

Sixty-sixth  
Legislative Assembly  
of North Dakota

**ENGROSSED 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 five 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, 14-09-19, 14-10-05, and 14-15-01,  
5 subdivision i of subsection 1 of section 14-15-09, sections 14-15-11, 14-15-12, and 14-15-12.1,  
6 subsection 3 of section 14-15-13, sections 23-06-03, 23-41-01, 23-41-06, 25-04-08.1, and  
7 25-04-11, subsection 2 of section 25-04-16, sections 26.1-45-13, 27-20-02, 27-20-11,  
8 27-20-20.1, 27-20-30, and 27-20-30.1, subsection 2 of section 27-20-31, sections 27-20-38,  
9 27-20-44, 27-20-45, 27-20-47, 27-20-49, and 27-20-54, subsection 2 of section 27-21-12,  
10 section 30-16-04, subsection 1 of section 30.1-26-01, subsection 3 of section 30.1-28-11,  
11 subdivision h of subsection 1 of section 40-01.1-04, sections 50-01-01, 50-01-01.1, 50-01-02,  
12 50-01-04, 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,  
13 50-01-21, 50-01-26, 50-01-27, 50-01-28, 50-01-29, 50-01.1-01, 50-01.1-02, 50-01.1-03,  
14 50-01.1-04, 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  
15 50-01.2-05, subsection 4 of section 50-06-01, sections 50-06-01.4, 50-06-01.9, and 50-06-05.1,  
16 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,  
17 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,  
18 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,  
19 and 4 of section 50-09-08.2, sections 50-09-08.3, 50-09-08.4, and 50-09-09, subsection 1 of  
20 section 50-09-14, sections 50-09-29 and 50-09-30, subsection 2 of section 50-11-00.1, sections  
21 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  
22 of section 50-24.5-02, sections 50-24.5-03, 50-24.5-07, 50-24.5-09, and 50-24.7-01,  
23 subsection 1 of section 50-24.7-02, sections 50-24.7-03 and 50-24.7-06, subsections 6 and 11  
24 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  
25 54-46-13, subsection 3 of section 57-15-01.1, sections 57-15-06.7 and 57-20-07.1, subsection 3

1 of section 57-20-07.3, subdivision b of subsection 1 of section 57-55-10, and subsection 16 of  
2 section 65-01-02 of the North Dakota Century Code, relating to the establishment and operation  
3 of human service zone areas, taxing district levy limitations, and property tax statements; to  
4 repeal sections 50-01-03, 50-01.1-02.1, 50-01.2-03.1, and 50-01.2-06, chapter 50-03, and  
5 sections 50-06-05.7, 50-06-06.1, 50-06-20.1, 50-06.2-05, and 50-25.1-06.1 of the North Dakota  
6 Century Code, relating to administration of county social service boards, the county human  
7 services fund, and caseload standards; to provide a penalty; to provide a contingent  
8 appropriation; to provide an effective date; to provide an expiration date; and to declare an  
9 emergency.

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

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

13 **11-16-01. Duties of the state's attorney.**

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

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

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

1       16. Institute and defend proceedings under sections 14-09-12 and 14-09-19 and chapters  
2       14-15, 27-20, and 50-01 upon consultation with the human service zone director or the  
3       executive director of the department of human services.

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

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

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

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

17       **11-23-01. Officers required to furnish commissioners with departmental budget.**  
18       **(Effective through ~~July~~December 31, 2019)**

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

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

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

1           ensuing year. The board of county commissioners may require additional information  
2           to clarify the departmental budget.

- 3           2.    a.    The departmental budget submitted by the ~~county social~~human service board in-  
4           2019 for the 2020 budget~~zone~~ may not exceed an amount determined using the  
5           departmental budget submitted in 2016 by the county social service board as a  
6           starting point, ~~subtracting the reduction in the county's social service funding~~  
7           responsibility for 2016 derived from transferring the county social service costs  
8           identified in this subdivision from the county social service board to the  
9           department of human services, and applying to the resulting amount the  
10          percentage salary and benefits increase provided by legislative appropriations for  
11          state employees for taxable year 2019. For purposes of this subdivision, the  
12          reduction in the county's social service funding responsibility derived from  
13          transferring the county social service costs identified in this subdivision from the  
14          county social service board to the department of human services includes the  
15          following:

- 16          (1) Foster care and subsidized adoption costs that would have been paid by the  
17          county after December 31, 2015;
- 18          (2) The county's share of grant costs for medical assistance in the form of  
19          payments for care furnished to recipients of therapeutic foster care services  
20          which would have been paid by the county after December 31, 2015;
- 21          (3) The county's share of the costs for service payments to the elderly and  
22          disabled which would have been paid by the county after December 15,  
23          2015;
- 24          (4) The county's share of salary and benefits for family preservation services  
25          pursuant to section 50-06-05.8 which would have been paid by the county  
26          after December 31, 2015;
- 27          (5) The county's share of the cost of the electronic benefits transfers for the  
28          supplemental nutrition assistance program which would have been paid by  
29          the county after December 31, 2015; and
- 30          (6) The computer processing costs which would have been paid by the county  
31          after December 31, 2015, which exceed the county's costs of operation of

1                   the technical-eligibility computer system in calendar year 1995 increased by  
2                   the increase in the consumer price index for all urban consumers (all items,  
3                   United States city average) after January 1, 1996 by the department of  
4                   human services and the human service zone director pursuant to section  
5                   50-35-04 and must include the county's cost allocation of indirect costs  
6                   based on a formula established by the department of human services.

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

14                  c. The department of human services shall develop a process to review a request  
15                  from a county social human service board zone for any proposed increase in staff  
16                  needed as a result of significantly increased caseloads for state-funded human  
17                  services programs, if the increase in staff would result in the county exceeding  
18                  the budget limitation established under this subsection. As part of its review  
19                  process, the department of human services shall review countywide pertinent  
20                  factors, which may include caseload information and consider the option of  
21                  multicounty sharing of staff. If the department of human services approves a  
22                  request for a proposed increase in staff, the county human service zone budget  
23                  limitation established under subdivision b may be increased by the amount  
24                  determined necessary by the department of human services to fund the approved  
25                  additional staff. The human service zone director shall submit the proposed  
26                  increase in staff to the human service zone board for review. The human service  
27                  zone director shall work with the department to achieve equitable compensation  
28                  for all human service zone team members within the human service zone. The  
29                  human service zone director shall notify appropriate host county staff of all  
30                  staffing changes for administrative purposes.

1       3. For purposes of this section, "host county" means the county within the human service  
2           zone in which the human service zone administrative office is located and in which the  
3           human service zone team members are employed.

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

- 6           c. Materials that include information on the support obligations of the father of a  
7           child who is born alive, including the father's legal duty to support his child, which  
8           may include child support payments and health insurance, and the fact that  
9           paternity may be established by the father's signature on an acknowledgment of  
10          paternity or by court action. The printed material must also state that more  
11          information concerning paternity establishment and child support services and  
12          enforcement may be obtained by calling state public assistance agencies or  
13          ~~county public assistance agencies~~human service zones.

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

16       **14-08.1-01. Liability for support.**

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

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

27       **14-09-06.3. Custody investigations and reports - Costs.**

- 28       1. In contested proceedings dealing with parental rights and responsibilities the court,  
29       upon the request of either party, or, upon its own motion, may order an investigation  
30       and report concerning parenting rights and responsibilities regarding the child. The  
31       court shall designate a person or agency responsible for making the investigation and

1 report, which designees may include the ~~county social~~human service ~~board~~zone,  
2 public health officer, school officials, and any other public agency or private  
3 practitioner ~~if~~the court deems qualified to make the investigation.

4 2. The investigator may consult any person who may have information about the child  
5 and any potential arrangements for parenting rights and responsibilities, and upon  
6 order of the court may refer the child to any professional personnel for diagnosis.

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

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

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

21 **14-09-06.4. Appointment of guardian ad litem or investigator for child in proceedings**  
22 **involving parental rights and responsibilities - Immunity.**

23 In any action for an annulment, divorce, legal separation, or other action affecting marriage,  
24 when either party has reason for special concern as to the future of the minor child, and in any  
25 action when the parenting rights and responsibilities concerning the child is contested, either  
26 party to the action may petition the court for the appointment of a guardian ad litem to represent  
27 the child concerning parenting rights and responsibilities. The court may appoint a guardian ad  
28 litem or investigator on its own motion. If appointed, a guardian ad litem shall serve as an  
29 advocate of the child's best interests. If appointed, the investigator shall provide those services  
30 as prescribed by the supreme court. The court may direct either or both parties to pay the  
31 guardian ad litem or investigator fee established by the court. If neither party is able to pay the



1 fee, the court may direct the fee to be paid, in whole or in part, by the ~~county~~human service  
2 zone where the child resided at the time the action was commenced. The court may direct  
3 either or both parties to reimburse the ~~county~~human service zone, in whole or in part, for such  
4 payment. Any guardian ad litem or investigator appointed under this section who acts in good  
5 faith in making a report to the court is immune from any civil liability resulting from the report.  
6 For the purpose of determining good faith, the good faith of the guardian ad litem or investigator  
7 is a disputable presumption.

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

10 **14-09-12. Support by ~~county~~ - Liability of parent's estate.**

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

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

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

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

25 **SECTION 9. AMENDMENT.** Section 14-10-05 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **14-10-05. Assignment of children prohibited - Penalty.**

28 No person, other than the parents, may assume the permanent care and custody of a child,  
29 unless authorized so to do by an order or decree of a court having jurisdiction, except that a  
30 parent, upon giving written notice to the department of human services and human service  
31 zone, may place that person's own child in the home of the child's grandparent, uncle, or aunt

1 for adoption or guardianship by the person receiving the child. The child must be considered  
2 abandoned if proceedings for the adoption or guardianship of the child are not initiated by such  
3 relative within one year following the date of notice of placement. No parent may assign or  
4 otherwise transfer the parent's rights or duties with respect to the care and custody of the  
5 parent's child. Any such transfer or assignment, written or otherwise, is void. This section does  
6 not affect the right of the parent to consent in writing to the legal adoption of the parent's child,  
7 but such written consent does not operate to transfer any right in the child in the absence of a  
8 decree by a court having jurisdiction. Any person who violates the provisions of this section is  
9 guilty of a class A misdemeanor.

10 **SECTION 10. AMENDMENT.** Section 14-15-01 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **14-15-01. Definitions.**

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

14 1. "Abandon" means:

15 a. As to a parent of a child not in the custody of that parent, failure by the  
16 noncustodial parent significantly without justifiable cause to:

17 (1) Communicate with the child; or

18 (2) Provide for the care and support of the child as required by law.

19 b. As to a parent of a child in that parent's custody:

20 (1) To leave the child for an indefinite period without making firm and agreed  
21 plans, with the child's immediate caregiver, for the parent's resumption of  
22 physical custody;

23 (2) Following the child's birth or treatment at a hospital, to fail to arrange for the  
24 child's discharge within ten days after the child no longer requires hospital  
25 care; or

26 (3) To willfully fail to furnish food, shelter, clothing, or medical attention  
27 reasonably sufficient to meet the child's needs.

28 2. "Adult" means an individual who is not a minor.

29 3. "Agency" means an entity licensed under chapter 50-12 to place minors for adoption.

30 4. "Child" means a son or daughter, whether by birth or adoption.

- 1           5. "Court" means the district court of this state, and when the context requires means the  
2           court of any other state empowered to grant petitions for adoption.
- 3           6. "Department" means the department of human services.
- 4           7. "Genetic parent" means the biological mother or adjudicated mother of the adopted  
5           child, or the presumed father or adjudicated father of the adopted child under chapter  
6           14-20.
- 7           8. "Genetic sibling" means individuals with genetic relationship of sister, brother,  
8           half-sister, or half-brother.
- 9           9. "Human service zone" means a county or consolidated group of counties  
10          administering human services within a designed area in accordance with an  
11          agreement or plan approved by the department.
- 12          10. "Identifying" includes full name, address, date of birth, telephone number, or anything  
13          that may lead to the identity of any previously undisclosed individual.
- 14          ~~40-11.~~ "Investigation" includes information obtained regarding the child's history, a  
15          preplacement adoption assessment of the prospective adoptive family, and an  
16          evaluation of the child's placement in the adoptive home.
- 17          ~~41-12.~~ "Minor" means an individual under the age of eighteen years.
- 18          ~~42-13.~~ "Nonidentifying adoptive information" means:
- 19           a. Age of genetic parent in years at the birth of the adopted child.
- 20           b. Heritage of genetic parent.
- 21           c. Educational attainments, including the number of years of school completed by  
22           genetic parent at the time of birth of the adopted child.
- 23           d. General physical appearance of genetic parent at the time of birth of the adopted  
24           child, including the height, weight, color of hair, eyes, skin, and other information  
25           of a similar nature.
- 26           e. Talents, hobbies, and special interests of genetic parents.
- 27           f. Existence of any other children born to either genetic parent.
- 28           g. Reasons for child being placed for adoption or for termination of parental right.
- 29           h. Religion of genetic parent.
- 30           i. Vocation of genetic parent in general terms.

1 j. Health history of genetic parents and blood relatives in a manner prescribed by  
2 the department.

3 k. Such further information which, in the judgment of the agency, will not be  
4 detrimental to the adoptive parent or the adopted individual requesting the  
5 information, but the additional information may not identify genetic parents by  
6 name or location.

7 ~~13-14.~~ "Relative" means any individual having the following relationship to the minor by  
8 marriage, blood, or adoption: brother, sister, stepbrother, stepsister, first cousin, uncle,  
9 aunt, or grandparent.

10 ~~14-15.~~ "Stepparent" means an individual who is married to a parent of a child who has not  
11 adopted the child.

12 **SECTION 11. AMENDMENT.** Subdivision i of subsection 1 of section 14-15-09 of the North  
13 Dakota Century Code is amended and reenacted as follows:

14 i. The department ~~or~~ and a county social human service board ~~zone~~ as  
15 ~~respondent~~ respondents.

16 **SECTION 12. AMENDMENT.** Section 14-15-11 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **14-15-11. Notice of petition - Investigation and hearing.**

19 1. a. After the filing of a petition to adopt a minor, the court shall fix a time and place  
20 for hearing the petition. At least twenty days before the date of hearing, notice of  
21 the filing of the petition and of the time and place of hearing must be given by the  
22 petitioner to the department and human service zone; any agency or individual  
23 whose consent to the adoption is required by this chapter but who has not  
24 consented; an individual whose consent is dispensed with upon any ground  
25 mentioned in subdivisions a, b, f, h, i, and j of subsection 1 of section 14-15-06  
26 but who has not consented; and any individual identified by the court as a  
27 biological parent or a possible biological parent of the minor, upon making inquiry  
28 to the extent necessary and appropriate, as in proceedings under section  
29 27-20-45, unless the individual has relinquished parental rights or the individual's  
30 parental rights have been previously terminated by a court. The notice to the

1                    department and human service zone must be accompanied by a copy of the  
2                    petition.

3                    b. Notice of the filing of a petition to adopt an adult must be given by the petitioner  
4                    at least twenty days before the date of the hearing to each living parent of the  
5                    adult to be adopted.

6                    2. An investigation must be made by a licensed child-placing agency to inquire into the  
7                    conditions and antecedents of a minor sought to be adopted and of the petitioner for  
8                    the purpose of ascertaining whether the adoptive home is a suitable home for the  
9                    minor and whether the proposed adoption is in the best interest of the minor.

10                  3. A written report of the investigation must be filed with the court by the investigator  
11                  before the petition is heard.

12                  4. The report of the investigation must contain a review of the child's history; a  
13                  preplacement adoption assessment of the petitioner, including a criminal history record  
14                  investigation of the petitioner; and a postplacement evaluation of the placement with a  
15                  recommendation as to the granting of the petition for adoption and any other  
16                  information the court requires regarding the petitioner or the minor.

17                  5. An investigation and report is not required in cases in which a stepparent is the  
18                  petitioner or the individual to be adopted is an adult. The department and human  
19                  service zone, when required to consent to the adoption, may give consent without  
20                  making the investigation. If the petitioner is a relative other than a stepparent of the  
21                  minor, the minor has lived with the petitioner for at least nine months, no allegations of  
22                  abuse or neglect have been filed against the petitioner or any member of the  
23                  petitioner's household, and the court is satisfied that the proposed adoptive home is  
24                  appropriate for the minor, the court may waive the investigation and report required  
25                  under this section.

26                  6. The department and human service zone, when required to consent to the adoption,  
27                  may request the licensed child-placing agency to conduct further investigation and to  
28                  make a written report thereof as a supplemental report to the court.

29                  7. After the filing of a petition to adopt an adult, the court by order shall direct that a copy  
30                  of the petition and a notice of the time and place of the hearing be given to any  
31                  individual whose consent to the adoption is required but who has not consented and to

1 each living parent of the adult to be adopted. The court may order an appropriate  
2 investigation to assist it in determining whether the adoption is in the best interest of  
3 the individuals involved.

4 8. Notice must be given in the manner appropriate under the North Dakota Rules of Civil  
5 Procedure for the service of process in a civil action in this state or in any manner the  
6 court by order directs. Proof of the giving of the notice must be filed with the court  
7 before the petition is heard.

8 **SECTION 13. AMENDMENT.** Section 14-15-12 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **14-15-12. Required residence of minor.**

- 11 1. A final decree of adoption may not be issued and an interlocutory decree of adoption  
12 does not become final, until the minor to be adopted, other than a stepchild of the  
13 petitioner, has lived in the adoptive home:
- 14 a. For at least six months after placement by an agency;
  - 15 b. For six months after placement by a parent in accordance with an identified  
16 relinquishment under chapter 14-15.1;
  - 17 c. As a foster child for at least six months and has been placed for adoption by an  
18 agency; or
  - 19 d. For at least six months after the department and human service zone or the court  
20 has been informed of the custody of the minor by the petitioner, and the  
21 department and human service zone or the court has had an opportunity to  
22 observe or investigate the adoptive home.
- 23 2. If a child who has been placed for adoption dies before the six-month residency  
24 requirement of subsection 1 is met, the court may grant the final decree of adoption  
25 upon a finding that a proper and legitimate reason exists for granting the final decree.

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

28 **14-15-12.1. Health insurance requirements for adoptees.**

29 The department or child-placing agency involved in an adoption action may at any time  
30 before a final decree of adoption, if legal custody of the individual to be adopted is not held by  
31 the department, a county social service board, a child-placing agency, or an equivalent office or

1 agency outside the state, require the petitioner for the adoption of another individual to show  
2 proof that a health insurance policy is in effect which provides coverage for the individual to be  
3 adopted. If proof of health insurance coverage is submitted by the petitioner, no further bond of  
4 any kind may be required by the department or a county social service board in regard to health  
5 coverage of the individual to be adopted.

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

8 **14-15-12.1. Health insurance requirements for adoptees.**

9 The department or child-placing agency involved in an adoption action may at any time  
10 before a final decree of adoption, if legal custody of the individual to be adopted is not held by  
11 the department, a county social service board, human service zone, a child-placing agency, or  
12 an equivalent office or agency outside the state, require the petitioner for the adoption of  
13 another individual to show proof that a health insurance policy is in effect which provides  
14 coverage for the individual to be adopted. If proof of health insurance coverage is submitted by  
15 the petitioner, no further bond of any kind may be required by the department or a ~~county-~~  
16 ~~social~~human service ~~board~~zone in regard to health coverage of the individual to be adopted.

17 **SECTION 16. AMENDMENT.** Subsection 3 of section 14-15-13 of the North Dakota  
18 Century Code is amended and reenacted as follows:

- 19 3. If at the conclusion of the hearing, the court determines that the required consents  
20 have been obtained and that the adoption is in the best interest of the individual to be  
21 adopted, the court may:
- 22 a. Issue a final decree of adoption; or
  - 23 b. Issue an interlocutory decree of adoption which by its own terms automatically  
24 becomes a final decree of adoption on a day specified in the decree, that day  
25 may not be less than six months nor more than one year after the minor was  
26 placed in the adoptive home by an agency or after the department and human  
27 service zone or the court was informed of the custody of the minor by the  
28 petitioner, unless sooner vacated by the court for good cause shown. In an  
29 interlocutory decree of adoption, the court shall provide for observation,  
30 investigation, and further report on the adoptive home during the interlocutory  
31 period.

1       **SECTION 17. AMENDMENT.** Section 23-06-03 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **23-06-03. Duty of final disposition - Indigent burial - Decedent's instructions.**

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



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

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

1           fifteen days of application for assistance the ~~county~~human service zone in which  
2           the deceased was a resident for ~~county~~ general assistance purposes immediately  
3           before entering the institution shall employ a person to arrange for and supervise  
4           the final disposition.

5           b. ~~Each board of county commissioners~~The department of human services may  
6           negotiate with the interested funeral directors or funeral homes regarding  
7           cremation expenses and burial expenses but the total charges for burial services,  
8           including transportation of the deceased to the place of burial, the grave box or  
9           vault, grave space, and grave opening and closing expenses, may not be less  
10          than one thousand five hundred dollars.

11          c. ~~The county social services board~~department of human services may provide for  
12          the use of a military casket or urn, if the deceased was a veteran as defined in  
13          section 37-01-40, unless the additional cost exceeds the negotiated expenses of  
14          this section or a surviving spouse or the nearest of kin of the deceased elects a  
15          nonmilitary casket.

16          d. ~~The county social~~human service board~~zone~~ shall pay the charge for funeral  
17          expenses as negotiated by the ~~board of county commissioners~~ department of  
18          human services. ~~The county social~~human service board~~zone~~ may not decrease  
19          the ~~county~~human service zone payment due to a nominal amount left by the  
20          deceased or contributed by kin or any other party to defray the expenses of burial  
21          or cremation. Funds adequate to allow for burial instead of cremation are  
22          considered nominal under this section.

23          7. If the individual with the duty of final disposition under this section, or the personal  
24          representative of the decedent's estate, if any, is aware of the decedent's instructions  
25          regarding the disposition of the remains, that person shall honor those instructions, to  
26          the extent reasonable and possible, to the extent the instructions do not impose an  
27          economic or emotional hardship. A decedent's instructions may be reflected in a  
28          variety of methods, including pre-need funeral arrangements a deceased articulated  
29          and funded in a pre-need funeral service contract, a health care directive, a durable  
30          power of attorney for health care, a power of attorney, a will, a document created  
31          under section 23-06-31, or a document of gift for an anatomical gift.

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

8           **SECTION 18. AMENDMENT.** Section 23-41-01 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10          **23-41-01. Definitions.**

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

- 12          1. ~~"County agency" means the county social service boards in this state.~~  
13          2. "Department" means the state department of health.  
14          2. "Human service zone" means a county or consolidated group of counties  
15             administering human services within a designated area in accordance with an  
16             agreement or plan approved by the department of human services.  
17          3. "Human services" means:  
18             a. A service or assistance provided to an individual or an individual's family in need  
19             of services or assistance, including child welfare services, economic assistance  
20             programs, medical service programs, and aging service programs, to assist the  
21             individual or the individual's family in achieving and maintaining basic self-  
22             sufficiency, including physical health, mental health, education, welfare, food and  
23             nutrition, and housing.  
24             b. A service or assistance provided, administered, or supervised by the department  
25             of human services in accordance with chapter 50-06.  
26             c. Licensing duties as administered or supervised by the department of human  
27             services or delegated by the department of human services to a human service  
28             zone.

29          **SECTION 19. AMENDMENT.** Section 23-41-06 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **23-41-06. Duties of county agencieshuman service zones.**

2       A county-agencyhuman service zone shall:

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

10       **SECTION 20. AMENDMENT.** Section 25-04-08.1 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **25-04-08.1. Notification ~~prior to~~before discharge.**

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

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

20       **25-04-11. Disposition of person who is not a legal resident.**

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

29       **SECTION 22. AMENDMENT.** Subsection 2 of section 25-04-16 of the North Dakota  
30 Century Code is amended and reenacted as follows:

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

8           **SECTION 23. AMENDMENT.** Section 26.1-45-13 of the North Dakota Century Code is  
9           amended and reenacted as follows:

10          **26.1-45-13. Qualified service providers.**

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

16          **SECTION 24. AMENDMENT.** Section 27-20-02 of the North Dakota Century Code is  
17          amended and reenacted as follows:

18          **27-20-02. Definitions.**

19          As used in this chapter:

20          1.    "Abandon" means:

21           a.    As to a parent of a child not in the custody of that parent, failure by the  
22           noncustodial parent significantly without justifiable cause:

23           (1)   To communicate with the child; or

24           (2)   To provide for the care and support of the child as required by law; or

25           b.    As to a parent of a child in that parent's custody:

26           (1)   To leave the child for an indefinite period without making firm and agreed  
27           plans, with the child's immediate caregiver, for the parent's resumption of  
28           physical custody;

29           (2)   Following the child's birth or treatment at a hospital, to fail to arrange for the  
30           child's discharge within ten days after the child no longer requires hospital  
31           care; or

- 1                   (3) To willfully fail to furnish food, shelter, clothing, or medical attention  
2                   reasonably sufficient to meet the child's needs.
- 3       2. "Abandoned infant" means a child who has been abandoned before reaching the age  
4       of one year.
- 5       3. "Aggravated circumstances" means circumstances in which a parent:  
6       a. Abandons, tortures, chronically abuses, or sexually abuses a child;  
7       b. Fails to make substantial, meaningful efforts to secure treatment for the parent's  
8       addiction, mental illness, behavior disorder, or any combination of those  
9       conditions for a period equal to the lesser of:  
10       (1) One year; or  
11       (2) One-half of the child's lifetime, measured in days, as of the date a petition  
12       alleging aggravated circumstances is filed;
- 13       c. Engages in conduct prohibited under sections 12.1-20-01 through 12.1-20-08 or  
14       chapter 12.1-27.2, in which a child is the victim or intended victim;
- 15       d. Engages in conduct that constitutes one of the following crimes, or of an offense  
16       under the laws of another jurisdiction which requires proof of substantially similar  
17       elements:  
18       (1) A violation of section 12.1-16-01, 12.1-16-02, 12.1-16-03, or 14-09-22 in  
19       which the victim is another child of the parent;  
20       (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section  
21       12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the  
22       parent; or  
23       (3) A violation of section 12.1-17-02 in which the victim is a child of the parent  
24       and has suffered serious bodily injury;
- 25       e. Engages or attempts to engage in conduct, prohibited under sections 12.1-17-01  
26       through 12.1-17-04, in which a child is the victim or intended victim;
- 27       f. Has been incarcerated under a sentence for which the latest release date is:  
28       (1) In the case of a child age nine or older, after the child's majority; or  
29       (2) In the case of a child, after the child is twice the child's current age,  
30       measured in days;

- 1           g.   Subjects the child to prenatal exposure to chronic or severe use of alcohol or any  
2                    controlled substance as defined in chapter 19-03.1 in a manner not lawfully  
3                    prescribed by a practitioner; or
- 4           h.   Allows the child to be present in an environment subjecting the child to exposure  
5                    to a controlled substance, chemical substance, or drug paraphernalia as  
6                    prohibited by section 19-03.1-22.2.
- 7       4.   "Child" means an individual who is:
- 8           a.   Under the age of eighteen years and is not married; or
- 9           b.   Under the age of twenty years with respect to a delinquent act committed while  
10                   under the age of eighteen years.
- 11       5.   "Custodian" means a person, other than a parent or legal guardian, who stands  
12                   in loco parentis to the child or a person to whom legal custody of the child has been  
13                   given by order of a court.
- 14       6.   "Delinquent act" means an act designated a crime under the law, including local  
15                   ordinances or resolutions of this state, or of another state if the act occurred in that  
16                   state, or under federal law, and the crime does not fall under subdivision c of  
17                   subsection 19.
- 18       7.   "Delinquent child" means a child who has committed a delinquent act and is in need of  
19                   treatment or rehabilitation.
- 20       8.   "Deprived child" means a child who:
- 21           a.   Is without proper parental care or control, subsistence, education as required by  
22                   law, or other care or control necessary for the child's physical, mental, or  
23                   emotional health, or morals, and the deprivation is not due primarily to the lack of  
24                   financial means of the child's parents, guardian, or other custodian;
- 25           b.   Has been placed for care or adoption in violation of law;
- 26           c.   Has been abandoned by the child's parents, guardian, or other custodian;
- 27           d.   Is without proper parental care, control, or education as required by law, or other  
28                   care and control necessary for the child's well-being because of the physical,  
29                   mental, emotional, or other illness or disability of the child's parent or parents,  
30                   and that such lack of care is not due to a willful act of commission or act of  
31                   omission by the child's parents, and care is requested by a parent;



- 1 e. Is in need of treatment and whose parents, guardian, or other custodian have  
2 refused to participate in treatment as ordered by the juvenile court;
- 3 f. Was subject to prenatal exposure to chronic or severe use of alcohol or any  
4 controlled substance as defined in chapter 19-03.1 in a manner not lawfully  
5 prescribed by a practitioner;
- 6 g. Is present in an environment subjecting the child to exposure to a controlled  
7 substance, chemical substance, or drug paraphernalia as prohibited by section  
8 19-03.1-22.2.
- 9 h. Is a victim of human trafficking as defined in title 12.1.
- 10 9. "Detention" means a physically secure facility with locked doors and does not include  
11 shelter care, attendant care, or home detention.
- 12 10. "Director" means the director of juvenile court or the director's designee.
- 13 11. "Fit and willing relative or other appropriate individual" means a relative or other  
14 individual who has been determined, after consideration of an assessment that  
15 includes a criminal history record investigation under chapter 50-11.3, to be a qualified  
16 person under chapter 30.1-27, and who consents in writing to act as a legal guardian.
- 17 12. "Home" when used in the phrase "to return home" means the abode of the child's  
18 parent with whom the child formerly resided.
- 19 13. "Host county" means the county within the human service zone in which the human  
20 service zone administrative office is located and in which the human service zone  
21 team members are employed.
- 22 14. "Human service zone" means a county or consolidated group of counties  
23 administering human services within a designated area in accordance with an  
24 agreement or plan approved by the department.
- 25 15. "Juvenile court" means the district court of this state.
- 26 ~~14.~~16. "Juvenile drug court" means a program established in a judicial district consisting of  
27 intervention and assessment of juveniles involved in forms of substance abuse;  
28 frequent drug testing; intense judicial and probation supervision; individual, group, and  
29 family counseling; substance abuse treatment; educational opportunities; and use of  
30 sanctions and incentives.

- 1 ~~15-17.~~ "Permanency hearing" means a hearing, conducted with respect to a child who is in  
2 foster care, to determine the permanency plan for the child which includes:
- 3 a. Whether and, if applicable, when the child will be returned to the parent;
- 4 b. Whether and, if applicable, when the child will be placed for adoption and the  
5 state will file a petition for termination of parental rights;
- 6 c. Whether and, if applicable, when a fit and willing relative or other appropriate  
7 individual will be appointed as a legal guardian;
- 8 d. Whether and, if applicable, to place siblings in the same foster care, relative,  
9 guardianship, or adoptive placement, unless it is determined that the joint  
10 placement would be contrary to the safety or well-being of any of the siblings;
- 11 e. Whether and, if applicable, in the case of siblings removed from their home who  
12 are not jointly placed, to provide for frequent visitation or other ongoing  
13 interaction between the siblings, unless it is determined to be contrary to the  
14 safety or well-being of any of the siblings;
- 15 f. In cases in which a compelling reason has been shown that it would not be in the  
16 child's best interests to return home, to have parental rights terminated, to be  
17 placed for adoption, to be placed with a fit and willing relative, or to be placed  
18 with a legal guardian, whether and, if applicable, when the child, aged sixteen or  
19 older, will be placed in another planned permanent living arrangement. The court  
20 shall:
- 21 (1) Ask the child whether the child has a desired permanency outcome of  
22 another planned permanent living arrangement,
- 23 (2) Make a judicial determination explaining why another planned permanent  
24 living arrangement is the best permanency plan for the child, and
- 25 (3) Identify the compelling reasons it continues not to be in the best interest of  
26 the child to return home, be placed for adoption, be placed with a legal  
27 guardian, or be placed with a fit and willing relative;
- 28 g. In the case of a child who has been placed in foster care outside the state in  
29 which the home of the parents is located, or if the parents maintain separate  
30 homes, outside the state in which the home of the parent who was the child's  
31 primary caregiver is located, whether out-of-state placements have been

1                   considered. If the child is currently in an out-of-state placement, the court shall  
2                   determine whether the placement continues to be appropriate and in the child's  
3                   best interests; and

4           h.    In the case of a child who has attained age fourteen, the services needed to  
5           assist the child to make the transition to successful adulthood.

6   ~~16-18.~~   "Protective supervision" means supervision ordered by the court of children found to  
7           be deprived or unruly.

8   ~~17-19.~~   "Relative" means:

9           a.   The child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt,  
10           uncle, great-uncle, nephew, niece, or first cousin;

11           b.   An individual with a relationship to the child, derived through a current or former  
12           spouse of the child's parent, similar to a relationship described in subdivision a;

13           c.   An individual recognized in the child's community as having a relationship with  
14           the child similar to a relationship described in subdivision a; or

15           d.   The child's stepparent.

16   ~~18-20.~~   "Shelter care" means temporary care of a child in physically unrestricted facilities.

17   ~~19-21.~~   "Unruly child" means a child who:

18           a.   Is habitually and without justification truant from school;

19           b.   Is habitually disobedient of the reasonable and lawful commands of the child's  
20           parent, guardian, or other custodian and is ungovernable or who is willfully in a  
21           situation dangerous or injurious to the health, safety, or morals of the child or  
22           others;

23           c.   Has committed an offense applicable only to a child, except for an offense  
24           committed by a minor fourteen years of age or older under subsection 2 of  
25           section 12.1-31-03 or an equivalent local ordinance or resolution;

26           d.   Has committed an offense in violation of section 5-01-08; or

27           e.   Is under the age of fourteen years and has purchased, possessed, smoked, or  
28           used tobacco, tobacco-related products, electronic smoking devices, or  
29           alternative nicotine products in violation of subsection 2 of section 12.1-31-03;  
30           and

31           f.   In any of the foregoing instances is in need of treatment or rehabilitation.

1           As used in this subsection, "electronic smoking devices" and "alternative nicotine  
2           products" have the same meaning as in section 12.1-31-03.

3 ~~20-22.~~ "Willfully" has the meaning provided in section 12.1-02-02.

4           **SECTION 25. AMENDMENT.** Section 27-20-11 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **27-20-11. Venue.**

7           A proceeding under this chapter may be commenced in the county in which the child  
8 resides. A proceeding under section 27-20-30.1 must be commenced in the ~~administrative-~~  
9 county within the administrative human service zone, as determined by the department of  
10 human services. If delinquent or unruly conduct is alleged, the proceeding may be commenced  
11 in the county in which the acts constituting the alleged delinquent or unruly conduct occurred. If  
12 deprivation is alleged, the proceeding may be brought in the county in which the child is present  
13 when it is commenced, the county in which the child has resided the majority of the thirty days  
14 prior to the date of the alleged deprivation, or the county where the alleged deprivation has  
15 occurred. The court shall determine the appropriate venue for a deprivation action based upon  
16 the best interests of the child.

17           **SECTION 26. AMENDMENT.** Section 27-20-20.1 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19           **27-20-20.1. Petition to terminate parental rights - When brought - Definitions.**

- 20           1. A petition to terminate parental rights may be made as provided under this section and  
21           section 27-20-45.
- 22           2. Except as provided in subsection 3, a petition for termination of parental rights must be  
23           filed:
- 24           a. If the child has been in foster care, in the custody of the department or county  
25           social service board, or, in cases arising out of an adjudication by the court that a  
26           child is an unruly child, the division of juvenile services, for at least four hundred  
27           fifty out of the previous six hundred sixty nights;
- 28           b. Within sixty days after a court of competent jurisdiction has found the child to be  
29           an abandoned infant; or

- 1           c. Within sixty days after a court of competent jurisdiction has convicted the child's  
2           parent of one of the following crimes, or of an offense under the laws of another  
3           jurisdiction which requires proof of substantially similar elements:
- 4           (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1  
5           of section 14-09-22 in which the victim is another child of the parent;
- 6           (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section  
7           12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the  
8           parent; or
- 9           (3) A violation of section 12.1-17-02 in which the victim is a child of the parent  
10          and has suffered serious bodily injury.
- 11         3. A petition for termination of parental rights need not be filed if:
- 12           a. The child is being cared for by a relative approved by the department in  
13           collaboration with the county social service board;
- 14           b. The department or county social service board has documented in the case plan  
15           a compelling reason for determining that filing such a petition would not be in the  
16           child's best interests and has notified the court that the documentation is  
17           available for review by the court; or
- 18           c. The department or county social service board has determined:
- 19           (1) Reasonable efforts to preserve and reunify the family are required under  
20           section 27-20-32.2 to be made with respect to the child;
- 21           (2) The case plan provides such services are necessary for the safe return of  
22           the child to the child's home; and
- 23           (3) Such services have not been provided consistent with time periods  
24           described in the case plan.
- 25         4. For purposes of subsection 2, a child in foster care entered foster care on the earlier  
26         of:
- 27           a. The date of the court's order if the court:
- 28           (1) Made a finding that the child has been subjected to child abuse or neglect;
- 29           (2) Determined that it is unsafe or contrary to the welfare of the child to remain  
30           in the home; and

- 1                   (3) Granted custody of the child to the department or county social service  
2                   board or, in cases arising out of an adjudication by the court that a child is  
3                   an unruly child, the division of juvenile services; or
- 4           b. The date that is sixty days after:
- 5                   (1) The date of a hearing under section 27-20-17 which results in retaining a  
6                   child in shelter care;
- 7                   (2) The date of an order in a dispositional hearing under which a child is placed  
8                   in foster care; or
- 9                   (3) The date a child is placed in foster care voluntarily and with the consent of  
10                  the child's parent.
- 11       5. For purposes of subsection 2, a child leaves foster care when:
- 12           a. The court enters an order:
- 13                   (1) Denying a petition to grant care, custody, and control of the child to the  
14                   ~~department~~county social service board or the division of juvenile services;
- 15                   (2) Terminating an order that granted custody of the child to the department, the  
16                   county social service board, or the division of juvenile services; or
- 17                   (3) Appointing a legal guardian under section 27-20-48.1;
- 18           b. The court order under which the child entered foster care ends by operation of  
19                  law;
- 20           c. The child is placed in a parental home by the court or a legal custodian other  
21                  than the division of juvenile services and the legal custodian lacks authority to  
22                  remove the child without further order of the court; or
- 23           d. The child is placed in a parental home by the division of juvenile services.
- 24       6. For purposes of subsection 2, a child is not in foster care on any night during which  
25                  the child is:
- 26           a. On a trial home visit;
- 27           b. Receiving services at the youth correctional center pursuant to an adjudication of  
28                  delinquency; or
- 29           c. Absent without leave from the place in which the child was receiving foster care.
- 30       7. For purposes of this section:
- 31           a. "A finding that the child has been subjected to child abuse or neglect" means:

- 1 (1) A finding of deprivation made under chapter 27-20; or  
2 (2) A conviction of a person, responsible for a child's welfare, for conduct  
3 involving the child, under chapter 12.1-16 or sections 12.1-17-01 through  
4 12.1-17-04 or 12.1-20-01 through 12.1-20-08.
- 5 b. "Compelling reason" means a recorded statement that reflects consideration of:  
6 (1) The child's age;  
7 (2) The portion of the child's life spent living in the household of a parent of the  
8 child;  
9 (3) The availability of an adoptive home suitable to the child's needs;  
10 (4) Whether the child has special needs; and  
11 (5) The expressed wishes of a child age ten or older.
- 12 c. "Department" means the department of human services or its designee, including  
13 any county social service board.

14 **SECTION 27. AMENDMENT.** Section 27-20-20.1 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **27-20-20.1. Petition to terminate parental rights - When brought - Definitions.**

- 17 1. A petition to terminate parental rights may be made as provided under this section and  
18 section 27-20-45.
- 19 2. Except as provided in subsection 3, a petition for termination of parental rights must be  
20 filed:  
21 a. If the child has been in foster care, in the custody of the department, human  
22 service zone, or county social service board, or, in cases arising out of an  
23 adjudication by the court that a child is an unruly child, the division of juvenile  
24 services, for at least four hundred fifty out of the previous six hundred sixty  
25 nights;  
26 b. Within sixty days after a court of competent jurisdiction has found the child to be  
27 an abandoned infant; or  
28 c. Within sixty days after a court of competent jurisdiction has convicted the child's  
29 parent of one of the following crimes, or of an offense under the laws of another  
30 jurisdiction which requires proof of substantially similar elements:

- 1 (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1  
2 of section 14-09-22 in which the victim is another child of the parent;
- 3 (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section  
4 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the  
5 parent; or
- 6 (3) A violation of section 12.1-17-02 in which the victim is a child of the parent  
7 and has suffered serious bodily injury.
- 8 3. A petition for termination of parental rights need not be filed if:
- 9 a. The child is being cared for by a relative approved by the department ~~in~~  
10 ~~collaboration with the county social service board~~ and human service zone;
- 11 b. The department, human service zone, or county social service board has  
12 documented in the case plan a compelling reason for determining that filing such  
13 a petition would not be in the child's best interests and has notified the court that  
14 the documentation is available for review by the court; or
- 15 c. The department or county social service board before January 1, 2021, or the  
16 human service zone has determined:
- 17 (1) Reasonable efforts to preserve and reunify the family are required under  
18 section 27-20-32.2 to be made with respect to the child;
- 19 (2) The case plan provides such services are necessary for the safe return of  
20 the child to the child's home; and
- 21 (3) Such services have not been provided consistent with time periods  
22 described in the case plan.
- 23 4. For purposes of subsection 2, a child in foster care entered foster care on the earlier  
24 of:
- 25 a. The date of the court's order if the court:
- 26 (1) Made a finding that the child has been subjected to child abuse or neglect;
- 27 (2) Determined that it is unsafe or contrary to the welfare of the child to remain  
28 in the home; and
- 29 (3) Granted custody of the child to the department, human service zone, or  
30 county social service board or, in cases arising out of an adjudication by the  
31 court that a child is an unruly child, the division of juvenile services; or



- 1           b. The date that is sixty days after:
- 2           (1) The date of a hearing under section 27-20-17 which results in retaining a
- 3           child in shelter care;
- 4           (2) The date of an order in a dispositional hearing under which a child is placed
- 5           in foster care; or
- 6           (3) The date a child is placed in foster care voluntarily and with the consent of
- 7           the child's parent.
- 8        5. For purposes of subsection 2, a child leaves foster care when:
- 9        a. The court enters an order:
- 10       (1) Denying a petition to grant care, custody, and control of the child to the
- 11       ~~county social service board~~human service zone or the division of juvenile
- 12       services;
- 13       (2) Terminating an order that granted custody of the child to the ~~department, the~~
- 14       ~~county social service board,~~human service zone or the division of juvenile
- 15       services; or
- 16       (3) Appointing a legal guardian under section 27-20-48.1;
- 17       b. The court order under which the child entered foster care ends by operation of
- 18       law;
- 19       c. The child is placed in a parental home by the court or a legal custodian other
- 20       than the division of juvenile services and the legal custodian lacks authority to
- 21       remove the child without further order of the court; or
- 22       d. The child is placed in a parental home by the division of juvenile services.
- 23       6. For purposes of subsection 2, a child is not in foster care on any night during which
- 24       the child is:
- 25       a. On a trial home visit;
- 26       b. Receiving services at the youth correctional center pursuant to an adjudication of
- 27       delinquency; or
- 28       c. Absent without leave from the place in which the child was receiving foster care.
- 29       7. For purposes of this section:
- 30       a. "A finding that the child has been subjected to child abuse or neglect" means:
- 31       (1) A finding of deprivation made under chapter 27-20; or

- 1                   (2) A conviction of a person, responsible for a child's welfare, for conduct  
2                   involving the child, under chapter 12.1-16 or sections 12.1-17-01 through  
3                   12.1-17-04 or 12.1-20-01 through 12.1-20-08.
- 4           b. "Compelling reason" means a recorded statement that reflects consideration of:
- 5                   (1) The child's age;
- 6                   (2) The portion of the child's life spent living in the household of a parent of the  
7                   child;
- 8                   (3) The availability of an adoptive home suitable to the child's needs;
- 9                   (4) Whether the child has special needs; and
- 10                  (5) The expressed wishes of a child age ten or older.
- 11           c. "Department" means the department of human services or its designee, including  
12                  any county social service board.
- 13           d. "Human service zone" means a county or consolidated group of counties  
14                  administering human services within a designated area in accordance with an  
15                  agreement or plan approved by the department.

16           **SECTION 28. AMENDMENT.** Section 27-20-30 of the North Dakota Century Code is  
17   amended and reenacted as follows:

18           **27-20-30. Disposition of deprived child.**

- 19           1. If the child is found to be a deprived child, the court may make any of the following  
20                  orders of disposition best suited to the protection and physical, mental, and moral  
21                  welfare of the child:
- 22                  a. Permit the child to reside with the child's parents, guardian, or other custodian,  
23                  subject to conditions and limitations as the court prescribes, including supervision  
24                  as directed by the court for the protection of the child.
- 25                  b. Subject to conditions and limitations as the court prescribes, transfer temporary  
26                  legal custody to any of the following:
- 27                          (1) An agency or other private organization licensed or otherwise authorized by  
28                          law to receive and provide care for the child.
- 29                          (2) The director of the ~~county social~~ human service ~~board~~ zone or other public  
30                          agency authorized by law to receive and provide care for the child.
- 31                  c. Require the parents, guardian, or other custodian to participate in treatment.

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

15          **SECTION 29. AMENDMENT.** Section 27-20-30.1 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17          **27-20-30.1. Disposition of child needing continued foster care services.**

- 18          1. For purposes of this section, "child" means an individual between the ages of eighteen  
19          and twenty-one years who is in need of continued foster care services.
- 20          2. A petition to commence an action under this section must contain information required  
21          under section 27-20-21 along with an affidavit either prepared by the administrative  
22          ~~county~~ human service zone, as determined by the department of human services, or  
23          prepared by an agency or tribal council of a recognized Indian reservation in North  
24          Dakota.
- 25          3. The court shall issue a summons in accordance with section 27-20-22 upon the filing  
26          of a petition and affidavit.
- 27          4. If a child is in need of continued foster care services as determined by the human  
28          service zone and the department of human services and as set forth in a continued  
29          foster care agreement, the court shall make the following judicial determination:
  - 30               a. That the child is not deprived, delinquent, or unruly but is in need of continued  
31               foster care services;

- 1           b. That the child will remain in or will return to foster care pursuant to the child's  
2           continued foster care agreement;
- 3           c. That the child's continued foster care agreement has been willfully entered  
4           between:
- 5           (1) The human service zone and the department of human services or its  
6           agent, the child, and the foster care provider; or
- 7           (2) An agency or tribal council of a recognized Indian reservation in North  
8           Dakota if the child is not subject to the jurisdiction of the state of North  
9           Dakota, the child, and the foster care provider;
- 10          d. That it is in the best interest of the child to remain in or return to foster care;
- 11          e. That reasonable efforts were made in accordance with subsection 7 of section  
12          27-20-32.2;
- 13          f. That the child has attained the age of eighteen or older but does not exceed the  
14          age of twenty-one years;
- 15          g. That the child has satisfied the education, employment, or disability requirements  
16          under the Fostering Connections to Success and Increasing Adoptions Act of  
17          2008 [Pub. L. 110-351] and as set forth by the department of human services;
- 18          h. That the administrative ~~county~~human service zone, as determined by the  
19          department, or that an agency or tribal council of a recognized Indian reservation  
20          in North Dakota, shall continue foster care case management, unless otherwise  
21          agreed to or required by the department;
- 22          i. That the administrative ~~county~~human service zone or an agency or tribal council  
23          of a recognized Indian reservation in North Dakota must have care and  
24          placement responsibility of the child;
- 25          j. That permanency hearing must be as set forth in section 27-20-36; and
- 26          k. That there are no grounds to file a petition to terminate parental rights under  
27          chapter 27-20.
- 28      5. Pursuant to ~~N.D.R. Juv.P., Rule 16~~rule 16 of the North Dakota Rules of Juvenile  
29      Procedure, a court may modify or vacate the judicial determination made under  
30      subsection 4.

1       **SECTION 30. AMENDMENT.** Subsection 2 of section 27-20-31 of the North Dakota  
2 Century Code is amended and reenacted as follows:

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

6       **SECTION 31. AMENDMENT.** Section 27-20-38 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8       **27-20-38. Rights and duties of legal custodian.**

9       A custodian to whom legal custody has been given by the court under this chapter has:

- 10      1. The right to the physical custody of the child and the right to determine the nature of  
11      the care, placement, and treatment of the child, including ordinary medical care as well  
12      as medical or surgical treatment for a serious physical condition or illness which in the  
13      opinion of a licensed physician requires prompt treatment, except for any limits the  
14      court may impose.
- 15      2. The right and duty to provide for the care, protection, training, and education and the  
16      physical, mental, and moral welfare of the child, subject to the conditions and  
17      limitations of the order and to the remaining rights and duties of the child's parents or  
18      guardian.
- 19      3. A duty within thirty days after the removal of a child from the custody of the parent or  
20      parents of the child for the purpose of placement into foster care, to exercise due  
21      diligence to identify and provide notice to the following relatives: all parents of a sibling  
22      of the child entering foster care who have legal custody of the sibling, all adult  
23      grandparents, and any other adult suggested by the parents, subject to exceptions  
24      due to family or domestic violence, that:
- 25      a. Specifies that the child has been or is being removed from the custody of the  
26      parent or parents of the child;
- 27      b. Explains the options the relative has under federal, state, and local law to  
28      participate in the care and placement of the child, including any options that may  
29      be lost by failing to respond to the notice;

- 1           c. Describes the requirements and standards to become a foster family home and  
2           the additional services and supports that are available for children placed in that  
3           home; and
- 4           d. Describes how the relative of the child may enter into an agreement with the  
5           department and county social service board to receive a subsidized guardianship  
6           payment.
- 7        4. For purposes of this section, "sibling of the child entering foster care" means:
- 8           a. A brother or sister who has at least one biological or adoptive parent in common;
- 9           b. A fictive brother or sister with a significant bond as identified by the child or  
10          parent; or
- 11          c. A child that would have been considered a sibling but for the termination or other  
12          disruption of parental rights, including a death of a parent.

13        **SECTION 32. AMENDMENT.** Section 27-20-38 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15        **27-20-38. Rights and duties of legal custodian.**

16        A custodian to whom legal custody has been given by the court under this chapter has:

- 17        1. The right to the physical custody of the child and the right to determine the nature of  
18        the care, placement, and treatment of the child, including ordinary medical care as well  
19        as medical or surgical treatment for a serious physical condition or illness which in the  
20        opinion of a licensed physician requires prompt treatment, except for any limits the  
21        court may impose.
- 22        2. The right and duty to provide for the care, protection, training, and education and the  
23        physical, mental, and moral welfare of the child, subject to the conditions and  
24        limitations of the order and to the remaining rights and duties of the child's parents or  
25        guardian.
- 26        3. A duty within thirty days after the removal of a child from the custody of the parent or  
27        parents of the child for the purpose of placement into foster care, to exercise due  
28        diligence to identify and provide notice to the following relatives: all parents of a sibling  
29        of the child entering foster care who have legal custody of the sibling, all adult  
30        grandparents, and any other adult suggested by the parents, subject to exceptions  
31        due to family or domestic violence, that:

- 1 a. Specifies that the child has been or is being removed from the custody of the
- 2 parent or parents of the child;
- 3 b. Explains the options the relative has under federal, state, and local law to
- 4 participate in the care and placement of the child, including any options that may
- 5 be lost by failing to respond to the notice;
- 6 c. Describes the requirements and standards to become a foster family home and
- 7 the additional services and supports that are available for children placed in that
- 8 home; and
- 9 d. Describes how the relative of the child may enter into an agreement with the
- 10 department and ~~county social service board~~human service zone to receive a
- 11 subsidized guardianship payment.
- 12 4. For purposes of this section, "sibling of the child entering foster care" means:
- 13 a. A brother or sister who has at least one biological or adoptive parent in common;
- 14 b. A fictive brother or sister with a significant bond as identified by the child or
- 15 parent; or
- 16 c. A child that would have been considered a sibling but for the termination or other
- 17 disruption of parental rights, including a death of a parent.

18 **SECTION 33. AMENDMENT.** Section 27-20-44 of the North Dakota Century Code is  
19 amended and reenacted as follows:

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

- 21 1. The court by order may terminate the parental rights of a parent with respect to the
- 22 parent's child if:
- 23 a. The parent has abandoned the child;
- 24 b. The child is subjected to aggravated circumstances as defined under
- 25 subsection 3 of section 27-20-02;
- 26 c. The child is a deprived child and the court finds:
- 27 (1) The conditions and causes of the deprivation are likely to continue or will not
- 28 be remedied and that by reason thereof the child is suffering or will probably
- 29 suffer serious physical, mental, moral, or emotional harm; or
- 30 (2) The child has been in foster care, in the care, custody, and control of the
- 31 department, or a ~~county social~~human service ~~board~~zone, or, in cases

1                    arising out of an adjudication by the juvenile court that a child is an unruly  
2                    child, the division of juvenile services, for at least four hundred fifty out of  
3                    the previous six hundred sixty nights; or

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

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

8                    **SECTION 34. AMENDMENT.** Section 27-20-45 of the North Dakota Century Code is  
9                    amended and reenacted as follows:

10                   **27-20-45. Proceeding for termination of parental rights.**

11                   1.    The petition must comply with section 27-20-21 and state clearly that an order for  
12                   termination of parental rights is requested and that the effect will be as stated in  
13                   section 27-20-46.

14                   2.    If both of the natural parents of the child are not named in the petition either as  
15                   petitioner or as respondent, the court shall cause inquiry to be made of the petitioner  
16                   and other appropriate persons in an effort to identify an unnamed parent. The inquiry  
17                   must include, to the extent necessary and appropriate, all of the following:

18                   a.    Whether any man is presumed to be the father of the child under chapter 14-20.

19                   b.    Whether the natural mother of the child was cohabiting with a man at the time of  
20                   conception or birth of the child.

21                   c.    Whether the natural mother of the child has received from any man support  
22                   payments or promises of support with respect to the child or in connection with  
23                   her pregnancy.

24                   d.    Whether any person has formally or informally acknowledged or declared that  
25                   person's possible parentage of the child.

26                   e.    Whether any person claims any right to custody of the child.

27                   3.    The court shall add as respondent to the petition and cause to be served with a  
28                   summons any person identified by the court as an unnamed parent, unless the person  
29                   has relinquished parental rights, or parental rights have been previously terminated by  
30                   a court.



- 1           4. If the court, after inquiry, is unable to identify an unnamed parent and no person has  
2           appeared in the proceeding claiming to be an unnamed parent of the child or to have  
3           any right of custody of the child, the court shall enter an order terminating all parental  
4           rights of the unnamed parent with reference to the child and the parent and child  
5           relationship.
- 6           5. If a petition for termination of parental rights is made by a parent of the child under this  
7           section or if a parent consents to termination of parental rights under section 27-20-44,  
8           that parent is entitled under section 27-20-26 to legal counsel during all stages of a  
9           proceeding to terminate the parent and child relationship.
- 10          6. Subject to the disposition of an appeal, upon the expiration of thirty days after an order  
11          terminating parental rights is issued under this section, the order cannot be questioned  
12          by any person, including the petitioner, in any manner, or upon any ground, including  
13          fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction of  
14          the parties or of the subject matter, unless the person retained custody of the child.
- 15          7. At least ten days before the petition is heard, the clerk of district court or juvenile court  
16          shall provide a copy of the petition and summons, if any, to the county social service  
17          board and the department of human services.

18           **SECTION 35. AMENDMENT.** Section 27-20-45 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20           **27-20-45. Proceeding for termination of parental rights.**

- 21           1. The petition must comply with section 27-20-21 and state clearly that an order for  
22           termination of parental rights is requested and that the effect will be as stated in  
23           section 27-20-46.
- 24           2. If both of the natural parents of the child are not named in the petition either as  
25           petitioner or as respondent, the court shall cause inquiry to be made of the petitioner  
26           and other appropriate persons in an effort to identify an unnamed parent. The inquiry  
27           must include, to the extent necessary and appropriate, all of the following:
  - 28           a. Whether any man is presumed to be the father of the child under chapter 14-20.
  - 29           b. Whether the natural mother of the child was cohabiting with a man at the time of  
30           conception or birth of the child.

- 1           c. Whether the natural mother of the child has received from any man support  
2           payments or promises of support with respect to the child or in connection with  
3           her pregnancy.
- 4           d. Whether any person has formally or informally acknowledged or declared that  
5           person's possible parentage of the child.
- 6           e. Whether any person claims any right to custody of the child.
- 7        3. The court shall add as respondent to the petition and cause to be served with a  
8        summons any person identified by the court as an unnamed parent, unless the person  
9        has relinquished parental rights, or parental rights have been previously terminated by  
10       a court.
- 11       4. If the court, after inquiry, is unable to identify an unnamed parent and no person has  
12       appeared in the proceeding claiming to be an unnamed parent of the child or to have  
13       any right of custody of the child, the court shall enter an order terminating all parental  
14       rights of the unnamed parent with reference to the child and the parent and child  
15       relationship.
- 16       5. If a petition for termination of parental rights is made by a parent of the child under this  
17       section or if a parent consents to termination of parental rights under section 27-20-44,  
18       that parent is entitled under section 27-20-26 to legal counsel during all stages of a  
19       proceeding to terminate the parent and child relationship.
- 20       6. Subject to the disposition of an appeal, upon the expiration of thirty days after an order  
21       terminating parental rights is issued under this section, the order cannot be questioned  
22       by any person, including the petitioner, in any manner, or upon any ground, including  
23       fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction of  
24       the parties or of the subject matter, unless the person retained custody of the child.
- 25       7. At least ten days before the petition is heard, the clerk of district court or juvenile court  
26       shall provide a copy of the petition and summons, if any, to the ~~county social service~~  
27       ~~board~~ human service zone and the department of human services.

28       **SECTION 36. AMENDMENT.** Section 27-20-47 of the North Dakota Century Code is  
29       amended and reenacted as follows:

1       **27-20-47. Disposition upon termination of parental rights.**

- 2       1. If, upon entering an order terminating the parental rights of a parent, there is no parent  
3       having parental rights, the court shall:
- 4       a. Commit the child to the custody of the ~~executive director of the department of~~  
5       ~~human services~~county social service director or a licensed child-placing agency  
6       willing to accept custody for the purpose of placing the child for adoption or, in the  
7       absence thereof, in a foster home;
- 8       b. Appoint a fit and willing relative or other appropriate individual as the child's legal  
9       guardian; or
- 10      c. Establish some other planned permanent living arrangement.
- 11      2. The custodian has the rights of a legal custodian and authority to consent to the child's  
12      adoption, marriage, enlistment in the armed forces of the United States, and surgical  
13      and other medical treatment.
- 14      3. If the child is not placed for adoption within twelve months after the date of the order  
15      and a legal guardianship or other planned permanent living arrangement for the child  
16      has not been established by a court of competent jurisdiction, the child must be  
17      returned to the court issuing the original termination order for entry of further orders for  
18      the care, custody, and control of the child.

19      **SECTION 37. AMENDMENT.** Section 27-20-47 of the North Dakota Century Code is  
20      amended and reenacted as follows:

21      **27-20-47. Disposition upon termination of parental rights.**

- 22      1. If, upon entering an order terminating the parental rights of a parent, there is no parent  
23      having parental rights, the court shall:
- 24      a. Commit the child to the custody of the ~~county social service~~human service zone  
25      director or a licensed child-placing agency willing to accept custody for the  
26      purpose of placing the child for adoption or, in the absence thereof, in a foster  
27      home;
- 28      b. Appoint a fit and willing relative or other appropriate individual as the child's legal  
29      guardian; or
- 30      c. Establish some other planned permanent living arrangement.

1           2.    The custodian has the rights of a legal custodian and authority to consent to the child's  
2                    adoption, marriage, enlistment in the armed forces of the United States, and surgical  
3                    and other medical treatment.

4           3.    If the child is not placed for adoption within twelve months after the date of the order  
5                    and a legal guardianship or other planned permanent living arrangement for the child  
6                    has not been established by a court of competent jurisdiction, the child must be  
7                    returned to the court issuing the original termination order for entry of further orders for  
8                    the care, custody, and control of the child.

9           **SECTION 38. AMENDMENT.** Section 27-20-49 of the North Dakota Century Code is  
10   amended and reenacted as follows:

11           **27-20-49. Costs and expenses for care of child.**

12           1.    The following expenses are a charge upon the funds of the county or human service  
13                   zone upon certification thereof by the court:

- 14                   a.    The cost of medical and other examinations and treatment of a child ordered by  
15                    the court.
- 16                   b.    The cost of care and support of a child committed by the court to the legal  
17                    custody of a public agency other than an institution for delinquent children or to a  
18                    private agency or individual other than a parent.
- 19                   c.    The cost of any necessary transportation for medical and other examinations and  
20                    treatment of a child ordered by the court unless the child is in the legal custody of  
21                    a state agency.

22           2.    The commission on legal counsel for indigents shall pay reasonable compensation for  
23                    services and related expenses of counsel provided at public expense for a party and  
24                    the supreme court shall pay reasonable compensation for a guardian ad litem. The  
25                    attorney general shall pay the witness fees, mileage, and travel expense of witnesses  
26                    incurred in the proceedings under this chapter in the amount and at the rate provided  
27                    for in section 31-01-16. Expenses of the state include the cost of any necessary  
28                    transportation for medical and other examinations and treatment of a child ordered by  
29                    the court if the child is in the legal custody of a state agency in which case the cost  
30                    must be reimbursed to the county or human service zone by that state agency at the  
31                    state mileage rate, excluding meals and lodging, plus twenty-nine cents per mile.

- 1           3. If, after due notice to the parents or other persons legally obligated to care for and  
2           support the child, and to a child over the age of eighteen, and after affording them an  
3           opportunity to be heard, the court finds that they are financially able to pay all or part  
4           of the costs and expenses stated in subsection 1, and expenses payable by the  
5           supreme court under subsection 2, the court may order them to pay the same and  
6           prescribe the manner of payment. Unless otherwise ordered, payment shall be made  
7           to the clerk of the juvenile court for remittance to the person to whom compensation is  
8           due, or if the costs and expenses have been paid by the county, human service zone,  
9           or the state to the county treasurer of the county, the county treasurer of the host  
10          county, or to the state treasurer.
- 11          4. Unless it finds that there is no likelihood that the party is or will be able to pay  
12          attorney's fees and expenses, the court, in its order or judgment following a hearing  
13          under this chapter, shall order the parents or other persons legally obligated to care for  
14          and support the child, and the child if over the age of eighteen, to reimburse the  
15          presumed amount of indigent defense costs and expenses, as determined by the  
16          commission on legal counsel for indigents, and shall notify the party of the right to a  
17          hearing on the reimbursement amount. If the party or the state requests a hearing  
18          within thirty days of receiving notice under this subsection, the court shall schedule a  
19          hearing at which the actual amount of attorney's fees and expenses must be shown. In  
20          determining the amount of reimbursement and method of payment, the court shall  
21          consider the financial resources of the party and the nature of the burden that  
22          reimbursement of costs and expenses will impose.
- 23          5. A party who is required to reimburse indigent defense costs and expenses and who is  
24          not willfully in default in that reimbursement may at any time petition the court to waive  
25          reimbursement of all or any portion of the attorney's fees and expenses. If the court is  
26          satisfied that reimbursement of the amount due will impose undue hardship on the  
27          party or the party's immediate family, the court may waive reimbursement of all or any  
28          portion of the amount due or modify the method of payment.

29          **SECTION 39. AMENDMENT.** Section 27-20-54 of the North Dakota Century Code is  
30          amended and reenacted as follows:

1       **27-20-54. Destruction of juvenile court records.**

2       1. Except as otherwise required under section 25-03.3-04, all juvenile court records must  
3       be retained and disposed of pursuant to rules and policies established by the North  
4       Dakota supreme court.

5       2. Upon the final destruction of a file or record, the proceeding must be treated as if it  
6       never occurred. The juvenile court shall notify each agency named in the file or record  
7       of the destruction. All index references, except those which may be made by the  
8       attorney general and the directors of the department of transportation, the department  
9       of human services, the department of corrections and rehabilitation, law enforcement  
10      agencies, and ~~county social service agencies~~human service zones, must be deleted.  
11      Each agency, except the attorney general and the directors of the department of  
12      transportation, the department of human services, the department of corrections and  
13      rehabilitation, law enforcement agencies, and ~~county social service agencies~~human  
14      service zones, upon notification of the destruction of a file or record, shall destroy all  
15      files, records, and references to the child's apprehension, detention, and referral to the  
16      juvenile court and any record of disposition made by the juvenile court. The attorney  
17      general, the department of human services, the department of corrections and  
18      rehabilitation, law enforcement agencies, and ~~county social service agencies~~human  
19      service zones may not keep a juvenile file or record longer than is required by the  
20      records retention policy of that official, department, or agency. Upon inquiry in any  
21      matter the child, the court, and representatives of agencies, except the attorney  
22      general and the directors of the department of transportation, the department of  
23      human services, the department of corrections and rehabilitation, law enforcement  
24      agencies, and ~~county social service agencies~~human service zones, shall properly  
25      reply that no record exists with respect to the child.

26      **SECTION 40. AMENDMENT.** Subsection 2 of section 27-21-12 of the North Dakota  
27      Century Code is amended and reenacted as follows:

28      2. Notwithstanding any other provisions of law relating to confidentiality, except for the  
29      confidentiality requirements of federal drug and alcohol treatment and rehabilitation  
30      laws, the division may disclose all or part of a juvenile's files and records, including  
31      juvenile court orders, medical, psychological, education, and treatment and counseling

1 records, to individuals employed by the following if the knowledge is reasonably  
2 necessary in the best interest of the juvenile and for the protection of others:

- 3 a. The district court or juvenile court.
- 4 b. A parent or legal guardian of the juvenile, the parent's or legal guardian's  
5 counsel, or the juvenile's counsel, when the juvenile court has committed the  
6 juvenile to the custody of the division of juvenile services, and the records are  
7 relevant to a proceeding under chapter 27-20 or to a placement hearing under  
8 section 27-21-02.1, or when disclosure is necessary for the juvenile's treatment  
9 and rehabilitation plan. If the juvenile court determines that it is against the best  
10 interests of the juvenile to disclose records to a parent or legal guardian, the  
11 juvenile court may issue an order prohibiting disclosure and describing the  
12 records that may not be disclosed.
- 13 c. An employee or agent of any division of the department of corrections and  
14 rehabilitation when necessary to carry out the duties of the department.
- 15 d. The department of human services or a ~~county social~~ human service agency ~~zone~~.
- 16 e. A licensed hospital or medical facility, a public or private treatment facility, or a  
17 residential care or treatment facility, when necessary for the evaluation,  
18 treatment, or care of a juvenile in the custody of the division of juvenile services.
- 19 f. A law enforcement agency when the division has reasonable grounds to believe  
20 the juvenile has committed a delinquent act or has threatened to commit a  
21 delinquent act involving serious bodily injury, or when the juvenile is required to  
22 register, or is registered, under section 12.1-32-15.
- 23 g. A school district or multidistrict special education program in which the juvenile is  
24 enrolled.
- 25 h. The office of the attorney general.
- 26 i. The risk management division of the office of management and budget and  
27 investigators, consultants, or experts retained by the state for the purpose of  
28 investigating and defending claims under chapter 32-12.2.

29 **SECTION 41. AMENDMENT.** Section 30-16-04 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **30-16-04. Descent and distribution of real property subject to homestead estate.**

2           The real property subjected to the homestead estate descends, subject to the full  
3 satisfaction of that estate, exempt from decedent's debts except claims in favor of the county for  
4 county general assistance, the department of human services for general assistance, and also  
5 for claims of the state of North Dakota for repayment of old-age assistance and aid to the  
6 permanently and totally disabled and as otherwise provided in section 47-18-04, and must be  
7 distributed in the manner in which real property not subjected to a homestead estate is  
8 distributed or as directed in the decedent's will. The real property constituting the homestead of  
9 a decedent, or any part thereof, may not descend or be distributed to any person other than the  
10 surviving spouse and decedent's heirs in the direct descending line as prescribed in title 30.1  
11 until all the decedent's debts are fully paid.

12           **SECTION 42. AMENDMENT.** Subsection 1 of section 30.1-26-01 of the North Dakota  
13 Century Code is amended and reenacted as follows:

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

22           **SECTION 43. AMENDMENT.** Subsection 3 of section 30.1-28-11 of the North Dakota  
23 Century Code is amended and reenacted as follows:

24           3. Except as provided in subsection 2, persons who are not disqualified have priority for  
25 appointment as guardian in the following order:  
26           a. A person nominated by the incapacitated person prior to being determined to be  
27 incapacitated, when nominated by means other than provided in subsection 2, if  
28 the incapacitated person is fourteen or more years of age and, in the opinion of  
29 the court, acted with or has sufficient mental capacity to make an intelligent  
30 choice.  
31           b. The spouse of the incapacitated person.



- 1 c. An adult child of the incapacitated person.
- 2 d. A parent of the incapacitated person, including a person nominated by will or
- 3 other writing signed by a deceased parent.
- 4 e. Any relative of the incapacitated person with whom the incapacitated person has
- 5 resided for more than six months prior to the filing of the petition.
- 6 f. Any relative or friend who has maintained significant contacts with the
- 7 incapacitated person or a designated person from a volunteer agency.
- 8 g. A nonprofit corporation established to provide guardianship services; provided,
- 9 that the corporation does not provide direct care to incapacitated persons. The
- 10 corporation shall file with the court the name of an employee, volunteer, or other
- 11 person from the corporation who is directly responsible for the guardianship of
- 12 each incapacitated person, and shall notify the court in the event the person for
- 13 any reason ceases to so act, or if a successor is named.
- 14 h. Any appropriate government agency, including ~~county social~~ human service
- 15 ~~agencies~~ zones, except as limited by subsection 1.
- 16 i. A person nominated by the person who is caring for or paying benefits to the
- 17 incapacitated person.

18 **SECTION 44. AMENDMENT.** Subdivision h of subsection 1 of section 40-01.1-04 of the  
19 North Dakota Century Code is amended and reenacted as follows:

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

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

3       **50-01-01. ~~County~~Human service zone obligated to support poor - Eligibility for**  
4 **assistance –~~Transfer of property as security for assistance.~~**

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

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

1           f. ~~Real or personal property on which the taking of security may be prohibited~~  
2           ~~through legislation enacted by the Congress of the United States.~~

3           **SECTION 46. AMENDMENT.** Section 50-01-01.1 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **50-01-01.1. Determination of eligibility - Notice - Appeal.**

6           The ~~human service zone~~ director of the ~~county social service board~~, or an individual  
7 ~~designated by the county social service board, or the director's designee~~ is responsible for  
8 determining, within a reasonable period of time, an applicant's eligibility for county general  
9 assistance under this chapter. The applicant must be provided written notice of the  
10 determination. The notice must include the reasons for the determination, as well as an  
11 explanation of the applicant's right to a timely appeal of the determination to the ~~county social~~  
12 ~~service board~~human service zone board if aggrieved by the decision. Decisions of the ~~county~~  
13 ~~social service board~~human service zone board regarding appeals taken pursuant to this section  
14 are subject to judicial review in the manner prescribed by chapter 28-32.

15           **SECTION 47. AMENDMENT.** Section 50-01-02 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17           **50-01-02. ~~County general~~General assistance jurisdiction.**

18           The ~~county social~~human service board of each county zone, through the human service  
19 zone director, or the director's designee, has exclusive jurisdiction and control of the  
20 administration of ~~county~~ general assistance within the ~~county~~human service zone, except as  
21 otherwise provided in this title.

22           **SECTION 48. AMENDMENT.** Section 50-01-04 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24           **50-01-04. Records to be kept.**

25           Every person who administers ~~county~~ general assistance shall maintain reasonable  
26 records.

27           **SECTION 49. AMENDMENT.** Section 50-01-13 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29           **50-01-13. Medical attention and hospitalization furnished to poor.**

30           Within the limits of the ~~county~~ ~~human service~~service zone appropriation, the ~~county~~  
31 ~~social~~human service boardzone promptly shall provide necessary medical services, covered in

1 the written eligibility standards for general assistance, for any poor person in the ~~county~~human  
2 service zone who is not provided for in a public institution. The ~~county social~~human service  
3 ~~board~~zone shall cause to be furnished to the person the necessary covered medicines  
4 prescribed by a physician. Necessary covered hospitalization must be furnished by the  
5 ~~county~~human service zone upon approval or subsequent ratification by the ~~board~~human service  
6 zone director or the director's designee. If the poor person is a nonresident of the state, the  
7 ~~county~~human service zone furnishing the medical services must be reimbursed within the limits  
8 of funds appropriated for that purpose by the legislative assembly for eighty percent of the  
9 expenses incurred in carrying out this section. The reimbursement must be made upon  
10 vouchers having the approval of the department of human services.

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

13 **50-01-17. Person required to work.**

14 If a person applying for ~~county~~ general assistance is able to work, or if any member of that  
15 person's family is able to work, the ~~county social~~human service ~~board of the county~~zone in  
16 which the person is a resident may insist that those able to work seek employment and the  
17 ~~board~~human service zone director or the director's designee may refuse to furnish any  
18 assistance until it is satisfied that the person claiming assistance is endeavoring to find work.  
19 The ~~board~~human service zone may attempt to secure, for a person claiming ~~county~~ general  
20 assistance, who is able to work, employment in the county where the person resides and may  
21 call upon residents of the county to aid the ~~board~~human service zone in finding work for that  
22 person.

23 **SECTION 51. AMENDMENT.** Section 50-01-17.1 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **50-01-17.1. Work requirement conditions.**

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

30 1. To register with job service North Dakota.

1           2. To participate in work incentive programs in accordance with the guidelines  
2           established for public assistance programs.

3           3. To accept work which is available through community work experience programs.

4           **SECTION 52. AMENDMENT.** Section 50-01-17.2 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **50-01-17.2. Community work experience programs - Development.**

7           The ~~county social service board~~department of human services may develop community  
8 work experience programs through agreements with any public entity, nonprofit agency or  
9 organization, or in conjunction with, or through utilization of, applicable federal programs. The  
10 number of hours to be worked may be determined by dividing the amount of the assistance  
11 payment by the prevailing minimum wage.

12           **SECTION 53. AMENDMENT.** Section 50-01-17.3 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **50-01-17.3. Community work experience program requirements.**

15           Any community work experience program established pursuant to this chapter must  
16 provide:

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

26           **SECTION 54. AMENDMENT.** Section 50-01-17.5 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **50-01-17.5. Refusal to comply with work requirements - Denial of relief.**

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

1       **SECTION 55. AMENDMENT.** Section 50-01-19 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-01-19. Duty of relative to aid - Right of recovery by county and department.**

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

9       **SECTION 56. AMENDMENT.** Section 50-01-21 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **50-01-21. County has and department have preferred claim against estate of recipient**  
12 **of county general assistance or general assistance.**

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

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

20       **50-01-26. ~~County~~Human service zone of residence for county general assistance**  
21 **purposes.**

22       A person who has residence in this state, for ~~county~~ general assistance purposes, is a  
23 resident of the ~~county~~human service zone in which the person is living on other than a  
24 temporary basis. If a person is living in a ~~county~~human service zone on a temporary basis, the  
25 person is a resident of the ~~county~~human service zone in which the person most recently lived  
26 other than on a temporary basis.

27       **SECTION 58. AMENDMENT.** Section 50-01-27 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29       **50-01-27. State of residence for county general assistance purposes.**

30       A person who is a resident of this state for purposes of chapter 50-24.5 is a resident of this  
31 state for county general assistance purposes. If a person moves from this state for other than a

1 temporary purpose, the person's residency in this state for county general assistance purposes  
2 is lost. Residency in this state is presumed lost if:

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

7 **SECTION 59. AMENDMENT.** Section 50-01-28 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **50-01-28. Change of residence to another ~~county~~human service zone.**

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

14 **SECTION 60. AMENDMENT.** Section 50-01-29 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **50-01-29. Persons with uncertain residence.**

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

20 **SECTION 61. AMENDMENT.** Section 50-01.1-01 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **50-01.1-01. Definitions.**

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

- 24 1. ~~"County agency" means the county social service board.~~
- 25 2. ~~"State department~~Department" means the department of human services.
- 26 2. "Host county" means the county within the human service zone in which the human  
27 service zone administrative office is located and in which the human service zone  
28 team members are employed.
- 29 3. "Human service zone" means a county or consolidated group of counties  
30 administering human services within a designated area in accordance with an  
31 agreement or plan approved by the department.

- 1       4. "Human service zone director" means a human service zone team member who  
2       oversees the human service zone's operation and budget and serves as presiding  
3       officer of the human service zone board.
- 4       5. "Human service zone team member" means a county employee who is responsible for  
5       administering or delivering human services under the direction of the human service  
6       zone director.
- 7       6. "Human services" means:
- 8       a. A service or assistance provided to an individual or an individual's family in need  
9       of services or assistance, including child welfare services, locally administered  
10      economic assistance programs, medical service programs, and aging service  
11      programs, to assist the individual or the individual's family in achieving and  
12      maintaining basic self-sufficiency, including physical health, mental health,  
13      education, welfare, food and nutrition, and housing.
- 14      b. A service or assistance provided, administered, or supervised by the department  
15      in accordance with chapter 50-06.
- 16      c. Licensing duties as administered or supervised by the department or delegated  
17      by the department to a human service zone.
- 18      7. "Indirect costs" means salaries, benefits, and operating costs incurred in providing  
19      those goods and services to support human services that are generally available for  
20      the common benefit of multiple county agencies. These costs include legal  
21      representation; facilities and related costs, such as utilities and maintenance;  
22      administrative support including payroll, accounting, banking, and coordination;  
23      information technology support and equipment; and miscellaneous goods and  
24      services, such as transportation, supplies, insurance coverage, phone, and mail  
25      services.
- 26      8. "Locally administered economic assistance programs" means those primary economic  
27      assistance programs that need to be accessible to all citizens of the state through a  
28      human service zone office and include:
- 29      a. Temporary assistance for needy families;
- 30      b. Employment and training programs;
- 31      c. Child care assistance programs;



- 1           d. Medical assistance, including early periodic screening, diagnosis, and treatment:
- 2           e. Supplemental nutrition assistance programs, including employment and training
- 3                 programs:
- 4           f. Refugee assistance programs:
- 5           g. Basic care services:
- 6           h. Energy assistance programs; and
- 7           i. Information and referral.

8           **SECTION 62. AMENDMENT.** Section 50-01.1-02 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **50-01.1-02. ~~Consolidation of county agencies into multicounty social~~Creation of**  
11 **human service districts~~zones~~.**

- 12           1. In order to provide optimum service, reduce program costs, and benefit recipients of  
13           social~~human~~ services within this state, ~~any two or more counties, by agreement~~  
14           ~~entered into through action of their boards of county commissioners, may shall~~  
15           combine and consolidate their county agencies into a ~~multicounty social~~human service  
16           ~~district~~zones in the manner provided in this chapter. ~~Multicounty social~~
- 17           2. Human service districts~~zones~~ succeed to all the powers and duties enumerated for  
18           county agencies and shall perform all the functions and responsibilities assigned to  
19           county agencies by this title. When consistent with this chapter, all provisions relating  
20           to county agencies contained in this title apply to and govern ~~multicounty social~~human  
21           service districts. ~~The~~zones.
- 22           3. Counties shall identify other counties with which to enter a human service zone  
23           agreement, and together the board of county commissioners of any county desiring to  
24           ~~become a member of a multicounty social service district shall file with the state~~  
25           ~~department a written request for membership~~agreement to create a human service  
26           zone, ~~together with a plan for the creation of such a district, if such a district does not~~  
27           ~~already exist~~no later than December 1, 2019. The agreement must identify the  
28           proposed counties of the human service zone, host county, and identify the human  
29           service zone board members. The department shall review and approve all  
30           agreements in accordance with section 50-01.1-03. The department may modify the  
31           agreements as specified in section 50-01.1-03 or if some of the counties are not

1 included in a human service zone. If counties do not submit an agreement, the  
2 department shall create the human service zone. The board of county commissioners  
3 shall submit a plan must be prepared as prescribed in section 50-01.1-04 by June 1,  
4 2020. The department shall approve the plan in accordance with section 50-01.1-04  
5 by January 1, 2021. The board of county commissioners shall provide quarterly  
6 updates as requested by the department to the department after the agreement is  
7 approved until the plan is submitted as requested.

8 4. The request agreement and proposed plan must be approved or disapproved by the  
9 state department in accordance with section 50-01.1-03. In permitting the creation of  
10 such a district, the state department shall, to as great a degree as possible, allow the  
11 consolidation of county agencies in such a manner as will conform with the existing  
12 pattern of the trade area and with any regional pattern established by the executive  
13 department of this state.

14 5. A county with a population exceeding sixty thousand individuals according to the 2010  
15 United States census may submit an agreement and proposed plan to operate as a  
16 single human service zone or to consolidate with other counties into a human service  
17 zone.

18 6. Counties shall consider leveraging existing cooperative agreements between county  
19 agencies and shall consider how to collaborate to best meet local need, promote  
20 efficiency, service delivery, and ensure quality service.

21 7. Counties' plan must allow nonresidents of the participating counties of a human  
22 service zone to access human services.

23 8. Counties' plan must continue to provide funding for indirect costs associated with the  
24 service delivery of human services pursuant to chapter 50-35.

25 9. Counties' plan must set forth that the human service zone director may hire and  
26 impose disciplinary actions on a human service zone team member. The counties'  
27 plan must specify any role transitions for human service zone team members as well  
28 as the procedures for team member grievances, appeals, and disciplinary actions. The  
29 counties' plan must also permit the department authority to reduce full-time equivalent  
30 positions in combination with a transfer of the positions. The component of the plan  
31 developed under this subsection must be consistent with merit system requirements.

- 1 chapter 54-44.3 and corresponding rules, and the template developed by the  
2 department for the human service zone plans under section 50-06-01.4.  
3 10. The counties' plan must specify that reductions in access points may only be made  
4 with agreement of the human service zone board, the county commissions of affected  
5 counties, and the department.  
6 11. The counties' plan must include information regarding the human service zone's  
7 liability coverage for the human service zone board, human service zone director,  
8 human service zone team members, human service zone property, and any unique  
9 contractual relationships with the state, other human service zones, or other entities.  
10 12. Counties' plan must include a statement of agreement between the human service  
11 zone and the department allowing for review of proposed transfers of staff from the  
12 human service zone to the department, from the department to the human service  
13 zone, or among other human service zones. Approval by human service zone board or  
14 the county commissions is not required.  
15 13. Counties' plan must include a description of all unique locally-provided programs and  
16 services that the counties are proposing to continue to provide within the human  
17 service zone and to be funded under this plan.  
18 14. Counties' agreement and plan must set forth the membership of the human service  
19 zone board of a human service zone. The human service zone board may not consist  
20 of more than fifteen members, as determined by the boards of county commissioners.

21 **SECTION 63. 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           January 1, 2020, and may be modified thereafter.

3           **SECTION 64. 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 65. 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 approved by the department. The board of county  
29 commissioners may make recommendations to the human service zone director and  
30 the 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 or the department, or both must be periodically deposited  
14 with the treasurer of the host county in which the ~~district~~ human service zone office is  
15 located, ~~as requested by the treasurer,~~ and must be placed in a special ~~multicounty-~~  
16 ~~social~~ human service district zone human services fund. The human service zone's  
17 income must be deposited into the human service zone human services fund by the  
18 treasurer of the host county. The ~~governing~~ human service zone board, ~~or its president~~  
19 ~~and secretary when authorized by the governing board,~~ shall ~~audit~~ establish  
20 procedures for the review and approval of all claims against the human service zone  
21 human services fund. The ~~governing board at its regularly scheduled meeting~~ human  
22 service zone director or designee shall approve or ratify all claims against the human  
23 service zone human services fund. The county treasurer ~~of the host county,~~ shall pay  
24 approved or ratified claims from the human service zone human services fund.  
25 Unexpended human service zone human services funds remaining at the end of a  
26 fiscal year may be carried over to the next fiscal year. The department may recalculate  
27 and adjust each human service zone's formula payment biannually based on pertinent  
28 factors, which include actual expenditures over the prior or current payment period,  
29 current costs, offered services, need, income, performance of duties directed or  
30 assigned and supervised by the department, and caseload.



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

23       **SECTION 66.** 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        12. Employ a human service zone director who shall serve as the presiding officer of the
- 24           human service zone board.
- 25        13. Collaborate with the department and other human service zones to ensure the
- 26           provision of quality, effective, and efficient human services to the citizens of North
- 27           Dakota.

28        **SECTION 67.** A new section to chapter 50-01.1 of the North Dakota Century Code is  
29 created and enacted as follows:

30        **Human service zone directors.**

31        Human service zone directors:

- 1       1. Must be employees of the human service zone and located within the human service  
2       zone, unless serving more than one human service zone.
- 3       2. Shall serve as the presiding officer of the human service zone board.
- 4       3. May serve one or more human service zones.
- 5       4. May hire, take disciplinary actions, and direct the work of a human service zone team  
6       member in accordance with the department's policies. The human service zone  
7       director has discretion to hire a human service zone team member, on behalf of the  
8       human service zone board, subject to the allotted number of approved and funded  
9       staff positions.
- 10      5. Shall notify the department and appropriate host county staff, as directed by the  
11      county commissioners, regarding the hiring, dismissal, demotion, suspension without  
12      pay, forced relocation within the human service zone, reduction-in-force, or reprisal of  
13      a human service zone team member.
- 14      6. May notify county commissioners, the human service zone board, or other appropriate  
15      county staff regarding transfers of staff between the county and the department.
- 16      7. Shall establish, in partnership with the department, equitable compensation for all  
17      human service zone team members within established appropriation.
- 18      8. Shall develop a budget for the human service zone in partnership with the department  
19      and other human service zone directors to ensure the administration of human  
20      services.
- 21      9. May serve as a designee of the department to supervise department employees  
22      assigned to or located within the human service zone.
- 23      10. Are the custodian designees of the executive director of the department for any child  
24      in the custody of the department.

25       **SECTION 68.** A new section to chapter 50-01.1 of the North Dakota Century Code is  
26       created and enacted as follows:

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

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

1       **SECTION 69.** A new section to chapter 50-01.1 of the North Dakota Century Code is  
2 created and enacted as follows:

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

- 4       1. The department shall adopt standards for administration for human services and shall  
5 provide training for the implementation of those standards. Each human service zone  
6 shall provide for administration of human services that meet those standards.
- 7       2. The department shall develop a system of progressive discipline to address  
8 performance issues within the human service zone. The system shall reserve the most  
9 serious actions for severe or chronic failure to meet the standards adopted under  
10 subsection 1.
- 11       3. The department shall provide ongoing performance notifications to the human service  
12 zone board and human service zone director related to the overall compliance with the  
13 standards of administration.
- 14       4. If a human service zone fails to provide for administration of human services that meet  
15 the standards adopted under subsection 1, the department may take any of the  
16 following actions:
- 17           a. Provide training to the persons responsible for administration.
- 18           b. Require the human service zone to prepare and implement a corrective action  
19 plan.
- 20           c. Terminate or modify a human service zone or plan.
- 21           d. Recalculate and adjust the human service zone's formula payments.
- 22           e. Recommend disciplinary action to the human service zone director or the human  
23 service zone board.

24       **SECTION 70.** A new section to chapter 50-01.1 of the North Dakota Century Code is  
25 created and enacted as follows:

26       **Human service zone director hiring.**

27       The department must be an active participant in the hiring process of the human service  
28 zone director and shall designate at least two individuals to participate on the interview panel.

29       **SECTION 71. AMENDMENT.** Section 50-01.2-00.1 of the North Dakota Century Code is  
30 amended and reenacted as follows:

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

2       In this chapter, unless the context otherwise requires:

3       1. "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       2. "Host county" means the county within the human service zone in which the human  
27       service zone administrative office is located and in which the human service zone  
28       team members are employed.

29       **SECTION 72. AMENDMENT.** Section 50-01.2-01 of the North Dakota Century Code is  
30       amended and reenacted as follows:

1           **50-01.2-01. ~~County social~~Human service zone board - Members - Qualifications.**

2           ~~Each board of county commissioners shall establish a county social service board~~  
3 ~~consisting of five, seven, or nine members of which one or more must be members of the board~~  
4 ~~of county commissioners. The board of county commissioners of each county within the human~~  
5 ~~service zone shall appoint the appointed members of the county socialhuman service zone~~  
6 ~~board based upon fitness to serve as members by reason of character, experience, and training~~  
7 ~~without regard to political affiliation. The board must include members of each~~Appointed  
8 members of the human service zone board must consist of local elected officials, state elected  
9 officials, and other key community partners. Each sex, race, and ethnicity must be fairly  
10 represented on the human service zone board based on the zone's demographics, and each  
11 county must be represented on the human service zone board by at least one county  
12 commissioner of that county. Appointed members shall elect a vice presiding officer and appoint  
13 a secretary, and other officers as the human service zone board determines necessary. The  
14 human service zone director shall serve as presiding officer of the human service zone board as  
15 a nonappointed member.

16           **SECTION 73. AMENDMENT.** Section 50-01.2-02 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18           **50-01.2-02. ~~Members of county social~~human service zone board - Term of office -**  
19 **Oath - Compensation.**

20           The appointed members of the ~~county social~~human service zone board serve a term of  
21 three years or until their successors have duly qualified. ~~Terms of office must be arranged so~~  
22 ~~the term of office of one member expires in one year, the term of one-half the remaining~~  
23 ~~members the next year, and the term of the remaining members the third year~~The members  
24 appointed to the initial human service zone board of a human service zone, however, must be  
25 appointed to staggered terms determined according to the plan approved pursuant to section  
26 50-01.1-03. Each appointed member of the human service zone board qualifiesshall qualify by  
27 taking the oath provided for civil officers. The oath must be filed with the county auditor of the  
28 county of residency. The appointing authorityhuman service zone shall establish the rate of  
29 compensation forcompensate appointed members of the human service zone board membersat  
30 a rate established by the host county commission, upon consultation with the other county  
31 commissions in the human service zone, consistent with the rate of compensation for members

1 of other appointed boards within the member counties and not to exceed the compensation and  
2 expense reimbursement of members of the legislative assembly. The human service zone shall  
3 also pay members for mileage and actual expenses incurred by board members may be  
4 reimbursed at the official reimbursement rates of the appointing authority in attending meetings  
5 and in other performance of official duties of the members in the amounts provided by law for  
6 other state officers.

7 **SECTION 74. AMENDMENT.** Section 50-01.2-03 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **50-01.2-03. Duties of ~~county social~~ human service zone board.**

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

- 11 1. ~~Supervise and direct all human service activities conducted by the county including~~  
12 ~~county general assistance or other public assistance~~ Provide information to the  
13 department relative to the community needs of the human service zone residents and  
14 advocate to meet those needs.
- 15 2. ~~Supervise and administer, under the direction and supervision of the department of~~  
16 ~~human services, human services in the county which are financed in whole or in part~~  
17 ~~with funds allocated or distributed by the department of human services~~ Review  
18 services and programs provided by the human service zone and make periodic  
19 recommendations for improvement in services, programs, or facilities.
- 20 3. Aid and assist in every reasonable way to efficiently coordinate and conduct human  
21 service activities within the ~~county~~ human service zone by private as well as public  
22 organizations.
- 23 4. ~~Subject to subsection 16 of section 50-06-05.1, administer the supplemental nutrition~~  
24 ~~assistance program in the county under the direction and supervision of the~~  
25 ~~department of human services in conformity with the Food Stamp Act of 1964, as~~  
26 ~~amended, and enter into an agreement for administering the supplemental nutrition~~  
27 ~~assistance program with the department of human services~~ Establish procedures for  
28 the review and approval of all claims against the human service zone human services  
29 fund.
- 30 5. ~~Subject to subsection 18 of section 50-06-05.1, administer the home energy~~  
31 ~~assistance program in the county under the direction and supervision of the~~

- 1 department of human services and to enter into an agreement for administering the  
2 home energy assistance program with the department of human services.
- 3 6. ~~Charge and collect fees and expenses for services provided by its staff in accordance~~  
4 ~~with policies and fee schedules adopted by the department of human services.~~
- 5 7. ~~Supervise and administer designated child welfare services under the direction and~~  
6 ~~supervision of the department of human services. Through established procedures the~~  
7 ~~department of human services may release the county social service board of this duty~~  
8 ~~or the county social service board may request to be released from this duty by the~~  
9 ~~department of human services. If a county is released from the county's duty to~~  
10 ~~supervise and administer designated child welfare services under this subsection, the~~  
11 ~~county retains its financial responsibility for providing those services unless otherwise~~  
12 ~~negotiated and approved by the department.~~
- 13 5. Hire, supervise, and take other personnel actions related to the human service zone  
14 director with direct consultation and involvement from the department. Employment  
15 must be consistent with the provisions of any law, rule, order, or regulation of the  
16 United States or any federal agency or authority requiring civil service or merit  
17 standards or classifications as a condition for providing funds administered by the  
18 department. A human service zone director must be hired by April 1, 2020.
- 19 6. Hear and act on employee grievances in accordance with the human service zone  
20 plan and in compliance with merit system requirements.

21 **SECTION 75. AMENDMENT.** Section 50-01.2-03.2 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **50-01.2-03.2. County duties. (Effective through July 31, 2019)**

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

- 26 1. Locally administered economic assistance and social service programs;  
27 2. Replacement programs with substantially similar goals, benefits, or objectives; and  
28 3. When necessary, experimental, pilot, or transitional programs with substantially similar  
29 goals, benefits, or objectives.

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



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

- 3       ~~a.1.~~ Locally administered economic assistance and social and human services programs;  
4       ~~b.2.~~ Replacement programs with substantially similar goals, benefits, or objectives; and  
5       ~~e.3.~~ When necessary, experimental, pilot, or transitional programs with substantially similar  
6 goals, benefits, or objectives.

7       2. ~~From the abstract of tax list prepared pursuant to section 57-20-04, each county shall~~  
8 ~~annually provide the department of human services a report of the total mills levied for~~  
9 ~~human service purposes pursuant to sections 50-03-01, 50-03-06, and 50-06.2-05,~~  
10 ~~and the countywide value of a mill in each county. Upon receipt of reports from all~~  
11 ~~counties, the department shall determine the statewide average of the mill levies and~~  
12 ~~identify each county that levied ten mills more than that average. Each identified~~  
13 ~~county is entitled to a share of funds appropriated for distribution under this~~  
14 ~~subsection. Each identified county's share is determined by:~~

- 15       a. ~~Reducing its mill levy necessary to meet the costs of providing human services~~  
16 ~~required under this title by the statewide average mill levy determined under this~~  
17 ~~subsection plus ten mills;~~  
18       b. ~~Determining the amount that could have been raised in that county and year~~  
19 ~~through a mill levy in the amount calculated under subdivision a;~~  
20       c. ~~Totaling the amounts determined under subdivision b for all counties entitled to a~~  
21 ~~distribution;~~  
22       d. ~~Calculating a decimal fraction equal to each identified county's proportionate~~  
23 ~~share of the total determined under subdivision c; and~~  
24       e. ~~Multiplying that decimal fraction times one-half of the biennial appropriation.~~

25       3. ~~Notwithstanding any other provisions of law, the department shall reimburse county~~  
26 ~~social service boards for expenses of locally administered economic assistance~~  
27 ~~programs in counties in which the percentage of that county's average total~~  
28 ~~supplemental nutrition assistance program caseload for the previous fiscal year which~~  
29 ~~reside on federally recognized Indian reservation lands is ten percent or more. The~~  
30 ~~reimbursement must be such that:~~

- 1           a. ~~An affected county's actual direct costs and indirect costs allocated based on a~~  
2           ~~percentage of each county's direct economic assistance and social services~~  
3           ~~costs for locally administered economic assistance programs will be reimbursed~~  
4           ~~at the percentage of that county's average total supplemental nutrition assistance~~  
5           ~~program caseload for the previous state fiscal year which reside on federally~~  
6           ~~recognized Indian reservation land not to exceed ninety percent;~~
- 7           b. ~~The affected counties will receive quarterly payments based on the actual county~~  
8           ~~direct and indirect costs, as provided in subdivision a, for the previous state fiscal~~  
9           ~~year;~~
- 10          c. ~~At the end of each fiscal year the actual quarterly payments paid must be~~  
11          ~~reconciled to the current year of calculation of actual direct and indirect costs as~~  
12          ~~provided in subdivision a and supplemental nutrition assistance program~~  
13          ~~easeload and counties must be compensated accordingly in the first quarter of~~  
14          ~~the new fiscal year; and~~
- 15          d. ~~The reimbursement will be calculated for each county and reported to the county~~  
16          ~~social service board prior to September first.~~

17           **SECTION 76. AMENDMENT.** Section 50-01.2-04 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19           **50-01.2-04. Removal of members of the human service zone board.**

20           The appointing board of county commissioners may adopt a resolution to remove aan  
21 appointed member of the county social human service zone board without cause. The board of  
22 county commissioners may not remove the human service zone director as presiding officer of  
23 the human service zone board.

24           **SECTION 77. AMENDMENT.** Section 50-01.2-05 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26           **50-01.2-05. Actions and proceedings - Duty of state's attorney.**

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

1       **SECTION 78. AMENDMENT.** Subsection 4 of section 50-06-01 of the North Dakota  
2 Century Code is amended and reenacted as follows:

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

14       **SECTION 79. AMENDMENT.** Section 50-06-01.4 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16       **50-06-01.4. Structure of the department.**

- 17       1. The department includes the state hospital, the regional human service centers, a  
18       vocational rehabilitation unit, and other units or offices and administrative and fiscal  
19       support services as the executive director determines necessary. The department  
20       must be structured to promote efficient and effective operations and, consistent with  
21       fulfilling its prescribed statutory duties, shall act as the official agency of the state in  
22       the discharge of the following functions not otherwise by law made the responsibility of  
23       another state agency:
- 24           a. Administration of programs for children and families, including adoption services  
25           and the licensure of child-placing agencies, foster care services and the licensure  
26           of foster care arrangements, child protection services, children's trust fund, ~~state-~~  
27           ~~youth authority,~~ licensure of early childhood programs, ~~services to unmarried-~~  
28           ~~parents,~~ refugee services, in-home community-based services, quality control,  
29           and administration of the interstate compacts on the placement of children and  
30           juveniles.

- 1           b. Administration of programs for individuals with developmental disabilities,  
2           including licensure of facilities and services, and the design and implementation  
3           of a community-based service system for persons in need of habilitation.
- 4           c. Administration of aging service programs, including nutrition, transportation,  
5           advocacy, social, ombudsman, recreation, and related services funded under the  
6           Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and  
7           community-based services, licensure of adult foster care homes, and the  
8           committee on aging.
- 9           d. Administration of behavioral health programs, including:
- 10           (1) A policy division responsible for reviewing and identifying service needs and  
11           activities in the state's behavioral health system in an effort to ensure health  
12           and safety, access to services, and quality of services; establishing quality  
13           assurance standards for the licensure of substance use disorder program  
14           services and facilities; and providing policy leadership in partnership with  
15           public and private entities; and
- 16           (2) A service delivery division responsible for providing chronic disease  
17           management, regional intervention services, and twenty-four-hour crisis  
18           services for individuals with behavioral health disorders.
- 19           e. Administration of economic assistance programs, including temporary assistance  
20           for needy families, the supplemental nutrition assistance program, home energy  
21           assistance, ~~child support~~ child care assistance, refugee assistance, work experience,  
22           work incentive, and quality control.
- 23           f. Administration of medical service programs, including medical assistance for  
24           children's health insurance program, Medicaid waivers, early and periodic  
25           screening, diagnosis and treatment, utilization control, autism services, and  
26           claims processing.
- 27           g. Administration of general assistance.
- 28           h. Administration of child support.
- 29           2. The executive director shall consult with and maintain a close working relationship with  
30           the state department of health; with the department of corrections and rehabilitation  
31           and the superintendents of the school for the deaf and the North Dakota vision

1 services - school for the blind to develop programs for individuals with developmental  
2 disabilities; and with the superintendent of public instruction to maximize the use of  
3 resource persons in regional human service centers in the provision of special  
4 education services. The executive director shall also maintain a close liaison with  
5 ~~county social~~human service agencieszones.

6 3. By August 1, 2019, the department shall establish a template for the development of  
7 human service zone plans, including process and content requirements, access point  
8 expectations, client grievances procedures, human resources, and locally funded  
9 programs or services and how those services will be addressed.

10 4. The department shall develop, with assistance from the North Dakota association of  
11 counties, a process for consultation and technical assistance for human service zone  
12 working groups by August 1, 2019.

13 **SECTION 80. AMENDMENT.** Section 50-06-01.9 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **50-06-01.9. Criminal history record checks.**

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

- 18 1. Job applicants of the department and employees of the department upon hiring;
- 19 2. Job applicants of the ~~county social~~human service agencieszone and the department's  
20 and ~~county social~~human service agencies'zones' contractors and contractors'  
21 subcontractors that may have access to federal tax information received from the  
22 United States internal revenue service through a computer match and stored in the  
23 department's eligibility system;
- 24 3. A criminal history record check conducted under subsections 1 and 2 is valid for ten  
25 years, after which the department shall require another criminal history record check  
26 on employees of the department, ~~county social~~human service agencieszones, and the  
27 department's and ~~county social~~human service agencies'zones' contractors and  
28 contractors' subcontractors that may have access to federal tax information received  
29 from the United States internal revenue service through a computer match and stored  
30 in the department's eligibility system;

- 1       4.   Providers licensed by the department under chapter 50-12, as well as for any
- 2           employees of those providers;
- 3       5.   Providers holding, applicants for, and emergency designees and staff members of
- 4           providers holding and applicants for early childhood services licensure,
- 5           self-declaration, or in-home provider registration under chapter 50-11.1. The
- 6           department also may require criminal history record checks for household members of
- 7           a residence out of which early childhood services within the provider's home are
- 8           provided; and
- 9       6.   Medicaid services applicant providers, Medicaid services providers, staff members of
- 10           the applicant provider or provider, or an individual with a five percent or more direct or
- 11           indirect ownership interest in the applicant provider or provider under chapter 50-24.1.

12       **SECTION 81. AMENDMENT.** Section 50-06-05.1 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14       **50-06-05.1. Powers and duties of the department.**

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

- 18       1.   To act as the official agency of the state in any social welfare or human service activity
- 19           initiated by the federal government not otherwise by law made the responsibility of
- 20           another state agency.
- 21       2.   To administer, allocate, and distribute any state and federal funds that may be made
- 22           available for the purpose of providing financial assistance, care, and services to
- 23           eligible persons and families who do not have sufficient income or other resources to
- 24           provide a reasonable subsistence compatible with decency and health.
- 25       3.   To provide preventive, rehabilitative, and other human services to help families and
- 26           individuals to retain or attain capability for independence or self-care.
- 27       4.   To do needed research and study in the causes of social problems and to define
- 28           appropriate and effective techniques in providing preventive and rehabilitative
- 29           services.
- 30       5.   To provide for the study, and to promote the well-being, of deprived, unruly, and
- 31           delinquent children.

- 1           6.    To provide for the placing and supervision of children in need of substitute parental  
2           care, subject to the control of any court having jurisdiction and control of any such  
3           child.
- 4           7.    To recommend appropriate human services related legislation to the legislative  
5           assembly.
- 6           8.    To direct and supervise ~~county social~~human service ~~board~~zone activities ~~as may be~~  
7           ~~financed in whole or in part by or with funds allocated or distributed by the~~  
8           ~~department~~and administer a statewide program for state-funded human services,  
9           staffing, and administration costs related to the administration of human services.
- 10          9.    To secure, hold, and administer for the purpose for which it is established any property  
11          and any funds donated to it either by will or deed, or otherwise, or through court order  
12          or otherwise available to the department, and to administer those funds or property in  
13          accordance with the instructions in the instrument creating them or in accordance with  
14          the instructions in the court order or otherwise.
- 15          10. To formulate standards and make appropriate inspections and investigations in  
16          accordance with such standards in connection with all licensing activities delegated by  
17          law to the department, including early childhood programs, nonmedical adult care  
18          facilities and maternity homes, and persons or organizations receiving and placing  
19          children, and to require those facilities, persons, and organizations to submit reports  
20          and information as the department may determine necessary.
- 21          11. To permit the making of any surveys of human service needs and activities if  
22          determined to be necessary.
- 23          12. To issue subpoenas, administer oaths, and compel attendance of witnesses and  
24          production of documents or papers whenever necessary in making the investigations  
25          provided for herein or in the discharge of its other duties. A subpoena may not be  
26          issued to compel the production of documents or papers relating to any private  
27          child-caring or child-placing agency or maternity hospital or to compel the attendance  
28          as a witness of any officer or employee of those facilities except upon the order of a  
29          judge of the district court of the judicial district in which the facilities are located.
- 30          13. To provide insofar as staff resources permit appropriate human services, including  
31          social histories, social or social-psychological evaluations, individual, group, family,

1 and marital counseling, and related consultation, when referred by self, parent,  
2 guardian, ~~county social~~human service board~~zone~~, court, physician, or other individual  
3 or agency, and when application is made by self (if an adult or emancipated youth),  
4 parent, guardian, or agency having custody; also, on the same basis, to provide  
5 human services to children and adults in relation to their placement in or return from  
6 the life skills and transition center, state hospital, or North Dakota youth correctional  
7 center.

8 14. To provide insofar as staff resources permit social services, including  
9 social-psychological evaluations, predisposition reports, treatment, probation, and  
10 aftercare services when requested by the judge of a juvenile court.

11 15. To provide insofar as staff resources permit social services, including  
12 social-psychological evaluations, predisposition reports, treatment, and probation and  
13 parole services, when requested by the judge in a criminal case.

14 16. To act as the official agency of the state in the administration of the supplemental  
15 nutrition assistance program and to direct and supervise ~~county~~human service zone  
16 administration of that program. Provided, however, that the department with the  
17 consent of the budget section of the legislative management may terminate the  
18 program if the rate of federal financial participation in administrative costs provided  
19 under Public Law 93-347 is decreased or limited, or if the state or counties become  
20 financially responsible for all or a portion of the coupon bonus payments under the  
21 Food Stamp Act. The department may not deny assistance under the supplemental  
22 nutrition assistance program to any individual who has been convicted of a felony  
23 offense that has as an element the possession, use, or distribution of a controlled  
24 substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C.  
25 802(6)].

26 17. To administer, allocate, and distribute any funds made available for the making of  
27 direct cash assistance payments, housing assistance payments, and rental subsidies  
28 under any rental assistance programs initiated by the federal government not  
29 otherwise by law made the responsibility of another state agency possessing  
30 statewide jurisdiction.



- 1       18. To act as the official agency of the state in the administration of the home energy  
2       assistance program; to direct and supervise ~~county~~human service zone administration  
3       of that program; and to take such actions, give such directions, and adopt such rules,  
4       subject to review in the courts of this state, as may be necessary or desirable to carry  
5       out this subsection. For purposes of the administration of the energy assistance  
6       program, funds are obligated at the earlier of the time a written commitment is made to  
7       pay a vendor or contractor for services or supplies delivered or to be delivered, or at  
8       the time payment is made to a vendor or contractor for services or supplies delivered  
9       or to be delivered. The provisions of this subsection concerning obligation of funds  
10      apply to payments and commitments made on or after July 1, 1991. The department  
11      with the consent of the budget section of the legislative management may terminate  
12      the program if the rate of federal financial participation in administrative costs is  
13      decreased or limited to less than fifty percent of total administrative costs, or if the  
14      state or counties become financially responsible for all or a portion of the cost of  
15      energy assistance program benefits.
- 16      19. To administer, allocate, and distribute any funds made available for the payment of the  
17      cost of the special needs of any child under the age of twenty-one years, who is living  
18      in an adoptive home and would probably go without adoption except for acceptance by  
19      the adopted family, and whose adopted family does not have the economic ability and  
20      resources, as established by the department, to take care of the special needs of the  
21      child, including legal fees, maintenance costs, medical and dental expenses, travel  
22      costs, and other costs incidental to the care of the child.
- 23      20. To exercise and carry out any other powers and duties granted the department under  
24      state law.
- 25      21. To administer, allocate, and distribute any funds made available for the payment of  
26      transitional living services, to develop standards and conduct needs assessments  
27      regarding transitional living services, to develop or approve and to evaluate  
28      demonstration projects offering transitional living programs, to approve transitional  
29      living facilities for the purpose of providing foster care, and to apply for and administer  
30      federal and other funds that may be made available to undertake any of the activities  
31      described in this subsection. For purposes of this subsection:

- 1           a. "Transitional living facility" means a specific site, which is identified by a licensed  
2           child-placing agency or residential child care facility and which is approved by the  
3           department, for the provision of transitional living services.
- 4           b. "Transitional living program" means a program that provides transitional living  
5           services and may include an identified program operations location approved by  
6           the department.
- 7           c. "Transitional living services" may include housing, supervision, and supportive  
8           services intended and designed to assist persons who have received foster care  
9           services and who have reached age seventeen, but who have not reached age  
10          twenty-one, to achieve independence and self-sufficiency.
- 11        22. With the approval of the governor, to lease or transfer use of any part of the life skills  
12          and transition center facilities or properties, located in section thirteen, township one  
13          hundred fifty-seven north, range fifty-three west, located in Walsh County, North  
14          Dakota, to the federal government, or any public or private agency, organization, or  
15          business enterprise, or any worthy undertaking, under the following provisions:
- 16          a. The department determines that the facility or property is not needed to serve  
17          any present or reasonably foreseeable need of the life skills and transition center.
- 18          b. The transaction is exempt from the provisions of section 50-06-06.6.
- 19          c. The term of any lease may not exceed ninety-nine years.
- 20          d. All required legal documents, papers, and instruments in any transaction must be  
21          reviewed and approved as to form and legality by the attorney general.
- 22          e. Any funds realized by any transaction must be deposited in the state's general  
23          fund.
- 24        23. To act as a decedent's successor for purposes of collecting amounts due to the  
25          department or human service zone, unless otherwise directed or determined by the  
26          department. Any affidavit submitted by the department under section 30.1-23-01 must  
27          conform to the requirements of that section except that the affidavit may state that  
28          twenty days have elapsed since the death of the decedent.
- 29        24. To provide those services necessary for the department and for ~~county social~~human  
30          service ~~boards~~zones to comply with the provisions of any law, rule, order, or regulation  
31          of the United States or any federal agency or authority requiring civil service or merit

1 standards or classifications as a condition for providing funds administered by the  
2 department.

3 25. For purposes of administration of programs, and subject to legislative appropriation,  
4 funds are obligated at the time a written commitment is made to pay a vendor or  
5 contractor for services or supplies either delivered or to be delivered. This subsection  
6 applies to payments and commitments made on or after January 1, 1997.

7 26. ~~Notwithstanding section 50-01-2-00.1, to~~ To determine eligibility for medical assistance  
8 and children's health insurance program benefits when the department receives a joint  
9 application for these benefits.

10 27. To administer, allocate, and distribute any funds made available for kinship care  
11 services and payments and services in response to the federal Family First Prevention  
12 Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].

13 28. To contract with another human service zone or any other public or private person to  
14 discharge any of the department's duties or exercise any of the department's powers  
15 to administer human services.

16 **SECTION 82. AMENDMENT.** Subsection 3 of section 50-06-05.3 of the North Dakota  
17 Century Code is amended and reenacted as follows:

18 3. Each human service center must have a human services advisory group consisting of  
19 the ~~county social~~ human service zone directors of the region served, the public health  
20 directors of the region served, two current county commissioners appointed by the  
21 executive director of the department, and five additional members appointed by the  
22 executive director of the department. Each advisory group member must be a resident  
23 of the region the member is appointed to serve. The term of office for each appointed  
24 member is two years and arranged so that the term of three of the appointed members  
25 expires at the end of the first year and the term of the remaining four appointed  
26 members expires at the end of the second year, except for those first members  
27 appointed, three members shall serve a one-year term and four members shall serve  
28 a two-year term. The director shall select the appointed members of each human  
29 service advisory group on the basis of population of the counties in the region served  
30 by the human service center. Each county in the region must be represented by at  
31 least one member on the human service advisory group. To the extent possible,

1 appointed membership of the advisory group must reflect regional interests in the  
2 fields of developmental disabilities, social services, mental health, and substance use  
3 disorders. The executive director of the department shall appoint a chairman for each  
4 advisory group from the membership of the advisory group. The executive director of  
5 the department shall fill a vacancy occurring within an advisory group for other than  
6 the expiration of a term in the same manner as original appointments, except that  
7 appointments must be made only for the unexpired term. The department shall  
8 compensate appointed members of a human service advisory group at the rate of  
9 forty-five dollars per day, not to exceed twenty-five days in any one year. The  
10 department also shall pay members for mileage and actual expenses incurred in  
11 attending meetings and in the performance of their official duties in the amounts  
12 provided by law for other state officers.

13 **SECTION 83. AMENDMENT.** Section 50-06-05.8 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **50-06-05.8. Department to assume costs of economic assistance and social service**  
16 **programs. (Effective through December 31, 2019)**

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

21 **Department to assume certain costs of certain ~~social service programs~~ human**  
22 **services. (Effective after December 31, 2019)** ~~Notwithstanding section 50-06-2-05, or any~~  
23 ~~other provision in title 50 to the contrary, and in addition to the programs identified in section~~  
24 ~~50-06-20, the~~ The department of human services shall pay the local expenses of administration  
25 incurred by a county each human service zone's expenses for administering human services for  
26 calendar years after December 31, 2019, for family preservation programs; a county's share of  
27 ~~the cost of the electronic benefits transfers for the supplemental nutrition assistance program~~  
28 ~~incurred after December 31, 2019; and the computer processing costs incurred by the county~~  
29 ~~after December 31, 2019, which exceed the county's costs of operation of the technical~~  
30 ~~eligibility computer system in calendar year 1995 increased by the increase in the consumer~~  
31 ~~price index for all urban consumers (all items, United States city average) after January 1,~~

1 ~~1996~~based on the formula payment amount calculated for each human service zone under  
2 chapter 50-35. The executive director of the department shall authorize expenditures from the  
3 human service finance fund to reimburse the department for the department's costs of providing  
4 human services that historically have been provided by a county or human service zone, or for  
5 a new service or program based on federal or state law.

6 **SECTION 84. AMENDMENT.** Section 50-06-06.2 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **50-06-06.2. Clinic services - Provider qualification - Utilization of federal funds.**

9 Within the limits of legislative appropriation therefor and in accordance with rules  
10 established by the department, the department may defray the costs of preventive diagnostic,  
11 therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible  
12 individuals by regional human service centers or designated behavioral health providers. Within  
13 the limits of legislative appropriations and to the extent permitted by state and federal law and  
14 regulations established thereunder, it is the intent of the legislative assembly that federal funds  
15 available under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] be utilized to defray  
16 the costs of identifiable mental health clinic services furnished eligible individuals in regional  
17 human service centers and that federal funds available under title XX of the Social Security Act  
18 [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable ~~social~~human services  
19 furnished to eligible individuals by ~~county social~~human service ~~boards~~zones and regional  
20 human service centers.

21 **SECTION 85. AMENDMENT.** Section 50-06-06.5 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **50-06-06.5. Continuum of services for individuals with serious and persistent mental**  
24 **illness.**

25 1. The department ~~of human services~~ shall develop a plan for an integrated,  
26 multidisciplinary continuum of services for individuals with serious and persistent  
27 mental illness. The continuum may consist of an array of services provided by private  
28 mental health professionals, private agencies, ~~county social~~human service  
29 ~~agencies~~zones, human service centers, community-based residential care and  
30 treatment facilities, and private and public inpatient psychiatric hospitals. When

- 1 appropriate, access to the continuum must be through human service centers. Within  
2 the limits of legislative appropriations, the plan for a continuum may include:
- 3 a. Programs, and appropriate related facilities, to provide socialization skills.
  - 4 b. Programs, and appropriate related facilities, to provide basic living skills.
  - 5 c. Appropriate residential facilities and other housing options.
  - 6 d. Appropriate training, placement, and support to enhance potential for  
7 employment.
  - 8 e. Appropriate delivery and control of necessary medication.
  - 9 f. Appropriate economic assistance.
  - 10 g. An inpatient facility with appropriate programs to respond to persons who require  
11 hospitalization.
  - 12 h. Peer and recovery support.
  - 13 i. Crisis service that is available twenty-four hours a day seven days a week.
- 14 2. The continuum of care must provide that a person requiring treatment be submitted to  
15 the least restrictive available conditions necessary to achieve the purposes of  
16 treatment. The department shall ensure appropriate cooperation with ~~county-~~  
17 ~~social~~human service agencies~~zones~~ and private providers in achieving the continuum  
18 of care.

19 **SECTION 86. AMENDMENT.** Section 50-06-06.14 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **50-06-06.14. Placement of children - Least restrictive care.**

22 The department and ~~county-social~~human service ~~boards~~zones shall explore the option of  
23 kinship care ~~when~~if a child is unable to return home due to safety concerns. Absent kinship  
24 options, the department and ~~county-social~~human service ~~boards~~zones shall provide  
25 permanency options that are in the least restrictive care and near the family's home as required  
26 by the federal Adoption and Safe Family Act of 1997 [Pub. L. 105-89; 111 Stat. 2115; 42 U.S.C.  
27 671].

28 **SECTION 87. AMENDMENT.** Section 50-06-12 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **50-06-12. ~~County~~Human service zone bound by reciprocal agreements of department**  
2   **- Duty of state and ~~county~~human service zone when person determined not entitled to**  
3   **support.**

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

9           **SECTION 88. AMENDMENT.** Section 50-06-20 of the North Dakota Century Code is  
10   amended and reenacted as follows:

11           **50-06-20. Programs funded at state expense - Interpretation.**

- 12           1. The state shall bear the cost, in excess of the amount provided by the federal  
13           government, of:
- 14           a. As provided in section 50-24.1-14, medical assistance services provided under  
15           chapter 50-24.1;
  - 16           b. Energy assistance program benefits provided under subsection 18 of section  
17           50-06-05.1;
  - 18           c. Supplements provided under chapter 50-24.5 as basic care services;
  - 19           d. Services, programs, and costs listed in section 50-09-27;
  - 20           e. Welfare fraud detection programs; and
  - 21           f. Human services provided by the human service zones or the department;
  - 22           g. General assistance under chapter 50-01;
  - 23           h. Special projects approved by the department and agreed to by any affected  
24           ~~county-social~~human service boardzone.; and
  - 25           i. Programs and services unique to the human service zone which have been  
26           included in the approved human service zone plan.
- 27           2. The state shall bear the costs of amounts expended for service payments to the  
28           elderly and disabled and expanded service payments for elderly and disabled.
- 29           3. This section does not grant any recipient of services, benefits, or supplements  
30           identified in subsection 1, any service, benefit, or supplement that a recipient could not  
31           claim in the absence of this section.

1       **SECTION 89. AMENDMENT.** Section 50-06.2-01 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-06.2-01. Purpose - Interpretation.**

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

- 8       1. To help individuals or their families to achieve, maintain, or support the highest  
9       attainable level of personal independence and economic self-sufficiency.
- 10      2. To prevent, remedy, or alleviate neglect, abuse, or exploitation of children and adults  
11      unable to protect their own interests.
- 12      3. To provide a continuum of community-based services adequate to appropriately  
13      sustain individuals in their homes and in their communities and to delay or prevent  
14      institutional care.
- 15      4. To preserve, rehabilitate, and reunite families.
- 16      5. To assist in securing referral or admission of individuals to institutional care when other  
17      forms of care are not appropriate.

18      **SECTION 90. AMENDMENT.** Section 50-06.2-02 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20      **50-06.2-02. Definitions.**

21      As used in this chapter:

- 22      1. "Comprehensive human services" means services included in the comprehensive  
23      human services plan published by the state agency and human services required by  
24      state law or state agency regulation or federal law or regulation as a condition for the  
25      receipt of federal financial participation in programs administered under the provisions  
26      of this title.
- 27      2. ~~"County agency" means the county social service board in each county of the state.~~
- 28      3. ~~"County plan" means the county human services plan required by section 50-06.2-04.~~
- 29      4. "Family home care" means the provision of room, board, supervisory care, and  
30      personal services to an eligible elderly or disabled person by the spouse or by one of  
31      the following relatives, or the current or former spouse of one of the following relatives,



1 of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult  
2 grandchild, adult niece, or adult nephew. The family home care provider need not be  
3 present in the home on a twenty-four-hour basis if the welfare and safety of the client  
4 is maintained.

5 ~~5-3.~~ "Human service center" means a regional center established under section  
6 50-06-05.3.

7 4. "Human service zone" means a county or consolidated group of counties  
8 administering human services within a designated area in accordance with an  
9 agreement or plan approved by the state agency.

10 5. "Human service zone plan" means the human service zone plan required by section  
11 50-06.2-04.

12 6. "Human services" means:

13 a. A service or assistance provided to an individual or an individual's family in need  
14 of services or assistance, including child welfare services, economic assistance  
15 programs, medical service programs, and aging service programs, to assist the  
16 individual or the individual's family in achieving and maintaining basic  
17 self-sufficiency, including physical health, mental health, education, welfare, food  
18 and nutrition, and housing.

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

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

23 ~~6-7.~~ "Qualified service provider" means a county agency human service zone or  
24 independent contractor which agrees to meet standards for service and operations  
25 established by the state agency.

26 ~~7-8.~~ "State agency" means the department of human services.

27 **SECTION 91. AMENDMENT.** Section 50-06.2-03 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29 **50-06.2-03. Powers and duties of the state agency.**

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

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

- 1 f. Family home care;
  - 2 g. Personal attendant care;
  - 3 h. Adult family foster care; and
  - 4 i. Such other services as the state agency determines to be essential and
  - 5 appropriate to sustain individuals in their homes and in their communities and to
  - 6 delay or prevent institutional care.
- 7 6. To take actions, give directions, and adopt rules as necessary to carry out the
- 8 provisions of this chapter.

9 For purposes of this chapter, resources do not include the individual's primary home and the

10 first fifty thousand dollars of liquid assets.

11 **SECTION 92. AMENDMENT.** Section 50-06.2-04 of the North Dakota Century Code is

12 amended and reenacted as follows:

13 **50-06.2-04. Powers and duties of county agencies. (Effective through December 31,**

14 **2019)**

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

- 16 1. To administer comprehensive human services programs for individuals and families at
- 17 the county level in conformity with state and federal requirements under the direction
- 18 and supervision of the state agency.
- 19 2. To publish and provide to the state agency a county human services plan which must
- 20 include the following:
  - 21 a. A statement of the goals of county human services programs in the county.
  - 22 b. Methods used to identify persons in need of services and the social problems to
  - 23 be addressed by the county human services programs.
  - 24 c. A description of each county human service proposed and identification of the
  - 25 agency or person proposed to provide the service.
  - 26 d. The amount of money proposed to be allocated to each service.
  - 27 e. An agreement to make available those human services required by state law and
  - 28 by federal law or regulation as a condition for the receipt of federal financial
  - 29 participation in programs administered by county agencies under the provisions
  - 30 of this title.

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

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

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

18           **Powers and duties of county agency human service zones.** (Effective after  
19 **December 31, 2019**) Each ~~county agency~~ human service zone has the following powers and  
20 duties under this chapter:

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

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

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

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

25          4. To submit annually to the board of county commissioners a budget, approved by the  
26          state agency, containing an estimate and supporting data, setting forth the ~~county~~  
27          funds needed to carry out the provisions of this chapter.

28          **SECTION 93. AMENDMENT.** Section 50-06.2-06 of the North Dakota Century Code is  
29          amended and reenacted as follows:

1           **50-06.2-06. Freedom of choice.**

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

9           **SECTION 94. AMENDMENT.** Section 50-09-01 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **50-09-01. Definitions.**

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

- 13           1. "Account" means a demand deposit account, checking or negotiable withdrawal order  
14           account, share account, share draft account, savings account, time deposit account,  
15           securities account, money market mutual fund account, or any other account or  
16           arrangement that reflects an owner's share or similar equity interest issued by an  
17           entity that is registered as an investment company under the federal investment  
18           company laws, to the extent the owner is permitted to redeem the share or interest by  
19           an order for payment to a third party.
- 20           2. "Assistance" means money payments with respect to, or goods and services provided  
21           for dependent children, including payments for the care of unmarried mothers or  
22           fathers and their infants.
- 23           3. "Child support" has the meaning provided in section 14-09-09.10.
- 24           4. "~~County agency~~" means ~~the county social service board in each of the counties of the~~  
25           ~~state.~~
- 26           5. "Dependent child" means any needy child who is described in a state plan for aid and  
27           services to needy families submitted pursuant to title IV-A.
- 28           6-5. "Financial institution" means:  
29           a. A depository institution, as defined in section 3(c) of the Federal Deposit  
30           Insurance Act [12 U.S.C. 1813(c)];

- 1           b. An institution-affiliated party, as defined in section 3(u) of the Federal Deposit  
2           Insurance Act [12 U.S.C. 1813(u)];
- 3           c. Any federal credit union or state credit union, as defined in section 101 of the  
4           Federal Credit Union Act [12 U.S.C. 1752], including an institution-affiliated party  
5           of such a credit union, as defined in section 206(r) of the Federal Credit Union  
6           Act [12 U.S.C. 1786(r)]; and
- 7           d. Any benefit association, insurance company, safe deposit company, securities  
8           intermediary, money market mutual fund, or similar entity authorized to do  
9           business in the state.
- 10        6. "Human service zone" means a county or consolidated group of counties  
11        administering human services within a designated area in accordance with an  
12        agreement or plan approved by the state agency.
- 13        7. "Obligor" has the meaning provided in section 14-09-09.10.
- 14        8. "Past-due support" has the meaning provided in section 14-09-09.10.
- 15        9. "Secretary" means the secretary of the United States department of health and human  
16        services.
- 17        10. "Securities account" has the meaning provided in section 41-08-41.
- 18        11. "Securities intermediary" has the meaning provided in section 41-08-02, but does not  
19        include a clearing corporation.
- 20        12. "State agency" means the North Dakota department of human services.
- 21        13. "Title IV-A" means title IV-A of the Social Security Act, as adopted by title I of Pub. L.  
22        104-193 [110 Stat. 2110 et seq.; 42 U.S.C. 601 et seq.].
- 23        14. "Title IV-B" means title IV-B of the Social Security Act [Pub. L. 90-248, title II,  
24        sec. 240(c); 81 Stat. 911; 42 U.S.C. 620 et seq.], as amended.
- 25        15. "Title IV-D" means title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351;  
26        42 U.S.C. 651 et seq.].
- 27        16. "Title IV-E" means title IV-E of the Social Security Act [Pub. L. 96-272, title I,  
28        sec. 101(a)(1); 94 Stat. 501; 42 U.S.C. 670 et seq.], as amended.
- 29        17. "Work activity" means any activity permitted or required to be treated as work for  
30        purposes of calculating a work participation rate.

1       **SECTION 95. AMENDMENT.** Section 50-09-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-09-02. Duties of the state agency.**

4       The state agency shall:

- 5       1. Take such action and adopt rules as may become necessary to entitle the state to  
6 receive funds from the federal government under title IV-A.
- 7       2. Supervise the administration of temporary assistance for needy families throughout  
8 the state of North Dakota.
- 9       3. Take such action, give such directions, and adopt rules as may be necessary or  
10 desirable to carry out the provisions of this chapter, including the adoption and  
11 application of suitable standards and procedure to ensure appropriate treatment of all  
12 applicants for temporary assistance for needy families.
- 13       4. Cooperate with the federal government in matters of mutual concern pertaining to  
14 temporary assistance for needy families, including the adoption of such methods of  
15 administration as are found by the state agency to be appropriate for the efficient  
16 operation of the plan for such assistance.
- 17       5. Provide such qualified employees and representatives as may be necessary.
- 18       6. Prescribe the form of and print and supply to the ~~county agencies~~human service zones  
19 blanks for applications, reports, and such other forms as it may deem necessary and  
20 advisable.
- 21       7. Have authority to establish and maintain personnel standards on a merit basis for  
22 personnel employed by the state and the ~~county public assistance agencies not~~  
23 ~~covered by a statewide merit system~~human service zone.
- 24       8. Make such reports in such form and containing such information as the federal  
25 government from time to time may require.
- 26       9. Make any determinations respecting title IV-A not expressly reserved to the federal  
27 government under federal law.
- 28       10. Determine if the terms of any waiver of federal requirements, pertaining to the aid to  
29 families with dependent children program, submitted to the federal government before  
30 August 22, 1996, are consistent with the requirements of title IV-A.



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

1 administration of that program, unless otherwise directed or determined by the state  
2 agency.

3 21. Act as the official agency of the state in the administration of federal payments for  
4 foster care and adoption assistance in conformity with title IV-E and to direct and  
5 supervise ~~county~~human service zone administration of that program, unless otherwise  
6 directed or determined by the state agency.

7 22. Provide, upon request and insofar as staff resources permit, technical assistance  
8 concerning the requirements of title IV-B and title IV-E to courts within this state,  
9 including tribal courts, and to state's attorneys and tribal prosecutors within this state.

10 23. Make training available to state's attorneys and assistant state's attorneys who are  
11 willing to collaborate with colleagues in other counties on petitions to terminate  
12 parental rights.

13 **SECTION 96. AMENDMENT.** Section 50-09-02.2 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **50-09-02.2. Assistance for adopted children with special needs.**

16 Assistance provided under this chapter or chapter 50-24.1 after adoption to a child with  
17 special needs must be provided without regard to the income or resources of the adopting  
18 parents. Except as provided in this section, such assistance continues until the adopted child  
19 becomes eighteen years of age, is emancipated, or dies; the adoption is terminated; or a  
20 determination of ineligibility is made by the ~~county~~human service zone or state agency,  
21 whichever occurs earlier. If sufficient funds are available, the ~~county~~human service zone or state  
22 agency may continue assistance for an adopted child until the child reaches twenty-one years  
23 of age if the human service zone or state agency determines that the adopted child is a student  
24 regularly attending a secondary, postsecondary, or career and technical education school in  
25 pursuance of a course of study leading to a diploma, degree, or gainful employment. Assistance  
26 provided to an adopted child must continue regardless of the residence of the adopting parents.  
27 ~~A~~The state or county agency or human service zone may require, as a condition of receiving  
28 assistance under this chapter or chapter 50-24.1, that the adopting parents enter ~~into~~ a contract  
29 or agreement regarding the type of assistance to be received; the amount of assistance; the  
30 identity of the physical, mental, or emotional condition for which medical assistance is received;  
31 or any conditions for continued receipt of assistance. A child with special needs is a child legally

1 available for adoptive placement whose custody has been awarded to the ~~department~~state  
2 agency or a ~~county social~~human service boardzone and who is seven years of age or older;  
3 under eighteen years of age with a physical, emotional, or mental disability or has been  
4 diagnosed by a licensed physician to be at high risk for such a disability; a member of a  
5 minority; or a member of a sibling group.

6 **SECTION 97. AMENDMENT.** Section 50-09-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **50-09-03. Duties of ~~county agency~~human service zone.**

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

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

24 **SECTION 98. AMENDMENT.** Section 50-09-04 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **50-09-04. Preservation and protection of religious faith.**

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

29 **SECTION 99. AMENDMENT.** Section 50-09-06 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **50-09-06. Application for assistance.**

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

7       **SECTION 100. AMENDMENT.** Section 50-09-07 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9       **50-09-07. Investigation by ~~county~~human service zone or state agency.**

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

16       **SECTION 101. AMENDMENT.** Section 50-09-08 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18       **50-09-08. Investigations - Power of ~~county agencies~~human service zone, state**  
19 **agency, and employees.**

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

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

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

12 **SECTION 102. AMENDMENT.** Subsections 2, 3, and 4 of section 50-09-08.2 of the North  
13 Dakota Century Code are amended and reenacted as follows:

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

28 3. a. As provided in title IV-D, a person is immune from suit or any liability under any  
29 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 103. 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       3.   c.   In cases in which the state agency receives requests made by another state to  
2               enforce a child support order, shall not consider that matter a child support case  
3               transferred to this state, but may establish a corresponding case based on the  
4               other state's request for assistance; and

5       4.   d.   Shall maintain records of:

6           a.   (1)   The number of requests for assistance made by other states;

7           b.   (2)   The number of cases in which this state collected support in response to  
8               requests made by other states; and

9           c.   (3)   The amount of support collected.

10       2.   For purposes of this section, the term "high-volume automated administrative  
11               enforcement" means, in interstate cases, on request of another state, the  
12               identification, by this state, through automated data matches with financial institutions  
13               and other entities where assets may be found, of assets owned by persons who owe  
14               child support in another state, and the seizure of such assets, by this state, through  
15               levy or other appropriate processes.

16       **SECTION 104. AMENDMENT.** Section 50-09-08.4 of the North Dakota Century Code is  
17       amended and reenacted as follows:

18       **50-09-08.4. Reporting arrearages to credit bureaus.**

19       1.   In acting as the official agency of the state in administering the child support program  
20               under title IV-D, the state agency, directly or through agents and ~~county~~  
21               ~~agencies~~human service zones, subject to subsection 2, may report periodically to  
22               consumer reporting agencies the name of any obligor who owes past-due support and  
23               the amount of past-due support owed by the obligor.

24       2.   The state agency may report under subsection 1 only after such an obligor has been  
25               provided notice and a reasonable opportunity to contest the accuracy of the statement  
26               of the name and amount of overdue support owed by the obligor.

27       3.   For purposes of this section, "consumer reporting agency" means an agency that has  
28               furnished evidence, satisfactory to the ~~department~~state agency, that the agency is a  
29               consumer reporting agency as defined in section 603(f) of the Fair Credit Reporting  
30               Act [15 U.S.C. 1681a(f)].

1       **SECTION 105. 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 106. 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 107. 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 108. 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 109. 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 110. 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 an  
23 agreement or plan 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 111. 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 112. 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~~ human service zone relating to the grievance. The ~~regional foster care~~ human  
13 service zone director or the director's designee shall then make a final determination  
14 relating to the grievance. The ~~regional foster care~~ human service zone director's or the  
15 director's designee's findings and conclusions must be sent to the ~~county social~~ human  
16 service 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 113. 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 114. 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 115. 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 an  
11           agreement or plan 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 116. 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 117. 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 118. 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 119. 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 120. 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 an  
5 agreement or plan 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 121. 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 122. 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 123. 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 124. 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~~human service zone  
12 director who shall serve as presiding officer, together with such other representatives  
13 as that director might select for the team ~~with the consent of the director of the county~~  
14 ~~social service board~~. All team members, at the time of their selection and thereafter,  
15 must be staff members of the public or private agencies they represent or shall serve  
16 without remuneration. An attorney member of the child protection team may not be  
17 appointed to represent the child or the parents at any subsequent court proceeding  
18 nor may the child protection team be composed of fewer than three members. The  
19 department ~~shall~~may coordinate the organization of local child protection teams on a  
20 ~~county or multicounty~~human service zone basis.

21       **SECTION 125. AMENDMENT.** Section 50-25.1-04.3 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23       **50-25.1-04.3. Child fatality review panel - Duties.**

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

- 28       1. Interagency communication for the management of child death cases and for the  
29       management of future nonfatal cases.
- 30       2. Effective criminal, civil, and social intervention for families with fatalities.
- 31       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 126. 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 127. 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 an  
3       agreement or plan 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 128. 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 129. 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 130.** 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 an  
28         agreement or plan approved by the department.
- 29      5. "Human service zone director" means a human service zone team member who  
30         oversees the human service zone's operation and budget and serves as presiding  
31         officer of the human 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 - Study.**

- 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. During the 2019-20 interim, the department shall consider options for allowing a
- 31       human service zone to opt in to state employment. The study must identify under what

1 conditions a transition to state employment may be desirable for a human service  
2 zone; outline the governance process for choosing to opt in to state employment,  
3 including a description of the role of the human service zone board, county  
4 commissions, and the department; and include a template and potential timeline for  
5 any zone choosing to make the transition to state employment.

6 **50-35-03. Formula payments - Distributions by the director.**

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

26 **50-35-04. Calculation of formula payment - Expenditures.**

- 27 1. The director shall calculate the total formula payment for each human service zone.  
28 The calculation must be based on the human service zone's most recently available  
29 data on historical cost and income, and may include:
- 30 a. Other factors outlined in subsection 3;

- 1           b. The human service zone director's proposed budget for the human service zone  
2           which may include expansion of scope of human services to include kinship care  
3           services and payments and services in response to the federal Family First  
4           Prevention Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L.  
5           115-123];
- 6           c. Compensation equity and increases; and
- 7           d. Current and future duties of and services offered by the human service zone and  
8           department.
- 9           2. The director shall authorize expenditures from the human service finance fund to  
10           reimburse the department for the department's costs of providing human services that  
11           historically have been provided by a county, human service zone, or a new service or  
12           program based on federal or state law. The department may authorize expenditures  
13           from the human service finance fund to reimburse the department for transitional costs  
14           incurred for implementing the statewide program for state funding.
- 15           3. The director may recalculate and adjust each human service zone's formula payment  
16           biannually based on pertinent factors, which include actual expenditures over the  
17           previous or current payment period, current costs, offered services, need, income,  
18           performance of duties directed or assigned and supervised by the department, and  
19           caseload. If the director amends and modifies a human service zone's formula  
20           payment, the human service zone director must be notified within thirty days of  
21           amendment or modification. The spending authority of the human service zone must  
22           be increased based on the approved, adjusted, or modified formula payment.
- 23           4. The director shall calculate payment for indirect costs according to a formula  
24           established by the department. The total payment by the department for  
25           reimbursement of indirect costs incurred to support human services may not be less  
26           than the prorated amount paid to counties for this purpose in state fiscal year 2018 as  
27           identified in the indirect cost plan, unless a cost reduction or cost-savings is achieved  
28           by the county.

1       **50-35-05. Human service zone human services fund - Establishment - Fund balance**  
2 **limitations.**

- 3       1. Each human service zone in this state shall maintain a fund to be known as the human  
4 service zone human services fund. All expenditures by the human service zone for  
5 human services must be paid from the human service zone human services fund. If,  
6 due to unforeseen or other extenuating circumstances, a human service zone's  
7 formula distribution payment, the county's cost allocation of indirect costs, and balance  
8 of monies carried over pursuant to subsection 2 are not sufficient to meet the  
9 expenses of that human service zone, the director may approve a transfer from the  
10 human service finance fund to the human service zone human services fund.
- 11       2. The balance of monies in the human service zone human services fund on January  
12 first of each year, after calendar year 2020, may not exceed five hundred thousand  
13 dollars for a human service zone that had annual expenditures of two million dollars or  
14 greater in calendar year 2020 or one hundred thousand dollars for a human service  
15 zone that had annual expenditures of less than two million dollars in calendar year  
16 2020. The balance of monies carried over must be used for the administration of  
17 human services within that human service zone as approved by the human service  
18 zone director. The human service zone human services fund is not subject to any  
19 other charges and is exempt from section 21-02-08.

20       **50-35-06. Human service zone human services fund - Transfer.**

- 21       1. The county treasurer shall transfer the full amount of the service area human services  
22 fund to the human service zone human services fund on January 1, 2020. If on  
23 January 1, 2021, and each year thereafter, the balance of a human service zone  
24 human services fund exceeds the limitations in section 50-35-05, the director shall  
25 reduce the human service zone's formula payment as directed in subsection 4 of  
26 section 50-35-03.
- 27       2. The county may not transfer any funds from the service area human services fund  
28 until January 1, 2020, unless approved by the department.

1       **50-35-07. Human service finance fund.**

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

5       **SECTION 131. AMENDMENT.** Section 54-46-13 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7       **54-46-13. Rules for state and ~~county social~~human service zone records -**  
8 **Administrator to adopt.**

9       The administrator shall adopt rules in accordance with chapter 28-32 for state and ~~county-~~  
10 ~~social~~human service zone records. The rules adopted by the administrator must be consistent  
11 with records retention requirements imposed by federal law with respect to those records. The  
12 administrator, prior to adoption, amendment, or repeal of rules concerning state and ~~county-~~  
13 ~~social~~human service zone records, shall consult with the executive director of the department of  
14 human services.

15       **SECTION 132. AMENDMENT.** Subsection 3 of section 57-15-01.1 of the North Dakota  
16 Century Code is amended and reenacted as follows:

- 17       3. A taxing district may elect to levy the amount levied in dollars in the base year. Any  
18 levy under this section must be specifically approved by a resolution approved by the  
19 governing body of the taxing district. Before determining the levy limitation under this  
20 section, the dollar amount levied in the base year must be:
- 21       a. Reduced by an amount equal to the sum determined by application of the base  
22       year's calculated mill rate for that taxing district to the final base year taxable  
23       valuation of any taxable property and property exempt by local discretion or  
24       charitable status which is not included in the taxing district for the budget year but  
25       was included in the taxing district for the base year.
  - 26       b. Increased by an amount equal to the sum determined by the application of the  
27       base year's calculated mill rate for that taxing district to the final budget year  
28       taxable valuation of any taxable property or property exempt by local discretion or  
29       charitable status which was not included in the taxing district for the base year  
30       but which is included in the taxing district for the budget year.



- 1           c. Reduced to reflect expired temporary mill levy increases authorized by the  
2           electors of the taxing district. For purposes of this subdivision, an expired  
3           temporary mill levy increase does not include a school district general fund mill  
4           rate exceeding one hundred ten mills which has expired or has not received  
5           approval of electors for an extension under subsection 2 of section 57-64-03.  
6           d. Reduced by the amount of state aid under chapter 15.1-27, which is determined  
7           by multiplying the budget year taxable valuation of the school district by the  
8           lesser of the base year mill rate of the school district minus sixty mills or fifty  
9           mills, if the base year is a taxable year before 2013.  
10          e. ~~Increased by the highest amount received by the taxing district in a taxable year~~  
11          ~~under chapter 50-34.~~

12           **SECTION 133. AMENDMENT.** Section 57-15-06.7 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **57-15-06.7. Additional levies - Exceptions to tax levy limitations in counties.**

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

- 17           1. A county supporting an airport or airport authority may levy a tax not exceeding four  
18           mills in accordance with section 2-06-15.  
19           2. A county levying a tax for extension work as provided in section 11-38-01 may levy a  
20           tax not exceeding two mills and if a majority of the electors of the county have  
21           approved additional levy authority under section 11-38-01, the county may levy a  
22           voter-approved tax not exceeding an additional tax of two mills.  
23           3. A county levying a tax for historical works in accordance with section 11-11-53 may  
24           levy a tax not exceeding one-quarter of one mill, except that if sixty percent of the  
25           qualified electors voting on the question of a levy limit increase as provided in section  
26           11-11-53 shall approve, the tax levy limitation may be increased to not exceeding  
27           three-quarters of one mill.  
28           4. A county levying a tax for a county or community hospital association as provided in  
29           section 23-18-01 may levy a tax for not more than five years not exceeding eight mills  
30           in any one year or, in the alternative, for not more than ten years at a mill rate not  
31           exceeding five mills.

- 1       5.   A county levying a tax for county roads and bridges as provided in section 24-05-01  
2       may levy a tax at a tax rate not exceeding ten mills. When authorized by a majority of  
3       the qualified electors voting upon the question at a primary or general election in the  
4       county, the county commissioners may levy and collect an additional tax for road and  
5       bridge purposes as provided in section 24-05-01, not exceeding a combined additional  
6       tax rate of twenty mills.
- 7       6.   A county levying a tax to establish and maintain a public library service as provided in  
8       section 40-38-02 may levy a tax not exceeding four mills.
- 9       7.   A county levying a tax for a county veterans' service officer's salary, traveling, and  
10      office expenses in accordance with section 57-15-06.4 may levy a tax not exceeding  
11      two mills.
- 12     8.   A county levying a tax for capital projects under section 57-15-06.6 may levy a tax not  
13      exceeding ten mills. When authorized by a majority of the qualified electors voting  
14      upon the question of a specific capital project or projects at a primary or general  
15      election in the county, the county commissioners may levy and collect an additional  
16      voter-approved tax for capital projects under section 57-15-06.6 not exceeding a tax  
17      rate of ten mills per dollar of the taxable valuation of property in the county. After  
18      January 1, 2015, approval or reauthorization by electors of increased levy authority  
19      under this subsection may not be effective for more than ten taxable years. Any  
20      voter-approved levy in excess of ten mills for the purposes specified in section  
21      57-15-06.6 approved by the electors before January 1, 2015, remains effective  
22      through 2024 or the period of time for which it was approved by the electors,  
23      whichever is less, under the provisions of law in effect at the time it was approved.
- 24     9.   A county levying a tax for emergency purposes as provided in section 57-15-28 may  
25      levy a tax not exceeding two mills in a county with a population of thirty thousand or  
26      more, four mills in a county with a population under thirty thousand but more than five  
27      thousand, or six mills in a county with a population of five thousand or fewer.
- 28     10.  A county levying a tax for county emergency medical service according to section  
29      57-15-50 may levy a tax not exceeding ten mills.
- 30     11.  A county levying a tax for weed control as provided in section 4.1-47-14 may levy a tax  
31      not exceeding four mills.

- 1       12. A county levying a tax for programs and activities for senior citizens according to  
2           section 57-15-56 may levy a tax not exceeding two mills.
- 3       13. Tax levies made for paying the principal and interest on any obligations of the county  
4           evidenced by the issuance of bonds.
- 5       14. A county levying a tax for a job development authority as provided in section  
6           11-11.1-04 may levy a tax not exceeding four mills on the taxable valuation of property  
7           within the county. However, if any city within the county is levying a tax for support of a  
8           job development authority and the total of the county and city levies exceeds four  
9           mills, the county tax levy within the city levying under subsection 12 of section  
10          57-15-10 must be reduced so the total levy in the city does not exceed four mills.
- 11      ~~15. A county levying an annual tax for human services purposes as provided in section~~  
12      ~~50-06.2-05 may levy a tax not exceeding the lesser of twenty mills or the number of~~  
13      ~~mills determined by dividing the county budget limitation in dollars as determined~~  
14      ~~under section 11-23-01 by the taxable valuation of the county.~~
- 15      ~~16.~~ A levy for an extraordinary expenditure under section 11-11-24 approved by the  
16           electors of the county before January 1, 2015, may continue to be levied and collected  
17           under provisions of law in effect when the levy was approved and for the term it was  
18           approved by the electors. When the levy authority for an extraordinary expenditure  
19           ends under this subsection, the fund must be closed out and any unobligated balance  
20           in the fund must be transferred to the county general fund.
- 21      ~~17.~~16. Levies dedicated under section 57-15-59 before January 1, 2015, for lease payments  
22           may be continued to be levied and collected for the duration of the lease. When the  
23           levy authority for lease payments ends under this subsection, the fund must be closed  
24           out and any unobligated balance in the fund must be transferred to the county general  
25           fund. A lease for county facilities effective after December 31, 2014, is subject to the  
26           capital projects levy limitations of section 57-15-06.6.

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

29       **SECTION 134. AMENDMENT.** Section 57-20-07.1 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **57-20-07.1. County treasurer to mail real estate tax statement - Contents of statement.**

2           1. On or before December twenty-sixth of each year, the county treasurer shall mail a  
3           real estate tax statement to the owner of each parcel of real property at the owner's  
4           last-known address. The form of the real estate tax statement to be used in every  
5           county must be prescribed and approved for use by the tax commissioner. The  
6           statement must be provided in a manner that allows the taxpayer to retain a printed  
7           record of the obligation for payment of taxes and special assessments as provided in  
8           the statement. If a parcel of real property is owned by more than one individual, the  
9           county treasurer shall send only one statement to one of the owners of that property.  
10          Additional copies of the tax statement will be sent to the other owners upon their  
11          request and the furnishing of their names and addresses to the county treasurer. The  
12          tax statement must:

- 13          a. Include a dollar valuation of the true and full value as defined by law of the  
14          property and the total mill levy applicable.
- 15          b. Include, or be accompanied by a separate sheet, with three columns showing, for  
16          the taxable year to which the tax statement applies and the two immediately  
17          preceding taxable years, the property tax levy in dollars against the parcel by the  
18          county and school district and any city or township that levied taxes against the  
19          parcel.
- 20          c. Provide information identifying the property tax savings provided by the state of  
21          North Dakota. The tax statement must include a line item that is entitled  
22          "legislative tax relief" and identifies the dollar amount of property tax savings  
23          realized by the taxpayer under chapter 50-34 for taxable years ~~2017 and 2018~~  
24          ~~and under~~before 2019, chapter 50-35 for taxable years after 2018, and chapter  
25          15.1-27.

26          (1) For purposes of this subdivision, legislative tax relief under chapter 15.1-27  
27          is determined by multiplying the taxable value for the taxable year for each  
28          parcel shown on the tax statement by the number of mills of mill levy  
29          reduction grant under chapter 57-64 for the 2012 taxable year plus the  
30          number of mills determined by subtracting from the 2012 taxable year mill  
31          rate of the school district in which the parcel is located the lesser of:

- 1           (1) (a) Fifty mills; or  
2           (2) (b) The 2012 taxable year mill rate of the school district minus sixty mills.  
3           (2) Legislative tax relief under chapter 50-35 is determined by multiplying the  
4           taxable value for the taxable year for each parcel shown on the tax  
5           statement by the number of mills of relief determined by dividing the amount  
6           calculated in subsection 1 of section 50-35-03 for a human service zone by  
7           the taxable value of taxable property in the zone for the taxable year.  
8           2. Failure of an owner to receive a statement will not relieve that owner of liability, nor  
9           extend the discount privilege past the February fifteenth deadline.

10           **SECTION 135. AMENDMENT.** Subsection 3 of section 57-20-07.3 of the North Dakota  
11 Century Code is amended and reenacted as follows:

- 12           3. The amount of credit is determined by multiplying the company's assessed tax by a  
13           fraction, the numerator of which is the total of all formula payments calculated for the  
14           subsequent calendar year under section ~~50-34-03~~50-35-03 and the denominator of  
15           which is the total statewide ad valorem property tax levied in the prior taxable year.

16           **SECTION 136. AMENDMENT.** Subdivision b of subsection 1 of section 57-55-10 of the  
17 North Dakota Century Code is amended and reenacted as follows:

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

24           **SECTION 137. AMENDMENT.** Subsection 16 of section 65-01-02 of the North Dakota  
25 Century Code is amended and reenacted as follows:

- 26           16. "Employee" means an individual who performs hazardous employment for another for  
27           remuneration unless the individual is an independent contractor under the  
28           common-law test.  
29           a. The term includes:  
30           (1) All elective and appointed officials of this state and its political subdivisions,  
31           including municipal corporations and including the members of the

1 legislative assembly, all elective officials of any county, and all elective  
2 peace officers of any city.

3 (2) Aliens.

4 (3) ~~County~~Human service zone general assistance workers, except those who  
5 are engaged in repaying to ~~counties~~human service zones or the department  
6 of human services moneys the ~~counties~~human service zones or the  
7 department of human services have been compelled by statute to expend  
8 for ~~county~~ general assistance.

9 (4) Minors, whether lawfully or unlawfully employed. A minor is deemed sui juris  
10 for the purposes of this title, and no other person has any claim for relief or  
11 right to claim workforce safety and insurance benefits for any injury to a  
12 minor worker, but in the event of the award of a lump sum of benefits to a  
13 minor employee, the lump sum may be paid only to the legally appointed  
14 guardian of the minor.

15 b. The term does not include:

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

18 (2) An individual who is engaged in an illegal enterprise or occupation.

19 (3) The spouse of an employer or the child under the age of twenty-two of an  
20 employer. For purposes of this paragraph and section 65-07-01, "child"  
21 means any legitimate child, stepchild, adopted child, foster child, or  
22 acknowledged illegitimate child.

23 (4) A real estate broker or real estate salesperson, provided the individual  
24 meets the following three requirements:

25 (a) The salesperson or broker must be a licensed real estate agent under  
26 section 43-23-05.

27 (b) Substantially all of the salesperson's or broker's remuneration for the  
28 services performed as a real estate agent must be directly related to  
29 sales or other efforts rather than to the number of hours worked.

30 (c) A written agreement must exist between the salesperson or broker  
31 and the person for which the salesperson or broker works, which

1 agreement must provide the salesperson or broker will not be treated  
2 as an employee but rather as an independent contractor.

3 (5) The members of the board of directors of a business corporation who are  
4 not employed in any capacity by the corporation other than as members of  
5 the board of directors.

6 (6) An individual delivering newspapers or shopping news, if substantially all of  
7 the individual's remuneration is directly related to sales or other efforts  
8 rather than to the number of hours worked and a written agreement exists  
9 between the individual and the publisher of the newspaper or shopping  
10 news which states the individual is an independent contractor.

11 (7) An employer.

12 **SECTION 138. REPEAL.** Chapter 50-03 and sections 50-06-20.1 and 50-06.2-05 of the  
13 North Dakota Century Code are repealed.

14 **SECTION 139. REPEAL.** Sections 50-01-03, 50-01.1-02.1, 50-01.2-03.1, 50-01.2-06,  
15 50-06-05.7, 50-06-06.1, and 50-25.1-06.1 of the North Dakota Century Code are repealed.

16 **SECTION 140. CONTINGENT APPROPRIATION AND AUTHORIZATION.** Subject to the  
17 availability of funds, the department of human services may adjust or increase full-time  
18 equivalent positions of the department of human services in order to carry out the powers and  
19 duties of the department of human services as follows:

- 20 1. Up to two hundred twenty-three full-time equivalent positions included in Senate Bill  
21 No. 2012, as approved by the sixty-sixth legislative assembly, may be adjusted or  
22 increased only if one or more human service zones transfers powers and duties  
23 associated with one or more programs, services, or functions from a human service  
24 zone to the department of human services.
- 25 2. Any positions added to the department of human services under this section would be  
26 position transfers from the human service zone and may not result in a net addition of  
27 positions delivering human services programs, services, or functions under the  
28 appropriation provided in Senate Bill No. 2012, as approved by the sixty-sixth  
29 legislative assembly.
- 30 3. The funds for salaries, wages, and operating costs associated with any position added  
31 to the department of human services under this section must be paid for with the line

1 items of salaries and wages and operating costs authorized in Senate Bill No. 2012,  
2 as approved by the sixty-sixth legislative assembly.

3 4. The department of human services shall notify the office of management and budget  
4 and report to the budget section after June 30, 2020, if one or more full-time  
5 equivalent positions are authorized under this section of this Act. The department of  
6 human services shall include in the notification and report the amount of salaries,  
7 wages, and operating costs withheld from human service zone formula payments  
8 because of a transfer of powers and duties and the corresponding full-time equivalent  
9 positions.

10 5. The department of human services shall notify the appropriations committees of the  
11 sixty-seventh legislative assembly of any full-time equivalent positions transferred  
12 pursuant to this section.

13 6. Of the two hundred twenty-three full-time equivalent positions in this section, the  
14 department of human services may adjust or increase full-time equivalent positions as  
15 transfers from one or more human service zones up to:

16 a. Four full-time equivalent positions to serve as human service zone operational  
17 directors to provide supervision and technical assistance to the human service  
18 zones.

19 b. Sixteen full-time equivalent positions if the department of human services  
20 assumes powers and duties associated with foster care training and the  
21 recruitment and licensing of family foster care homes.

22 c. Fourteen full-time equivalent positions if the department of human services  
23 assumes powers and duties associated with foster care assistance or IV-E  
24 eligibility determination.

25 d. Twenty-seven full-time equivalent positions if the department of human services  
26 assumes powers and duties associated with child care licensing.

27 e. Sixteen full-time equivalent positions if the department of human services  
28 assumes powers and duties associated with the low-income home energy  
29 assistance program.



- 1           f. Two full-time equivalent positions if the department of human services assumes  
2           powers and duties associated with adoption assistance eligibility determination  
3           and adoption case management or related administration.
- 4           g. One hundred four full-time equivalent positions if the department of human  
5           services assumes powers and duties associated with the supplemental nutrition  
6           assistance program, basic care, medical assistance, children's health insurance  
7           program, or long-term care, including the determination of eligibility and other  
8           related activities.
- 9           h. Thirty full-time equivalent positions to relieve human service zones of  
10          miscellaneous duties, including fraud investigations, estate recovery, or  
11          assignment of primary care providers.
- 12          i. Ten full-time equivalent positions to serve as quality control to the human service  
13          zones.
- 14          7. Of the two hundred twenty-eight full-time equivalent positions in this section, the  
15          department of human services may adjust or increase full-time equivalent positions as  
16          transfers from one or more human service zones for management support to  
17          administer the powers and duties transferred.

18          **SECTION 141. EFFECTIVE DATE.** Section 64 of this Act becomes effective on August 1,  
19          2019. Sections 132, 133, 134, and 135 are effective for taxable years beginning after  
20          December 31, 2018. Sections 1, 3 through 13, 15, 16 through 25, 27 through 30, 32, 33, 35, 37  
21          through 60, 65 through 74, 76 through 82, 84 through 91, 93 through 129, 131, 136, 137, 139,  
22          and 140 of this Act become effective on January 1, 2020.

23          **SECTION 142. EXPIRATION DATE.** Sections 14, 26, 31, 34, and 36 of this Act are effective  
24          through December 31, 2019, and after that date are ineffective.

25          **SECTION 143. EMERGENCY.** Section 130 of this Act is declared to be an emergency  
26          measure.