in default in that reimbursement may at any time petition the court to waive  
17          reimbursement of all or any portion of the attorney's fees and expenses. If the court is  
18          satisfied that reimbursement of the amount due will impose undue hardship on the  
19          party or the party's immediate family, the court may waive reimbursement of all or any  
20          portion of the amount due or modify the method of payment.

21          **SECTION 25. AMENDMENT.** Section 27-20-54 of the North Dakota Century Code is  
22          amended and reenacted as follows:

23          **27-20-54. Destruction of juvenile court records.**

- 24          1. Except as otherwise required under section 25-03.3-04, all juvenile court records must  
25          be retained and disposed of pursuant to rules and policies established by the North  
26          Dakota supreme court.
- 27          2. Upon the final destruction of a file or record, the proceeding must be treated as if it  
28          never occurred. The juvenile court shall notify each agency named in the file or record  
29          of the destruction. All index references, except those which may be made by the  
30          attorney general and the directors of the department of transportation, the department  
31          of human services, the department of corrections and rehabilitation, law enforcement

1 agencies, and ~~county social service agencies~~human service zones, must be deleted.  
2 Each agency, except the attorney general and the directors of the department of  
3 transportation, the department of human services, the department of corrections and  
4 rehabilitation, law enforcement agencies, and ~~county social service agencies~~human  
5 service zones, upon notification of the destruction of a file or record, shall destroy all  
6 files, records, and references to the child's apprehension, detention, and referral to the  
7 juvenile court and any record of disposition made by the juvenile court. The attorney  
8 general, the department of human services, the department of corrections and  
9 rehabilitation, law enforcement agencies, and ~~county social service agencies~~human  
10 service zones may not keep a juvenile file or record longer than is required by the  
11 records retention policy of that official, department, or agency. Upon inquiry in any  
12 matter the child, the court, and representatives of agencies, except the attorney  
13 general and the directors of the department of transportation, the department of  
14 human services, the department of corrections and rehabilitation, law enforcement  
15 agencies, and ~~county social service agencies~~human service zones, shall properly  
16 reply that no record exists with respect to the child.

17 **SECTION 26. AMENDMENT.** Subsection 2 of section 27-21-12 of the North Dakota  
18 Century Code is amended and reenacted as follows:

- 19 2. Notwithstanding any other provisions of law relating to confidentiality, except for the  
20 confidentiality requirements of federal drug and alcohol treatment and rehabilitation  
21 laws, the division may disclose all or part of a juvenile's files and records, including  
22 juvenile court orders, medical, psychological, education, and treatment and counseling  
23 records, to individuals employed by the following if the knowledge is reasonably  
24 necessary in the best interest of the juvenile and for the protection of others:
- 25 a. The district court or juvenile court.
  - 26 b. A parent or legal guardian of the juvenile, the parent's or legal guardian's  
27 counsel, or the juvenile's counsel, when the juvenile court has committed the  
28 juvenile to the custody of the division of juvenile services, and the records are  
29 relevant to a proceeding under chapter 27-20 or to a placement hearing under  
30 section 27-21-02.1, or when disclosure is necessary for the juvenile's treatment  
31 and rehabilitation plan. If the juvenile court determines that it is against the best

- 1 interests of the juvenile to disclose records to a parent or legal guardian, the  
2 juvenile court may issue an order prohibiting disclosure and describing the  
3 records that may not be disclosed.
- 4 c. An employee or agent of any division of the department of corrections and  
5 rehabilitation when necessary to carry out the duties of the department.
- 6 d. The department of human services or a ~~county social~~ human service agency ~~zone~~.
- 7 e. A licensed hospital or medical facility, a public or private treatment facility, or a  
8 residential care or treatment facility, when necessary for the evaluation,  
9 treatment, or care of a juvenile in the custody of the division of juvenile services.
- 10 f. A law enforcement agency when the division has reasonable grounds to believe  
11 the juvenile has committed a delinquent act or has threatened to commit a  
12 delinquent act involving serious bodily injury, or when the juvenile is required to  
13 register, or is registered, under section 12.1-32-15.
- 14 g. A school district or multidistrict special education program in which the juvenile is  
15 enrolled.
- 16 h. The office of the attorney general.
- 17 i. The risk management division of the office of management and budget and  
18 investigators, consultants, or experts retained by the state for the purpose of  
19 investigating and defending claims under chapter 32-12.2.

20 **SECTION 27. AMENDMENT.** Section 30-16-04 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **30-16-04. Descent and distribution of real property subject to homestead estate.**

23 The real property subjected to the homestead estate descends, subject to the full  
24 satisfaction of that estate, exempt from decedent's debts except claims in favor of the county for  
25 county general assistance, the department of human services for general assistance, and also  
26 for claims of the state of North Dakota for repayment of old-age assistance and aid to the  
27 permanently and totally disabled and as otherwise provided in section 47-18-04, and must be  
28 distributed in the manner in which real property not subjected to a homestead estate is  
29 distributed or as directed in the decedent's will. The real property constituting the homestead of  
30 a decedent, or any part thereof, may not descend or be distributed to any person other than the

1 surviving spouse and decedent's heirs in the direct descending line as prescribed in title 30.1  
2 until all the decedent's debts are fully paid.

3 **SECTION 28. AMENDMENT.** Subsection 1 of section 30.1-26-01 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5 1. "Alternative resource plan" means a plan that provides an alternative to guardianship,  
6 using available support services and arrangements which are acceptable to the  
7 alleged incapacitated person. The plan may include the use of providers of service  
8 such as visiting nurses, homemakers, home health aides, personal care attendants,  
9 adult day care and multipurpose senior citizen centers; home and community-based  
10 care, ~~county social services~~ human service zones, and developmental disability  
11 services; powers of attorney, representative and protective payees; and licensed  
12 congregate care facilities.

13 **SECTION 29. AMENDMENT.** Subsection 3 of section 30.1-28-11 of the North Dakota  
14 Century Code is amended and reenacted as follows:

15 3. Except as provided in subsection 2, persons who are not disqualified have priority for  
16 appointment as guardian in the following order:  
17 a. A person nominated by the incapacitated person prior to being determined to be  
18 incapacitated, when nominated by means other than provided in subsection 2, if  
19 the incapacitated person is fourteen or more years of age and, in the opinion of  
20 the court, acted with or has sufficient mental capacity to make an intelligent  
21 choice.  
22 b. The spouse of the incapacitated person.  
23 c. An adult child of the incapacitated person.  
24 d. A parent of the incapacitated person, including a person nominated by will or  
25 other writing signed by a deceased parent.  
26 e. Any relative of the incapacitated person with whom the incapacitated person has  
27 resided for more than six months prior to the filing of the petition.  
28 f. Any relative or friend who has maintained significant contacts with the  
29 incapacitated person or a designated person from a volunteer agency.  
30 g. A nonprofit corporation established to provide guardianship services; provided,  
31 that the corporation does not provide direct care to incapacitated persons. The

1 corporation shall file with the court the name of an employee, volunteer, or other  
2 person from the corporation who is directly responsible for the guardianship of  
3 each incapacitated person, and shall notify the court in the event the person for  
4 any reason ceases to so act, or if a successor is named.

5 h. Any appropriate government agency, including ~~county social~~ human service  
6 ~~agencies~~ zones, except as limited by subsection 1.

7 i. A person nominated by the person who is caring for or paying benefits to the  
8 incapacitated person.

9 **SECTION 30. AMENDMENT.** Subdivision h of subsection 1 of section 40-01.1-04 of the  
10 North Dakota Century Code is amended and reenacted as follows:

11 h. Use of other statutory tools relating to social and economic development, land  
12 use, transportation and roads, health, law enforcement, administrative and fiscal  
13 services, recording and registration services, educational services, environmental  
14 quality, water, sewer, solid waste, flood relief, parks and open spaces, hospitals,  
15 public buildings, or other county functions or services, including creation of  
16 cooperative county job development authorities pursuant to section 11-11.1-03,  
17 multicounty health units pursuant to chapter 23-35, regional planning and zoning  
18 commissions pursuant to section 11-35-01, boards of joint county park districts  
19 pursuant to chapter 11-28 or a combination of boards of park commissioners with  
20 a city pursuant to chapter 40-49.1, or ~~multicounty social~~ human service  
21 ~~districts~~ zones pursuant to chapter 50-01.1.

22 **SECTION 31. AMENDMENT.** Section 50-01-01 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **50-01-01. County Human service zone obligated to support poor - Eligibility for**  
25 **assistance - Transfer of property as security for assistance.**

26 Within the limits of the ~~county human service~~ service zone appropriation, each  
27 ~~county~~ human service zone in this state is obligated, upon receipt of a written application, to  
28 provide ~~county~~ general assistance to persons who are residents of the ~~county~~ human service  
29 zone and who are eligible. To be eligible for ~~county~~ general assistance, the applicant:

- 1           1.    May not have made, before or after making an application for county general  
2           assistance, an assignment or transfer of property for the purpose of rendering the  
3           applicant eligible for assistance.
- 4           2.    Shall comply with the written eligibility standards for county general assistance  
5           established by the ~~county social~~human service ~~board~~zone director. A copy of the  
6           written standards must be available upon request. Pursuant to this requirement, the  
7           ownership of property by an applicant for county general assistance, or by the spouse  
8           of the applicant, either individually or jointly, or of insurance on the life of the applicant  
9           does not preclude the granting of assistance if the applicant is without funds for the  
10          applicant's support. ~~As a condition to the granting of county general assistance,~~  
11          ~~however, the applicant may be required to transfer the property in trust by appropriate~~  
12          ~~instrument as security for relief the applicant may receive, unless the property consists~~  
13          ~~of one of the following:~~
  - 14           a.    A homestead.
  - 15           b.    A life insurance policy having a cash surrender value of less than three hundred  
16           dollars.
  - 17           c.    Personal property of a value less than three hundred dollars, not including  
18           household goods, wearing apparel, and personal effects, such as money.
  - 19           d.    Property selected by the applicant having a value of less than three hundred  
20           dollars.
  - 21           e.    Real or personal property held in trust for the applicant by the federal  
22           government.
  - 23           f.    Real or personal property on which the taking of security may be prohibited  
24           through legislation enacted by the Congress of the United States.

25           **SECTION 32. AMENDMENT.** Section 50-01-01.1 of the North Dakota Century Code is  
26           amended and reenacted as follows:

27           **50-01-01.1. Determination of eligibility - Notice - Appeal.**

28           The human service zone director of the ~~county social service board~~, or an individual  
29           ~~designated by the county social service board~~, or the director's designee is responsible for  
30           determining, within a reasonable period of time, an applicant's eligibility for county general  
31           assistance under this chapter. The applicant must be provided written notice of the

1 determination. The notice must include the reasons for the determination, as well as an  
2 explanation of the applicant's right to a timely appeal of the determination to the ~~county social-~~  
3 ~~service board~~department of human services if aggrieved by the decision. Decisions of the  
4 ~~county social service board~~department of human services regarding appeals taken pursuant to  
5 this section are subject to judicial review in the manner prescribed by chapter 28-32.

6 **SECTION 33. AMENDMENT.** Section 50-01-02 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **50-01-02. ~~County general~~General assistance jurisdiction.**

9 The ~~county social~~human service ~~board of each county~~zone, through the human service  
10 zone director, has exclusive jurisdiction and control of the administration of ~~county~~ general  
11 assistance within the ~~county~~human service zone, except as otherwise provided in this title.

12 **SECTION 34. AMENDMENT.** Section 50-01-04 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **50-01-04. Records to be kept.**

15 Every person who administers ~~county~~ general assistance shall maintain reasonable  
16 records.

17 **SECTION 35. AMENDMENT.** Section 50-01-13 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **50-01-13. Medical attention and hospitalization furnished to poor.**

20 Within the limits of the ~~county~~ human ~~services~~service zone appropriation, the ~~county-~~  
21 ~~social~~human service ~~board~~zone promptly shall provide necessary medical services, covered in  
22 the written eligibility standards for general assistance, for any poor person in the ~~county~~human  
23 service zone who is not provided for in a public institution. The ~~county social~~human service  
24 ~~board~~zone shall cause to be furnished to the person the necessary covered medicines  
25 prescribed by a physician. Necessary covered hospitalization must be furnished by the  
26 ~~county~~human service zone upon approval or subsequent ratification by the ~~board~~human service  
27 zone director or the director's designee. If the poor person is a nonresident of the state, the  
28 ~~county~~human service zone furnishing the medical services must be reimbursed within the limits  
29 of funds appropriated for that purpose by the legislative assembly for eighty percent of the  
30 expenses incurred in carrying out this section. The reimbursement must be made upon  
31 vouchers having the approval of the department of human services.

1       **SECTION 36. AMENDMENT.** Section 50-01-17 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-01-17. Person required to work.**

4       If a person applying for ~~county~~ general assistance is able to work, or if any member of that  
5 person's family is able to work, the ~~county social~~human service ~~board of the county~~zone in  
6 which the person is a resident may insist that those able to work seek employment and the  
7 ~~board~~human service zone director or the director's designee may refuse to furnish any  
8 assistance until it is satisfied that the person claiming assistance is endeavoring to find work.  
9 The ~~board~~human service zone may attempt to secure, for a person claiming ~~county~~ general  
10 assistance, who is able to work, employment in the county where the person resides and may  
11 call upon residents of the county to aid the ~~board~~human service zone in finding work for that  
12 person.

13       **SECTION 37. AMENDMENT.** Section 50-01-17.1 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **50-01-17.1. Work requirement conditions.**

16       If a person applying for ~~county~~ general assistance is able to work, the ~~county social~~human  
17 service ~~board~~zone director or the director's designee, at its option, may require the applicant to  
18 comply with any or all of the following provisions as a condition to receiving ~~public~~general  
19 assistance:

- 20       1. To register with job service North Dakota.
- 21       2. To participate in work incentive programs in accordance with the guidelines  
22       established for public assistance programs.
- 23       3. To accept work which is available through community work experience programs.

24       **SECTION 38. AMENDMENT.** Section 50-01-17.2 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **50-01-17.2. Community work experience programs - Development.**

27       The ~~county social~~human service ~~board~~zone may develop community work experience  
28 programs through agreements with any public entity, nonprofit agency or organization, or in  
29 conjunction with, or through utilization of, applicable federal programs. The number of hours to  
30 be worked may be determined by dividing the amount of the assistance payment by the  
31 prevailing minimum wage.

1       **SECTION 39. AMENDMENT.** Section 50-01-17.3 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-01-17.3. Community work experience program requirements.**

4       Any community work experience program established pursuant to this chapter must  
5 provide:

- 6       1. That appropriate health, safety, and work conditions exist.
- 7       2. That the program does not result in displacement of persons currently employed.
- 8       3. That the program does not apply to jobs covered by a collective bargaining  
9       agreement.
- 10      4. That recipients will not be required to travel an unreasonable distance from their  
11      homes or to remain away from their homes overnight.
- 12      5. That the ~~county social~~human service ~~board~~zone shall provide for transportation and all  
13      other costs reasonably necessary for and directly related to a recipient's participation  
14      in the program.

15      **SECTION 40. AMENDMENT.** Section 50-01-17.5 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17      **50-01-17.5. Refusal to comply with work requirements - Denial of relief.**

18      Refusal of any applicant or recipient, without good cause, to comply with any work  
19 requirements established pursuant to this chapter may be grounds for denial or termination of  
20 ~~county~~ general assistance.

21      **SECTION 41. AMENDMENT.** Section 50-01-19 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23      **50-01-19. Duty of relative to aid - Right of recovery by county and department.**

24      The father, the mother, and every child of any person who is eligible for county general  
25 assistance before January 1, 2020, and general assistance thereafter, and who is unable to  
26 work to support oneself shall maintain that person to the extent of the ability of each. ~~The county~~  
27 ~~may recover for necessities furnished to an indigent person from that person's father, mother,~~  
28 ~~or adult children.~~

29      **SECTION 42. AMENDMENT.** Section 50-01-21 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **50-01-21. County ~~has and~~ department have preferred claim against estate of recipient**  
2 **of county general assistance or general assistance.**

3       Funds used for subsistence, medical, hospital, or burial expenses of a recipient of county  
4 general assistance or general assistance may not be considered as gifts, and the county  
5 ~~has and~~ department have a preferred claim against the estate of any person who has received  
6 county general assistance or general assistance for funds expended for that person and that  
7 person's legal dependents. The statute of limitations does not run on this type of claim.

8       **SECTION 43. AMENDMENT.** Section 50-01-26 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10       **50-01-26. County ~~Human service zone~~ of residence for county general assistance**  
11 **purposes.**

12       A person who has residence in this state, for county general assistance purposes, is a  
13 resident of the ~~county~~ human service zone in which the person is living on other than a  
14 temporary basis. If a person is living in a ~~county~~ human service zone on a temporary basis, the  
15 person is a resident of the ~~county~~ human service zone in which the person most recently lived  
16 other than on a temporary basis.

17       **SECTION 44. AMENDMENT.** Section 50-01-27 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19       **50-01-27. State of residence for county general assistance purposes.**

20       A person who is a resident of this state for purposes of chapter 50-24.5 is a resident of this  
21 state for county general assistance purposes. If a person moves from this state for other than a  
22 temporary purpose, the person's residency in this state for county general assistance purposes  
23 is lost. Residency in this state is presumed lost if:

- 24       1. The person plans to be absent or has been absent from this state for one year or  
25 longer; or  
26       2. The person receives any form of public or general assistance, while in another state,  
27 which is available only to residents of that state.

28       **SECTION 45. AMENDMENT.** Section 50-01-28 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1       **50-01-28. Change of residence to another ~~county~~human service zone.**

2       ~~When~~if a person who is receiving ~~county~~ general assistance in one ~~county~~human service  
3 zone becomes a resident of another ~~county~~human service zone in this state, the ~~county~~human  
4 service zone from which the person moves shall forward appropriate records and files to the  
5 new ~~county~~human service zone of residence.

6       **SECTION 46. AMENDMENT.** Section 50-01-29 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8       **50-01-29. Persons with uncertain residence.**

9       If the residence of a person is uncertain for ~~county~~ general assistance purposes, the  
10 ~~county~~human service zone in which the person lives shall provide county general assistance  
11 until that person's residence is determined.

12       **SECTION 47. AMENDMENT.** Section 50-01.1-01 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14       **50-01.1-01. Definitions.**

15       As used in this chapter, unless the context or subject matter otherwise requires:

- 16       1. ~~"County agency" means the county social service board.~~
- 17       2. ~~"State department~~Department" means the department of human services.
- 18       2. "Human service zone" means a county or consolidated group of counties  
19 administering human services within a designated area in accordance with a plan  
20 approved by the department.
- 21       3. "Human service zone director" means a department employee who oversees the  
22 human service zone's operation and budget and serves as president of the human  
23 service zone board.
- 24       4. "Human service zone team member" means a county employee who is responsible for  
25 administering or delivering human services under the direction of the human service  
26 zone director.
- 27       5. "Human services" means:
  - 28       a. A service or assistance provided to an individual or an individual's family in need  
29 of services or assistance, including child welfare services, locally administered  
30 economic assistance programs, medical service programs, and aging service  
31 programs, to assist the individual or the individual's family in achieving and

- 1                   maintaining basic self-sufficiency, including physical health, mental health,  
2                   education, welfare, food and nutrition, and housing.
- 3           b. A service or assistance provided, administered, or supervised by the department  
4                   in accordance with chapter 50-06.
- 5           c. Licensing duties as administered or supervised by the department or delegated  
6                   by the department to a human service zone.
- 7       6. "Indirect costs" means salaries, benefits, and operating costs incurred in providing  
8                   those goods and services to support human services that are generally available for  
9                   the common benefit of multiple county agencies. These costs include legal  
10                   representation; facilities and related costs, such as utilities and maintenance;  
11                   administrative support including payroll, accounting, banking, and coordination;  
12                   information technology support and equipment; and miscellaneous goods and  
13                   services, such as transportation, supplies, insurance coverage, phone, and mail  
14                   services.
- 15       7. "Locally administered economic assistance programs" means those primary economic  
16                   assistance programs that need to be accessible to all citizens of the state through a  
17                   human service zone office and include:
- 18           a. Temporary assistance for needy families;  
19           b. Employment and training programs;  
20           c. Child care assistance programs;  
21           d. Medical assistance, including early periodic screening, diagnosis, and treatment;  
22           e. Supplemental nutrition assistance programs, including employment and training  
23                   programs;  
24           f. Refugee assistance programs;  
25           g. Basic care services;  
26           h. Energy assistance programs; and  
27           i. Information and referral.

28       **SECTION 48. AMENDMENT.** Section 50-01.1-02 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1       **50-01.1-02. Consolidation of county agencies into multicounty social**Creation of  
2 **human service districts**zones.

- 3       1. In order to provide optimum service, reduce program costs, and benefit recipients of  
4 ~~social~~human services within this state, ~~any two or more counties, by agreement~~  
5 ~~entered into through action of their boards of county commissioners, may shall~~  
6 combine and consolidate their county agencies into a ~~multicounty social~~human service  
7 ~~district~~zones in the manner provided in this chapter. ~~Multicounty social~~  
8       2. Human service ~~districts~~zones succeed to all the powers and duties enumerated for  
9 county agencies and shall perform all the functions and responsibilities assigned to  
10 county agencies by this title. When consistent with this chapter, all provisions relating  
11 to county agencies contained in this title apply to and govern ~~multicounty social~~human  
12 service districts. ~~The~~zones.
- 13       3. Counties shall identify other counties with which to enter a human service zone  
14 agreement, and together the board of county commissioners of ~~any county desiring to~~  
15 ~~become a member of a multicounty social service district shall file with the state~~  
16 ~~department a written request for membership~~proposal to create a human service zone  
17 by September 15, 2019, together with a plan for the creation of such a district, if such  
18 ~~a district does not already exist~~a human service zone. The plan must be prepared as  
19 prescribed in section 50-01.1-04.
- 20       4. The ~~request~~proposal must be approved or disapproved by the state department in  
21 accordance with section 50-01.1-03. ~~In permitting the creation of such a district, the~~  
22 ~~state department shall, to as great a degree as possible, allow the consolidation of~~  
23 ~~county agencies in such a manner as will conform with the existing pattern of the trade~~  
24 ~~area and with any regional pattern established by the executive department of this~~  
25 ~~state.~~
- 26       5. A county with a population exceeding sixty thousand individuals according to the 2010  
27 United States census may submit a proposed plan to operate as a single human  
28 service zone or to consolidate with other counties into a human service zone.
- 29       6. Counties shall consider leveraging existing cooperative agreements between county  
30 agencies and shall consider how to collaborate to best meet local need, promote  
31 efficiency, service delivery, and ensure quality service.

- 1       7. Counties' plan must allow nonresidents of the participating counties of a human  
2       service zone to access human services.
- 3       8. Counties' plan must continue to provide funding for indirect costs associated with the  
4       service delivery of human services pursuant to chapter 50-35.
- 5       9. Counties' plan must set forth that the human service zone director may hire and  
6       impose disciplinary actions on a human service zone team member, who must remain  
7       for all purposes an employee of the respective county, in accordance with the  
8       department's policies governing such actions. The counties' plan must also designate  
9       the board of county commissioners of the respective county of the human service  
10       zone team member to review a grievance for a disciplinary action that results in the  
11       human service zone team member's dismissal, demotion, suspension without pay,  
12       forced relocation within the human service zone, reduction-in-force, or reprisal. The  
13       counties' plan must contain similar requirements imposed under chapter 54-44.3 and  
14       corresponding rules for the human service zone team member's grievance. The  
15       grievance decision of the board of county commissioners is the final decision of the  
16       human service zone. The human service zone team member may appeal the final  
17       decision of the board of county commissioners to the human resource management  
18       services in accordance with chapter 54-44.3 and corresponding rules. The counties'  
19       plan must contain a provision that a transfer of staff between the county and the  
20       department does not require the board of county commissioners' approval.

21       **SECTION 49. AMENDMENT.** Section 50-01.1-03 of the North Dakota Century Code is  
22       amended and reenacted as follows:

23       **50-01.1-03. Manner of determination –~~Notices~~ –~~Hearings~~.**

- 24       1. In determining whether the creation of a ~~multicounty social~~ human service district zone  
25       should be approved or established, the state department shall refer to, among other  
26       pertinent factors, the following:
  - 27       4. a. Whether the affected county agencies are able to supply an adequate level and  
28       quality of social and economic assistance services.
  - 29       2. b. The number and qualifications of staff personnel serving the affected county  
30       agencies.

- 1       3. c. The ratio of the number of cases handled by the affected county agencies to the
- 2                 number of their staff personnel.
- 3       4. d. The geographical area and population served by the affected county agencies.
- 4       5. e. The distance of recipients from the affected county agencies.
- 5       6. f. The benefits that would be realized from the creation of the ~~district~~human service
- 6                 zone in terms of lower costs, increased availability of services, new services, and
- 7                 improvement of services.

8 ~~Any county that is denied approval to become a member of a multicounty social service district~~  
9 ~~may request a hearing thereon. The state department shall notify the board of county~~  
10 ~~commissioners of the right to appeal. The board has thirty days after receipt of the notice to~~  
11 ~~request a hearing. If a hearing is requested, the state department shall hold the hearing within~~  
12 ~~fifteen days after receipt of the request. At the hearing, evidence may be presented relative to~~  
13 ~~the creation of the proposed multicounty social service district. The hearing must be conducted~~  
14 ~~in accordance with the applicable provisions of chapter 28-32.~~

- 15           g. The amount of current and future access points for individuals to apply for and
- 16                 receive services within a human service zone.
- 17           h. The existing pattern of the counties trade area and any regional pattern
- 18                 established by the department.
- 19           i. Whether the county has a population exceeding sixty thousand individuals
- 20                 according to the 2010 United States census to operate as a single human service
- 21                 zone and whether it is in the best interest of the neighboring counties.
- 22           j. Whether the proposed human service zone is excluding a county that shares an
- 23                 urban area with other counties in the proposed human service zone.
- 24           k. The maximum number of human service zones created may not exceed
- 25                 nineteen.
- 26           l. Whether the human service zone director can adequately supervise the activities
- 27                 and operations of the human service zone.
- 28           m. Other good cause.
- 29       2. The department has final approval of a human service zone. The department may
- 30                 establish or modify a human service zone based on the criteria set forth in

1           subsection 1. All human service zones must be initially approved or established by  
2           December 1, 2019, and may be modified thereafter.

3           **SECTION 50. AMENDMENT.** Section 50-01.1-04 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **50-01.1-04. Plan - Financing - ~~Distribution of property~~ - ~~Governing~~Human service**  
6 **zone board - ~~Compensation of members.~~**

- 7           1. A plan for the creation of a ~~multicounty social~~human service district~~zone~~ must describe  
8 the method of operation of the ~~district~~human service zone office, its administration, its  
9 location and the location of any ancillary offices, the disbursements from public funds,  
10 and the accountability for funds and manner of reporting receipts and disbursements.  
11 ~~The plan must provide that all services provided by county officials to county agencies~~  
12 ~~under this code be provided by those county officials residing within the same county~~  
13 ~~in which the district office of the multicounty social service district is located.~~ The plan  
14 must also provide for the distribution of property owned by each of the county  
15 agencies affected by the consolidation and for the method of resolution of any  
16 disagreement between the boards of county commissioners involved in the  
17 ~~multicounty district~~human service zone or between the governing board and one or  
18 more boards of county commissioners. The plan must also require the participating  
19 counties to participate in the indirect cost allocation plan. The plan, once approved,  
20 may be continued for a definite term or until rescinded ~~or~~ terminated ~~in accordance~~  
21 ~~with its terms.~~ The plan also may provide that the regional director of a regional human-  
22 service center serves as the director of the multicounty social service district, or  
23 modified by the department.
- 24           2. The governing board of the multicounty social service district annually shall prepare a  
25 proposed budget for the district at the time and in the manner in which a county  
26 budget is adopted and shall submit the proposed budget to the board of county  
27 commissioners of each county in the district for approval. The amount budgeted and  
28 approved must be sufficient to defray the anticipated expenses of administration and  
29 the delivery of social and economic assistance services, exclusive of grants, and must  
30 be prorated among the counties based on an agreed-to cost distribution formula that  
31 takes into consideration such factors as caseload, population, taxable valuation, and

1 geographical area of the respective counties comprising the district. Within ten days  
2 following approval of the proposed budget by the boards of county commissioners, the  
3 governing board of the district shall certify the budget to the respective county auditors  
4 of the counties in the district, and this amount must be included in the levies of the  
5 counties. Each board of county commissioners also shall budget and approve  
6 amounts sufficient to defray that county's anticipated costs of county general  
7 assistance and that county's share of grants as provided under this title. The amounts  
8 budgeted and approved by the several boards of county commissioners must be  
9 periodically deposited with the treasurer of the county in which the district office is  
10 located, as requested by the treasurer, and must be placed in a special multicounty  
11 social service district fund. The governing board, or its president and secretary when  
12 authorized by the governing board, shall audit all claims against the fund. The  
13 governing board at its regularly scheduled meeting shall approve or ratify all claims  
14 against the fund. The county treasurer shall pay approved or ratified claims from the  
15 fund. Unexpended funds remaining at the end of a fiscal year may be carried over to  
16 the next fiscal year.

- 17 3. The governing board of a multicounty social service district consists of not more than  
18 fifteen members, as determined by the plan. The plan must establish a method of  
19 determining the number of members that will be appointed by each county within the  
20 multicounty social service district. The method may consider the ratio that each  
21 county's population bears to the total population of the multicounty social service  
22 district, the ratio of current social service caseload, or other equitable factors;  
23 provided, that each county included in the district must be represented by at least one  
24 board member. The board of county commissioners of each county within the  
25 multicounty social service district shall make the appointments to the governing board.  
26 Members must be appointed for a term of three years or until a successor has been  
27 appointed and qualifies. The members appointed to the initial governing board of a  
28 multicounty district, however, must be appointed to staggered terms determined  
29 according to the plan approved pursuant to section 50-01.1-03. Each member of the  
30 governing board shall qualify by taking the oath prescribed for civil officers and by  
31 filing the oath with the county auditor of the county of residence. Each sex must be

1 fairly represented on the board, and each county must be represented on the board by  
2 at least one county commissioner of that county. Members shall elect from the  
3 governing board a president, a secretary, and other officers as the board determines  
4 necessary.

5 4. The appointing authority shall establish the rate of compensation for members of the  
6 governing board and actual expenses incurred by members may be reimbursed at the  
7 official reimbursement rates of the appointing authority.

8 **SECTION 51. AMENDMENT.** Section 50-01.1-04 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **50-01.1-04. Plan - Financing - Human service zone board.**

11 1. A plan for the creation of a human service zone must describe the method of operation  
12 of the human service zone office, its administration, its location and the location of any  
13 ancillary offices, the disbursements from public funds, and the accountability for funds  
14 and manner of reporting receipts and disbursements. The plan must provide for the  
15 distribution of property owned by each of the county agencies affected by the  
16 consolidation and for the method of resolution of any disagreement between the  
17 boards of county commissioners involved in the human service zone or between the  
18 governing board and one or more boards of county commissioners. The plan must  
19 also require the participating counties to participate in the indirect cost allocation plan.  
20 The plan, once approved, may be continued for a definite term or until rescinded,  
21 terminated, or modified by the department.

22 2. ~~The governing board of the multicounty socialhuman service district annually~~  
23 director shall prepare a proposed budget for the districthuman service zone at the time  
24 and in the manner in which a county budget is adoptedas requested by the  
25 department and shall submit the department approved proposed budget to the board  
26 of county commissioners of each county in the districthuman service zone for  
27 approvalreview. The board of county commissioners may not take any action to  
28 amend or modify the amount proposed or budgeted. The board of county  
29 commissioners may make recommendations to the human service zone director or the  
30 department to amend or modify the amount proposed or budgeted. The amount  
31 budgeted and approved must be sufficient to defray the anticipated expenses of

1 administration and the delivery of ~~social and economic assistance~~ human services,  
2 ~~exclusive of grants, and must be prorated among the counties based on an agreed-to~~  
3 ~~cost distribution formula that takes into consideration such factors as caseload,~~  
4 ~~population, taxable valuation, and geographical area of the respective counties~~  
5 ~~comprising the district. Within ten days following approval~~ review of the proposed  
6 budget by the boards of county commissioners, the ~~governing board of the~~  
7 ~~district~~ human service zone director shall certify the budget to the respective county  
8 auditors of the counties in the district, ~~and this amount must be included in the levies~~  
9 ~~of the counties. Each board of county commissioners also shall budget and approve~~  
10 ~~amounts sufficient to defray that county's anticipated indirect costs of county general~~  
11 ~~assistance and that county's share of grants as provided under this title~~ the human  
12 service zone. The amounts budgeted, reviewed, and approved by the several boards  
13 of county commissioners and the department must be periodically deposited with the  
14 treasurer of the county in which the ~~district~~ human service zone office is located, ~~as~~  
15 ~~requested by the treasurer, and must be placed in a special multicounty social~~ human  
16 ~~service district~~ zone human services fund. The human service zone's income must be  
17 deposited into the human service zone human services fund by the treasurer of the  
18 county in which the human service zone office is located. The ~~governing~~ human  
19 service zone board, ~~or its president and secretary when authorized by the governing~~  
20 ~~board,~~ shall audit all claims against the human service zone human services fund. The  
21 ~~governing board at its regularly scheduled meeting~~ human service zone director shall  
22 approve or ratify all claims against the human service zone human services fund. The  
23 county treasurer, for the county in which the human service zone office is located,  
24 shall pay approved or ratified claims from the human service zone human services  
25 fund. Unexpended human service zone human services funds remaining at the end of  
26 a fiscal year may be carried over to the next fiscal year. The department may  
27 recalculate and adjust each human service zone's formula payment biannually based  
28 on pertinent factors, which include actual expenditures over the prior or current  
29 payment period, current costs, offered services, need, income, performance of duties  
30 directed or assigned and supervised by the department, and caseload.

- 1           3.    The governing human service zone board of a multicounty social human service  
2           district zone consists of not more than fifteen members, as determined by the plan. The  
3           plan must establish a method of determining the number of members that will be  
4           appointed by each county within the multicounty social human service district. The  
5           method may consider the ratio that each county's population bears to the total  
6           population of the multicounty social service district, the ratio of current social service  
7           caseload, or other equitable factors; provided, that each county included in the district  
8           must be represented by at least one board member. The board of county  
9           commissioners of each county within the multicounty social service district shall make  
10          the appointments to the governing board. Members must be appointed for a term of  
11          three years or until a successor has been appointed and qualifies. The members  
12          appointed to the initial governing board of a multicounty district, however, must be  
13          appointed to staggered terms determined according to the plan approved pursuant to  
14          section 50-01.1-03. Each member of the governing board shall qualify by taking the  
15          oath prescribed for civil officers and by filing the oath with the county auditor of the  
16          county of residence. Each sex must be fairly represented on the board, and each  
17          county must be represented on the board by at least one county commissioner of that  
18          county. Members shall elect from the governing board a president, a secretary, and  
19          other officers as the board determines necessary.
- 20          4.    The appointing authority shall establish the rate of compensation for members of the  
21          governing board and actual expenses incurred by members may be reimbursed at the  
22          official reimbursement rates of the appointing authority zone.

23          **SECTION 52.** A new section to chapter 50-01.1 of the North Dakota Century Code is  
24          created and enacted as follows:

25          **Duties of human service zone.**

26          The human service zone shall, under the direction and supervision of the department,  
27          unless otherwise directed or determined by the department:

- 28          1.    Supervise and direct all human services activities conducted by the human service  
29          zone, including general assistance or other public assistance.
- 30          2.    Supervise and administer human services in the human service zone which are  
31          financed in whole or in part with funds allocated or distributed by the department.

- 1        3. Aid and assist in every reasonable way to efficiently coordinate and conduct human
- 2            services activities within the human service zone by private as well as public
- 3            organizations.
- 4        4. Subject to subsection 16 of section 50-06-05.1, administer the supplemental nutrition
- 5            assistance program in the human service zone in conformity with the Food Stamp Act
- 6            of 1964, and enter an agreement for administering the supplemental nutrition
- 7            assistance program with the department.
- 8        5. Subject to subsection 18 of section 50-06-05.1, administer the home energy
- 9            assistance program in the human service zone and enter an agreement for
- 10           administering the home energy assistance program with the department.
- 11        6. Charge and collect fees and expenses for services provided by the human service
- 12           zone's staff in accordance with policies and fee schedules adopted by the department.
- 13        7. Supervise and administer designated child welfare services.
- 14        8. Supervise and administer human services.
- 15        9. Supervise and administer replacement programs with substantially similar goals,
- 16           benefits, or objectives.
- 17        10. As necessary, supervise and administer experimental, pilot, statewide, regional, or
- 18           transitional programs with substantially similar goals, benefits, or objectives.
- 19        11. Cooperate with any other human service zone to assure the conduct of initial and
- 20           ongoing human services with respect to any applicant or eligible beneficiary who is
- 21           physically present in a human service zone other than the human service zone of
- 22           which the applicant or eligible beneficiary is a resident.

23        **SECTION 53.** A new section to chapter 50-01.1 of the North Dakota Century Code is  
24 created and enacted as follows:

25        **Human service zone directors.**

- 26        1. Must be employees of the department of human services and located within the
- 27           human service zone, unless serving more than one human service zone.
- 28        2. Shall serve as the president of the human service zone board.
- 29        3. May serve one or more human service zones.
- 30        4. May hire, take disciplinary actions, and direct the work of a human service zone team
- 31           member in accordance with the department's policies. The human service zone

1           director has discretion to hire a human service zone team member, on behalf of the  
2           county, subject to the allotted number of staff positions approved by the board of  
3           county commissioners of the county by which the staff position is employed.

4           5. Shall notify county commissioners or other appropriate county staff, as directed by the  
5           county commissioners, regarding the hiring, dismissal, demotion, suspension without  
6           pay, forced relocation within the human service zone, reduction-in-force, or reprisal of  
7           a human service zone team member.

8           6. May notify county commissioners or other appropriate county staff regarding transfers  
9           of staff between the county and the department.

10          **SECTION 54.** A new section to chapter 50-01.1 of the North Dakota Century Code is  
11 created and enacted as follows:

12          **Human service zone and department may contract.**

13          A human service zone and department may contract with another human service zone or  
14 any other public or private person to discharge any of its duties or exercise any of its powers to  
15 administer human services.

16          **SECTION 55.** A new section to chapter 50-01.1 of the North Dakota Century Code is  
17 created and enacted as follows:

18          **Standards of administration - Action upon failure to administer.**

19          1. The department shall adopt standards for administration for human services and shall  
20          provide training for the implementation of those standards. Each human service zone  
21          shall provide for administration of human services that meet those standards.

22          2. If a human service zone fails to provide for administration of human services that meet  
23          the standards adopted under subsection 1, the department may take any of the  
24          following actions:

25               a. Provide training to the persons responsible for administration.

26               b. Require the human service zone to prepare and implement a corrective action  
27               plan.

28               c. Terminate or modify a human service zone or plan.

29               d. Recalculate and adjust the human service zone's formula payments.

30          **SECTION 56. AMENDMENT.** Section 50-01.2-00.1 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **50-01.2-00.1. Definitions.**

2       In this chapter, unless the context otherwise requires:

- 3       1. ~~"Department" "department"~~ means the department of human services.
- 4       2. ~~"Local expenses of administration" includes costs for personnel, space, equipment,~~  
5       ~~computer software, materials, travel, utilities, and related costs, and the indirect costs~~  
6       ~~properly allocated to those costs. The term does not include initial acquisition of~~  
7       ~~computers and related hardware approved by the department for the temporary~~  
8       ~~assistance for needy families program, custom computer programs, custom software~~  
9       ~~development, computer operations undertaken at the direction of the department, and~~  
10       ~~computer processing costs or, unless agreed to by the county social service board,~~  
11       ~~any costs related to pilot programs before the programs are implemented on a~~  
12       ~~statewide basis.~~
- 13       3. ~~"Locally administered economic assistance programs" means those primary economic~~  
14       ~~assistance programs that need to be accessible to all citizens of the state through a~~  
15       ~~county social service office and include:~~
- 16       a. ~~Temporary assistance for needy families;~~
- 17       b. ~~Employment and training programs;~~
- 18       c. ~~Child care assistance programs;~~
- 19       d. ~~Medical assistance, including early periodic screening, diagnosis, and treatment;~~
- 20       e. ~~Supplemental nutrition assistance programs, including employment and training~~  
21       ~~programs;~~
- 22       f. ~~Refugee assistance programs;~~
- 23       g. ~~Basic care services;~~
- 24       h. ~~Energy assistance programs; and~~
- 25       i. ~~Information and referral.~~

26       **SECTION 57. AMENDMENT.** Section 50-01.2-01 of the North Dakota Century Code is  
27       amended and reenacted as follows:

28       **50-01.2-01. ~~County social~~Human service zone board - Members - Qualifications.**

29       ~~Each board of county commissioners shall establish a county social service board~~  
30       ~~consisting of five, seven, or nine members of which one or more must be members of the board~~  
31       ~~of county commissioners. The board of county commissioners of each county within the human~~

1 service zone shall appoint the appointed members of the county socialhuman service zone  
2 board based upon fitness to serve as members by reason of character, experience, and training  
3 without regard to political affiliation. The board must include members of eachAppointed  
4 members of the human service zone board must consist of local elected officials, state elected  
5 officials, and other key community partners. Each sex, race, and ethnicity must be fairly  
6 represented on the human service zone board based on the zone's demographics, and each  
7 county must be represented on the human service zone board by at least one county  
8 commissioner of that county. Appointed members shall elect from the human service zone  
9 board a secretary, and other officers as the human service zone board determines necessary.  
10 The human service zone director shall serve as president of the human service zone board as a  
11 nonappointed member.

12 **SECTION 58. AMENDMENT.** Section 50-01.2-02 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **50-01.2-02. Members of county socialhuman service zone board - Term of office -**  
15 **Oath - Compensation.**

16 The appointed members of the ~~county social~~human service zone board serve a term of  
17 three years or until their successors have duly qualified. ~~Terms of office must be arranged so~~  
18 ~~the term of office of one member expires in one year, the term of one-half the remaining~~  
19 ~~members the next year, and the term of the remaining members the third year~~The members  
20 appointed to the initial human service zone board of a human service zone, however, must be  
21 appointed to staggered terms determined according to the plan approved pursuant to section  
22 50-01.1-03. Each appointed member of the human service zone board qualifiesshall qualify by  
23 taking the oath provided for civil officers. The oath must be filed with the county auditor of the  
24 county of residency. The appointing authorityhuman service zone shall establish the rate of  
25 compensation forcompensate appointed members of the human service zone board membersat  
26 a rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The human  
27 service zone shall also pay members for mileage and actual expenses incurred by board-  
28 members may be reimbursed at the official reimbursement rates of the appointing authorityin  
29 attending meetings and in other performance of official duties of the members in the amounts  
30 provided by law for other state officers.

1       **SECTION 59. AMENDMENT.** Section 50-01.2-03 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-01.2-03. Duties of ~~county social~~human service zone board.**

4       The ~~county social~~human service zone board of each county in this state shall:

- 5       1. ~~Supervise and direct all human service activities conducted by the county including~~  
6           ~~county general assistance or other public assistance~~Provide information to the  
7           department relative to the community needs of the human service zone residents and  
8           advocate to meet those needs.
- 9       2. ~~Supervise and administer, under the direction and supervision of the department of~~  
10           ~~human services, human services in the county which are financed in whole or in part~~  
11           ~~with funds allocated or distributed by the department of human services~~Review  
12           services and programs provided by the human service zone and make periodic  
13           recommendations for improvement in services, programs, or facilities.
- 14       3. Aid and assist in every reasonable way to efficiently coordinate and conduct human  
15           service activities within the ~~county~~human service zone by private as well as public  
16           organizations.
- 17       4. ~~Subject to subsection 16 of section 50-06-05.1, administer the supplemental nutrition-~~  
18           ~~assistance program in the county under the direction and supervision of the~~  
19           ~~department of human services in conformity with the Food Stamp Act of 1964, as~~  
20           ~~amended, and enter into an agreement for administering the supplemental nutrition-~~  
21           ~~assistance program with the department of human services~~Audit all claims against the  
22           human service zone human services fund.
- 23       5. ~~Subject to subsection 18 of section 50-06-05.1, administer the home energy-~~  
24           ~~assistance program in the county under the direction and supervision of the~~  
25           ~~department of human services and to enter into an agreement for administering the~~  
26           ~~home energy assistance program with the department of human services.~~
- 27       6. ~~Charge and collect fees and expenses for services provided by its staff in accordance-~~  
28           ~~with policies and fee schedules adopted by the department of human services.~~
- 29       7. ~~Supervise and administer designated child welfare services under the direction and~~  
30           ~~supervision of the department of human services. Through established procedures the~~  
31           ~~department of human services may release the county social service board of this duty~~

1           or the county social service board may request to be released from this duty by the  
2           department of human services. If a county is released from the county's duty to  
3           supervise and administer designated child welfare services under this subsection, the  
4           county retains its financial responsibility for providing those services unless otherwise  
5           negotiated and approved by the department.

6           **SECTION 60. AMENDMENT.** Section 50-01.2-03.2 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **50-01.2-03.2. County duties. (Effective through July 31, 2019)**

9           Each county social service board shall administer, under the direction and supervision of  
10 the department:

- 11           1. Locally administered economic assistance and social service programs;
- 12           2. Replacement programs with substantially similar goals, benefits, or objectives; and
- 13           3. When necessary, experimental, pilot, or transitional programs with substantially similar
- 14           goals, benefits, or objectives.

15           **County duties –~~Financing in exceptional circumstances. (Effective after July~~**  
16 **~~31 through December 31, 2019)~~**

17           4. Each county social service board shall administer, under the direction and supervision of  
18 the department:

- 19           ~~a.1.~~ Locally administered economic assistance and social and human services programs;
- 20           ~~b.2.~~ Replacement programs with substantially similar goals, benefits, or objectives; and
- 21           ~~c.3.~~ When necessary, experimental, pilot, or transitional programs with substantially similar
- 22           goals, benefits, or objectives.
- 23           2. From the abstract of tax list prepared pursuant to section 57-20-04, each county shall
- 24           annually provide the department of human services a report of the total mills levied for
- 25           human service purposes pursuant to sections 50-03-01, 50-03-06, and 50-06.2-05,
- 26           and the countywide value of a mill in each county. Upon receipt of reports from all
- 27           counties, the department shall determine the statewide average of the mill levies and
- 28           identify each county that levied ten mills more than that average. Each identified
- 29           county is entitled to a share of funds appropriated for distribution under this
- 30           subsection. Each identified county's share is determined by:

- 1           a. ~~Reducing its mill levy necessary to meet the costs of providing human services~~
- 2           ~~required under this title by the statewide average mill levy determined under this~~
- 3           ~~subsection plus ten mills;~~
- 4           b. ~~Determining the amount that could have been raised in that county and year~~
- 5           ~~through a mill levy in the amount calculated under subdivision a;~~
- 6           c. ~~Totaling the amounts determined under subdivision b for all counties entitled to a~~
- 7           ~~distribution;~~
- 8           d. ~~Calculating a decimal fraction equal to each identified county's proportionate~~
- 9           ~~share of the total determined under subdivision c; and~~
- 10          e. ~~Multiplying that decimal fraction times one-half of the biennial appropriation.~~
- 11         3. ~~Notwithstanding any other provisions of law, the department shall reimburse county~~
- 12         ~~social service boards for expenses of locally administered economic assistance~~
- 13         ~~programs in counties in which the percentage of that county's average total~~
- 14         ~~supplemental nutrition assistance program caseload for the previous fiscal year which~~
- 15         ~~reside on federally recognized Indian reservation lands is ten percent or more. The~~
- 16         ~~reimbursement must be such that:~~
- 17           a. ~~An affected county's actual direct costs and indirect costs allocated based on a~~
- 18           ~~percentage of each county's direct economic assistance and social services~~
- 19           ~~costs for locally administered economic assistance programs will be reimbursed~~
- 20           ~~at the percentage of that county's average total supplemental nutrition assistance~~
- 21           ~~program caseload for the previous state fiscal year which reside on federally~~
- 22           ~~recognized Indian reservation land not to exceed ninety percent;~~
- 23           b. ~~The affected counties will receive quarterly payments based on the actual county~~
- 24           ~~direct and indirect costs, as provided in subdivision a, for the previous state fiscal~~
- 25           ~~year;~~
- 26           c. ~~At the end of each fiscal year the actual quarterly payments paid must be~~
- 27           ~~reconciled to the current year of calculation of actual direct and indirect costs as~~
- 28           ~~provided in subdivision a and supplemental nutrition assistance program~~
- 29           ~~caseload and counties must be compensated accordingly in the first quarter of~~
- 30           ~~the new fiscal year; and~~

- 1           d. ~~The reimbursement will be calculated for each county and reported to the county-~~  
2           ~~social service board prior to September first.~~

3           **SECTION 61. AMENDMENT.** Section 50-01.2-04 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **50-01.2-04. Removal of members of the human service zone board.**

6           The board of county commissioners may adopt a resolution to remove ~~aan appointed~~  
7 member of the ~~county social~~human service zone board without cause. The board of county  
8 commissioners may not remove the human service zone director as president of the human  
9 service zone board.

10          **SECTION 62. AMENDMENT.** Section 50-01.2-05 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12          **50-01.2-05. Actions and proceedings - Duty of state's attorney.**

13          Any suit or other proceeding arising out of the administration of the laws pertaining to the  
14 support of persons eligible for county general assistance or general assistance must be brought  
15 by or against the county in its corporate name or human service zone. The state's attorney shall  
16 institute and conduct or defend any and all actions or proceedings that may be instituted under  
17 chapter 50-01.

18          **SECTION 63. AMENDMENT.** Subsection 4 of section 50-06-01 of the North Dakota  
19 Century Code is amended and reenacted as follows:

- 20          4. "Human services" means ~~services:~~
- 21           a. A service or assistance provided to an individual or an individual's family in need  
22           of services or assistance, including child welfare services, economic assistance  
23           programs, medical services programs, and aging services programs, to assist the  
24           individual or the individual's family in achieving and maintaining basic self-  
25           sufficiency, including physical health, mental health, education, welfare, food and  
26           nutrition, and housing.
- 27           b. A service or assistance provided, administered, or supervised by the department  
28           in accordance with chapter 50-06.
- 29           c. Licensing duties as administered or supervised by the department or delegated  
30           by the department to a human service zone.

1       **SECTION 64. AMENDMENT.** Section 50-06-01.4 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-06-01.4. Structure of the department.**

4       1. The department includes the state hospital, the regional human service centers, a  
5 vocational rehabilitation unit, and other units or offices and administrative and fiscal  
6 support services as the executive director determines necessary. The department  
7 must be structured to promote efficient and effective operations and, consistent with  
8 fulfilling its prescribed statutory duties, shall act as the official agency of the state in  
9 the discharge of the following functions not otherwise by law made the responsibility of  
10 another state agency:

- 11       a. Administration of programs for children and families, including adoption services  
12 and the licensure of child-placing agencies, foster care services and the licensure  
13 of foster care arrangements, child protection services, children's trust fund, ~~state-~~  
14 ~~youth authority,~~ licensure of early childhood programs, ~~services to unmarried-~~  
15 ~~parents,~~ refugee services, in-home community-based services, and  
16 administration of the interstate compacts on the placement of children and  
17 juveniles.
- 18       b. Administration of programs for individuals with developmental disabilities,  
19 including licensure of facilities and services, and the design and implementation  
20 of a community-based service system for persons in need of habilitation.
- 21       c. Administration of aging service programs, including nutrition, transportation,  
22 advocacy, social, ombudsman, recreation, and related services funded under the  
23 Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and  
24 community-based services, licensure of adult foster care homes, and the  
25 committee on aging.
- 26       d. Administration of behavioral health programs, including:  
27       (1) A policy division responsible for reviewing and identifying service needs and  
28 activities in the state's behavioral health system in an effort to ensure health  
29 and safety, access to services, and quality of services; establishing quality  
30 assurance standards for the licensure of substance use disorder program

- 1 services and facilities; and providing policy leadership in partnership with  
2 public and private entities; and
- 3 (2) A service delivery division responsible for providing chronic disease  
4 management, regional intervention services, and twenty-four-hour crisis  
5 services for individuals with behavioral health disorders.
- 6 e. Administration of economic assistance programs, including temporary assistance  
7 for needy families, the supplemental nutrition assistance program, home energy  
8 assistance, ~~child support~~care assistance, refugee assistance, work experience,  
9 work incentive, and quality control.
- 10 f. Administration of medical service programs, including medical assistance for  
11 children's health insurance program, Medicaid waivers, early and periodic  
12 screening, diagnosis and treatment, utilization control, autism services, and  
13 claims processing.
- 14 g. Administration of general assistance.
- 15 h. Administration of child support.
- 16 2. The executive director shall consult with and maintain a close working relationship with  
17 the state department of health; with the department of corrections and rehabilitation  
18 and the superintendents of the school for the deaf and the North Dakota vision  
19 services - school for the blind to develop programs for individuals with developmental  
20 disabilities; and with the superintendent of public instruction to maximize the use of  
21 resource persons in regional human service centers in the provision of special  
22 education services. The executive director shall also maintain a close liaison with  
23 ~~county social~~human service agencieszones.

24 **SECTION 65. AMENDMENT.** Section 50-06-01.9 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **50-06-01.9. Criminal history record checks.**

27 In accordance with section 12-60-24, the department may require criminal history record  
28 checks as the department determines appropriate for:

- 29 1. Job applicants of the department and employees of the department upon hiring;  
30 2. Job applicants of the ~~county social~~human service agencieszone and the department's  
31 and ~~county social~~human service agencies'zones' contractors and contractors'

1 subcontractors that may have access to federal tax information received from the  
2 United States internal revenue service through a computer match and stored in the  
3 department's eligibility system;

4 3. A criminal history record check conducted under subsections 1 and 2 is valid for ten  
5 years, after which the department shall require another criminal history record check  
6 on employees of the department, ~~county social~~human service ~~agencies~~zones, and the  
7 department's and ~~county social~~human service ~~agencies'~~zones' contractors and  
8 contractors' subcontractors that may have access to federal tax information received  
9 from the United States internal revenue service through a computer match and stored  
10 in the department's eligibility system;

11 4. Providers licensed by the department under chapter 50-12, as well as for any  
12 employees of those providers;

13 5. Providers holding, applicants for, and emergency designees and staff members of  
14 providers holding and applicants for early childhood services licensure,  
15 self-declaration, or in-home provider registration under chapter 50-11.1. The  
16 department also may require criminal history record checks for household members of  
17 a residence out of which early childhood services within the provider's home are  
18 provided; and

19 6. Medicaid services applicant providers, Medicaid services providers, staff members of  
20 the applicant provider or provider, or an individual with a five percent or more direct or  
21 indirect ownership interest in the applicant provider or provider under chapter 50-24.1.

22 **SECTION 66. AMENDMENT.** Section 50-06-05.1 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **50-06-05.1. Powers and duties of the department.**

25 The department has the following powers and duties to be administered by the department  
26 through its state office or ~~through~~ regional human service centers, human service zones, or  
27 otherwise as directed by ~~it~~the department:

28 1. To act as the official agency of the state in any social welfare or human service activity  
29 initiated by the federal government not otherwise by law made the responsibility of  
30 another state agency.

- 1        2. To administer, allocate, and distribute any state and federal funds that may be made  
2            available for the purpose of providing financial assistance, care, and services to  
3            eligible persons and families who do not have sufficient income or other resources to  
4            provide a reasonable subsistence compatible with decency and health.
- 5        3. To provide preventive, rehabilitative, and other human services to help families and  
6            individuals to retain or attain capability for independence or self-care.
- 7        4. To do needed research and study in the causes of social problems and to define  
8            appropriate and effective techniques in providing preventive and rehabilitative  
9            services.
- 10       5. To provide for the study, and to promote the well-being, of deprived, unruly, and  
11           delinquent children.
- 12       6. To provide for the placing and supervision of children in need of substitute parental  
13           care, subject to the control of any court having jurisdiction and control of any such  
14           child.
- 15       7. To recommend appropriate human services related legislation to the legislative  
16           assembly.
- 17       8. To direct and supervise ~~county social~~human service ~~board~~zone activities ~~as may be~~  
18           ~~financed in whole or in part by or with funds allocated or distributed by the~~  
19           ~~department~~and administer a statewide program for state-funded human services,  
20           staffing, and administration costs related to the administration of human services.
- 21       9. To secure, hold, and administer for the purpose for which it is established any property  
22           and any funds donated to it either by will or deed, or otherwise, or through court order  
23           or otherwise available to the department, and to administer those funds or property in  
24           accordance with the instructions in the instrument creating them or in accordance with  
25           the instructions in the court order or otherwise.
- 26       10. To formulate standards and make appropriate inspections and investigations in  
27           accordance with such standards in connection with all licensing activities delegated by  
28           law to the department, including early childhood programs, nonmedical adult care  
29           facilities and maternity homes, and persons or organizations receiving and placing  
30           children, and to require those facilities, persons, and organizations to submit reports  
31           and information as the department may determine necessary.

- 1        11. To permit the making of any surveys of human service needs and activities if  
2            determined to be necessary.
- 3        12. To issue subpoenas, administer oaths, and compel attendance of witnesses and  
4            production of documents or papers whenever necessary in making the investigations  
5            provided for herein or in the discharge of its other duties. A subpoena may not be  
6            issued to compel the production of documents or papers relating to any private  
7            child-caring or child-placing agency or maternity hospital or to compel the attendance  
8            as a witness of any officer or employee of those facilities except upon the order of a  
9            judge of the district court of the judicial district in which the facilities are located.
- 10       13. To provide insofar as staff resources permit appropriate human services, including  
11            social histories, social or social-psychological evaluations, individual, group, family,  
12            and marital counseling, and related consultation, when referred by self, parent,  
13            guardian, ~~county social~~human service board, court, physician, or other individual  
14            or agency, and when application is made by self (if an adult or emancipated youth),  
15            parent, guardian, or agency having custody; also, on the same basis, to provide  
16            human services to children and adults in relation to their placement in or return from  
17            the life skills and transition center, state hospital, or North Dakota youth correctional  
18            center.
- 19       14. To provide insofar as staff resources permit social services, including  
20            social-psychological evaluations, predisposition reports, treatment, probation, and  
21            aftercare services when requested by the judge of a juvenile court.
- 22       15. To provide insofar as staff resources permit social services, including  
23            social-psychological evaluations, predisposition reports, treatment, and probation and  
24            parole services, when requested by the judge in a criminal case.
- 25       16. To act as the official agency of the state in the administration of the supplemental  
26            nutrition assistance program and to direct and supervise ~~county~~human service zone  
27            administration of that program. Provided, however, that the department with the  
28            consent of the budget section of the legislative management may terminate the  
29            program if the rate of federal financial participation in administrative costs provided  
30            under Public Law 93-347 is decreased or limited, or if the state or counties become  
31            financially responsible for all or a portion of the coupon bonus payments under the

1 Food Stamp Act. The department may not deny assistance under the supplemental  
2 nutrition assistance program to any individual who has been convicted of a felony  
3 offense that has as an element the possession, use, or distribution of a controlled  
4 substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C.  
5 802(6)].

6 17. To administer, allocate, and distribute any funds made available for the making of  
7 direct cash assistance payments, housing assistance payments, and rental subsidies  
8 under any rental assistance programs initiated by the federal government not  
9 otherwise by law made the responsibility of another state agency possessing  
10 statewide jurisdiction.

11 18. To act as the official agency of the state in the administration of the home energy  
12 assistance program; to direct and supervise ~~county~~human service zone administration  
13 of that program; and to take such actions, give such directions, and adopt such rules,  
14 subject to review in the courts of this state, as may be necessary or desirable to carry  
15 out this subsection. For purposes of the administration of the energy assistance  
16 program, funds are obligated at the earlier of the time a written commitment is made to  
17 pay a vendor or contractor for services or supplies delivered or to be delivered, or at  
18 the time payment is made to a vendor or contractor for services or supplies delivered  
19 or to be delivered. The provisions of this subsection concerning obligation of funds  
20 apply to payments and commitments made on or after July 1, 1991. The department  
21 with the consent of the budget section of the legislative management may terminate  
22 the program if the rate of federal financial participation in administrative costs is  
23 decreased or limited to less than fifty percent of total administrative costs, or if the  
24 state or counties become financially responsible for all or a portion of the cost of  
25 energy assistance program benefits.

26 19. To administer, allocate, and distribute any funds made available for the payment of the  
27 cost of the special needs of any child under the age of twenty-one years, who is living  
28 in an adoptive home and would probably go without adoption except for acceptance by  
29 the adopted family, and whose adopted family does not have the economic ability and  
30 resources, as established by the department, to take care of the special needs of the

- 1 child, including legal fees, maintenance costs, medical and dental expenses, travel  
2 costs, and other costs incidental to the care of the child.
- 3 20. To exercise and carry out any other powers and duties granted the department under  
4 state law.
- 5 21. To administer, allocate, and distribute any funds made available for the payment of  
6 transitional living services, to develop standards and conduct needs assessments  
7 regarding transitional living services, to develop or approve and to evaluate  
8 demonstration projects offering transitional living programs, to approve transitional  
9 living facilities for the purpose of providing foster care, and to apply for and administer  
10 federal and other funds that may be made available to undertake any of the activities  
11 described in this subsection. For purposes of this subsection:
- 12 a. "Transitional living facility" means a specific site, which is identified by a licensed  
13 child-placing agency or residential child care facility and which is approved by the  
14 department, for the provision of transitional living services.
- 15 b. "Transitional living program" means a program that provides transitional living  
16 services and may include an identified program operations location approved by  
17 the department.
- 18 c. "Transitional living services" may include housing, supervision, and supportive  
19 services intended and designed to assist persons who have received foster care  
20 services and who have reached age seventeen, but who have not reached age  
21 twenty-one, to achieve independence and self-sufficiency.
- 22 22. With the approval of the governor, to lease or transfer use of any part of the life skills  
23 and transition center facilities or properties, located in section thirteen, township one  
24 hundred fifty-seven north, range fifty-three west, located in Walsh County, North  
25 Dakota, to the federal government, or any public or private agency, organization, or  
26 business enterprise, or any worthy undertaking, under the following provisions:
- 27 a. The department determines that the facility or property is not needed to serve  
28 any present or reasonably foreseeable need of the life skills and transition center.
- 29 b. The transaction is exempt from the provisions of section 50-06-06.6.
- 30 c. The term of any lease may not exceed ninety-nine years.

- 1           d. All required legal documents, papers, and instruments in any transaction must be  
2           reviewed and approved as to form and legality by the attorney general.
- 3           e. Any funds realized by any transaction must be deposited in the state's general  
4           fund.
- 5       23. To act as a decedent's successor for purposes of collecting amounts due to the  
6           department or human service zone. Any affidavit submitted by the department under  
7           section 30.1-23-01 must conform to the requirements of that section except that the  
8           affidavit may state that twenty days have elapsed since the death of the decedent.
- 9       24. To provide those services necessary for the department and for ~~county social~~human  
10          service ~~boards~~zones to comply with the provisions of any law, rule, order, or regulation  
11          of the United States or any federal agency or authority requiring civil service or merit  
12          standards or classifications as a condition for providing funds administered by the  
13          department.
- 14       25. For purposes of administration of programs, and subject to legislative appropriation,  
15          funds are obligated at the time a written commitment is made to pay a vendor or  
16          contractor for services or supplies either delivered or to be delivered. This subsection  
17          applies to payments and commitments made on or after January 1, 1997.
- 18       26. ~~Notwithstanding section 50-01-2-00.1, to~~To determine eligibility for medical assistance  
19          and children's health insurance program benefits when the department receives a joint  
20          application for these benefits.
- 21       27. To administer, allocate, and distribute any funds made available for kinship care  
22          services and payments and services in response to the federal Family First Prevention  
23          Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].
- 24       28. To contract with another human service zone or any other public or private person to  
25          discharge any of the department's duties or exercise any of the department's powers  
26          to administer human services.

27       **SECTION 67. AMENDMENT.** Subsection 3 of section 50-06-05.3 of the North Dakota  
28 Century Code is amended and reenacted as follows:

- 29       3. Each human service center must have a human services advisory group consisting of  
30          the ~~county social~~human service zone directors of the region served, the public health  
31          directors of the region served, two current county commissioners appointed by the

1 executive director of the department, and five additional members appointed by the  
2 executive director of the department. Each advisory group member must be a resident  
3 of the region the member is appointed to serve. The term of office for each appointed  
4 member is two years and arranged so that the term of three of the appointed members  
5 expires at the end of the first year and the term of the remaining four appointed  
6 members expires at the end of the second year, except for those first members  
7 appointed, three members shall serve a one-year term and four members shall serve  
8 a two-year term. The director shall select the appointed members of each human  
9 service advisory group on the basis of population of the counties in the region served  
10 by the human service center. Each county in the region must be represented by at  
11 least one member on the human service advisory group. To the extent possible,  
12 appointed membership of the advisory group must reflect regional interests in the  
13 fields of developmental disabilities, social services, mental health, and substance use  
14 disorders. The executive director of the department shall appoint a chairman for each  
15 advisory group from the membership of the advisory group. The executive director of  
16 the department shall fill a vacancy occurring within an advisory group for other than  
17 the expiration of a term in the same manner as original appointments, except that  
18 appointments must be made only for the unexpired term. The department shall  
19 compensate appointed members of a human service advisory group at the rate of  
20 forty-five dollars per day, not to exceed twenty-five days in any one year. The  
21 department also shall pay members for mileage and actual expenses incurred in  
22 attending meetings and in the performance of their official duties in the amounts  
23 provided by law for other state officers.

24 **SECTION 68. AMENDMENT.** Section 50-06-05.8 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **50-06-05.8. Department to assume costs of economic assistance and social service**  
27 **programs. (Effective through December 31, 2019)**

28 The department of human services shall pay each service area's expenses for  
29 administering economic assistance and social service programs for calendar years after  
30 December 31, 2017, based on the formula payment amount calculated for each service area  
31 under chapter 50-34.

1        **Department to assume certain costs of certain social service programs**  
2 **services. (Effective after December 31, 2019)** ~~Notwithstanding section 50-06.2-05, or any~~  
3 ~~other provision in title 50 to the contrary, and in addition to the programs identified in section~~  
4 ~~50-06-20, the~~The department of human services shall pay the local expenses of administration  
5 ~~incurred by a county~~each human service zone's expenses for administering human services for  
6 ~~calendar years~~ after December 31, 2019, for family preservation programs; a county's share of  
7 ~~the cost of the electronic benefits transfers for the supplemental nutrition assistance program~~  
8 ~~incurred after December 31, 2019; and the computer processing costs incurred by the county~~  
9 ~~after December 31, 2019, which exceed the county's costs of operation of the technical~~  
10 ~~eligibility computer system in calendar year 1995 increased by the increase in the consumer~~  
11 ~~price index for all urban consumers (all items, United States city average) after January 1,~~  
12 ~~1996~~based on the formula payment amount calculated for each human service zone under  
13 ~~chapter 50-35. The director shall authorize expenditures from the human service finance fund to~~  
14 ~~reimburse the department for the department's costs of providing human services that~~  
15 ~~historically have been provided by a county or human service zone, or for a new service or~~  
16 ~~program based on federal or state law.~~

17        **SECTION 69. AMENDMENT.** Section 50-06-06.2 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19        **50-06-06.2. Clinic services - Provider qualification - Utilization of federal funds.**

20        Within the limits of legislative appropriation therefor and in accordance with rules  
21 established by the department, the department may defray the costs of preventive diagnostic,  
22 therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible  
23 individuals by regional human service centers or designated behavioral health providers. Within  
24 the limits of legislative appropriations and to the extent permitted by state and federal law and  
25 regulations established thereunder, it is the intent of the legislative assembly that federal funds  
26 available under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] be utilized to defray  
27 the costs of identifiable mental health clinic services furnished eligible individuals in regional  
28 human service centers and that federal funds available under title XX of the Social Security Act  
29 [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable ~~social~~human services  
30 furnished to eligible individuals by ~~county social~~human service ~~boards~~zones and regional  
31 human service centers.

1       **SECTION 70. AMENDMENT.** Section 50-06-06.5 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-06-06.5. Continuum of services for individuals with serious and persistent mental**  
4 **illness.**

- 5       1. The department of ~~human services~~ shall develop a plan for an integrated,  
6 multidisciplinary continuum of services for individuals with serious and persistent  
7 mental illness. The continuum may consist of an array of services provided by private  
8 mental health professionals, private agencies, ~~county social~~human service  
9 ~~agencies~~zones, human service centers, community-based residential care and  
10 treatment facilities, and private and public inpatient psychiatric hospitals. When  
11 appropriate, access to the continuum must be through human service centers. Within  
12 the limits of legislative appropriations, the plan for a continuum may include:
- 13       a. Programs, and appropriate related facilities, to provide socialization skills.
  - 14       b. Programs, and appropriate related facilities, to provide basic living skills.
  - 15       c. Appropriate residential facilities and other housing options.
  - 16       d. Appropriate training, placement, and support to enhance potential for  
17       employment.
  - 18       e. Appropriate delivery and control of necessary medication.
  - 19       f. Appropriate economic assistance.
  - 20       g. An inpatient facility with appropriate programs to respond to persons who require  
21       hospitalization.
  - 22       h. Peer and recovery support.
  - 23       i. Crisis service that is available twenty-four hours a day seven days a week.
- 24       2. The continuum of care must provide that a person requiring treatment be submitted to  
25 the least restrictive available conditions necessary to achieve the purposes of  
26 treatment. The department shall ensure appropriate cooperation with ~~county-~~  
27 ~~social~~human service ~~agencies~~zones and private providers in achieving the continuum  
28 of care.

29       **SECTION 71. AMENDMENT.** Section 50-06-06.14 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **50-06-06.14. Placement of children - Least restrictive care.**

2           The department and ~~county social~~human service ~~boards~~zones shall explore the option of  
3 kinship care ~~when~~if a child is unable to return home due to safety concerns. Absent kinship  
4 options, the department and ~~county social~~human service ~~boards~~zones shall provide  
5 permanency options that are in the least restrictive care and near the family's home as required  
6 by the federal Adoption and Safe Family Act of 1997 [Pub. L. 105-89; 111 Stat. 2115; 42 U.S.C.  
7 671].

8           **SECTION 72. AMENDMENT.** Section 50-06-12 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **50-06-12. ~~County~~Human service zone bound by reciprocal agreements of department**  
11 **- Duty of state and ~~county~~human service zone when person determined not entitled to**  
12 **support.**

13           Any agreement made by the department under the provisions of section 50-06-11 for the  
14 acceptance, transfer, and support of any person from another state is binding on the  
15 ~~county~~human service zone where such person is residing. Neither this state nor any  
16 ~~county~~human service zone in this state shall be committed to the support of any person who is  
17 held by the department not to be entitled to public support under the laws of this state.

18           **SECTION 73. AMENDMENT.** Section 50-06-20 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **50-06-20. Programs funded at state expense - Interpretation.**

- 21           1. The state shall bear the cost, in excess of the amount provided by the federal  
22 government, of:
- 23           a. As provided in section 50-24.1-14, medical assistance services provided under  
24 chapter 50-24.1;
  - 25           b. Energy assistance program benefits provided under subsection 18 of section  
26 50-06-05.1;
  - 27           c. Supplements provided under chapter 50-24.5 as basic care services;
  - 28           d. Services, programs, and costs listed in section 50-09-27;
  - 29           e. Welfare fraud detection programs; ~~and~~
  - 30           f. Human services provided by the human service zones or the department;
  - 31           g. General assistance under chapter 50-01; and

1           h. Special projects approved by the department and agreed to by any affected  
2            ~~county social~~human service ~~board~~zone.

3           2. The state shall bear the costs of amounts expended for service payments to the  
4           elderly and disabled and expanded service payments for elderly and disabled.

5           3. This section does not grant any recipient of services, benefits, or supplements  
6           identified in subsection 1, any service, benefit, or supplement that a recipient could not  
7           claim in the absence of this section.

8           **SECTION 74. AMENDMENT.** Section 50-06.2-01 of the North Dakota Century Code is  
9           amended and reenacted as follows:

10           **50-06.2-01. Purpose - Interpretation.**

11           It is the purpose of this chapter to establish a system for planning, coordinating, and  
12           providing comprehensive human services administered by ~~county social~~human service  
13           ~~boards~~zones and human service centers. This chapter must be construed to effectuate the  
14           following public purposes:

15           1. To help individuals or their families to achieve, maintain, or support the highest  
16           attainable level of personal independence and economic self-sufficiency.

17           2. To prevent, remedy, or alleviate neglect, abuse, or exploitation of children and adults  
18           unable to protect their own interests.

19           3. To provide a continuum of community-based services adequate to appropriately  
20           sustain individuals in their homes and in their communities and to delay or prevent  
21           institutional care.

22           4. To preserve, rehabilitate, and reunite families.

23           5. To assist in securing referral or admission of individuals to institutional care when other  
24           forms of care are not appropriate.

25           **SECTION 75. AMENDMENT.** Section 50-06.2-02 of the North Dakota Century Code is  
26           amended and reenacted as follows:

27           **50-06.2-02. Definitions.**

28           As used in this chapter:

29           1. "Comprehensive human services" means services included in the comprehensive  
30           human services plan published by the state agency and human services required by  
31           state law or state agency regulation or federal law or regulation as a condition for the

1 receipt of federal financial participation in programs administered under the provisions  
2 of this title.

3 ~~2. "County agency" means the county social service board in each county of the state.~~

4 ~~3. "County plan" means the county human services plan required by section 50-06.2-04.~~

5 4. "Family home care" means the provision of room, board, supervisory care, and  
6 personal services to an eligible elderly or disabled person by the spouse or by one of  
7 the following relatives, or the current or former spouse of one of the following relatives,  
8 of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult  
9 grandchild, adult niece, or adult nephew. The family home care provider need not be  
10 present in the home on a twenty-four-hour basis if the welfare and safety of the client  
11 is maintained.

12 ~~5.3.~~ "Human service center" means a regional center established under section  
13 50-06-05.3.

14 4. "Human service zone" means a county or consolidated group of counties  
15 administering human services within a designated area in accordance with a plan  
16 approved by the state agency.

17 5. "Human service zone plan" means the human service zone plan required by section  
18 50-06.2-04.

19 6. "Human services" means:

20 a. A service or assistance provided to an individual or an individual's family in need  
21 of services or assistance, including child welfare services, economic assistance  
22 programs, medical service programs, and aging service programs, to assist the  
23 individual or the individual's family in achieving and maintaining basic  
24 self-sufficiency, including physical health, mental health, education, welfare, food  
25 and nutrition, and housing.

26 b. A service or assistance provided, administered, or supervised by the department  
27 in accordance with chapter 50-06.

28 c. Licensing duties as administered or supervised by the department or delegated  
29 by the department to a human service zone.

1     ~~6-7.~~ "Qualified service provider" means a ~~county agency~~human service zone or  
2             independent contractor which agrees to meet standards for service and operations  
3             established by the state agency.

4     ~~7-8.~~ "State agency" means the department of human services.

5             **SECTION 76. AMENDMENT.** Section 50-06.2-03 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7             **50-06.2-03. Powers and duties of the state agency.**

8             The state agency has the following powers or duties under this chapter:

- 9             1. To act as the official agency of the state in the administration of the human services  
10             ~~programs~~ for individuals and families in conformity with state and federal  
11             requirements.
- 12             2. To prepare, at least biennially, a comprehensive human services plan which must:
  - 13             a. Include human services determined essential in effectuating the purposes of this  
14             chapter.
  - 15             b. Detail the human services identified by the state agency for provision by human  
16             service centers and the services which the ~~county agencies have agreed~~  
17             ~~to~~human service zones make available in approved ~~county~~human service zone  
18             plans as a condition for the receipt of any funds allocated or distributed by the  
19             state agency.
- 20             3. To make available, through ~~county agencies~~human service zone or human service  
21             centers, any or all of the services set out in the comprehensive human services plan  
22             on behalf of those individuals and families determined to be eligible for those services  
23             under criteria established by the state agency.
- 24             4. To supervise and direct the comprehensive human services administered by ~~county~~  
25             ~~agencies~~human service zone and human service centers through standard-setting,  
26             technical assistance, approval of ~~county~~human service zone and regional plans,  
27             preparation of the comprehensive human services plan, evaluation of comprehensive  
28             human services ~~programs~~, and distribution of public money for services.
- 29             5. Within the limits of legislative appropriations and at rates determined payable by the  
30             state agency, to pay qualified service providers, which meet standards for services  
31             and operations, for the provision of the following services as defined in the

1 comprehensive human services plan which are provided to individuals who, on the  
2 basis of functional assessments, income, and resources, are determined eligible for  
3 the services in accordance with rules adopted by the state agency:

- 4 a. Homemaker services;
  - 5 b. Chore services;
  - 6 c. Respite care;
  - 7 d. Home health aide services;
  - 8 e. Case management;
  - 9 f. Family home care;
  - 10 g. Personal attendant care;
  - 11 h. Adult family foster care; and
  - 12 i. Such other services as the state agency determines to be essential and  
13 appropriate to sustain individuals in their homes and in their communities and to  
14 delay or prevent institutional care.
- 15 6. To take actions, give directions, and adopt rules as necessary to carry out the  
16 provisions of this chapter.

17 For purposes of this chapter, resources do not include the individual's primary home and the  
18 first fifty thousand dollars of liquid assets.

19 **SECTION 77. AMENDMENT.** Section 50-06.2-04 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **50-06.2-04. Powers and duties of county agencies. (Effective through December 31,**  
22 **2019)**

23 Each county agency has the following powers and duties under this chapter:

- 24 1. To administer comprehensive human services programs for individuals and families at  
25 the county level in conformity with state and federal requirements under the direction  
26 and supervision of the state agency.
- 27 2. To publish and provide to the state agency a county human services plan which must  
28 include the following:
  - 29 a. A statement of the goals of county human services programs in the county.
  - 30 b. Methods used to identify persons in need of services and the social problems to  
31 be addressed by the county human services programs.

- 1           c. A description of each county human service proposed and identification of the  
2           agency or person proposed to provide the service.
- 3           d. The amount of money proposed to be allocated to each service.
- 4           e. An agreement to make available those human services required by state law and  
5           by federal law or regulation as a condition for the receipt of federal financial  
6           participation in programs administered by county agencies under the provisions  
7           of this title.

8           The date of submission of the county human services plan to the state agency must  
9           be determined so that the plan is coordinated with the proposed and final  
10          comprehensive human services plan.

11          3. To make available the human services detailed in the comprehensive human services  
12          plan which the county agency has included in the approved county plan and to provide  
13          such other human services as the county agency determines essential in effectuating  
14          the purposes of this chapter within the county. To the extent funding is available under  
15          section 50-06.2-03 and chapter 50-24.1, the county plan must include the services  
16          enumerated in those sections. The county agency shall make these services available  
17          to any individual requesting service and determined eligible on the basis of a  
18          functional assessment conducted in accordance with state and federal laws and  
19          regulations. The individual shall pay for the services in accordance with a fee scale  
20          based on family size and income. The county agency may contract with any qualified  
21          service provider in its provision of those enumerated services.

22          4. To submit annually to the board of county commissioners a budget containing an  
23          estimate and supporting data, setting forth the funds needed to carry out the  
24          provisions of this chapter.

25          **Powers and duties of county agencieshuman service zones. (Effective after**

26          **December 31, 2019)** Each ~~county agency~~human service zone has the following powers and  
27          duties under this chapter:

28          1. To administer comprehensive human services ~~programs~~ for individuals and families at  
29          the ~~county~~human service zone level in conformity with state and federal requirements  
30          under the direction and supervision of the state agency.

- 1           2. To publish and provide to the state agency a ~~county human services~~service zone plan  
2            ~~which~~that must include the following:
- 3           a. A statement of the goals of ~~county~~human service zone human services ~~programs-~~  
4            in the ~~county~~human service zone.
- 5           b. Methods used to identify persons in need of services and the social problems to  
6            be addressed by the ~~county~~human service zone human services ~~programs~~.
- 7           c. A description of each ~~county~~human service zone human ~~services~~services  
8            proposed and identification of the agency or person proposed to provide the  
9            service.
- 10          d. The amount of money proposed to be allocated to each service.
- 11          e. An agreement to make available those human services required by state law and  
12            by federal law or regulation as a condition for the receipt of federal financial  
13            participation in programs administered by ~~county agencies~~human service zones  
14            under the provisions of this title.

15           The date of submission of the ~~county human services~~service zone plan to the state  
16           agency must be determined so that the plan is coordinated with the proposed and final  
17           comprehensive human ~~services~~service zone plan.

- 18          3. To make available the human services detailed in the comprehensive human  
19           ~~services~~service zone plan which the ~~county agency~~human service zone has included  
20           in the approved ~~county~~human service zone plan and to provide such other human  
21           services as the ~~county agency~~human service zone determines essential in effectuating  
22           the purposes of this chapter within the ~~county~~human service zone. To the extent  
23           funding is available under section 50-06.2-03 and chapter 50-24.1, the ~~county~~human  
24           service zone plan must include the services enumerated in those sections. The ~~county-~~  
25           ~~agency~~human service zone shall make these services available to any individual  
26           requesting service and determined eligible on the basis of a functional assessment  
27           conducted in accordance with state and federal laws and regulations. The individual  
28           shall pay for the services in accordance with a fee scale based on family size and  
29           income. The ~~county agency~~human service zone may contract with any qualified  
30           service provider in its provision of those enumerated services.

- 1           4. To submit annually to the board of county commissioners a budget containing an  
2           estimate and supporting data, setting forth the county funds needed to carry out the  
3           provisions of this chapter.

4           **SECTION 78. AMENDMENT.** Section 50-06.2-06 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **50-06.2-06. Freedom of choice.**

7           Each person eligible for services under this chapter, or the person's representative, must be  
8 free to choose among available qualified service providers that offer competitively priced  
9 services. The ~~county agency~~ human service zone shall inform each eligible applicant for  
10 services, provided under this chapter, of the identity of qualified service providers available to  
11 provide the service required by the applicant. The ~~county agency~~ human service zone shall  
12 make and document reasonable efforts to inform potential service providers of the anticipated  
13 need for services in the ~~county~~ human service zone.

14           **SECTION 79. AMENDMENT.** Section 50-09-01 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16           **50-09-01. Definitions.**

17           In this chapter, unless the context or subject matter otherwise requires:

- 18           1. "Account" means a demand deposit account, checking or negotiable withdrawal order  
19           account, share account, share draft account, savings account, time deposit account,  
20           securities account, money market mutual fund account, or any other account or  
21           arrangement that reflects an owner's share or similar equity interest issued by an  
22           entity that is registered as an investment company under the federal investment  
23           company laws, to the extent the owner is permitted to redeem the share or interest by  
24           an order for payment to a third party.
- 25           2. "Assistance" means money payments with respect to, or goods and services provided  
26           for dependent children, including payments for the care of unmarried mothers or  
27           fathers and their infants.
- 28           3. "Child support" has the meaning provided in section 14-09-09.10.
- 29           4. "~~County agency~~" means the ~~county social service board in each of the counties of the~~  
30           ~~state.~~

- 1       5. "Dependent child" means any needy child who is described in a state plan for aid and  
2       services to needy families submitted pursuant to title IV-A.
- 3       ~~6.5.~~ "Financial institution" means:  
4       a. A depository institution, as defined in section 3(c) of the Federal Deposit  
5       Insurance Act [12 U.S.C. 1813(c)];  
6       b. An institution-affiliated party, as defined in section 3(u) of the Federal Deposit  
7       Insurance Act [12 U.S.C. 1813(u)];  
8       c. Any federal credit union or state credit union, as defined in section 101 of the  
9       Federal Credit Union Act [12 U.S.C. 1752], including an institution-affiliated party  
10      of such a credit union, as defined in section 206(r) of the Federal Credit Union  
11      Act [12 U.S.C. 1786(r)]; and  
12      d. Any benefit association, insurance company, safe deposit company, securities  
13      intermediary, money market mutual fund, or similar entity authorized to do  
14      business in the state.
- 15      6. "Human service zone" means a county or consolidated group of counties  
16      administering human services within a designated area in accordance with a plan  
17      approved by the state agency.
- 18      7. "Obligor" has the meaning provided in section 14-09-09.10.  
19      8. "Past-due support" has the meaning provided in section 14-09-09.10.  
20      9. "Secretary" means the secretary of the United States department of health and human  
21      services.  
22      10. "Securities account" has the meaning provided in section 41-08-41.  
23      11. "Securities intermediary" has the meaning provided in section 41-08-02, but does not  
24      include a clearing corporation.  
25      12. "State agency" means the North Dakota department of human services.  
26      13. "Title IV-A" means title IV-A of the Social Security Act, as adopted by title I of Pub. L.  
27      104-193 [110 Stat. 2110 et seq.; 42 U.S.C. 601 et seq.].  
28      14. "Title IV-B" means title IV-B of the Social Security Act [Pub. L. 90-248, title II,  
29      sec. 240(c); 81 Stat. 911; 42 U.S.C. 620 et seq.], as amended.  
30      15. "Title IV-D" means title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351;  
31      42 U.S.C. 651 et seq.].

1       16. "Title IV-E" means title IV-E of the Social Security Act [Pub. L. 96-272, title I,  
2           sec. 101(a)(1); 94 Stat. 501; 42 U.S.C. 670 et seq.], as amended.

3       17. "Work activity" means any activity permitted or required to be treated as work for  
4           purposes of calculating a work participation rate.

5       **SECTION 80. AMENDMENT.** Section 50-09-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7       **50-09-02. Duties of the state agency.**

8       The state agency shall:

- 9       1. Take such action and adopt rules as may become necessary to entitle the state to  
10           receive funds from the federal government under title IV-A.
- 11       2. Supervise the administration of temporary assistance for needy families throughout  
12           the state of North Dakota.
- 13       3. Take such action, give such directions, and adopt rules as may be necessary or  
14           desirable to carry out the provisions of this chapter, including the adoption and  
15           application of suitable standards and procedure to ensure appropriate treatment of all  
16           applicants for temporary assistance for needy families.
- 17       4. Cooperate with the federal government in matters of mutual concern pertaining to  
18           temporary assistance for needy families, including the adoption of such methods of  
19           administration as are found by the state agency to be appropriate for the efficient  
20           operation of the plan for such assistance.
- 21       5. Provide such qualified employees and representatives as may be necessary.
- 22       6. Prescribe the form of and print and supply to the ~~county agencies~~human service zones  
23           blanks for applications, reports, and such other forms as it may deem necessary and  
24           advisable.
- 25       7. Have authority to establish and maintain personnel standards on a merit basis for  
26           personnel employed by the state and the ~~county public assistance agencies not~~  
27           ~~covered by a statewide merit system~~human service zone.
- 28       8. Make such reports in such form and containing such information as the federal  
29           government from time to time may require.
- 30       9. Make any determinations respecting title IV-A not expressly reserved to the federal  
31           government under federal law.

- 1       10. Determine if the terms of any waiver of federal requirements, pertaining to the aid to  
2           families with dependent children program, submitted to the federal government before  
3           August 22, 1996, are consistent with the requirements of title IV-A.
- 4       11. Determine the expenditures that constitute qualified state expenditures for purposes of  
5           this chapter.
- 6       12. Determine the costs that constitute administrative costs for purposes of this chapter.
- 7       13. Determine in any case if assistance provided will be funded through qualified state  
8           expenditures, funds made available from the federal government under title IV-A, or a  
9           combination thereof.
- 10      14. Assist recipients of temporary assistance for needy families, in a form and manner  
11           determined appropriate by the state agency, but which need not be uniform among  
12           families or among counties.
- 13      15. Administer all funds appropriated or made available to it for the purpose of carrying out  
14           the provisions of this chapter.
- 15      16. Act as the official agency of the state in the administration of the child support  
16           enforcement program and medical support enforcement program in conformity with  
17           title IV-D. In administering the child support enforcement and medical support  
18           enforcement programs, the state agency may contract with any public or private  
19           agency or person to discharge the state agency's duties and must maintain an office in  
20           each of the eight planning regions of the state.
- 21      17. Take actions and adopt rules necessary to entitle the state to receive funds from the  
22           federal government under the child care and development block grant [42 U.S.C. 9858  
23           et seq.], as amended.
- 24      18. Have authority to establish a program for families that include both a minor child and  
25           an incapacitated parent of that minor child, using no federal funds derived from  
26           temporary assistance for needy families block grant funds, which otherwise functions  
27           in substantially the form and manner of the temporary assistance for needy families  
28           program.
- 29      19. For purposes of section 674(e)(2) of the Social Security Act [42 U.S.C. 674(e)(2)],  
30           approve families, outside of the jurisdiction of the state of North Dakota, for placement  
31           of children for adoption.

- 1       20. Act as the official agency of the state in the administration of child and family services  
2           in conformity with title IV-B and to direct and supervise ~~county~~human service zone  
3           administration of that program, unless otherwise directed or determined by the state  
4           agency.
- 5       21. Act as the official agency of the state in the administration of federal payments for  
6           foster care and adoption assistance in conformity with title IV-E and to direct and  
7           supervise ~~county~~human service zone administration of that program, unless otherwise  
8           directed or determined by the state agency.
- 9       22. Provide, upon request and insofar as staff resources permit, technical assistance  
10           concerning the requirements of title IV-B and title IV-E to courts within this state,  
11           including tribal courts, and to state's attorneys and tribal prosecutors within this state.
- 12       23. Make training available to state's attorneys and assistant state's attorneys who are  
13           willing to collaborate with colleagues in other counties on petitions to terminate  
14           parental rights.

15       **SECTION 81. AMENDMENT.** Section 50-09-02.2 of the North Dakota Century Code is  
16   amended and reenacted as follows:

17       **50-09-02.2. Assistance for adopted children with special needs.**

18       Assistance provided under this chapter or chapter 50-24.1 after adoption to a child with  
19   special needs must be provided without regard to the income or resources of the adopting  
20   parents. Except as provided in this section, such assistance continues until the adopted child  
21   becomes eighteen years of age, is emancipated, or dies; the adoption is terminated; or a  
22   determination of ineligibility is made by the ~~county~~human service zone or state agency,  
23   whichever occurs earlier. If sufficient funds are available, the ~~county~~human service zone or state  
24   agency may continue assistance for an adopted child until the child reaches twenty-one years  
25   of age if the human service zone or state agency determines that the adopted child is a student  
26   regularly attending a secondary, postsecondary, or career and technical education school in  
27   pursuance of a course of study leading to a diploma, degree, or gainful employment. Assistance  
28   provided to an adopted child must continue regardless of the residence of the adopting parents.

29   ~~A~~The state or county agency or human service zone may require, as a condition of receiving  
30   assistance under this chapter or chapter 50-24.1, that the adopting parents enter ~~into~~ a contract  
31   or agreement regarding the type of assistance to be received; the amount of assistance; the

1 identity of the physical, mental, or emotional condition for which medical assistance is received;  
2 or any conditions for continued receipt of assistance. A child with special needs is a child legally  
3 available for adoptive placement whose custody has been awarded to the ~~department~~state  
4 agency or a ~~county social~~human service boardzone and who is seven years of age or older;  
5 under eighteen years of age with a physical, emotional, or mental disability or has been  
6 diagnosed by a licensed physician to be at high risk for such a disability; a member of a  
7 minority; or a member of a sibling group.

8 **SECTION 82. AMENDMENT.** Section 50-09-03 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **50-09-03. Duties of ~~county agency~~human service zone.**

11 In the administration of assistance under this chapter, a ~~county agency~~human service zone  
12 shall, unless otherwise directed or determined by the state agency:

- 13 1. Administer the temporary assistance for needy families program in its ~~county~~human  
14 service zone, subject to the rules of the state agency.
- 15 2. Report to the state agency at such times and in such manner and form as the state  
16 agency, from time to time, may direct.
- 17 3. Submit annually, through the human service zone director, to the ~~board of county~~  
18 ~~commissioners of each county~~state agency a budget containing an estimate and  
19 supporting data, setting forth the amount of money needed to carry out the provisions  
20 of this chapter.
- 21 4. Cooperate with juvenile courts and licensed children's agencies.
- 22 5. Administer child and family services under the direction and supervision of the state  
23 agency in conformity with title IV-B.
- 24 6. Administer federal payments for foster care and adoption assistance under the  
25 direction and supervision of the state agency in conformity with title IV-E.

26 **SECTION 83. AMENDMENT.** Section 50-09-04 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **50-09-04. Preservation and protection of religious faith.**

29 The county, human service zone, and state agencies shall preserve and protect the  
30 religious faith of children coming under their jurisdiction.

1       **SECTION 84. AMENDMENT.** Section 50-09-06 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-09-06. Application for assistance.**

4       Application for assistance under this chapter must be made to the ~~county~~human service  
5 zone or state agency in the manner and form prescribed by the state agency. The application  
6 must contain such information as the state agency may require, and the action of the state  
7 agency in approving and granting assistance or in disapproving and denying assistance is final  
8 and binding on the ~~county agency~~human service zone.

9       **SECTION 85. AMENDMENT.** Section 50-09-07 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **50-09-07. Investigation by ~~county~~human service zone or state agency.**

12       ~~Whenever~~If a ~~county~~human service zone or state agency shall ~~receive~~receives an  
13 application for assistance, or assistance has been granted, under this chapter, the human  
14 service zone, unless otherwise directed or determined by the state agency, promptly shall make  
15 an investigation and record of the circumstances of the applicant, or child, or both, in order to  
16 ascertain the facts supporting the application or the granting of assistance and shall obtain such  
17 other information as may be required by the rules and regulations of the state agency.

18       **SECTION 86. AMENDMENT.** Section 50-09-08 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20       **50-09-08. Investigations - Power of ~~county agencies~~human service zone, state**  
21 **agency, and employees.**

- 22       1. In the investigation of applications under the provisions of this chapter, the ~~county-~~  
23 ~~agencies~~human service zone, the state agency, and the officials and employees of  
24 such agencies charged with the administration and enforcement of this chapter may:
- 25       a. Conduct examinations;
  - 26       b. Require the attendance of witnesses and the production of books, records, and  
27       papers; and
  - 28       c. Make application to the district court of the county to compel the attendance of  
29       witnesses and the production of books, records, and papers.
- 30       2. The state agency may request from other state, county, human service zones, and  
31 local agencies information deemed necessary to carry out the child support

1 enforcement program. All officers and employees of state, county, and local agencies  
2 shall cooperate with the state agency in locating absent parents of children to whom  
3 an obligation of support is owed or on whose behalf assistance is being provided and,  
4 on request, shall supply the state agency with available information relative to the  
5 location, income, social security number, and property holdings of the absent parent,  
6 notwithstanding any provision of law making that information confidential. Any person  
7 acting under the authority of the state agency who pursuant to this subsection obtains  
8 information from the office of the state tax commissioner, the confidentiality of which is  
9 protected by law, may not divulge such information except to the extent necessary for  
10 the administration of the child support enforcement program or when otherwise  
11 directed by judicial order or when otherwise provided by law.

- 12 3. The officers and employees designated by the ~~county agencies~~human service zones  
13 or the state agency may administer oaths and affirmations.

14 **SECTION 87. AMENDMENT.** Subsections 2, 3, and 4 of section 50-09-08.2 of the North  
15 Dakota Century Code are amended and reenacted as follows:

16 2. All information received under this section, if confidential under some other provision  
17 of law, is subject to the penalties under section 50-06-15 and is confidential, except  
18 that the information may be used in the administration of any program administered by  
19 or under the supervision and direction of the ~~department~~state agency and as  
20 specifically authorized by the rules of the ~~department~~state agency. Any information  
21 received under this section, if not subject to section 44-04-18 and section 6 of  
22 article XI of the Constitution of North Dakota in the possession of the person providing  
23 the information, is exempt from section 44-04-18 and section 6 of article XI of the  
24 Constitution of North Dakota. Any person acting under the authority of the state  
25 agency who pursuant to this subsection obtains information from the office of the state  
26 tax commissioner, the confidentiality of which is protected by law, may not divulge  
27 such information except to the extent necessary for the administration of the child  
28 support enforcement program or when otherwise directed by judicial order or  
29 otherwise provided by law.

- 30 3. a. As provided in title IV-D, a person is immune from suit or any liability under any  
31 federal or state law:

- 1           (1) For any disclosure of information, in any form, made under this section, to  
2           the state agency, a county agency, a human service zone, or an official,  
3           employee, or agent of either;
- 4           (2) For encumbering or surrendering any assets held by a financial institution in  
5           response to a notice of lien or an execution issued by the state agency as  
6           provided in section 28-21-05.2 and chapter 35-34; or
- 7           (3) For any other action taken in good faith to comply with the requirements of  
8           this section.
- 9           b. The court shall award reasonable attorney's fees and costs against any person  
10          who commences an action that is subsequently dismissed by reason of the  
11          immunity granted by this section.
- 12          4. The officers and employees designated by the ~~county agencies~~human service zones  
13          or the state agency may administer oaths and affirmations.

14          **SECTION 88. AMENDMENT.** Section 50-09-08.3 of the North Dakota Century Code is  
15          amended and reenacted as follows:

16          **50-09-08.3. Administrative enforcement in interstate cases.**

- 17          1. In acting as the official agency of the state in administering the child support program  
18          under title IV-D, the state agency, directly or through agents and ~~county-~~  
19          ~~agencies~~human service zones:
- 20          ~~1.~~ a. Shall use high-volume automated administrative enforcement, to the same extent  
21          as used in intrastate cases, in response to a request made by another state to  
22          enforce a child support order, and shall promptly report the results of such  
23          enforcement procedure to the requesting state;
- 24          ~~2.~~ b. May transmit requests, by electronic or other means, to other states for  
25          assistance in cases involving enforcement of child support orders which include  
26          information provided and intended to enable the receiving state to compare  
27          information about the case to information in the databases of the receiving state,  
28          and which constitute a certification:
- 29          ~~a.~~ (1) Of the amount of arrearages, if any, under the child support order; and  
30          ~~b.~~ (2) That procedural due process requirements applicable to the case have been  
31          complied with;



1       **SECTION 90. AMENDMENT.** Section 50-09-09 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-09-09. Award of assistance.**

4       1. Upon completion of the investigation of an applicant for assistance under this chapter,  
5 the ~~county~~human service zone or state agency shall determine, in accordance with the  
6 rules of the state agency:

7       1. a. If the applicant may be provided assistance under the provisions of this chapter;

8       2. b. The amount and type of any assistance the applicant may receive; and

9       3. c. The date upon which such assistance may begin.

10      2. In all cases, a statement of the findings of the ~~county agency~~human service zone  
11 forthwith must be transmitted to the state agency.

12      **SECTION 91. AMENDMENT.** Subsection 1 of section 50-09-14 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14      1. An applicant for or recipient of temporary assistance for needy families under this  
15 chapter, aggrieved because of a ~~county~~human service zone's or state agency's  
16 decision or delay in making a decision, may appeal to the state agency in the manner  
17 prescribed by the state agency and must be afforded a reasonable notice and  
18 opportunity for a fair hearing by the state agency. The state agency, on its own motion,  
19 may review individual cases and make determinations which are binding upon the  
20 ~~county agency~~human service zone. An applicant or recipient aggrieved by any such  
21 determination, upon request, must be afforded reasonable notice and opportunity for a  
22 fair hearing by the state agency. All decisions of the state agency made on an appeal  
23 are final and are binding upon and must be complied with by the ~~county agency~~human  
24 service zone.

25      **SECTION 92. AMENDMENT.** Section 50-09-29 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27      **50-09-29. Requirements for administration of temporary assistance for needy**  
28 **families.**

29      1. Except as provided in subsections 2, 3, and 4, the ~~department of human services~~state  
30 agency, in its administration of the temporary assistance for needy families program,  
31 shall:

- 1 a. Provide assistance to otherwise eligible women in the third trimester of a
- 2 pregnancy;
- 3 b. Except as provided in subdivision c, afford eligible households benefits for no
- 4 more than sixty months;
- 5 c. Exempt eligible households from the requirements of subdivision b due to mental
- 6 or physical disability of a parent or child, mental or physical incapacity of a
- 7 parent, or other hardship including a parent subject to domestic violence as
- 8 defined in section 14-07.1-01;
- 9 d. Unless an exemption, exclusion, or disregard is required by law, count income
- 10 and assets whenever actually available;
- 11 e. Except as provided in subdivision j, and as required to allow the state to receive
- 12 funds from the federal government under title IV-A, provide no benefits to
- 13 noncitizen immigrants who arrive in the United States after August 21, 1996;
- 14 f. Limit eligibility to households with total available assets, not otherwise exempted
- 15 or excluded, of a value established by the ~~department~~state agency;
- 16 g. Exclude one motor vehicle of any value in determining eligibility;
- 17 h. Require work activities for all household members not specifically exempted by
- 18 the ~~department of human services~~state agency for reasons such as mental or
- 19 physical disability of a parent or child or mental or physical incapacity of a parent;
- 20 i. Establish goals and take action to prevent and reduce the incidence of
- 21 out-of-wedlock pregnancies and establish numerical goals for reducing the
- 22 illegitimacy rate for the state for periods through calendar year 2005;
- 23 j. To the extent required to allow the state to receive funds from the federal
- 24 government under title IV-A, provide benefits to otherwise eligible noncitizens
- 25 who are lawfully present in the United States;
- 26 k. Establish and enforce standards against program fraud and abuse;
- 27 l. Provide employment placement programs;
- 28 m. Exempt from assets and income the savings and proportionate matching funds in
- 29 individual development accounts;

- 1           n. Determine the unemployment rate of adults living in a county that includes Indian  
2           reservation lands and a significant population of Indian individuals by using  
3           unemployment data provided by job service North Dakota;
- 4           o. When appropriate, require household members to complete high school;
- 5           p. To the extent required to allow the state to receive funds from the federal  
6           government under title IV-A, exempt single parents from required work activities;
- 7           q. Provide for sanctions, including termination of assistance to the household, if a  
8           household member fails to cooperate with work requirements;
- 9           r. Provide for sanctions, including termination of assistance to the household, if a  
10          household member fails, without good cause, to cooperate with child support  
11          activities;
- 12          s. Deny assistance with respect to a minor child absent from the household for  
13          more than one calendar month, except as specifically provided by the state  
14          agency for absences;
- 15          t. Require each household to participate in developing an individual employment  
16          plan and provide for sanctions, including termination of assistance to the  
17          household, if adult or minor household members age sixteen or older fail to  
18          cooperate with the terms of the individual employment plan;
- 19          u. Provide pre-pregnancy family planning services that are to be incorporated into  
20          the temporary assistance for needy families program assessment;
- 21          v. Except in cases of pregnancy resulting from rape or incest, not increase the  
22          assistance amount to recognize the increase in household size when a child is  
23          born to a household member who was a recipient of assistance under this  
24          chapter during the probable month of the child's conception;
- 25          w. Disregard earned income as an incentive allowance for no more than twelve  
26          months; and
- 27          x. Consider, and if determined appropriate, authorize demonstration projects in  
28          defined areas which may provide benefits and services that are not identical to  
29          benefits and services provided elsewhere.
- 30        2. If the secretary of the United States department of health and human services  
31        determines that funds otherwise available for the temporary assistance for needy

1 families program in this state must be reduced or eliminated should the ~~department of~~  
2 ~~human services~~state agency administer the program in accordance with any provision  
3 of subsection 1, the ~~department of human services~~state agency shall administer the  
4 program in a manner that avoids the reduction or loss.

5 3. If the ~~department of human services~~state agency determines, subject to the approval  
6 of the legislative management, that there is insufficient worker opportunity, due to  
7 increases in the unemployment rate, to participate in work activities, the  
8 ~~department~~state agency may administer the temporary assistance for needy families  
9 program in a manner different than provided in subsection 1.

10 4. If the ~~department of human services~~state agency determines, subject to the approval  
11 of the legislative management, that administration of the temporary assistance for  
12 needy families program, in the manner provided by subsection 1, causes otherwise  
13 eligible individuals to become a charge upon the ~~counties~~human service zones under  
14 chapter 50-01, the ~~department~~state agency may administer the program in a manner  
15 that avoids that result.

16 5. The ~~department of human services~~state agency may not deny assistance to any  
17 individual who has been convicted of a felony offense that has as an element the  
18 possession, use, or distribution of a controlled substance as defined in section 102(6)  
19 of the Controlled Substance Act [21 U.S.C. 802(6)].

20 **SECTION 93. AMENDMENT.** Section 50-09-30 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **50-09-30. Child support agencies exempt from certain fees.**

23 The recorder and secretary of state may not charge or collect any fee otherwise prescribed  
24 by law from a state or ~~county agency~~human service zone engaged in the establishment of  
25 paternity or the establishment, modification, or enforcement of child support orders.

26 **SECTION 94. AMENDMENT.** Subsection 2 of section 50-11-00.1 of the North Dakota  
27 Century Code is amended and reenacted as follows:

28 2. "Authorized agent" means the ~~county social~~human service board~~zone~~, unless another  
29 entity is designated by the department.

30 **SECTION 95. AMENDMENT.** Section 50-11.1-02 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **50-11.1-02. Definitions.**

2       As used in this chapter, unless the context or subject matter otherwise requires:

3       1.    "Authorized agent" means the ~~county social~~ human service board ~~zone~~, unless another  
4       entity is designated by the department.

5       2.    "Child care center" means an early childhood program licensed to provide early  
6       childhood services to nineteen or more children.

7       3.    "~~County agency" means the county social service board in each of the counties of the~~  
8       state.

9       4.    "Department" means the department of human services.

10      ~~5.4.~~ "Drop-in care" means the care of children on a one-time, occasional, or unscheduled  
11      basis to meet the short-term needs of families.

12      ~~6.5.~~ "Early childhood program" means any program licensed under this chapter where  
13      early childhood services are provided for at least two hours a day for three or more  
14      days a week.

15      ~~7.6.~~ "Early childhood services" means the care, supervision, education, or guidance of a  
16      child or children, which is provided in exchange for money, goods, or other services.  
17      Early childhood services does not include:

- 18      a.    Substitute parental child care provided pursuant to chapter 50-11.
- 19      b.    Child care provided in any educational facility, whether public or private, in grade  
20      one or above.
- 21      c.    Child care provided in a kindergarten which has been established pursuant to  
22      chapter 15.1-22 or a nonpublic elementary school program approved pursuant to  
23      subsection 1 of section 15.1-06-06.
- 24      d.    Child care, preschool, and prekindergarten services provided to children under  
25      six years of age in any educational facility through a program approved by the  
26      superintendent of public instruction.
- 27      e.    Child care provided in facilities operated in connection with a church, business, or  
28      organization where children are cared for during periods of time not exceeding  
29      four continuous hours while the child's parent is attending church services or is  
30      engaged in other activities, on the premises.

- 1 f. Schools or classes for religious instruction conducted by religious orders during  
2 the summer months for not more than two weeks, Sunday schools, weekly  
3 catechism, or other classes for religious instruction.
- 4 g. Summer resident or day camps for children which serve no children under six  
5 years of age for more than two weeks.
- 6 h. Sporting events, practices for sporting events, or sporting or physical activities  
7 conducted under the supervision of an adult.
- 8 i. Head start and early head start programs that are federally funded and meet  
9 federal head start performance standards.
- 10 j. Child care provided in a medical facility by medical personnel to children who are  
11 ill.
- 12 ~~8-7.~~ "Family child care" means a private residence licensed to provide early childhood  
13 services for no more than seven children at any one time, except that the term  
14 includes a residence licensed to provide early childhood services to two additional  
15 school-age children.
- 16 ~~9-8.~~ "Group child care" means a child care program licensed to provide early childhood  
17 services for thirty or fewer children.
- 18 ~~10-9.~~ "Household member" means an adult living in the private residence out of which a  
19 program is operated, regardless of whether the adult is living there permanently or  
20 temporarily.
- 21 10. "Human service zone" means a county or consolidated group of counties  
22 administering human services within a designated area in accordance with a plan  
23 approved by the department.
- 24 11. "In-home provider" means any person who provides early childhood services to  
25 children in the children's home.
- 26 12. "Licensed" means an early childhood program has the rights, authority, or permission  
27 granted by the department to operate and provide early childhood services.
- 28 13. "Multiple licensed program" means an early childhood program licensed to provide  
29 more than one type of early childhood services.
- 30 14. "Owner" or "operator" means the person who has legal responsibility for the early  
31 childhood program and premises.

- 1       15. "Parent" means an individual with the legal relationship of father or mother to a child or  
2       an individual who legally stands in place of a father or mother, including a legal  
3       guardian or custodian.
- 4       16. "Premises" means the indoor and outdoor areas approved for providing early  
5       childhood services.
- 6       17. "Preschool" means a program licensed to offer early childhood services, which follows  
7       a preschool curriculum and course of study designed primarily to enhance the  
8       educational development of the children enrolled and which serves no child for more  
9       than three hours per day.
- 10      18. "Public approval" means a nonlicensed early childhood program operated by a  
11      government entity that has self-certified that the program complies with this chapter.
- 12      19. "Registrant" means the holder of an in-home provider registration document issued by  
13      the department in accordance with this chapter.
- 14      20. "Registration" means the process whereby the department maintains a record of all  
15      in-home providers who have stated that they have complied or will comply with the  
16      prescribed standards and adopted rules.
- 17      21. "Registration document" means a written instrument issued by the department to  
18      publicly document that the registrant has complied with this chapter and the applicable  
19      rules and standards as prescribed by the department.
- 20      22. "School-age child care" means a child care program licensed to provide early  
21      childhood services on a regular basis for nineteen or more children aged five years  
22      through eleven years.
- 23      23. "School-age children" means children served under this chapter who are at least five  
24      years but less than twelve years of age.
- 25      24. "Self-declaration" means voluntary documentation of an individual providing early  
26      childhood services in a private residence for up to five children through the age of  
27      eleven, of which no more than three may be under the age of twenty-four months.
- 28      25. "Staff member" means an individual:  
29      a. Who is an employee of an early childhood program or of an early childhood  
30      services provider under a self-declaration; or

- 1           b. Whose activities involve the care, supervision, or guidance of children for or  
2            unsupervised access to children under the care, supervision, or guidance of an  
3            early childhood program or early childhood services provider under a  
4            self-declaration.

5           **SECTION 96. AMENDMENT.** Section 50-11.2-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **50-11.2-01. Foster care parent grievance.**

8           A foster parent who is duly licensed to care for a foster child may object to any decision  
9 made by the department of human services or ~~county-social~~human service ~~board~~zone which  
10 substantially affects the foster parent or the needs of the foster child. An objection may be made  
11 in the form of a grievance, which must be filed in the county of the foster care parent's  
12 residence with the ~~county-social~~human service ~~board~~zone. The ~~county-social~~human service  
13 ~~board~~zone shall notify foster parents of the grievance procedure and provide them with  
14 grievance procedure forms.

15          **SECTION 97. AMENDMENT.** Section 50-11.2-02 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17          **50-11.2-02. Grievance procedure.**

18          The grievance procedure to be followed by the department of human services, ~~county-~~  
19 ~~social~~human service ~~board~~zone, and foster parents is:

- 20          1. Any decision made by the department of human services or ~~county-social~~human  
21           service ~~board~~zone which substantially affects the licensed foster parent or the needs  
22           of a foster child must be sent in writing to the foster parents who have been given the  
23           responsibility of providing foster care for that child. Nothing herein may be construed  
24           to prohibit the department of human services or ~~county-social~~human service  
25           ~~board~~zone from immediately implementing a decision, when the best interests of the  
26           child require such immediate action, as long as notice is given to the foster parent as  
27           soon as possible.
- 28          2. A foster parent may object to any decision referred to in subsection 1. Upon the filing  
29           of a grievance by the foster care parents, the ~~county-social~~human service ~~board~~zone  
30           shall schedule an informal meeting to be held within ten days of the filing of the  
31           grievance. The needs and responsibilities of all interested parties must be discussed

1 at this meeting in an attempt to maintain a continuing relationship which will serve the  
2 best interests of the foster child. A written resolution relating to the grievance should  
3 be agreed to and signed by both parties.

4 3. If no written resolution between the parties relating to the grievance is made at the  
5 informal meeting, the foster parents may request a formal hearing to be held at ~~the~~  
6 ~~regional foster care~~ conflict-free human service zone office. This meeting must be  
7 held within ten working days of the informal meeting unless both parties agree to an  
8 extension. The ~~regional foster care~~ human service zone director or the director's  
9 designee shall provide for a record of this hearing. The ~~regional foster care~~ human  
10 service zone director or the director's designee shall review all prior contact between  
11 the foster care parents and the department of human services or county social service  
12 board relating to the grievance. The ~~regional foster care~~ human service zone director  
13 or the director's designee shall then make a final determination relating to the  
14 grievance. The ~~regional foster care~~ human service zone director's or the director's  
15 designee's findings and conclusions must be sent to the ~~county social~~ human service  
16 ~~board~~ zone and the foster care parents.

17 4. All decisions of ~~the regional foster care director~~ relating to a grievance under this  
18 chapter are final.

19 5. The department of human services shall adopt rules to carry out the purpose and  
20 intent of this section and these rules must be given to the foster parent upon licensing.

21 6. Denial or revocation of a foster care license may be appealed as provided in chapter  
22 28-32.

23 7. Nothing herein may be construed to require a grievance proceeding under this  
24 chapter, when the department of human services or ~~county social~~ human service  
25 ~~board~~ zone is acting to implement a specific placement decision issued by a court with  
26 competent jurisdiction.

27 **SECTION 98. AMENDMENT.** Section 50-24.1-03.1 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29 **50-24.1-03.1. Duties of ~~county agency~~ human service zone and department.**

30 In the administration of the medical assistance program, ~~the department or a county-~~  
31 ~~agency~~ human service zone shall investigate and record the circumstances of each applicant or

1 recipient of assistance, in order to ascertain the facts supporting the application, or the granting  
2 of assistance, and obtain such other information as directed by the department or as may be  
3 required by the rules and regulations of the department of human services.

4 **SECTION 99. AMENDMENT.** Section 50-24.1-03.2 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **50-24.1-03.2. Investigations - Power of ~~county agencies~~ human service zones,**  
7 **department, and employees.**

- 8 1. In the investigation of applications under the provisions of this chapter, the ~~county-~~  
9 ~~agencies~~ human service zones, the department of human services, and the officials  
10 and employees of such agencies charged with the administration and enforcement of  
11 this chapter may:
- 12 a. Conduct examinations;
  - 13 b. Require the attendance of witnesses and the production of books, records, and  
14 papers; and
  - 15 c. Make application to the district court of the county to compel the attendance of  
16 witnesses and the production of books, records, and papers.
- 17 2. The department of human services may request from other state, county, human  
18 service zones, and local agencies information deemed necessary to carry out the  
19 medical support enforcement program. All officers and employees of state, county, and  
20 local agencies shall cooperate with the department of human services in locating  
21 absent spouses or parents of children to whom an obligation of support is owed or on  
22 whose behalf assistance is being provided and, on request, shall supply the  
23 department with available information relative to the location, income, social security  
24 number, and property holdings of the absent spouse or parent, notwithstanding any  
25 provision of law making that information confidential. Any person acting under the  
26 authority of the department of human services who pursuant to this subsection obtains  
27 information from the office of the state tax commissioner, the confidentiality of which is  
28 protected by law, may not divulge such information except to the extent necessary for  
29 the administration of the medical support enforcement program or when otherwise  
30 directed by judicial order or when otherwise provided by law.

- 1           3.    The officers and employees designated by the ~~county agencies~~human service zones  
2                    or the department of human services may administer oaths and affirmations.

3           **SECTION 100. AMENDMENT.** Section 50-24.5-01 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **50-24.5-01. Definitions.**

6           In this chapter, unless the context otherwise requires:

- 7           1.    "Aged" means at least sixty-five years of age.
- 8           2.    "Blind" has the same meaning as the term has when used by the social security  
9                   administration in the supplemental security income program under titles II and XVI of  
10                  the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.].
- 11          3.    "Congregate housing" means housing shared by two or more individuals not related to  
12                  each other which is not provided in an institution.
- 13          4.    "~~County agency~~" means the ~~county social service board~~.
- 14          5.    "Department" means the department of human services.
- 15          6.5. "Disabled" has the same meaning as the term has when used by the social security  
16                  administration in the supplemental security income program under titles II and XVI of  
17                  the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.].
- 18          7.6. "Eligible beneficiary" means a resident of this state who:
- 19                  a.    (1)    Is aged; or  
20                          (2)    Is at least eighteen years of age and is disabled or blind;
- 21                  b.    (1)    Has applied for and is eligible to receive and receives benefits under title  
22                          XIX of the Social Security Act [42 U.S.C. 1396 et seq.], and who has applied  
23                          for and is receiving benefits, if the individual is eligible to receive benefits,  
24                          under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and 42  
25                          U.S.C. 1381 et seq.]; or
- 26                          (2)    Has applied for and is eligible to receive and receives benefits under section  
27                          50-24.1-37 for long-term services and supports pursuant to an asset test  
28                          established under title XIX of the Social Security Act [42 U.S.C. 1396  
29                          et seq.] and section 50-24.1-02;
- 30                  c.    Meets the requirements of section 23-09.3-08.1;

- 1           d. Based on a functional assessment, is not severely impaired in any of the  
2           activities of daily living of toileting, transferring to or from a bed or chair, or eating  
3           and:  
4           (1) Has health, welfare, or safety needs, including a need for supervision or a  
5           structured environment; or  
6           (2) Is impaired in three of the following four instrumental activities of daily living:  
7           preparing meals, doing housework, taking medicine, and doing laundry; and  
8           e. Is determined to be eligible pursuant to rules adopted by the department.
- 9           7. "Human service zone" means a county or consolidated group of counties  
10           administering human services within a designated area in accordance with a plan  
11           approved by the department.
- 12           8. "Institution" means a facility licensed under chapter 23-09.3.
- 13           9. "Living independently" includes living in congregate housing. The term does not  
14           include living in an institution.
- 15           10. "Personal needs allowance" means an amount retained by the eligible beneficiary to  
16           cover the costs of clothing and other personal needs.
- 17           11. "Proprietor" means an individual responsible for day-to-day administration and  
18           management of a facility.
- 19           12. "Remedial care" means services that produce the maximum reduction of an eligible  
20           beneficiary's physical or mental disability and the restoration of an eligible beneficiary  
21           to the beneficiary's best possible functional level.
- 22           13. "Would be eligible to receive the cash benefits except for income" refers to an  
23           individual whose countable income, less the cost of necessary remedial care that may  
24           be provided under this chapter, does not exceed an amount equal to the cash benefit  
25           under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and  
26           42 U.S.C. 1381 et seq.] which the individual would receive if the individual had no  
27           income, plus the amount allowed as the personal needs allowance.

28           **SECTION 101. AMENDMENT.** Subsection 1 of section 50-24.5-02 of the North Dakota  
29           Century Code is amended and reenacted as follows:

- 1           1.   Administer aid to vulnerable aged, blind, and disabled persons and supervise and  
2                    direct ~~county agencies~~human service zones in the administration of aid to vulnerable  
3                    aged, blind, and disabled persons.

4           **SECTION 102. AMENDMENT.** Section 50-24.5-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **50-24.5-03. Powers and duties of ~~county agency~~human service zone.**

7           Each ~~county agency~~human service zone, unless otherwise directed or determined by the  
8 department, shall:

- 9           1.   Administer aid to aged, blind, and disabled persons at the ~~county~~human service zone  
10                   level under the direction and supervision of the department, pursuant to state  
11                   requirements.
- 12           2.   Provide the services described in this chapter.
- 13           3.   Determine eligibility for benefits under this chapter and periodically redetermine  
14                   eligibility of persons receiving benefits pursuant to this chapter.
- 15           4.   Provide case management services to eligible beneficiaries.
- 16           5.   Conduct initial and ongoing functional assessments of applicants in cooperation with  
17                   basic care facilities.
- 18           6.   Cooperate with any other ~~county agency~~human service zone to assure the conduct of  
19                   initial and ongoing functional assessments and determinations of eligibility with respect  
20                   to any applicant or eligible beneficiary who is physically present in a ~~county~~human  
21                   service zone other than the ~~county~~human service zone in which the applicant or  
22                   eligible beneficiary is a resident for purposes of chapter 50-01.

23           **SECTION 103. AMENDMENT.** Section 50-24.5-07 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25           **50-24.5-07. Residency.**

26           For purposes of this chapter:

- 27           1.   A person is a resident of this state if:
- 28                   a.   The person is not living in an institution and is living in this state:
- 29                           (1)   With intent to remain in this state permanently or for an indefinite period; or
- 30                           (2)   Without intent if the person is incapable of stating intent.

- 1           b. The person is living in an institution outside this state and was receiving a benefit  
2           under chapter 50-01 on January 1, 1995.
- 3           c. The person was placed in an out-of-state institution by a ~~county agency~~human  
4           service zone or the department while the person was incapable of indicating  
5           intent.
- 6           d. The person is living in an in-state institution, has lived in that institution for at  
7           least thirty days, and was not placed in that institution by another state. A person  
8           placed in an institution by another state is a resident of the state making the  
9           placement. Any action beyond providing information to the person and the  
10          person's family constitutes arranging or making a state placement. However, the  
11          following actions do not constitute state placement:
- 12           (1) Providing basic information about this chapter and information about the  
13           availability of this chapter; or
- 14           (2) Assisting a person in locating an institution in this state, if the person is  
15           capable of indicating intent and independently decides to move.
- 16          2. A person who is a resident of this state is a resident of the ~~county~~human service zone  
17          in which the person is a resident for purposes of chapter 50-01.

18          **SECTION 104. AMENDMENT.** Section 50-24.5-09 of the North Dakota Century Code is  
19          amended and reenacted as follows:

20          **50-24.5-09. Responsibility for expenditures.**

21          ~~Except as otherwise specifically provided in section 50-03-08, expenditures~~Expenditures  
22          required under this chapter are the responsibility of the state of North Dakota.

23          **SECTION 105. AMENDMENT.** Section 50-24.7-01 of the North Dakota Century Code is  
24          amended and reenacted as follows:

25          **50-24.7-01. Definitions.**

26          In this chapter, unless the context otherwise requires:

- 27          1. "Aged" means at least sixty-five years of age.
- 28          2. "Blind" has the same meaning as the term has when used by the social security  
29          administration in the supplemental security income program under titles II and XVI of  
30          the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.].
- 31          3. ~~"County agency" means the county social service board.~~

1       4. "Department" means the department of human services.

2       5.4. "Disabled" has the same meaning as the term has when used by the social security  
3       administration in the supplemental security income program under titles II and XVI of  
4       the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.].

5       6.5. "Eligible beneficiary" means a resident of this state who:

6       a. (1) Is aged; or

7       (2) Is at least eighteen years of age and is disabled or blind;

8       b. Has applied for and is eligible to receive benefits under title XIX of the Social  
9       Security Act [42 U.S.C. 1396 et seq.], and who has applied for and is receiving  
10      benefits, if the individual is eligible to receive benefits, under titles II and XVI of  
11      the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.];

12     c. Based on a functional assessment, is not severely impaired in any of the  
13      activities of daily living of toileting, transferring to or from a bed or chair, or eating  
14      and:

15     (1) Has health, welfare, or safety needs, including a need for supervision or a  
16      structured environment; or

17     (2) Is impaired in three of the four instrumental activities of daily living of  
18      preparing meals, doing homework, taking medicine, and doing laundry;

19     d. Has countable income, less the cost of necessary remedial care that may be  
20      provided under this chapter, does not exceed an amount equal to the cash  
21      benefit under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and  
22      42 U.S.C. 1381 et seq.] which the individual would receive if the individual had no  
23      income, plus the personal needs allowance;

24     e. Has impairments that are not the result of an intellectual disability; and

25     f. Is determined to be eligible pursuant to rules adopted by the department.

26     7.6. "Family home care" means the provision of room, board, supervisory care, and  
27      personal services to an eligible elderly or disabled person by the spouse or by one of  
28      the following relatives, or the current or former spouse of one of the following relatives,  
29      of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult  
30      grandchild, adult niece, or adult nephew. The family home care provider need not be

1 present in the home on a twenty-four-hour basis if the welfare and safety of the client  
2 is maintained.

3 7. "Human service zone" means a county or consolidated group of counties  
4 administering human services within a designated area in accordance with a plan  
5 approved by the department.

6 8. "Qualified service provider" means a ~~county agency~~human service zone or  
7 independent contractor who agrees to meet standards for services and operations  
8 established by the department.

9 9. "Remedial care" means services that produce the maximum reduction of an eligible  
10 beneficiary's physical or mental disability and the restoration of an eligible beneficiary  
11 to the beneficiary's best possible functional level.

12 **SECTION 106. AMENDMENT.** Subsection 1 of section 50-24.7-02 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 1. The department shall administer expanded service payments for elderly and disabled  
15 and supervise and direct ~~county agencies~~human service zones in the administration of  
16 expanded service payments for elderly and disabled.

17 **SECTION 107. AMENDMENT.** Section 50-24.7-03 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **50-24.7-03. Powers and duties of ~~county agency~~human service zone.**

20 Each ~~county agency~~human service zone, unless otherwise directed or determined by the  
21 department, shall:

- 22 1. Administer expanded service payments for the elderly and disabled at the  
23 ~~county~~human service zone level under the direction and supervision of the  
24 department, pursuant to state requirements.
- 25 2. Provide the services described in this chapter. The ~~county agency~~human service zone  
26 may contract with a qualified service provider in the provision of those services.
- 27 3. Determine eligibility for benefits under this chapter and periodically redetermine  
28 eligibility of persons receiving benefits pursuant to this chapter.
- 29 4. Provide case management services to eligible beneficiaries.
- 30 5. Conduct initial and ongoing functional assessments of applicants.

1       **SECTION 108. AMENDMENT.** Section 50-24.7-06 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-24.7-06. Responsibility for expenditures.**

4       ~~Except as otherwise specifically provided in section 50-03-08, expenditures~~Expenditures  
5 required under this chapter are the responsibility of the state of North Dakota.

6       **SECTION 109. AMENDMENT.** Subsections 6 and 11 of section 50-25.1-02 of the North  
7 Dakota Century Code are amended and reenacted as follows:

8       6. "Authorized agent" means the ~~county social~~human service ~~board~~zone, unless another  
9 entity is designated by the department.

10       11. "Local child protection team" means a multidisciplinary team consisting of the  
11 designee of the director of the regional human service center, together with such other  
12 representatives as that director might select for the team with the consent of the  
13 director of the ~~county social~~human service ~~board~~zone. All team members, at the time  
14 of their selection and thereafter, must be staff members of the public or private  
15 agencies they represent or shall serve without remuneration. An attorney member of  
16 the child protection team may not be appointed to represent the child or the parents at  
17 any subsequent court proceeding nor may the child protection team be composed of  
18 fewer than three members. The department shall coordinate the organization of local  
19 child protection teams on a ~~county or multicounty~~human service zone basis.

20       **SECTION 110. AMENDMENT.** Section 50-25.1-04.3 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22       **50-25.1-04.3. Child fatality review panel - Duties.**

23       The child fatality review panel shall meet at least semiannually to review the deaths and  
24 near deaths of all minors which occurred in the state during the preceding six months and to  
25 identify trends or patterns in the deaths and near deaths of minors. The panel may review near  
26 deaths alleged to have resulted only from child abuse and neglect. The panel shall promote:

- 27       1. Interagency communication for the management of child death cases and for the  
28 management of future nonfatal cases.
- 29       2. Effective criminal, civil, and social intervention for families with fatalities.
- 30       3. Intervention and counseling of surviving and at-risk siblings, and offer the same.

- 1 4. Interagency use of cases to audit the total health and social service systems and to
- 2 minimize misclassification of cause of death.
- 3 5. Evaluation of the impact of specific risk factors including substance abuse, domestic
- 4 violence, and prior child abuse.
- 5 6. Interagency services to high-risk families.
- 6 7. Data collection for surveillance of deaths and the study of categories of causes of
- 7 death.
- 8 8. The use of media to educate the public about child abuse prevention.
- 9 9. Intercounty, interhuman service zones, and interstate communications regarding child
- 10 death.
- 11 10. Use of local child protection team members as local child fatality review panelists.
- 12 11. Information that apprises a parent or guardian of the parent's or guardian's rights and
- 13 the procedures taken after the death of a child.

14 **SECTION 111. AMENDMENT.** Section 50-25.2-14 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **50-25.2-14. Implementation contingent upon appropriation.**

17 The department and ~~county social~~ human service boards ~~boards~~ zones are not required to  
18 implement or enforce this chapter with respect to any zone, region, area, or county of this state  
19 if the legislative assembly does not provide an appropriation to support the implementation and  
20 enforcement of this chapter within that zone, region, area, or county.

21 **SECTION 112. AMENDMENT.** Section 50-29-01 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **50-29-01. Definitions.**

24 As used in this chapter:

- 25 1. "Children's health insurance program" means a program to provide health assistance
- 26 to low-income children funded through title XXI of the federal Social Security Act
- 27 [42 U.S.C. 1397aa et seq.].
- 28 2. "~~County agency~~" means the ~~county social service board~~.
- 29 3. "Department" means the department of human services.

- 1       3. "Human service zone" means a county or consolidated group of counties  
2           administering human services within a designated area in accordance with a plan  
3           approved by the department.
- 4       4. "Plan" means the children's health insurance program state plan.
- 5       5. "Poverty line" means the official income poverty line as defined by the United States  
6           office of management and budget and revised annually in accordance with ~~42 U.S.C.~~  
7           ~~9902(2)~~section 9902(2) of title 42 of the United States Code, applicable to a family of  
8           the size involved.

9       **SECTION 113. AMENDMENT.** Section 50-29-02 of the North Dakota Century Code is  
10   amended and reenacted as follows:

11       **50-29-02. Duties of the department.**

- 12       1. The department shall prepare, submit, and implement the plan that includes  
13           determinations of eligibility, based on modified adjusted gross income methodologies  
14           as required in ~~42 U.S.C. 1396a(e)(14)~~section 1396a(e)(14) of the United States Code;
- 15       2. Supervise the administration of the children's health insurance program throughout  
16           this state;
- 17       3. Take action, give directions, and adopt rules as may be necessary or desirable to carry  
18           out the provisions of this chapter;
- 19       4. After federal approval of the plan, apply for a federal waiver allowing plan coverage for  
20           a family through an employer-based insurance policy if an employer-based family  
21           insurance policy is more cost-effective than the traditional plan coverage for the  
22           children;
- 23       5. Report annually to the legislative council and describe enrollment statistics and costs  
24           associated with the plan; and
- 25       6. ~~Reimburse counties for expenses incurred in the administration of the children's health-~~  
26           ~~insurance program at rates based upon all counties' total administrative costs; and~~
- 27       7. Administer all funds appropriated or made available to the department for the purpose  
28           of carrying out the provisions of this chapter.

29       **SECTION 114. AMENDMENT.** Section 50-29-03 of the North Dakota Century Code is  
30   amended and reenacted as follows:

1       **50-29-03. Duties of county agency human service zone.**

2       In the administration of the plan, unless the department otherwise establishes eligibility, the  
3 county agency human service zone shall:

- 4       1. Administer the plan under the direction and supervision of the department; and
- 5       2. Make an investigation and record the circumstances of each applicant, obtaining  
6       information as may be required by the department.

7       **SECTION 115.** Chapter 50-35 of the North Dakota Century Code is created and enacted as  
8 follows:

9       **50-35-01. Definitions.**

10      As used in this chapter, unless the context otherwise requires:

- 11      1. "Department" means the department of human services.
- 12      2. "Director" means the executive director of the department or the executive director's  
13         designee.
- 14      3. "Economic assistance" means those primary economic assistance programs that need  
15         to be accessible to all citizens of the state through a human service zone, including:
  - 16         a. Temporary assistance for needy families;
  - 17         b. Employment and training programs;
  - 18         c. Child care assistance programs;
  - 19         d. Medical assistance, including early periodic screening, diagnosis, and treatment;
  - 20         e. Supplemental nutrition assistance programs, including employment and training  
21         programs;
  - 22         f. Refugee assistance programs;
  - 23         g. Basic care services;
  - 24         h. Energy assistance programs; and
  - 25         i. Information and referral.
- 26      4. "Human service zone" means a county or consolidated group of counties  
27         administering human services within a designated area in accordance with a plan  
28         approved by the department.
- 29      5. "Human service zone director" means a department employee who oversees the  
30         human service zone's operation and budget and serves as president of the human  
31         service zone board.

- 1       6. "Human services" means:  
2           a. A service or assistance provided to an individual or an individual's family in need  
3           of services or assistance, including child welfare services, economic assistance  
4           programs, medical service programs, and aging service programs, to assist the  
5           individual or the individual's family in achieving and maintaining basic  
6           self-sufficiency, including physical health, mental health, education, welfare, food  
7           and nutrition, and housing.  
8           b. A service or assistance provided, administered, or supervised by the department  
9           in accordance with chapter 50-06.  
10          c. Licensing duties as administered or supervised by the department or delegated  
11          by the department to a human service zone.

- 12       7. "Indirect costs" means salaries, benefits, and operating costs incurred in providing  
13       those goods and services to support human services that are generally available for  
14       the common benefit of multiple county agencies. These costs include legal  
15       representation; facilities and related costs, such as utilities and maintenance;  
16       administrative support, including payroll, accounting, banking, and coordination;  
17       information technology support and equipment; and miscellaneous goods and  
18       services, such as transportation, supplies, insurance coverage, phone, and mail  
19       services.

20       **50-35-02. State-paid human services - Application.**

- 21       1. The department shall administer a statewide program for state funding of staffing and  
22       administrative costs related to the administration of human services.  
23       2. Payments must be distributed to human service zones and the department pursuant to  
24       the formula in section 50-35-04, with the first formula payment distributions  
25       commencing in January 2020.  
26       3. Human service zones shall cooperate with the department to adopt administrative and  
27       operational cost-savings methodologies and determine options for consolidations.  
28       Human service zones shall implement the administrative and operational cost-savings  
29       methodologies and consolidations.  
30       4. The director shall hire the human service zone director.

1       **50-35-03. Formula payments - Distributions by the director.**

- 2       1. The director shall calculate the total formula payment for each human service zone  
3       pursuant to section 50-35-04 for each calendar year. The director shall notify each  
4       human service zone of the amount of that zone's formula payment for calendar year  
5       2020, before December 16, 2019, and for calendar year 2021 and the following years  
6       thereafter, before June second of the previous year. The director may amend and  
7       modify each human service zone's formula payment. If the director amends and  
8       modifies a human service zone's formula payment, the human service zone director  
9       must be notified within thirty days of amendment or modification.
- 10      2. The director shall distribute fifty percent of the amount of each human service zone's  
11      formula payment determined under subsection 1, within the limits of legislative  
12      appropriation, before January eleventh.
- 13      3. By June first of each year, excluding calendar year 2019, the director shall recalculate  
14      the total formula payment for each human service zone pursuant to section 50-35-04  
15      for the current calendar year.
- 16      4. For payments disbursed after calendar year 2020, the director shall subtract from a  
17      human service zone's June fifteenth disbursement any amount exceeding the  
18      limitation under section 50-35-05.
- 19      5. The director shall calculate the total formula payment for the department pursuant to  
20      section 50-35-04.

21      **50-35-04. Calculation of formula payment - Expenditures.**

- 22      1. The director shall calculate the total formula payment for each human service zone.  
23      The calculation must be based on the human service zone's most recently available  
24      data on historical cost and income, and may include:
- 25      a. Other factors outlined in subsection 3;
- 26      b. The human service zone director's proposed budget for the human service zone  
27      which may include expansion of scope of human services to include kinship care  
28      services and payments and services in response to the federal Family First  
29      Prevention Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L.  
30      115-123];
- 31      c. Compensation equity and increases; and

- 1           d. Current and future duties of and services offered by the human service zone and  
2           department.
- 3           2. The director shall authorize expenditures from the human service finance fund to  
4           reimburse the department for the department's costs of providing human services that  
5           historically have been provided by a county, human service zone, or a new service or  
6           program based on federal or state law. The department may authorize expenditures  
7           from the human service finance fund to reimburse the department for transitional costs  
8           incurred for implementing the statewide program for state funding.
- 9           3. The director may recalculate and adjust each human service zone's formula payment  
10           biannually based on pertinent factors, which include actual expenditures over the  
11           previous or current payment period, current costs, offered services, need, income,  
12           performance of duties directed or assigned and supervised by the department, and  
13           caseload. If the director amends and modifies a human service zone's formula  
14           payment, the human service zone director must be notified within thirty days of  
15           amendment or modification.
- 16           4. The director shall calculate payment for indirect costs according to a formula  
17           established by the department. The total payment by the department for  
18           reimbursement of indirect costs incurred to support human services may not be less  
19           than the prorated amount paid to counties for this purpose in state fiscal year 2018 as  
20           identified in the indirect cost plan, unless a cost reduction or cost-savings is achieved  
21           by the county.

22           **50-35-05. Human service zone human services fund - Establishment - Fund balance**  
23           **limitations.**

- 24           1. Each human service zone in this state shall maintain a fund to be known as the human  
25           service zone human services fund. All expenditures by the human service zone for  
26           human services must be paid from the human service zone human services fund. If,  
27           due to unforeseen or other extenuating circumstances, a human service zone's  
28           formula distribution payment, the county's cost allocation of indirect costs, and balance  
29           of monies carried over pursuant to subsection 2 are not sufficient to meet the  
30           expenses of that human service zone, the director may approve a transfer from the  
31           human service finance fund to the human service zone human services fund.

1       2. The balance of monies in the human service zone human services fund on January  
2       first of each year, after calendar year 2020, may not exceed five hundred thousand  
3       dollars for a human service zone that had annual expenditures of two million dollars or  
4       greater in calendar year 2020 or one hundred thousand dollars for a human service  
5       zone that had annual expenditures of less than two million dollars in calendar year  
6       2020. The balance of monies carried over must be used for the administration of  
7       human services within that human service zone as approved by the human service  
8       zone director. The human service zone human services fund is not subject to any  
9       other charges and is exempt from section 21-02-08.

10       **50-35-06. Human service zone human services fund - Transfer.**

11       1. The county treasurer shall transfer the full amount of the service area human services  
12       fund to the human service zone human services fund on January 1, 2020. If on  
13       January 1, 2021, and each year thereafter, the balance of a human service zone  
14       human services fund exceeds the limitations in section 50-35-05, the director shall  
15       reduce the human service zone's formula payment as directed in subsection 4 of  
16       section 50-35-03.

17       2. The county may not transfer any funds from the service area human services fund  
18       until January 1, 2020, unless approved by the department.

19       **50-35-07. Human service finance fund.**

20       The human service finance fund is a special fund in the state treasury. Moneys in the fund  
21       may be used, subject to legislative appropriation, for the provision of formula payments to  
22       human service zones and payments to the department pursuant to this chapter.

23       **SECTION 116. AMENDMENT.** Section 54-46-13 of the North Dakota Century Code is  
24       amended and reenacted as follows:

25       **54-46-13. Rules for state and county ~~social~~human service zone records -**  
26       **Administrator to adopt.**

27       The administrator shall adopt rules in accordance with chapter 28-32 for state and ~~county-~~  
28       ~~social~~human service zone records. The rules adopted by the administrator must be consistent  
29       with records retention requirements imposed by federal law with respect to those records. The  
30       administrator, prior to adoption, amendment, or repeal of rules concerning state and ~~county-~~

1 ~~social~~human service zone records, shall consult with the executive director of the department of  
2 human services.

3 **SECTION 117. AMENDMENT.** Subsection 3 of section 57-15-01.1 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5 3. A taxing district may elect to levy the amount levied in dollars in the base year. Any  
6 levy under this section must be specifically approved by a resolution approved by the  
7 governing body of the taxing district. Before determining the levy limitation under this  
8 section, the dollar amount levied in the base year must be:

- 9 a. Reduced by an amount equal to the sum determined by application of the base  
10 year's calculated mill rate for that taxing district to the final base year taxable  
11 valuation of any taxable property and property exempt by local discretion or  
12 charitable status which is not included in the taxing district for the budget year but  
13 was included in the taxing district for the base year.
- 14 b. Increased by an amount equal to the sum determined by the application of the  
15 base year's calculated mill rate for that taxing district to the final budget year  
16 taxable valuation of any taxable property or property exempt by local discretion or  
17 charitable status which was not included in the taxing district for the base year  
18 but which is included in the taxing district for the budget year.
- 19 c. Reduced to reflect expired temporary mill levy increases authorized by the  
20 electors of the taxing district. For purposes of this subdivision, an expired  
21 temporary mill levy increase does not include a school district general fund mill  
22 rate exceeding one hundred ten mills which has expired or has not received  
23 approval of electors for an extension under subsection 2 of section 57-64-03.
- 24 d. Reduced by the amount of state aid under chapter 15.1-27, which is determined  
25 by multiplying the budget year taxable valuation of the school district by the  
26 lesser of the base year mill rate of the school district minus sixty mills or fifty  
27 mills, if the base year is a taxable year before 2013.
- 28 e. ~~Increased by the highest amount received by the taxing district in a taxable year~~  
29 ~~under chapter 50-34.~~

30 **SECTION 118. AMENDMENT.** Section 57-15-06.7 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **57-15-06.7. Additional levies - Exceptions to tax levy limitations in counties.**

2           The tax levy limitations specified in section 57-15-06 do not apply to the following mill  
3 levies, which are expressed in mills per dollar of taxable valuation of property in the county:

- 4           1. A county supporting an airport or airport authority may levy a tax not exceeding four  
5           mills in accordance with section 2-06-15.
- 6           2. A county levying a tax for extension work as provided in section 11-38-01 may levy a  
7           tax not exceeding two mills and if a majority of the electors of the county have  
8           approved additional levy authority under section 11-38-01, the county may levy a  
9           voter-approved tax not exceeding an additional tax of two mills.
- 10          3. A county levying a tax for historical works in accordance with section 11-11-53 may  
11          levy a tax not exceeding one-quarter of one mill, except that if sixty percent of the  
12          qualified electors voting on the question of a levy limit increase as provided in section  
13          11-11-53 shall approve, the tax levy limitation may be increased to not exceeding  
14          three-quarters of one mill.
- 15          4. A county levying a tax for a county or community hospital association as provided in  
16          section 23-18-01 may levy a tax for not more than five years not exceeding eight mills  
17          in any one year or, in the alternative, for not more than ten years at a mill rate not  
18          exceeding five mills.
- 19          5. A county levying a tax for county roads and bridges as provided in section 24-05-01  
20          may levy a tax at a tax rate not exceeding ten mills. When authorized by a majority of  
21          the qualified electors voting upon the question at a primary or general election in the  
22          county, the county commissioners may levy and collect an additional tax for road and  
23          bridge purposes as provided in section 24-05-01, not exceeding a combined additional  
24          tax rate of twenty mills.
- 25          6. A county levying a tax to establish and maintain a public library service as provided in  
26          section 40-38-02 may levy a tax not exceeding four mills.
- 27          7. A county levying a tax for a county veterans' service officer's salary, traveling, and  
28          office expenses in accordance with section 57-15-06.4 may levy a tax not exceeding  
29          two mills.
- 30          8. A county levying a tax for capital projects under section 57-15-06.6 may levy a tax not  
31          exceeding ten mills. When authorized by a majority of the qualified electors voting

- 1 upon the question of a specific capital project or projects at a primary or general  
2 election in the county, the county commissioners may levy and collect an additional  
3 voter-approved tax for capital projects under section 57-15-06.6 not exceeding a tax  
4 rate of ten mills per dollar of the taxable valuation of property in the county. After  
5 January 1, 2015, approval or reauthorization by electors of increased levy authority  
6 under this subsection may not be effective for more than ten taxable years. Any  
7 voter-approved levy in excess of ten mills for the purposes specified in section  
8 57-15-06.6 approved by the electors before January 1, 2015, remains effective  
9 through 2024 or the period of time for which it was approved by the electors,  
10 whichever is less, under the provisions of law in effect at the time it was approved.
- 11 9. A county levying a tax for emergency purposes as provided in section 57-15-28 may  
12 levy a tax not exceeding two mills in a county with a population of thirty thousand or  
13 more, four mills in a county with a population under thirty thousand but more than five  
14 thousand, or six mills in a county with a population of five thousand or fewer.
- 15 10. A county levying a tax for county emergency medical service according to section  
16 57-15-50 may levy a tax not exceeding ten mills.
- 17 11. A county levying a tax for weed control as provided in section 4.1-47-14 may levy a tax  
18 not exceeding four mills.
- 19 12. A county levying a tax for programs and activities for senior citizens according to  
20 section 57-15-56 may levy a tax not exceeding two mills.
- 21 13. Tax levies made for paying the principal and interest on any obligations of the county  
22 evidenced by the issuance of bonds.
- 23 14. A county levying a tax for a job development authority as provided in section  
24 11-11.1-04 may levy a tax not exceeding four mills on the taxable valuation of property  
25 within the county. However, if any city within the county is levying a tax for support of a  
26 job development authority and the total of the county and city levies exceeds four  
27 mills, the county tax levy within the city levying under subsection 12 of section  
28 57-15-10 must be reduced so the total levy in the city does not exceed four mills.
- 29 15. ~~A county levying an annual tax for human services purposes as provided in section~~  
30 ~~50-06.2-05 may levy a tax not exceeding the lesser of twenty mills or the number of~~

1            mills determined by dividing the county budget limitation in dollars as determined  
2            under section 11-23-01 by the taxable valuation of the county.

3        46. A levy for an extraordinary expenditure under section 11-11-24 approved by the  
4            electors of the county before January 1, 2015, may continue to be levied and collected  
5            under provisions of law in effect when the levy was approved and for the term it was  
6            approved by the electors. When the levy authority for an extraordinary expenditure  
7            ends under this subsection, the fund must be closed out and any unobligated balance  
8            in the fund must be transferred to the county general fund.

9        ~~47.16.~~ Levies dedicated under section 57-15-59 before January 1, 2015, for lease payments  
10            may be continued to be levied and collected for the duration of the lease. When the  
11            levy authority for lease payments ends under this subsection, the fund must be closed  
12            out and any unobligated balance in the fund must be transferred to the county general  
13            fund. A lease for county facilities effective after December 31, 2014, is subject to the  
14            capital projects levy limitations of section 57-15-06.6.

15        Tax levy or mill levy limitations do not apply to any statute which expressly provides that taxes  
16            authorized to be levied therein are not subject to mill levy limitations provided by law.

17            **SECTION 119. AMENDMENT.** Section 57-20-07.1 of the North Dakota Century Code is  
18            amended and reenacted as follows:

19            **57-20-07.1. County treasurer to mail real estate tax statement - Contents of statement.**

20            1. On or before December twenty-sixth of each year, the county treasurer shall mail a  
21            real estate tax statement to the owner of each parcel of real property at the owner's  
22            last-known address. The form of the real estate tax statement to be used in every  
23            county must be prescribed and approved for use by the tax commissioner. The  
24            statement must be provided in a manner that allows the taxpayer to retain a printed  
25            record of the obligation for payment of taxes and special assessments as provided in  
26            the statement. If a parcel of real property is owned by more than one individual, the  
27            county treasurer shall send only one statement to one of the owners of that property.  
28            Additional copies of the tax statement will be sent to the other owners upon their  
29            request and the furnishing of their names and addresses to the county treasurer. The  
30            tax statement must:

- 1 a. Include a dollar valuation of the true and full value as defined by law of the  
2 property and the total mill levy applicable.
- 3 b. Include, or be accompanied by a separate sheet, with three columns showing, for  
4 the taxable year to which the tax statement applies and the two immediately  
5 preceding taxable years, the property tax levy in dollars against the parcel by the  
6 county and school district and any city or township that levied taxes against the  
7 parcel.
- 8 c. Provide information identifying the property tax savings provided by the state of  
9 North Dakota. The tax statement must include a line item that is entitled  
10 "legislative tax relief" and identifies the dollar amount of property tax savings  
11 realized by the taxpayer under chapter 50-34 for taxable years ~~2017 and 2018~~  
12 ~~and under~~before 2019, chapter 50-35 for taxable years after 2018, and chapter  
13 15.1-27.
- 14 (1) For purposes of this subdivision, legislative tax relief under chapter 15.1-27  
15 is determined by multiplying the taxable value for the taxable year for each  
16 parcel shown on the tax statement by the number of mills of mill levy  
17 reduction grant under chapter 57-64 for the 2012 taxable year plus the  
18 number of mills determined by subtracting from the 2012 taxable year mill  
19 rate of the school district in which the parcel is located the lesser of:
- 20 (1) ~~(a)~~ (a) Fifty mills; or
- 21 ~~(2)~~ (b) The 2012 taxable year mill rate of the school district minus sixty mills.
- 22 (2) Legislative tax relief under chapter 50-35 is determined by multiplying the  
23 taxable value for the taxable year for each parcel shown on the tax  
24 statement by the number of mills of relief determined by dividing the amount  
25 calculated in subsection 1 of section 50-35-03 for a human service zone by  
26 the taxable value of taxable property in the zone for the taxable year.
- 27 2. Failure of an owner to receive a statement will not relieve that owner of liability, nor  
28 extend the discount privilege past the February fifteenth deadline.

29 **SECTION 120. AMENDMENT.** Subdivision b of subsection 1 of section 57-55-10 of the  
30 North Dakota Century Code is amended and reenacted as follows:

- 1           b. If it is owned and occupied by a welfare recipient, provided the mobile home is  
2           not permanently attached to the land and classified as real property. For the  
3           purposes of this subdivision, "welfare recipient" means any person who is  
4           certified to the county director of tax equalization by the ~~county social~~human  
5           service ~~board~~zone as receiving the major portion of income from any state or  
6           federal public assistance program.

7           **SECTION 121. AMENDMENT.** Subsection 16 of section 65-01-02 of the North Dakota  
8           Century Code is amended and reenacted as follows:

- 9           16. "Employee" means an individual who performs hazardous employment for another for  
10           remuneration unless the individual is an independent contractor under the  
11           common-law test.

12           a. The term includes:

- 13           (1) All elective and appointed officials of this state and its political subdivisions,  
14           including municipal corporations and including the members of the  
15           legislative assembly, all elective officials of any county, and all elective  
16           peace officers of any city.
- 17           (2) Aliens.
- 18           (3) ~~County~~Human service zone general assistance workers, except those who  
19           are engaged in repaying to ~~counties~~human service zones or the ~~department~~  
20           of human services moneys the ~~counties~~human service zones or the  
21           department of human services have been compelled by statute to expend  
22           for ~~county~~ general assistance.
- 23           (4) Minors, whether lawfully or unlawfully employed. A minor is deemed sui juris  
24           for the purposes of this title, and no other person has any claim for relief or  
25           right to claim workforce safety and insurance benefits for any injury to a  
26           minor worker, but in the event of the award of a lump sum of benefits to a  
27           minor employee, the lump sum may be paid only to the legally appointed  
28           guardian of the minor.

29           b. The term does not include:

- 30           (1) An individual whose employment is both casual and not in the course of the  
31           trade, business, profession, or occupation of that individual's employer.

- 1 (2) An individual who is engaged in an illegal enterprise or occupation.
- 2 (3) The spouse of an employer or the child under the age of twenty-two of an  
3 employer. For purposes of this paragraph and section 65-07-01, "child"  
4 means any legitimate child, stepchild, adopted child, foster child, or  
5 acknowledged illegitimate child.
- 6 (4) A real estate broker or real estate salesperson, provided the individual  
7 meets the following three requirements:
- 8 (a) The salesperson or broker must be a licensed real estate agent under  
9 section 43-23-05.
- 10 (b) Substantially all of the salesperson's or broker's remuneration for the  
11 services performed as a real estate agent must be directly related to  
12 sales or other efforts rather than to the number of hours worked.
- 13 (c) A written agreement must exist between the salesperson or broker  
14 and the person for which the salesperson or broker works, which  
15 agreement must provide the salesperson or broker will not be treated  
16 as an employee but rather as an independent contractor.
- 17 (5) The members of the board of directors of a business corporation who are  
18 not employed in any capacity by the corporation other than as members of  
19 the board of directors.
- 20 (6) An individual delivering newspapers or shopping news, if substantially all of  
21 the individual's remuneration is directly related to sales or other efforts  
22 rather than to the number of hours worked and a written agreement exists  
23 between the individual and the publisher of the newspaper or shopping  
24 news which states the individual is an independent contractor.
- 25 (7) An employer.

26 **SECTION 122. REPEAL.** Chapter 50-03 and sections 50-06-20.1 and 50-06.2-05 of the  
27 North Dakota Century Code are repealed.

28 **SECTION 123. REPEAL.** Sections 50-01-03, 50-01.1-02.1, 50-01.2-03.1, 50-01.2-06,  
29 50-06-05.7, 50-06-06.1, and 50-25.1-06.1 of the North Dakota Century Code are repealed.

30 **SECTION 124. CONTINGENT APPROPRIATION AND AUTHORIZATION.** Subject to the  
31 availability of funds, the department of human services may adjust or increase full-time

1 equivalent positions of the department of human services in order to carry out the powers and  
2 duties of the department of human services as follows:

- 3       1. Up to two hundred twenty-eight full-time equivalent positions included in Senate Bill  
4       No. 2012, as approved by the sixty-sixth legislative assembly, may be adjusted or  
5       increased only if one or more human service zones transfers powers and duties  
6       associated with one or more programs, services, or functions from a human service  
7       zone to the department of human services.
- 8       2. Any positions added to the department of human services under this section would be  
9       position transfers from the human service zone and may not result in a net addition of  
10      positions delivering human services programs, services, or functions under the  
11      appropriation provided in Senate Bill No. 2012, as approved by the sixty-sixth  
12      legislative assembly.
- 13      3. The funds for salaries, wages, and operating costs associated with any position added  
14      to the department of human services under this section must be paid for with the line  
15      items of salaries and wages and operating costs authorized in Senate Bill No. 2012,  
16      as approved by the sixty-sixth legislative assembly.
- 17      4. The department of human services shall notify the office of management and budget  
18      and report to the budget section after June 30, 2020, if one or more full-time  
19      equivalent positions are authorized under this section of this Act. The department of  
20      human services shall include in the notification and report the amount of salaries,  
21      wages, and operating costs withheld from human service zone formula payments  
22      because of a transfer of powers and duties and the corresponding full-time equivalent  
23      positions.
- 24      5. The department of human services shall notify the appropriations committees of the  
25      sixty-seventh legislative assembly of any full-time equivalent positions transferred  
26      pursuant to this section.
- 27      6. Of the two hundred twenty-eight full-time equivalent positions in this section, the  
28      department of human services may adjust or increase full-time equivalent positions as  
29      transfers from one or more human service zones up to:
  - 30      a. Nineteen full-time equivalent positions to serve as human service zone directors  
31      of the human service zones.

- 1           b. Sixteen full-time equivalent positions if the department of human services  
2           assumes powers and duties associated with foster care training and the  
3           recruitment and licensing of family foster care homes.
- 4           c. Fourteen full-time equivalent positions if the department of human services  
5           assumes powers and duties associated with foster care assistance or IV-E  
6           eligibility determination.
- 7           d. Twenty-seven full-time equivalent positions if the department of human services  
8           assumes powers and duties associated with child care licensing.
- 9           e. Sixteen full-time equivalent positions if the department of human services  
10          assumes powers and duties associated with the low-income home energy  
11          assistance program.
- 12          f. Two full-time equivalent positions if the department of human services assumes  
13          powers and duties associated with adoption assistance eligibility determination  
14          and adoption case management or related administration.
- 15          g. One hundred four full-time equivalent positions if the department of human  
16          services assumes powers and duties associated with the supplemental nutrition  
17          assistance program, basic care, medical assistance, children's health insurance  
18          program, or long-term care, including the determination of eligibility and other  
19          related activities.
- 20          h. Thirty full-time equivalent positions to relieve human service zones of  
21          miscellaneous duties, including fraud investigations, estate recovery, or  
22          assignment of primary care providers.
- 23          7. Of the two hundred twenty-eight full-time equivalent positions in this section, the  
24          department of human services may adjust or increase full-time equivalent positions as  
25          transfers from one or more human service zones for management support to  
26          administer the powers and duties transferred.

27          **SECTION 125. EFFECTIVE DATE.** Section 50 of this Act becomes effective on August 1,  
28          2019. Sections 117, 118, and 119 are effective for taxable years beginning after December 31,  
29          2018. Sections 1, 3 through 46, 51 through 59, 61 through 67, 69 through 76, 78 through 114,  
30          116, 120, 121, 123, and 124 of this Act become effective on January 1, 2020.

1       **SECTION 126. EMERGENCY.** Section 115 of this Act is declared to be an emergency  
2   measure.