

**FIRST ENGROSSMENT
with House Amendments
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 for a report; to provide a penalty; to provide a
8 contingent appropriation; to provide for the transfer of employees; to provide an effective date;
9 to provide an expiration date; and to declare an 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.

Sixty-sixth
Legislative Assembly

- 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 within the human service
6 zone, by way of agreement, shall designate a singular state's attorney's office, within
7 or outside the human service zone, to act as legal advisor of the human service zone.
8 The host county state's attorney shall serve as the legal advisor if no agreement is
9 reached. The agreement may not limit a state's attorney's individual discretion in court
10 filings and representation.

11 18. Act as the legal advisor and represent the human service zone regarding employer
12 actions, including grievances and appeals, taken against the human service zone
13 team member. The state's attorney of the county by which the human service zone
14 team member is employed shall act as the legal advisor of the human service zone,
15 unless a different agreement is established by the affected state's attorney.

16 The state's attorney shall not require any order of the board of county commissioners to institute
17 an action under subsection ~~13 or 14~~¹² or 13.

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

20 **11-23-01. Officers required to furnish commissioners with departmental budget.**
21 **(Effective through ~~July~~^{December} 31, 2019)**

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

28 **Officers required to furnish commissioners with departmental budget. (Effective after**
29 **~~July~~^{December} 31, 2019)**

30 1. Every officer in charge of any institution, office, or undertaking supported wholly or in
31 part by the county shall file with the board of county commissioners a departmental

1 budget that is prescribed by the state auditor. The departmental budget must include
2 an itemized statement of the estimated amount of money that will be required for the
3 maintenance, operation, or improvement of the institution, office, or undertaking for the
4 ensuing year. The board of county commissioners may require additional information
5 to clarify the departmental budget.

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

1 (5) ~~The county's share of the cost of the electronic benefits transfers for the~~
2 ~~supplemental nutrition assistance program which would have been paid by~~
3 ~~the county after December 31, 2015; and~~

4 (6) ~~The computer processing costs which would have been paid by the county~~
5 ~~after December 31, 2015, which exceed the county's costs of operation of~~
6 ~~the technical eligibility computer system in calendar year 1995 increased by~~
7 ~~the increase in the consumer price index for all urban consumers (all items,~~
8 ~~United States city average) after January 1, 1996~~by the department of
9 human services and the human service zone director pursuant to section
10 50-35-04 and must include the county's cost allocation of indirect costs
11 based on a formula established by the department of human services.

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

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

1 zone director shall work with the department to achieve equitable compensation
2 and salary increases for all human service zone team members within the human
3 service zone. The human service zone director shall notify appropriate host
4 county staff of all staffing changes for administrative purposes.

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

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

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

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

20 **14-08.1-01. Liability for support.**

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

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

1 **14-09-06.3. Custody investigations and reports - Costs.**

- 2 1. In contested proceedings dealing with parental rights and responsibilities the court,
3 upon the request of either party, or, upon its own motion, may order an investigation
4 and report concerning parenting rights and responsibilities regarding the child. The
5 court shall designate a person or agency responsible for making the investigation and
6 report, which designees may include the ~~county social~~human service board~~zone~~,
7 public health officer, school officials, and any other public agency or private
8 practitioner ~~if~~the court deems qualified to make the investigation.
- 9 2. The investigator may consult any person who may have information about the child
10 and any potential arrangements for parenting rights and responsibilities, and upon
11 order of the court may refer the child to any professional personnel for diagnosis.
- 12 3. The court shall mail the investigator's report to counsel and to any party not
13 represented by counsel at least thirty days before the hearing. The investigator shall
14 make available to any such counsel or party the complete file of data and reports
15 underlying the investigator's report and the names and addresses of all persons whom
16 the investigator has consulted. A party may call the investigator and any person whom
17 the investigator has consulted for cross-examination at the hearing. A party may not
18 waive the party's right of cross-examination before the hearing.
- 19 4. The court shall enter an order for the costs of any such investigation against either or
20 both parties, except that if the parties are indigent the expenses must be borne by the
21 ~~county~~human service zone where the child resided at the time the action was
22 commenced or if a modification of parental rights and responsibilities, at the time the
23 motion to modify is served.

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

26 **14-09-06.4. Appointment of guardian ad litem or investigator for child in proceedings**
27 **involving parental rights and responsibilities - Immunity.**

28 In any action for an annulment, divorce, legal separation, or other action affecting marriage,
29 when either party has reason for special concern as to the future of the minor child, and in any
30 action when the parenting rights and responsibilities concerning the child is contested, either
31 party to the action may petition the court for the appointment of a guardian ad litem to represent

1 the child concerning parenting rights and responsibilities. The court may appoint a guardian ad
2 litem or investigator on its own motion. If appointed, a guardian ad litem shall serve as an
3 advocate of the child's best interests. If appointed, the investigator shall provide those services
4 as prescribed by the supreme court. The court may direct either or both parties to pay the
5 guardian ad litem or investigator fee established by the court. If neither party is able to pay the
6 fee, the court may direct the fee to be paid, in whole or in part, by the ~~county~~human service
7 zone where the child resided at the time the action was commenced. The court may direct
8 either or both parties to reimburse the ~~county~~human service zone, in whole or in part, for such
9 payment. Any guardian ad litem or investigator appointed under this section who acts in good
10 faith in making a report to the court is immune from any civil liability resulting from the report.
11 For the purpose of determining good faith, the good faith of the guardian ad litem or investigator
12 is a disputable presumption.

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

15 **14-09-12. Support ~~by county~~ - Liability of parent's estate.**

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

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

24 **14-09-19. Parental abuse.**

25 The abuse of parental authority is the subject of judicial cognizance in a civil action in the
26 district court brought by the child, or by its relatives of the child within the third degree, or by the
27 ~~county social~~human service boardzone of the county where the child resides, and when the
28 abuse is established the child may be freed from the dominion of the parent and the duty of
29 support and education may be enforced.

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

1 **14-10-05. Assignment of children prohibited - Penalty.**

2 No person, other than the parents, may assume the permanent care and custody of a child,
3 unless authorized so to do by an order or decree of a court having jurisdiction, except that a
4 parent, upon giving written notice to the department of human services and human service
5 zone, may place that person's own child in the home of the child's grandparent, uncle, or aunt
6 for adoption or guardianship by the person receiving the child. The child must be considered
7 abandoned if proceedings for the adoption or guardianship of the child are not initiated by such
8 relative within one year following the date of notice of placement. No parent may assign or
9 otherwise transfer the parent's rights or duties with respect to the care and custody of the
10 parent's child. Any such transfer or assignment, written or otherwise, is void. This section does
11 not affect the right of the parent to consent in writing to the legal adoption of the parent's child,
12 but such written consent does not operate to transfer any right in the child in the absence of a
13 decree by a court having jurisdiction. Any person who violates the provisions of this section is
14 guilty of a class A misdemeanor.

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

17 **14-15-01. Definitions.**

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

19 1. "Abandon" means:

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

22 (1) Communicate with the child; or

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

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

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

28 (2) Following the child's birth or treatment at a hospital, to fail to arrange for the
29 child's discharge within ten days after the child no longer requires hospital
30 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. "Adult" means an individual who is not a minor.
- 4 3. "Agency" means an entity licensed under chapter 50-12 to place minors for adoption.
- 5 4. "Child" means a son or daughter, whether by birth or adoption.
- 6 5. "Court" means the district court of this state, and when the context requires means the
7 court of any other state empowered to grant petitions for adoption.
- 8 6. "Department" means the department of human services.
- 9 7. "Genetic parent" means the biological mother or adjudicated mother of the adopted
10 child, or the presumed father or adjudicated father of the adopted child under chapter
11 14-20.
- 12 8. "Genetic sibling" means individuals with genetic relationship of sister, brother,
13 half-sister, or half-brother.
- 14 9. "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.
- 17 10. "Identifying" includes full name, address, date of birth, telephone number, or anything
18 that may lead to the identity of any previously undisclosed individual.
- 19 ~~10-11.~~ "Investigation" includes information obtained regarding the child's history, a
20 preplacement adoption assessment of the prospective adoptive family, and an
21 evaluation of the child's placement in the adoptive home.
- 22 ~~11-12.~~ "Minor" means an individual under the age of eighteen years.
- 23 ~~12-13.~~ "Nonidentifying adoptive information" means:
- 24 a. Age of genetic parent in years at the birth of the adopted child.
- 25 b. Heritage of genetic parent.
- 26 c. Educational attainments, including the number of years of school completed by
27 genetic parent at the time of birth of the adopted child.
- 28 d. General physical appearance of genetic parent at the time of birth of the adopted
29 child, including the height, weight, color of hair, eyes, skin, and other information
30 of a similar nature.
- 31 e. Talents, hobbies, and special interests of genetic parents.

- 1 f. Existence of any other children born to either genetic parent.
- 2 g. Reasons for child being placed for adoption or for termination of parental right.
- 3 h. Religion of genetic parent.
- 4 i. Vocation of genetic parent in general terms.
- 5 j. Health history of genetic parents and blood relatives in a manner prescribed by
- 6 the department.
- 7 k. Such further information which, in the judgment of the agency, will not be
- 8 detrimental to the adoptive parent or the adopted individual requesting the
- 9 information, but the additional information may not identify genetic parents by
- 10 name or location.

11 ~~13-14.~~ "Relative" means any individual having the following relationship to the minor by
12 marriage, blood, or adoption: brother, sister, stepbrother, stepsister, first cousin, uncle,
13 aunt, or grandparent.

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

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

- 18 i. The department ~~or~~ and a county social human service board ~~zone~~ as
19 ~~respondent~~ respondents.

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

22 **14-15-11. Notice of petition - Investigation and hearing.**

- 23 1. a. After the filing of a petition to adopt a minor, the court shall fix a time and place
24 for hearing the petition. At least twenty days before the date of hearing, notice of
25 the filing of the petition and of the time and place of hearing must be given by the
26 petitioner to the department and human service zone; any agency or individual
27 whose consent to the adoption is required by this chapter but who has not
28 consented; an individual whose consent is dispensed with upon any ground
29 mentioned in subdivisions a, b, f, h, i, and j of subsection 1 of section 14-15-06
30 but who has not consented; and any individual identified by the court as a
31 biological parent or a possible biological parent of the minor, upon making inquiry

1 to the extent necessary and appropriate, as in proceedings under section
2 27-20-45, unless the individual has relinquished parental rights or the individual's
3 parental rights have been previously terminated by a court. The notice to the
4 department and human service zone must be accompanied by a copy of the
5 petition.

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

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

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

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

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

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

1 7. After the filing of a petition to adopt an adult, the court by order shall direct that a copy
2 of the petition and a notice of the time and place of the hearing be given to any
3 individual whose consent to the adoption is required but who has not consented and to
4 each living parent of the adult to be adopted. The court may order an appropriate
5 investigation to assist it in determining whether the adoption is in the best interest of
6 the individuals involved.

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

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

13 **14-15-12. Required residence of minor.**

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

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

1 **14-15-12.1. Health insurance requirements for adoptees.**

2 The department or child-placing agency involved in an adoption action may at any time
3 before a final decree of adoption, if legal custody of the individual to be adopted is not held by
4 the department, a county social service board, a child-placing agency, or an equivalent office or
5 agency outside the state, require the petitioner for the adoption of another individual to show
6 proof that a health insurance policy is in effect which provides coverage for the individual to be
7 adopted. If proof of health insurance coverage is submitted by the petitioner, no further bond of
8 any kind may be required by the department or a county social service board in regard to health
9 coverage of the individual to be adopted.

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

12 **14-15-12.1. Health insurance requirements for adoptees.**

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

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

- 23 3. If at the conclusion of the hearing, the court determines that the required consents
24 have been obtained and that the adoption is in the best interest of the individual to be
25 adopted, the court may:
- 26 a. Issue a final decree of adoption; or
 - 27 b. Issue an interlocutory decree of adoption which by its own terms automatically
28 becomes a final decree of adoption on a day specified in the decree, that day
29 may not be less than six months nor more than one year after the minor was
30 placed in the adoptive home by an agency or after the department and human
31 service zone or the court was informed of the custody of the minor by the

1 petitioner, unless sooner vacated by the court for good cause shown. In an
2 interlocutory decree of adoption, the court shall provide for observation,
3 investigation, and further report on the adoptive home during the interlocutory
4 period.

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

7 **23-06-03. Duty of final disposition - Indigent burial - Decedent's instructions.**

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

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

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

1 if residence cannot be established, within fifteen days of application for
2 assistance the ~~county social~~human service ~~board~~zone of the county in which the
3 death occurs shall employ a person to arrange for and supervise the final
4 disposition. If the deceased was a resident or inmate of a public institution, within
5 fifteen days of application for assistance the ~~county~~human service zone in which
6 the deceased was a resident for ~~county~~ general assistance purposes immediately
7 before entering the institution shall employ a person to arrange for and supervise
8 the final disposition.

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

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

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

27 7. If the individual with the duty of final disposition under this section, or the personal
28 representative of the decedent's estate, if any, is aware of the decedent's instructions
29 regarding the disposition of the remains, that person shall honor those instructions, to
30 the extent reasonable and possible, to the extent the instructions do not impose an
31 economic or emotional hardship. A decedent's instructions may be reflected in a

1 variety of methods, including pre-need funeral arrangements a deceased articulated
2 and funded in a pre-need funeral service contract, a health care directive, a durable
3 power of attorney for health care, a power of attorney, a will, a document created
4 under section 23-06-31, or a document of gift for an anatomical gift.

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

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

14 **23-41-01. Definitions.**

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

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

- 1 c. Licensing duties as administered or supervised by the department of human
2 services or delegated by the department of human services to a human service
3 zone.

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

6 **23-41-06. Duties of ~~county agencies~~human service zones.**

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

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

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

17 **25-04-08.1. Notification ~~prior to~~before discharge.**

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

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

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

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

1 place where the person belongs. The department of human services shall ascertain the place
2 where such person belongs when the same conveniently can be done.

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

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

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

14 **26.1-45-13. Qualified service providers.**

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

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

22 **27-20-02. Definitions.**

23 As used in this chapter:

24 1. "Abandon" means:

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

27 (1) To communicate with the child; or

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

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

- 1 (1) To leave the child for an indefinite period without making firm and agreed
2 plans, with the child's immediate caregiver, for the parent's resumption of
3 physical custody;
- 4 (2) Following the child's birth or treatment at a hospital, to fail to arrange for the
5 child's discharge within ten days after the child no longer requires hospital
6 care; or
- 7 (3) To willfully fail to furnish food, shelter, clothing, or medical attention
8 reasonably sufficient to meet the child's needs.
- 9 2. "Abandoned infant" means a child who has been abandoned before reaching the age
10 of one year.
- 11 3. "Aggravated circumstances" means circumstances in which a parent:
- 12 a. Abandons, tortures, chronically abuses, or sexually abuses a child;
- 13 b. Fails to make substantial, meaningful efforts to secure treatment for the parent's
14 addiction, mental illness, behavior disorder, or any combination of those
15 conditions for a period equal to the lesser of:
- 16 (1) One year; or
- 17 (2) One-half of the child's lifetime, measured in days, as of the date a petition
18 alleging aggravated circumstances is filed;
- 19 c. Engages in conduct prohibited under sections 12.1-20-01 through 12.1-20-08 or
20 chapter 12.1-27.2, in which a child is the victim or intended victim;
- 21 d. Engages in conduct that constitutes one of the following crimes, or of an offense
22 under the laws of another jurisdiction which requires proof of substantially similar
23 elements:
- 24 (1) A violation of section 12.1-16-01, 12.1-16-02, 12.1-16-03, or 14-09-22 in
25 which the victim is another child of the parent;
- 26 (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section
27 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the
28 parent; or
- 29 (3) A violation of section 12.1-17-02 in which the victim is a child of the parent
30 and has suffered serious bodily injury;

- 1 e. Engages or attempts to engage in conduct, prohibited under sections 12.1-17-01
2 through 12.1-17-04, in which a child is the victim or intended victim;
- 3 f. Has been incarcerated under a sentence for which the latest release date is:
4 (1) In the case of a child age nine or older, after the child's majority; or
5 (2) In the case of a child, after the child is twice the child's current age,
6 measured in days;
- 7 g. Subjects the child to prenatal exposure to chronic or severe use of alcohol or any
8 controlled substance as defined in chapter 19-03.1 in a manner not lawfully
9 prescribed by a practitioner; or
- 10 h. Allows the child to be present in an environment subjecting the child to exposure
11 to a controlled substance, chemical substance, or drug paraphernalia as
12 prohibited by section 19-03.1-22.2.
- 13 4. "Child" means an individual who is:
14 a. Under the age of eighteen years and is not married; or
15 b. Under the age of twenty years with respect to a delinquent act committed while
16 under the age of eighteen years.
- 17 5. "Custodian" means a person, other than a parent or legal guardian, who stands
18 in loco parentis to the child or a person to whom legal custody of the child has been
19 given by order of a court.
- 20 6. "Delinquent act" means an act designated a crime under the law, including local
21 ordinances or resolutions of this state, or of another state if the act occurred in that
22 state, or under federal law, and the crime does not fall under subdivision c of
23 subsection 19.
- 24 7. "Delinquent child" means a child who has committed a delinquent act and is in need of
25 treatment or rehabilitation.
- 26 8. "Deprived child" means a child who:
27 a. Is without proper parental care or control, subsistence, education as required by
28 law, or other care or control necessary for the child's physical, mental, or
29 emotional health, or morals, and the deprivation is not due primarily to the lack of
30 financial means of the child's parents, guardian, or other custodian;
31 b. Has been placed for care or adoption in violation of law;

- 1 c. Has been abandoned by the child's parents, guardian, or other custodian;
- 2 d. Is without proper parental care, control, or education as required by law, or other
- 3 care and control necessary for the child's well-being because of the physical,
- 4 mental, emotional, or other illness or disability of the child's parent or parents,
- 5 and that such lack of care is not due to a willful act of commission or act of
- 6 omission by the child's parents, and care is requested by a parent;
- 7 e. Is in need of treatment and whose parents, guardian, or other custodian have
- 8 refused to participate in treatment as ordered by the juvenile court;
- 9 f. Was subject to prenatal exposure to chronic or severe use of alcohol or any
- 10 controlled substance as defined in chapter 19-03.1 in a manner not lawfully
- 11 prescribed by a practitioner;
- 12 g. Is present in an environment subjecting the child to exposure to a controlled
- 13 substance, chemical substance, or drug paraphernalia as prohibited by section
- 14 19-03.1-22.2.
- 15 h. Is a victim of human trafficking as defined in title 12.1.
- 16 9. "Detention" means a physically secure facility with locked doors and does not include
- 17 shelter care, attendant care, or home detention.
- 18 10. "Director" means the director of juvenile court or the director's designee.
- 19 11. "Fit and willing relative or other appropriate individual" means a relative or other
- 20 individual who has been determined, after consideration of an assessment that
- 21 includes a criminal history record investigation under chapter 50-11.3, to be a qualified
- 22 person under chapter 30.1-27, and who consents in writing to act as a legal guardian.
- 23 12. "Home" when used in the phrase "to return home" means the abode of the child's
- 24 parent with whom the child formerly resided.
- 25 13. "Host county" means the county within the human service zone in which the human
- 26 service zone administrative office is located and in which the human service zone
- 27 team members are employed.
- 28 14. "Human service zone" means a county or consolidated group of counties
- 29 administering human services within a designated area in accordance with an
- 30 agreement or plan approved by the department.
- 31 15. "Juvenile court" means the district court of this state.

1 ~~44.16.~~ "Juvenile drug court" means a program established in a judicial district consisting of
2 intervention and assessment of juveniles involved in forms of substance abuse;
3 frequent drug testing; intense judicial and probation supervision; individual, group, and
4 family counseling; substance abuse treatment; educational opportunities; and use of
5 sanctions and incentives.

6 ~~45.17.~~ "Permanency hearing" means a hearing, conducted with respect to a child who is in
7 foster care, to determine the permanency plan for the child which includes:

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

- 1 (3) Identify the compelling reasons it continues not to be in the best interest of
2 the child to return home, be placed for adoption, be placed with a legal
3 guardian, or be placed with a fit and willing relative;
- 4 g. In the case of a child who has been placed in foster care outside the state in
5 which the home of the parents is located, or if the parents maintain separate
6 homes, outside the state in which the home of the parent who was the child's
7 primary caregiver is located, whether out-of-state placements have been
8 considered. If the child is currently in an out-of-state placement, the court shall
9 determine whether the placement continues to be appropriate and in the child's
10 best interests; and
- 11 h. In the case of a child who has attained age fourteen, the services needed to
12 assist the child to make the transition to successful adulthood.
- 13 ~~16-18.~~ "Protective supervision" means supervision ordered by the court of children found to
14 be deprived or unruly.
- 15 ~~17-19.~~ "Relative" means:
- 16 a. The child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt,
17 uncle, great-uncle, nephew, niece, or first cousin;
- 18 b. An individual with a relationship to the child, derived through a current or former
19 spouse of the child's parent, similar to a relationship described in subdivision a;
- 20 c. An individual recognized in the child's community as having a relationship with
21 the child similar to a relationship described in subdivision a; or
- 22 d. The child's stepparent.
- 23 ~~18-20.~~ "Shelter care" means temporary care of a child in physically unrestricted facilities.
- 24 ~~19-21.~~ "Unruly child" means a child who:
- 25 a. Is habitually and without justification truant from school;
- 26 b. Is habitually disobedient of the reasonable and lawful commands of the child's
27 parent, guardian, or other custodian and is ungovernable or who is willfully in a
28 situation dangerous or injurious to the health, safety, or morals of the child or
29 others;

- 1 c. Has committed an offense applicable only to a child, except for an offense
2 committed by a minor fourteen years of age or older under subsection 2 of
3 section 12.1-31-03 or an equivalent local ordinance or resolution;
4 d. Has committed an offense in violation of section 5-01-08; or
5 e. Is under the age of fourteen years and has purchased, possessed, smoked, or
6 used tobacco, tobacco-related products, electronic smoking devices, or
7 alternative nicotine products in violation of subsection 2 of section 12.1-31-03;
8 and
9 f. In any of the foregoing instances is in need of treatment or rehabilitation.
10 As used in this subsection, "electronic smoking devices" and "alternative nicotine
11 products" have the same meaning as in section 12.1-31-03.

12 ~~20-22.~~ "Willfully" has the meaning provided in section 12.1-02-02.

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

15 **27-20-11. Venue.**

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

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

28 **27-20-20.1. Petition to terminate parental rights - When brought - Definitions.**

- 29 1. A petition to terminate parental rights may be made as provided under this section and
30 section 27-20-45.

- 1 2. Except as provided in subsection 3, a petition for termination of parental rights must be
2 filed:
- 3 a. If the child has been in foster care, in the custody of the department or county
4 social service board, or, in cases arising out of an adjudication by the court that a
5 child is an unruly child, the division of juvenile services, for at least four hundred
6 fifty out of the previous six hundred sixty nights;
- 7 b. Within sixty days after a court of competent jurisdiction has found the child to be
8 an abandoned infant; or
- 9 c. Within sixty days after a court of competent jurisdiction has convicted the child's
10 parent of one of the following crimes, or of an offense under the laws of another
11 jurisdiction which requires proof of substantially similar elements:
- 12 (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1
13 of section 14-09-22 in which the victim is another child of the parent;
- 14 (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section
15 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the
16 parent; or
- 17 (3) A violation of section 12.1-17-02 in which the victim is a child of the parent
18 and has suffered serious bodily injury.
- 19 3. A petition for termination of parental rights need not be filed if:
- 20 a. The child is being cared for by a relative approved by the department in
21 collaboration with the county social service board;
- 22 b. The department or county social service board has documented in the case plan
23 a compelling reason for determining that filing such a petition would not be in the
24 child's best interests and has notified the court that the documentation is
25 available for review by the court; or
- 26 c. The department or county social service board has determined:
- 27 (1) Reasonable efforts to preserve and reunify the family are required under
28 section 27-20-32.2 to be made with respect to the child;
- 29 (2) The case plan provides such services are necessary for the safe return of
30 the child to the child's home; and

- 1 (3) Such services have not been provided consistent with time periods
2 described in the case plan.
- 3 4. For purposes of subsection 2, a child in foster care entered foster care on the earlier
4 of:
- 5 a. The date of the court's order if the court:
- 6 (1) Made a finding that the child has been subjected to child abuse or neglect;
7 (2) Determined that it is unsafe or contrary to the welfare of the child to remain
8 in the home; and
9 (3) Granted custody of the child to the department or county social service
10 board or, in cases arising out of an adjudication by the court that a child is
11 an unruly child, the division of juvenile services; or
- 12 b. The date that is sixty days after:
- 13 (1) The date of a hearing under section 27-20-17 which results in retaining a
14 child in shelter care;
15 (2) The date of an order in a dispositional hearing under which a child is placed
16 in foster care; or
17 (3) The date a child is placed in foster care voluntarily and with the consent of
18 the child's parent.
- 19 5. For purposes of subsection 2, a child leaves foster care when:
- 20 a. The court enters an order:
- 21 (1) Denying a petition to grant care, custody, and control of the child to the
22 ~~department~~county social service board or the division of juvenile services;
23 (2) Terminating an order that granted custody of the child to the department, the
24 county social service board, or the division of juvenile services; or
25 (3) Appointing a legal guardian under section 27-20-48.1;
- 26 b. The court order under which the child entered foster care ends by operation of
27 law;
- 28 c. The child is placed in a parental home by the court or a legal custodian other
29 than the division of juvenile services and the legal custodian lacks authority to
30 remove the child without further order of the court; or
31 d. The child is placed in a parental home by the division of juvenile services.

- 1 6. For purposes of subsection 2, a child is not in foster care on any night during which
2 the child is:
- 3 a. On a trial home visit;
- 4 b. Receiving services at the youth correctional center pursuant to an adjudication of
5 delinquency; or
- 6 c. Absent without leave from the place in which the child was receiving foster care.
- 7 7. For purposes of this section:
- 8 a. "A finding that the child has been subjected to child abuse or neglect" means:
- 9 (1) A finding of deprivation made under chapter 27-20; or
- 10 (2) A conviction of a person, responsible for a child's welfare, for conduct
11 involving the child, under chapter 12.1-16 or sections 12.1-17-01 through
12 12.1-17-04 or 12.1-20-01 through 12.1-20-08.
- 13 b. "Compelling reason" means a recorded statement that reflects consideration of:
- 14 (1) The child's age;
- 15 (2) The portion of the child's life spent living in the household of a parent of the
16 child;
- 17 (3) The availability of an adoptive home suitable to the child's needs;
- 18 (4) Whether the child has special needs; and
- 19 (5) The expressed wishes of a child age ten or older.
- 20 c. "Department" means the department of human services or its designee, including
21 any county social service board.

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

24 **27-20-20.1. Petition to terminate parental rights - When brought - Definitions.**

- 25 1. A petition to terminate parental rights may be made as provided under this section and
26 section 27-20-45.
- 27 2. Except as provided in subsection 3, a petition for termination of parental rights must be
28 filed:
- 29 a. If the child has been in foster care, in the custody of the department, human
30 service zone, or county social service board, or, in cases arising out of an
31 adjudication by the court that a child is an unruly child, the division of juvenile

- 1 services, for at least four hundred fifty out of the previous six hundred sixty
2 nights;
- 3 b. Within sixty days after a court of competent jurisdiction has found the child to be
4 an abandoned infant; or
- 5 c. Within sixty days after a court of competent jurisdiction has convicted the child's
6 parent of one of the following crimes, or of an offense under the laws of another
7 jurisdiction which requires proof of substantially similar elements:
- 8 (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1
9 of section 14-09-22 in which the victim is another child of the parent;
- 10 (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section
11 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the
12 parent; or
- 13 (3) A violation of section 12.1-17-02 in which the victim is a child of the parent
14 and has suffered serious bodily injury.
- 15 3. A petition for termination of parental rights need not be filed if:
- 16 a. The child is being cared for by a relative approved by the department ~~in~~
17 ~~collaboration with the county social service board and human service zone;~~
- 18 b. The department, human service zone, or county social service board has
19 documented in the case plan a compelling reason for determining that filing such
20 a petition would not be in the child's best interests and has notified the court that
21 the documentation is available for review by the court; or
- 22 c. The department or county social service board before January 1, 2021, or the
23 human service zone has determined:
- 24 (1) Reasonable efforts to preserve and reunify the family are required under
25 section 27-20-32.2 to be made with respect to the child;
- 26 (2) The case plan provides such services are necessary for the safe return of
27 the child to the child's home; and
- 28 (3) Such services have not been provided consistent with time periods
29 described in the case plan.
- 30 4. For purposes of subsection 2, a child in foster care entered foster care on the earlier
31 of:

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

- 1 a. On a trial home visit;
- 2 b. Receiving services at the youth correctional center pursuant to an adjudication of
- 3 delinquency; or
- 4 c. Absent without leave from the place in which the child was receiving foster care.
- 5 7. For purposes of this section:
- 6 a. "A finding that the child has been subjected to child abuse or neglect" means:
- 7 (1) A finding of deprivation made under chapter 27-20; or
- 8 (2) A conviction of a person, responsible for a child's welfare, for conduct
- 9 involving the child, under chapter 12.1-16 or sections 12.1-17-01 through
- 10 12.1-17-04 or 12.1-20-01 through 12.1-20-08.
- 11 b. "Compelling reason" means a recorded statement that reflects consideration of:
- 12 (1) The child's age;
- 13 (2) The portion of the child's life spent living in the household of a parent of the
- 14 child;
- 15 (3) The availability of an adoptive home suitable to the child's needs;
- 16 (4) Whether the child has special needs; and
- 17 (5) The expressed wishes of a child age ten or older.
- 18 c. "Department" means the department of human services or its designee, including
- 19 any county social service board.
- 20 d. "Human service zone" means a county or consolidated group of counties
- 21 administering human services within a designated area in accordance with an
- 22 agreement or plan approved by the department.

23 **SECTION 28. AMENDMENT.** Section 27-20-30 of the North Dakota Century Code is

24 amended and reenacted as follows:

25 **27-20-30. Disposition of deprived child.**

- 26 1. If the child is found to be a deprived child, the court may make any of the following
- 27 orders of disposition best suited to the protection and physical, mental, and moral
- 28 welfare of the child:
- 29 a. Permit the child to reside with the child's parents, guardian, or other custodian,
- 30 subject to conditions and limitations as the court prescribes, including supervision
- 31 as directed by the court for the protection of the child.

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

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

24 **27-20-30.1. Disposition of child needing continued foster care services.**

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

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

- 1 j. That permanency hearing must be as set forth in section 27-20-36; and
2 k. That there are no grounds to file a petition to terminate parental rights under
3 chapter 27-20.

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

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

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

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

14 **27-20-38. Rights and duties of legal custodian.**

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

- 16 1. The right to the physical custody of the child and the right to determine the nature of
17 the care, placement, and treatment of the child, including ordinary medical care as well
18 as medical or surgical treatment for a serious physical condition or illness which in the
19 opinion of a licensed physician requires prompt treatment, except for any limits the
20 court may impose.
21 2. The right and duty to provide for the care, protection, training, and education and the
22 physical, mental, and moral welfare of the child, subject to the conditions and
23 limitations of the order and to the remaining rights and duties of the child's parents or
24 guardian.
25 3. A duty within thirty days after the removal of a child from the custody of the parent or
26 parents of the child for the purpose of placement into foster care, to exercise due
27 diligence to identify and provide notice to the following relatives: all parents of a sibling
28 of the child entering foster care who have legal custody of the sibling, all adult
29 grandparents, and any other adult suggested by the parents, subject to exceptions
30 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 to receive a subsidized guardianship
11 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 32. AMENDMENT.** Section 27-20-38 of the North Dakota Century Code is
19 amended and reenacted as follows:

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

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

- 22 1. The right to the physical custody of the child and the right to determine the nature of
23 the care, placement, and treatment of the child, including ordinary medical care as well
24 as medical or surgical treatment for a serious physical condition or illness which in the
25 opinion of a licensed physician requires prompt treatment, except for any limits the
26 court may impose.
- 27 2. The right and duty to provide for the care, protection, training, and education and the
28 physical, mental, and moral welfare of the child, subject to the conditions and
29 limitations of the order and to the remaining rights and duties of the child's parents or
30 guardian.

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

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

26 **27-20-44. Termination of parental rights.**

- 27 1. The court by order may terminate the parental rights of a parent with respect to the
28 parent's child if:
- 29 a. The parent has abandoned the child;
- 30 b. The child is subjected to aggravated circumstances as defined under
31 subsection 3 of section 27-20-02;

- 1 c. The child is a deprived child and the court finds:
- 2 (1) The conditions and causes of the deprivation are likely to continue or will not
- 3 be remedied and that by reason thereof the child is suffering or will probably
- 4 suffer serious physical, mental, moral, or emotional harm; or
- 5 (2) The child has been in foster care, in the care, custody, and control of the
- 6 department, ~~or a county social service board,~~ or human service zone, or, in
- 7 cases arising out of an adjudication by the juvenile court that a child is an
- 8 unruly child, the division of juvenile services, for at least four hundred fifty
- 9 out of the previous six hundred sixty nights; or
- 10 d. The written consent of the parent acknowledged before the court has been given.
- 11 2. If the court does not make an order of termination of parental rights, it may grant an
- 12 order under section 27-20-30 if the court finds from clear and convincing evidence that
- 13 the child is a deprived child.

14 **SECTION 34. AMENDMENT.** Section 27-20-45 of the North Dakota Century Code is

15 amended and reenacted as follows:

16 **27-20-45. Proceeding for termination of parental rights.**

- 17 1. The petition must comply with section 27-20-21 and state clearly that an order for
- 18 termination of parental rights is requested and that the effect will be as stated in
- 19 section 27-20-46.
- 20 2. If both of the natural parents of the child are not named in the petition either as
- 21 petitioner or as respondent, the court shall cause inquiry to be made of the petitioner
- 22 and other appropriate persons in an effort to identify an unnamed parent. The inquiry
- 23 must include, to the extent necessary and appropriate, all of the following:
- 24 a. Whether any man is presumed to be the father of the child under chapter 14-20.
- 25 b. Whether the natural mother of the child was cohabiting with a man at the time of
- 26 conception or birth of the child.
- 27 c. Whether the natural mother of the child has received from any man support
- 28 payments or promises of support with respect to the child or in connection with
- 29 her pregnancy.
- 30 d. Whether any person has formally or informally acknowledged or declared that
- 31 person's possible parentage of the child.

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

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

25 **27-20-45. Proceeding for termination of parental rights.**

- 26 1. The petition must comply with section 27-20-21 and state clearly that an order for
27 termination of parental rights is requested and that the effect will be as stated in
28 section 27-20-46.
- 29 2. If both of the natural parents of the child are not named in the petition either as
30 petitioner or as respondent, the court shall cause inquiry to be made of the petitioner

- 1 and other appropriate persons in an effort to identify an unnamed parent. The inquiry
2 must include, to the extent necessary and appropriate, all of the following:
- 3 a. Whether any man is presumed to be the father of the child under chapter 14-20.
 - 4 b. Whether the natural mother of the child was cohabiting with a man at the time of
5 conception or birth of the child.
 - 6 c. Whether the natural mother of the child has received from any man support
7 payments or promises of support with respect to the child or in connection with
8 her pregnancy.
 - 9 d. Whether any person has formally or informally acknowledged or declared that
10 person's possible parentage of the child.
 - 11 e. Whether any person claims any right to custody of the child.
- 12 3. The court shall add as respondent to the petition and cause to be served with a
13 summons any person identified by the court as an unnamed parent, unless the person
14 has relinquished parental rights, or parental rights have been previously terminated by
15 a court.
- 16 4. If the court, after inquiry, is unable to identify an unnamed parent and no person has
17 appeared in the proceeding claiming to be an unnamed parent of the child or to have
18 any right of custody of the child, the court shall enter an order terminating all parental
19 rights of the unnamed parent with reference to the child and the parent and child
20 relationship.
- 21 5. If a petition for termination of parental rights is made by a parent of the child under this
22 section or if a parent consents to termination of parental rights under section 27-20-44,
23 that parent is entitled under section 27-20-26 to legal counsel during all stages of a
24 proceeding to terminate the parent and child relationship.
- 25 6. Subject to the disposition of an appeal, upon the expiration of thirty days after an order
26 terminating parental rights is issued under this section, the order cannot be questioned
27 by any person, including the petitioner, in any manner, or upon any ground, including
28 fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction of
29 the parties or of the subject matter, unless the person retained custody of the child.

- 1 7. At least ten days before the petition is heard, the clerk of district court or juvenile court
2 shall provide a copy of the petition and summons, if any, to the ~~county social service~~
3 ~~board~~human service zone and the department of human services.

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

6 **27-20-47. Disposition upon termination of parental rights.**

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

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

26 **27-20-47. Disposition upon termination of parental rights.**

- 27 1. If, upon entering an order terminating the parental rights of a parent, there is no parent
28 having parental rights, the court shall:
- 29 a. Commit the child to the custody of the ~~county social service~~human service zone
30 director or a licensed child-placing agency willing to accept custody for the

- 1 purpose of placing the child for adoption or, in the absence thereof, in a foster
2 home;
- 3 b. Appoint a fit and willing relative or other appropriate individual as the child's legal
4 guardian; or
- 5 c. Establish some other planned permanent living arrangement.
- 6 2. The custodian has the rights of a legal custodian and authority to consent to the child's
7 adoption, marriage, enlistment in the armed forces of the United States, and surgical
8 and other medical treatment.
- 9 3. If the child is not placed for adoption within twelve months after the date of the order
10 and a legal guardianship or other planned permanent living arrangement for the child
11 has not been established by a court of competent jurisdiction, the child must be
12 returned to the court issuing the original termination order for entry of further orders for
13 the care, custody, and control of the child.

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

16 **27-20-49. Costs and expenses for care of child.**

- 17 1. The following expenses are a charge upon the funds of the county or human service
18 zone upon certification thereof by the court:
- 19 a. The cost of medical and other examinations and treatment of a child ordered by
20 the court.
- 21 b. The cost of care and support of a child committed by the court to the legal
22 custody of a public agency other than an institution for delinquent children or to a
23 private agency or individual other than a parent.
- 24 c. The cost of any necessary transportation for medical and other examinations and
25 treatment of a child ordered by the court unless the child is in the legal custody of
26 a state agency.
- 27 2. The commission on legal counsel for indigents shall pay reasonable compensation for
28 services and related expenses of counsel provided at public expense for a party and
29 the supreme court shall pay reasonable compensation for a guardian ad litem. The
30 attorney general shall pay the witness fees, mileage, and travel expense of witnesses
31 incurred in the proceedings under this chapter in the amount and at the rate provided

1 for in section 31-01-16. Expenses of the state include the cost of any necessary
2 transportation for medical and other examinations and treatment of a child ordered by
3 the court if the child is in the legal custody of a state agency in which case the cost
4 must be reimbursed to the county or human service zone by that state agency at the
5 state mileage rate, excluding meals and lodging, plus twenty-nine cents per mile.

6 3. If, after due notice to the parents or other persons legally obligated to care for and
7 support the child, and to a child over the age of eighteen, and after affording them an
8 opportunity to be heard, the court finds that they are financially able to pay all or part
9 of the costs and expenses stated in subsection 1, and expenses payable by the
10 supreme court under subsection 2, the court may order them to pay the same and
11 prescribe the manner of payment. Unless otherwise ordered, payment shall be made
12 to the clerk of the juvenile court for remittance to the person to whom compensation is
13 due, or if the costs and expenses have been paid by the county, human service zone,
14 or the state to the county treasurer of the county, the county treasurer of the host
15 county, or to the state treasurer.

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

28 5. A party who is required to reimburse indigent defense costs and expenses and who is
29 not willfully in default in that reimbursement may at any time petition the court to waive
30 reimbursement of all or any portion of the attorney's fees and expenses. If the court is
31 satisfied that reimbursement of the amount due will impose undue hardship on the

1 party or the party's immediate family, the court may waive reimbursement of all or any
2 portion of the amount due or modify the method of payment.

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

5 **27-20-54. Destruction of juvenile court records.**

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

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

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

- 1 2. Notwithstanding any other provisions of law relating to confidentiality, except for the
2 confidentiality requirements of federal drug and alcohol treatment and rehabilitation
3 laws, the division may disclose all or part of a juvenile's files and records, including
4 juvenile court orders, medical, psychological, education, and treatment and counseling
5 records, to individuals employed by the following if the knowledge is reasonably
6 necessary in the best interest of the juvenile and for the protection of others:
- 7 a. The district court or juvenile court.
- 8 b. A parent or legal guardian of the juvenile, the parent's or legal guardian's
9 counsel, or the juvenile's counsel, when the juvenile court has committed the
10 juvenile to the custody of the division of juvenile services, and the records are
11 relevant to a proceeding under chapter 27-20 or to a placement hearing under
12 section 27-21-02.1, or when disclosure is necessary for the juvenile's treatment
13 and rehabilitation plan. If the juvenile court determines that it is against the best
14 interests of the juvenile to disclose records to a parent or legal guardian, the
15 juvenile court may issue an order prohibiting disclosure and describing the
16 records that may not be disclosed.
- 17 c. An employee or agent of any division of the department of corrections and
18 rehabilitation when necessary to carry out the duties of the department.
- 19 d. The department of human services or a ~~county social~~ human service ~~agency~~ zone.
- 20 e. A licensed hospital or medical facility, a public or private treatment facility, or a
21 residential care or treatment facility, when necessary for the evaluation,
22 treatment, or care of a juvenile in the custody of the division of juvenile services.
- 23 f. A law enforcement agency when the division has reasonable grounds to believe
24 the juvenile has committed a delinquent act or has threatened to commit a
25 delinquent act involving serious bodily injury, or when the juvenile is required to
26 register, or is registered, under section 12.1-32-15.
- 27 g. A school district or multidistrict special education program in which the juvenile is
28 enrolled.
- 29 h. The office of the attorney general.

- 1 i. The risk management division of the office of management and budget and
2 investigators, consultants, or experts retained by the state for the purpose of
3 investigating and defending claims under chapter 32-12.2.

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

6 **30-16-04. Descent and distribution of real property subject to homestead estate.**

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

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

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

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

- 29 3. Except as provided in subsection 2, persons who are not disqualified have priority for
30 appointment as guardian in the following order:

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

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

- 26 h. Use of other statutory tools relating to social and economic development, land
- 27 use, transportation and roads, health, law enforcement, administrative and fiscal
- 28 services, recording and registration services, educational services, environmental
- 29 quality, water, sewer, solid waste, flood relief, parks and open spaces, hospitals,
- 30 public buildings, or other county functions or services, including creation of
- 31 cooperative county job development authorities pursuant to section 11-11.1-03,

1 multicounty health units pursuant to chapter 23-35, regional planning and zoning
2 commissions pursuant to section 11-35-01, boards of joint county park districts
3 pursuant to chapter 11-28 or a combination of boards of park commissioners with
4 a city pursuant to chapter 40-49.1, or ~~multicounty social~~human service
5 ~~districts~~zones pursuant to chapter 50-01.1.

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

8 **50-01-01. ~~County~~Human service zone obligated to support poor - Eligibility for**
9 **assistance –~~Transfer of property as security for assistance.~~**

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

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

- 1 d. ~~Property selected by the applicant having a value of less than three hundred-~~
2 ~~dollars.~~
- 3 e. ~~Real or personal property held in trust for the applicant by the federal-~~
4 ~~government.~~
- 5 f. ~~Real or personal property on which the taking of security may be prohibited-~~
6 ~~through legislation enacted by the Congress of the United States.~~

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

9 **50-01-01.1. Determination of eligibility - Notice - Appeal.**

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

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

21 **50-01-02. ~~County general~~General assistance jurisdiction.**

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

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

28 **50-01-04. Records to be kept.**

29 Every person who administers county general assistance shall maintain reasonable
30 records.

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

3 **50-01-13. Medical attention and hospitalization furnished to poor.**

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

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

18 **50-01-17. Person required to work.**

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

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

1 **50-01-17.1. Work requirement conditions.**

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

- 6 1. To register with job service North Dakota.
- 7 2. To participate in work incentive programs in accordance with the guidelines
8 established for public assistance programs.
- 9 3. To accept work which is available through community work experience programs.

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

12 **50-01-17.2. Community work experience programs - Development.**

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

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

20 **50-01-17.3. Community work experience program requirements.**

21 Any community work experience program established pursuant to this chapter must
22 provide:

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

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

3 **50-01-17.5. Refusal to comply with work requirements - Denial of relief.**

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

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

9 **50-01-19. Duty of relative to aid - Right of recovery by county and department.**

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

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

17 **50-01-21. County has and department have preferred claim against estate of recipient**
18 **of county general assistance or general assistance.**

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

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

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

28 A person who has residence in this state, for county general assistance purposes, is a
29 resident of the ~~county~~human service zone in which the person is living on other than a
30 temporary basis. If a person is living in a ~~county~~human service zone on a temporary basis, the

1 person is a resident of the ~~county~~human service zone in which the person most recently lived
2 other than on a temporary basis.

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

5 **50-01-27. State of residence for county general assistance purposes.**

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

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

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

16 **50-01-28. Change of residence to another ~~county~~human service zone.**

17 ~~When~~If a person who is receiving ~~county~~ general assistance in one ~~county~~human service
18 zone becomes a resident of another ~~county~~human service zone in this state, the ~~county~~human
19 service zone from which the person moves shall forward appropriate records and files to the
20 new ~~county~~human service zone of residence.

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

23 **50-01-29. Persons with uncertain residence.**

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

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

29 **50-01.1-01. Definitions.**

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

- 31 1. ~~"County agency" means the county social service board.~~

- 1 2. ~~"State department~~Department" means the department of human services.
- 2 2. "Host county" means the county within the human service zone in which the human
- 3 service zone administrative office is located and in which the human service zone
- 4 team members are employed.
- 5 3. "Human service zone" means a county or consolidated group of counties
- 6 administering human services within a designated area in accordance with an
- 7 agreement or plan approved by the department.
- 8 4. "Human service zone director" means a human service zone team member who
- 9 oversees the human service zone's operation and budget and serves as presiding
- 10 officer of the human service zone board.
- 11 5. "Human service zone team member" means a county employee who is responsible for
- 12 administering or delivering human services under the direction of the human service
- 13 zone director.
- 14 6. "Human services" means:
- 15 a. A service or assistance provided to an individual or an individual's family in need
- 16 of services or assistance, including child welfare services, locally administered
- 17 economic assistance programs, medical service programs, and aging service
- 18 programs, to assist the individual or the individual's family in achieving and
- 19 maintaining basic self-sufficiency, including physical health, mental health,
- 20 education, welfare, food and nutrition, and housing.
- 21 b. A service or assistance provided, administered, or supervised by the department
- 22 in accordance with chapter 50-06.
- 23 c. Licensing duties as administered or supervised by the department or delegated
- 24 by the department to a human service zone.
- 25 7. "Indirect costs" means salaries, benefits, and operating costs incurred in providing
- 26 those goods and services to support human services that are generally available for
- 27 the common benefit of multiple county agencies. These costs include legal
- 28 representation; facilities and related costs, such as utilities and maintenance;
- 29 administrative support including payroll, accounting, banking, and coordination;
- 30 information technology support and equipment; and miscellaneous goods and

1 services, such as transportation, supplies, insurance coverage, phone, and mail
2 services.

3 8. "Locally administered economic assistance programs" means those primary economic
4 assistance programs that need to be accessible to all citizens of the state through a
5 human service zone office and include:

6 a. Temporary assistance for needy families;

7 b. Employment and training programs;

8 c. Child care assistance programs;

9 d. Medical assistance, including early periodic screening, diagnosis, and treatment;

10 e. Supplemental nutrition assistance programs, including employment and training
11 programs;

12 f. Refugee assistance programs;

13 g. Basic care services;

14 h. Energy assistance programs; and

15 i. Information and referral.

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

18 **50-01.1-02. Consolidation of county agencies into multicounty social**
19 **Creation of**
human service districts
zones.

20 1. In order to provide optimum service, reduce program costs, and benefit recipients of
21 ~~social~~human services within this state, ~~any two or more counties, by agreement~~
22 ~~entered into through action of their boards of county commissioners, may shall~~
23 combine and consolidate their county agencies into a ~~multicounty social~~human service
24 ~~district~~zones in the manner provided in this chapter. ~~Multicounty social~~

25 2. Human service ~~districts~~zones succeed to all the powers and duties enumerated for
26 county agencies and shall perform all the functions and responsibilities assigned to
27 county agencies by this title. When consistent with this chapter, all provisions relating
28 to county agencies contained in this title apply to and govern ~~multicounty social~~human
29 service ~~districts.~~zones.

30 3. Counties shall identify other counties with which to enter a human service zone
31 agreement, and together the board of county commissioners ~~of any county desiring to~~

1 ~~become a member of a multicounty social service district shall file with the state-~~
2 ~~department a written request for membership agreement to create a human service~~
3 ~~zone , together with a plan for the creation of such a district, if such a district does not~~
4 ~~already exist no later than December 1, 2019. The agreement must identify the~~
5 ~~proposed counties of the human service zone, host county, identify the human service~~
6 ~~zone board members, and agree to seek approval from the department regarding~~
7 ~~hiring or dismissal of county social services or human service zone employees. The~~
8 ~~department shall review and approve all agreements in accordance with section~~
9 ~~50-01.1-03. The department may modify the agreements as specified in section~~
10 ~~50-01.1-03 or if some of the counties are not included in a human service zone. If~~
11 ~~counties do not submit an agreement, the department shall create the human service~~
12 ~~zone. The board of county commissioners shall submit a plan must be prepared as~~
13 ~~prescribed in section 50-01.1-04 by June 1, 2020. The department shall approve the~~
14 ~~plan in accordance with section 50-01.1-04 by January 1, 2021. The board of county~~
15 ~~commissioners shall provide quarterly updates as requested by the department to the~~
16 ~~department after the agreement is approved until the plan is submitted as requested.~~
17 4. ~~The request agreement and proposed plan must be approved or disapproved by the~~
18 ~~state department in accordance with section 50-01.1-03. In permitting the creation of~~
19 ~~such a district, the state department shall, to as great a degree as possible, allow the~~
20 ~~consolidation of county agencies in such a manner as will conform with the existing~~
21 ~~pattern of the trade area and with any regional pattern established by the executive~~
22 ~~department of this state.~~
23 5. ~~A county with a population exceeding sixty thousand individuals according to the 2010~~
24 ~~United States census may submit an agreement and proposed plan to operate as a~~
25 ~~single human service zone or to consolidate with other counties into a human service~~
26 ~~zone.~~
27 6. ~~Counties shall consider leveraging existing cooperative agreements between county~~
28 ~~agencies and shall consider how to collaborate to best meet local need, promote~~
29 ~~efficiency, service delivery, and ensure quality service.~~
30 7. ~~Counties' plan must allow nonresidents of the participating counties of a human~~
31 ~~service zone to access human services.~~

- 1 8. Counties' plan must continue to provide funding for indirect costs associated with the
2 service delivery of human services pursuant to chapter 50-35.
- 3 9. Counties' plan must set forth that the human service zone director may hire and
4 impose disciplinary actions on a human service zone team member. The counties'
5 plan must specify any role transitions for human service zone team members as well
6 as the procedures for team member grievances, appeals, and disciplinary actions. The
7 counties' plan must also permit the department authority to reduce full-time equivalent
8 positions in combination with a transfer of the positions or a human service zone team
9 member's separation from employment. The component of the plan developed under
10 this subsection must be consistent with merit system requirements, chapter 54-44.3
11 and corresponding rules, and the template developed by the department for the
12 human service zone plans under section 50-06-01.4.
- 13 10. The counties' plan must specify that reductions in access points may only be made
14 with agreement of the human service zone board, the county commissions of affected
15 counties, and the department.
- 16 11. The counties' plan must include information regarding the human service zone's
17 liability coverage for the human service zone board, human service zone director,
18 human service zone team members, human service zone property, and any unique
19 contractual relationships with the state, other human service zones, or other entities.
- 20 12. Counties' plan must include a statement of agreement between the human service
21 zone and the department allowing for review of proposed transfers of staff from the
22 human service zone to the department, from the department to the human service
23 zone, or among other human service zones. Approval by human service zone board or
24 the county commissions is not required.
- 25 13. Counties' plan must include a description of all unique locally-provided programs and
26 services that the counties are proposing to continue to provide within the human
27 service zone and to be funded under this plan.
- 28 14. Counties' agreement and plan must set forth the membership of the human service
29 zone board of a human service zone. The human service zone board may not consist
30 of more than fifteen members, as determined by the boards of county commissioners.

1 **SECTION 63. AMENDMENT.** Section 50-01.1-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-01.1-03. Manner of determination –~~Notices~~–~~Hearings~~.**

4 1. In determining whether the creation of a ~~multicounty social~~human service district~~zone~~
5 should be approved or established, the state department shall refer to, among other
6 pertinent factors, the following:

7 4. a. Whether the affected county agencies are able to supply an adequate level and
8 quality of social and economic assistance services.

9 2. b. The number and qualifications of staff personnel serving the affected county
10 agencies.

11 3. c. The ratio of the number of cases handled by the affected county agencies to the
12 number of their staff personnel.

13 4. d. The geographical area and population served by the affected county agencies.

14 5. e. The distance of recipients from the affected county agencies.

15 6. f. The benefits that would be realized from the creation of the ~~district~~human service
16 zone in terms of lower costs, increased availability of services, new services, and
17 improvement of services.

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

25 g. The amount of current and future access points for individuals to apply for and
26 receive services within a human service zone.

27 h. The existing pattern of the counties trade area and any regional pattern
28 established by the department.

29 i. Whether the county has a population exceeding sixty thousand individuals
30 according to the 2010 United States census to operate as a single human service
31 zone and whether it is in the best interest of the neighboring counties.

- 1 j. The maximum number of human service zones created may not exceed
2 nineteen.
- 3 k. Whether the human service zone director can adequately supervise the activities
4 and operations of the human service zone.
- 5 l. Whether the human service zone board is constituted of individuals that
6 represent the population of the human service zone.
- 7 m. Other good cause.
- 8 2. The department has final approval of a human service zone. The department may
9 establish or modify a human service zone based on the criteria set forth in
10 subsection 1. All human service zones must be initially approved or established by
11 January 1, 2020, and may be modified thereafter through a process developed by the
12 department.

13 **SECTION 64. AMENDMENT.** Section 50-01.1-04 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **50-01.1-04. Plan - Financing - ~~Distribution of property~~ – ~~Governing Human service~~**
16 **zone board – ~~Compensation of members.~~**

- 17 1. A plan for the creation of a ~~multicounty social~~human service district~~zone~~ must describe
18 the method of operation of the ~~district~~human service zone office, its administration, its
19 location and the location of any ancillary offices, the disbursements from public funds,
20 and the accountability for funds and manner of reporting receipts and disbursements.
21 ~~The plan must provide that all services provided by county officials to county agencies~~
22 ~~under this code be provided by those county officials residing within the same county~~
23 ~~in which the district office of the multicounty social service district is located.~~ The plan
24 must also provide for the distribution of property owned by each of the county
25 agencies affected by the consolidation and for the method of resolution of any
26 disagreement between the boards of county commissioners involved in the
27 ~~multicounty district~~human service zone or between the governing board and one or
28 more boards of county commissioners. The plan must also require the participating
29 counties to participate in the indirect cost allocation plan. The plan, once approved,
30 may be continued for a definite term or until rescinded ~~or~~ terminated in accordance
31 ~~with its terms.~~ The plan also may provide that the regional director of a regional human

1 ~~service center serves as the director of the multicounty social service district, or~~
2 ~~modified by the department through a process developed by the department.~~

3 2. The governing board of the multicounty social service district annually shall prepare a
4 proposed budget for the district at the time and in the manner in which a county
5 budget is adopted and shall submit the proposed budget to the board of county
6 commissioners of each county in the district for approval. The amount budgeted and
7 approved must be sufficient to defray the anticipated expenses of administration and
8 the delivery of social and economic assistance services, exclusive of grants, and must
9 be prorated among the counties based on an agreed-to cost distribution formula that
10 takes into consideration such factors as caseload, population, taxable valuation, and
11 geographical area of the respective counties comprising the district. Within ten days
12 following approval of the proposed budget by the boards of county commissioners, the
13 governing board of the district shall certify the budget to the respective county auditors
14 of the counties in the district, and this amount must be included in the levies of the
15 counties. Each board of county commissioners also shall budget and approve
16 amounts sufficient to defray that county's anticipated costs of county general
17 assistance and that county's share of grants as provided under this title. The amounts
18 budgeted and approved by the several boards of county commissioners must be
19 periodically deposited with the treasurer of the county in which the district office is
20 located, as requested by the treasurer, and must be placed in a special multicounty
21 social service district fund. The governing board, or its president and secretary when
22 authorized by the governing board, shall audit all claims against the fund. The
23 governing board at its regularly scheduled meeting shall approve or ratify all claims
24 against the fund. The county treasurer shall pay approved or ratified claims from the
25 fund. Unexpended funds remaining at the end of a fiscal year may be carried over to
26 the next fiscal year.

27 3. The governing board of a multicounty social service district consists of not more than
28 fifteen members, as determined by the plan. The plan must establish a method of
29 determining the number of members that will be appointed by each county within the
30 multicounty social service district. The method may consider the ratio that each
31 county's population bears to the total population of the multicounty social service

1 district, the ratio of current social service caseload, or other equitable factors;
2 provided, that each county included in the district must be represented by at least one
3 board member. The board of county commissioners of each county within the
4 multicounty social service district shall make the appointments to the governing board.
5 Members must be appointed for a term of three years or until a successor has been
6 appointed and qualifies. The members appointed to the initial governing board of a
7 multicounty district, however, must be appointed to staggered terms determined
8 according to the plan approved pursuant to section 50-01.1-03. Each member of the
9 governing board shall qualify by taking the oath prescribed for civil officers and by
10 filing the oath with the county auditor of the county of residence. Each sex must be
11 fairly represented on the board, and each county must be represented on the board by
12 at least one county commissioner of that county. Members shall elect from the
13 governing board a president, a secretary, and other officers as the board determines
14 necessary.

- 15 4. The appointing authority shall establish the rate of compensation for members of the
16 governing board and actual expenses incurred by members may be reimbursed at the
17 official reimbursement rates of the appointing authority.

18 **SECTION 65. AMENDMENT.** Section 50-01.1-04 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **50-01.1-04. Plan - Financing - Human service zone board.**

- 21 1. A plan for the creation of a human service zone must describe the method of operation
22 of the human service zone office, its administration, its location and the location of any
23 ancillary offices, the disbursements from public funds, and the accountability for funds
24 and manner of reporting receipts and disbursements. The plan must provide for the
25 distribution of property owned by each of the county agencies affected by the
26 consolidation and for the method of resolution of any disagreement between the
27 boards of county commissioners involved in the human service zone or between the
28 governing board and one or more boards of county commissioners. The plan must
29 also require the participating counties to participate in the indirect cost allocation plan.
30 The plan, once approved, may be continued for a definite term or until rescinded,

1 terminated, or modified by the department through a process developed by the
2 department.

- 3 2. ~~The governing board of the multicounty social~~human service district ~~annually~~zone
4 director shall prepare a proposed budget for the district~~human service zone~~ at the time
5 and in the manner in which a county budget is adopted~~as requested by the~~
6 department and shall submit the department approved proposed budget to the board
7 of county commissioners of each county in the district~~human service zone~~ for
8 ~~approval~~review. The board of county commissioners may not take any action to
9 amend or modify the amount approved by the department. The board of county
10 commissioners may make recommendations to the human service zone director and
11 the department to amend or modify the amount proposed or budgeted. The amount
12 budgeted and approved must be sufficient to defray the anticipated expenses of
13 administration and the delivery of social and economic assistance~~human~~ services,
14 exclusive of grants, and must be prorated among the counties based on an agreed-to
15 cost distribution formula that takes into consideration such factors as caseload,
16 population, taxable valuation, and geographical area of the respective counties
17 comprising the district. Within ten days following ~~approval~~review of the proposed
18 budget by the boards of county commissioners, the ~~governing board of the~~
19 ~~district~~human service zone director shall certify the budget to the respective county
20 auditors of the counties in the district, and this amount must be included in the levies
21 of the counties. Each board of county commissioners also shall budget and approve
22 amounts sufficient to defray that county's anticipated indirect costs of county general
23 assistance and that county's share of grants as provided under this title~~the human~~
24 service zone. The amounts budgeted, reviewed, and approved by the several boards
25 of county commissioners or the department, or both must be periodically deposited
26 with the treasurer of the host county in which the district~~human service zone~~ office is
27 located, ~~as requested by the treasurer~~, and must be placed in a special multicounty
28 ~~social~~human service district~~zone~~ human services fund. The human service zone's
29 income must be deposited into the human service zone human services fund by the
30 treasurer of the host county. The governing~~human service zone~~ board, or its president
31 and secretary when authorized by the governing board, shall ~~audit~~establish

1 procedures for the review and approval of all claims against the human service zone
2 human services fund. The governing board at its regularly scheduled meeting human
3 service zone director or designee shall approve or ratify all claims against the human
4 service zone human services fund. The county treasurer of the host county, shall pay
5 approved or ratified claims from the human service zone human services fund.
6 Unexpended human service zone human services funds remaining at the end of a
7 fiscal year may be carried over to the next fiscal year. The department may recalculate
8 and adjust each human service zone's formula payment biannually based on pertinent
9 factors, which include actual expenditures over the prior or current payment period,
10 current costs, offered services, need, income, performance of duties directed or
11 assigned and supervised by the department, and caseload.

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

1 4. ~~The appointing authority shall establish the rate of compensation for members of the-~~
2 ~~governing board and actual expenses incurred by members may be reimbursed at the~~
3 ~~official reimbursement rates of the appointing authority.~~

4 **SECTION 66.** A new section to chapter 50-01.1 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Duties of human service zone.**

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

- 9 1. Supervise and direct all human services activities conducted by the human service
10 zone, including general assistance or other public assistance.
- 11 2. Supervise and administer human services in the human service zone which are
12 financed in whole or in part with funds allocated or distributed by the department.
- 13 3. Aid and assist in every reasonable way to efficiently coordinate and conduct human
14 services activities within the human service zone by private as well as public
15 organizations.
- 16 4. Subject to subsection 16 of section 50-06-05.1, administer the supplemental nutrition
17 assistance program in the human service zone in conformity with the Food Stamp Act
18 of 1964, and enter an agreement for administering the supplemental nutrition
19 assistance program with the department.
- 20 5. Subject to subsection 18 of section 50-06-05.1, administer the home energy
21 assistance program in the human service zone and enter an agreement for
22 administering the home energy assistance program with the department.
- 23 6. Charge and collect fees and expenses for services provided by the human service
24 zone's staff in accordance with policies and fee schedules adopted by the department.
- 25 7. Supervise and administer designated child welfare services.
- 26 8. Supervise and administer human services.
- 27 9. Supervise and administer replacement programs with substantially similar goals,
28 benefits, or objectives.
- 29 10. If applicable, supervise and administer experimental, pilot, statewide, regional, or
30 transitional programs under the director of the department and with the goals of
31 enhancing quality, effectiveness, and efficiency of programs and services.

- 1 11. Cooperate with the department or other human service zones in revising human
2 service zone operations to reflect department guidelines or best practices that may be
3 based on recommendations from experimental or pilot programs.
- 4 12. Cooperate with any other human service zone to assure the conduct of initial and
5 ongoing human services with respect to any applicant or eligible beneficiary who is
6 physically present in a human service zone other than the human service zone of
7 which the applicant or eligible beneficiary is a resident.
- 8 13. Employ a human service zone director who shall serve as the presiding officer of the
9 human service zone board.
- 10 14. Collaborate with the department and other human service zones to ensure the
11 provision of quality, effective, and efficient human services to the citizens of North
12 Dakota.

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

15 **Human service zone directors.**

16 Human service zone directors:

- 17 1. Must be employees of the human service zone and located within the human service
18 zone, unless serving more than one human service zone.
- 19 2. Shall serve as the presiding officer of the human service zone board.
- 20 3. May serve one or more human service zones.
- 21 4. May hire, take disciplinary actions, and direct the work of a human service zone team
22 member in accordance with the department's policies. The human service zone
23 director has discretion to hire or separate from employment a human service zone
24 team member, on behalf of the human service zone board, subject to the allotted
25 number of approved and funded staff positions by the department.
- 26 5. Shall notify the department and appropriate host county staff, as directed by the
27 county commissioners, regarding the hiring, dismissal, demotion, suspension without
28 pay, forced relocation within the human service zone, reduction-in-force, or reprisal of
29 a human service zone team member.
- 30 6. May notify county commissioners, the human service zone board, or other appropriate
31 county staff regarding transfers of staff between the county and the department.

- 1 7. Shall establish, as agreed upon by the department, equitable compensation and salary
- 2 increases for all human service zone team members within established appropriation.
- 3 8. Shall develop a budget for the human service zone in partnership with the department
- 4 and other human service zone directors to ensure the administration of human
- 5 services.
- 6 9. May serve as a designee of the department to supervise department employees
- 7 assigned to or located within the human service zone.
- 8 10. Are the custodian designees of the executive director of the department for any child
- 9 in the custody of the department.

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

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

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

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

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

- 19 1. The department shall adopt standards for administration for human services and shall
- 20 provide training for the implementation of those standards. Each human service zone
- 21 shall provide for administration of human services that meet those standards.
- 22 2. The department shall develop a system of progressive discipline to address
- 23 performance issues within the human service zone. The system shall reserve the most
- 24 serious actions for severe or chronic failure to meet the standards adopted under
- 25 subsection 1.
- 26 3. The department shall provide ongoing performance notifications to the human service
- 27 zone board and human service zone director related to the overall compliance with the
- 28 standards of administration.
- 29 4. If a human service zone fails to provide for administration of human services that meet
- 30 the standards adopted under subsection 1, the department may take any of the
- 31 following actions:

- 1 a. Provide training to the persons responsible for administration.
- 2 b. Require the human service zone to prepare and implement a corrective action
3 plan.
- 4 c. Terminate or modify a human service zone, agreement, or plan which may
5 include requiring the reconstituting of the human service zone board or rehiring of
6 a human service zone director as part of a new or modified agreement or plan.
- 7 d. Recalculate and adjust the human service zone's formula payments.
- 8 e. Recommend disciplinary action to the human service zone director or the human
9 service zone board.

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

12 **Human service zone director hiring.**

13 The department must be an active participant in the hiring process of the human service
14 zone director and shall designate at least two individuals to participate on the interview panel.
15 The department shall approve or disapprove of the recommendation for the human service
16 zone director from the human service zone board and interview panel before the human service
17 zone board takes action to hire the human service zone director.

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

20 **50-01.2-00.1. Definitions.**

21 In this chapter, unless the context otherwise requires:

- 22 1. "Department" means the department of human services.
- 23 2. ~~"Local expenses of administration" includes costs for personnel, space, equipment,~~
24 ~~computer software, materials, travel, utilities, and related costs, and the indirect costs~~
25 ~~properly allocated to those costs. The term does not include initial acquisition of~~
26 ~~computers and related hardware approved by the department for the temporary~~
27 ~~assistance for needy families program, custom computer programs, custom software~~
28 ~~development, computer operations undertaken at the direction of the department, and~~
29 ~~computer processing costs or, unless agreed to by the county social service board,~~
30 ~~any costs related to pilot programs before the programs are implemented on a~~
31 ~~statewide basis.~~

- 1 3. ~~"Locally administered economic assistance programs" means those primary economic~~
2 ~~assistance programs that need to be accessible to all citizens of the state through a~~
3 ~~county social service office and include:~~
- 4 a. ~~Temporary assistance for needy families;~~
 - 5 b. ~~Employment and training programs;~~
 - 6 e. ~~Child care assistance programs;~~
 - 7 d. ~~Medical assistance, including early periodic screening, diagnosis, and treatment;~~
 - 8 e. ~~Supplemental nutrition assistance programs, including employment and training~~
9 ~~programs;~~
 - 10 f. ~~Refugee assistance programs;~~
 - 11 g. ~~Basic care services;~~
 - 12 h. ~~Energy assistance programs; and~~
 - 13 i. ~~Information and referral.~~

- 14 2. "Host county" means the county within the human service zone in which the human
15 service zone administrative office is located and in which the human service zone
16 team members are employed.

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

19 **50-01.2-01. ~~County social~~Human service zone board - Members - Qualifications.**

20 ~~Each board of county commissioners shall establish a county social service board~~
21 ~~consisting of five, seven, or nine members of which one or more must be members of the board~~
22 ~~of county commissioners. The board of county commissioners of each county within the human~~
23 ~~service zone shall appoint the appointed members of the county social human service zone~~
24 ~~board based upon fitness to serve as members by reason of character, experience, and training~~
25 ~~without regard to political affiliation. The board must include members of each~~Appointed
26 members of the human service zone board must consist of local elected officials and other key
27 community partners. Each sexcounty must be represented on the human service zone board by
28 at least one county commissioner of that county. Appointed members shall elect a vice presiding
29 officer and appoint a secretary, and other officers as the human service zone board determines
30 necessary. The human service zone director shall serve as presiding officer of the human
31 service zone board as a nonappointed member.

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

3 **50-01.2-02. Members of ~~county social~~human service zone board - Term of office -**
4 **Oath - Compensation.**

5 The appointed members of the ~~county social~~human service zone board serve a term of
6 three years or until their successors have duly qualified. ~~Terms of office must be arranged so~~
7 ~~the term of office of one member expires in one year, the term of one-half the remaining~~
8 ~~members the next year, and the term of the remaining members the third year~~The members
9 appointed to the initial human service zone board of a human service zone, however, must be
10 appointed to staggered terms determined according to the plan approved pursuant to section
11 50-01.1-03. Each appointed member of the human service zone board ~~qualifies~~shall qualify by
12 taking the oath provided for civil officers. The oath must be filed with the county auditor of the
13 county of residency. The appointing authorityhuman service zone shall establish the rate of
14 compensation forcompensate appointed members of the human service zone board members at
15 a rate established by the host county commission, upon consultation with the other county
16 commissions in the human service zone, consistent with the rate of compensation for members
17 of other appointed boards within the member counties and not to exceed the compensation and
18 expense reimbursement of members of the legislative assembly. The human service zone shall
19 also pay members for mileage and actual expenses incurred by board members may be
20 reimbursed at the official reimbursement rates of the appointing authorityin attending meetings
21 and in other performance of official duties of the members in the amounts provided by law for
22 other state officers.

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

25 **50-01.2-03. Duties of ~~county social~~human service zone board.**

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

- 27 1. ~~Supervise and direct all human service activities conducted by the county including~~
28 ~~county general assistance or other public assistance~~Provide information to the
29 department relative to the community needs of the human service zone residents and
30 advocate to meet those needs.

Sixty-sixth
Legislative Assembly

- 1 2. ~~Supervise and administer, under the direction and supervision of the department of~~
2 ~~human services, human services in the county which are financed in whole or in part~~
3 ~~with funds allocated or distributed by the department of human services~~Review
4 services and programs provided by the human service zone and make periodic
5 recommendations for improvement in services, programs, or facilities.
- 6 3. Aid and assist in every reasonable way to efficiently coordinate and conduct human
7 service activities within the ~~county~~human service zone by private as well as public
8 organizations.
- 9 4. ~~Subject to subsection 16 of section 50-06-05.1, administer the supplemental nutrition~~
10 ~~assistance program in the county under the direction and supervision of the~~
11 ~~department of human services in conformity with the Food Stamp Act of 1964, as~~
12 ~~amended, and enter into an agreement for administering the supplemental nutrition~~
13 ~~assistance program with the department of human services~~Establish procedures for
14 the review and approval of all claims against the human service zone human services
15 fund.
- 16 5. ~~Subject to subsection 18 of section 50-06-05.1, administer the home energy~~
17 ~~assistance program in the county under the direction and supervision of the~~
18 ~~department of human services and to enter into an agreement for administering the~~
19 ~~home energy assistance program with the department of human services.~~
- 20 6. ~~Charge and collect fees and expenses for services provided by its staff in accordance~~
21 ~~with policies and fee schedules adopted by the department of human services.~~
- 22 7. ~~Supervise and administer designated child welfare services under the direction and~~
23 ~~supervision of the department of human services. Through established procedures the~~
24 ~~department of human services may release the county social service board of this duty~~
25 ~~or the county social service board may request to be released from this duty by the~~
26 ~~department of human services. If a county is released from the county's duty to~~
27 ~~supervise and administer designated child welfare services under this subsection, the~~
28 ~~county retains its financial responsibility for providing those services unless otherwise~~
29 ~~negotiated and approved by the department.~~
- 30 5. Supervise and take other personnel actions related to the human service zone director
31 with direct consultation and involvement from the department. Hire the human service

1 zone director with the express approval of the department. Employment must be
2 consistent with the provisions of any law, rule, order, or regulation of the United States
3 or any federal agency or authority requiring civil service or merit standards or
4 classifications as a condition for providing funds administered by the department. A
5 human service zone director must be hired by April 1, 2020.

6 6. Hear and act on employee grievances in accordance with the human service zone
7 plan and in compliance with merit system requirements.

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

10 **50-01.2-03.2. County duties. (Effective through July 31, 2019)**

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

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

17 **County duties ~~–Financing in exceptional circumstances. (Effective after July~~**
18 **~~31 through December 31, 2019)~~**

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

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

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

1 caseload and counties must be compensated accordingly in the first quarter of
2 the new fiscal year; and

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

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

7 **50-01.2-04. Removal of members of the human service zone board.**

8 The appointing board of county commissioners may adopt a resolution to remove aan
9 appointed member of the county social human service zone board without cause. The board of
10 county commissioners may not remove the human service zone director as presiding officer of
11 the human service zone board.

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

14 **50-01.2-05. Actions and proceedings - Duty of state's attorney.**

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

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

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

- 1 c. Licensing duties as administered or supervised by the department or delegated
2 by the department to a human service zone.

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

5 **50-06-01.4. Structure of the department.**

- 6 1. The department includes the state hospital, the regional human service centers, a
7 vocational rehabilitation unit, and other units or offices and administrative and fiscal
8 support services as the executive director determines necessary. The department
9 must be structured to promote efficient and effective operations and, consistent with
10 fulfilling its prescribed statutory duties, shall act as the official agency of the state in
11 the discharge of the following functions not otherwise by law made the responsibility of
12 another state agency:
- 13 a. Administration of programs for children and families, including adoption services
14 and the licensure of child-placing agencies, foster care services and the licensure
15 of foster care arrangements, child protection services, children's trust fund, ~~state-~~
16 ~~youth authority~~, licensure of early childhood programs, ~~services to unmarried-~~
17 ~~parents~~, refugee services, in-home community-based services, quality control,
18 and administration of the interstate compacts on the placement of children and
19 juveniles.
- 20 b. Administration of programs for individuals with developmental disabilities,
21 including licensure of facilities and services, and the design and implementation
22 of a community-based service system for persons in need of habilitation.
- 23 c. Administration of aging service programs, including nutrition, transportation,
24 advocacy, social, ombudsman, recreation, and related services funded under the
25 Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and
26 community-based services, licensure of adult foster care homes, and the
27 committee on aging.
- 28 d. Administration of behavioral health programs, including:
- 29 (1) A policy division responsible for reviewing and identifying service needs and
30 activities in the state's behavioral health system in an effort to ensure health
31 and safety, access to services, and quality of services; establishing quality

- 1 assurance standards for the licensure of substance use disorder program
2 services and facilities; and providing policy leadership in partnership with
3 public and private entities; and
- 4 (2) A service delivery division responsible for providing chronic disease
5 management, regional intervention services, and twenty-four-hour crisis
6 services for individuals with behavioral health disorders.
- 7 e. Administration of economic assistance programs, including temporary assistance
8 for needy families, the supplemental nutrition assistance program, home energy
9 assistance, ~~child support~~care assistance, refugee assistance, work experience,
10 work incentive, and quality control.
- 11 f. Administration of medical service programs, including medical assistance for
12 children's health insurance program, Medicaid waivers, early and periodic
13 screening, diagnosis and treatment, utilization control, autism services, and
14 claims processing.
- 15 g. Administration of general assistance.
- 16 h. Administration of child support.
- 17 2. The executive director shall consult with and maintain a close working relationship with
18 the state department of health; with the department of corrections and rehabilitation
19 and the superintendents of the school for the deaf and the North Dakota vision
20 services - school for the blind to develop programs for individuals with developmental
21 disabilities; and with the superintendent of public instruction to maximize the use of
22 resource persons in regional human service centers in the provision of special
23 education services. The executive director shall also maintain a close liaison with
24 ~~county social~~human service agencies~~zones~~.
- 25 3. By August 1, 2019, the department shall establish a template for the development of
26 human service zone plans, including process and content requirements, access point
27 expectations, client grievances procedures, human resources, and locally funded
28 programs or services and how those services will be addressed.
- 29 4. The department shall develop, with assistance from the North Dakota association of
30 counties, a process for consultation and technical assistance for human service zone
31 working groups by August 1, 2019.

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

3 **50-06-01.9. Criminal history record checks.**

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

- 6 1. Job applicants of the department and employees of the department upon hiring;
- 7 2. Job applicants of the ~~county social~~human service agencies~~zone~~ and the department's
8 and ~~county social~~human service agencies'~~zones~~' contractors and contractors'
9 subcontractors that may have access to federal tax information received from the
10 United States internal revenue service through a computer match and stored in the
11 department's eligibility system;
- 12 3. A criminal history record check conducted under subsections 1 and 2 is valid for ten
13 years, after which the department shall require another criminal history record check
14 on employees of the department, ~~county social~~human service agencies~~zones~~, and the
15 department's and ~~county social~~human service agencies'~~zones~~' contractors and
16 contractors' subcontractors that may have access to federal tax information received
17 from the United States internal revenue service through a computer match and stored
18 in the department's eligibility system;
- 19 4. Providers licensed by the department under chapter 50-12, as well as for any
20 employees of those providers;
- 21 5. Providers holding, applicants for, and emergency designees and staff members of
22 providers holding and applicants for early childhood services licensure,
23 self-declaration, or in-home provider registration under chapter 50-11.1. The
24 department also may require criminal history record checks for household members of
25 a residence out of which early childhood services within the provider's home are
26 provided; and
- 27 6. Medicaid services applicant providers, Medicaid services providers, staff members of
28 the applicant provider or provider, or an individual with a five percent or more direct or
29 indirect ownership interest in the applicant provider or provider under chapter 50-24.1.

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

1 **50-06-05.1. Powers and duties of the department.**

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

- 5 1. To act as the official agency of the state in any social welfare or human service activity
6 initiated by the federal government not otherwise by law made the responsibility of
7 another state agency.
- 8 2. To administer, allocate, and distribute any state and federal funds that may be made
9 available for the purpose of providing financial assistance, care, and services to
10 eligible persons and families who do not have sufficient income or other resources to
11 provide a reasonable subsistence compatible with decency and health.
- 12 3. To provide preventive, rehabilitative, and other human services to help families and
13 individuals to retain or attain capability for independence or self-care.
- 14 4. To do needed research and study in the causes of social problems and to define
15 appropriate and effective techniques in providing preventive and rehabilitative
16 services.
- 17 5. To provide for the study, and to promote the well-being, of deprived, unruly, and
18 delinquent children.
- 19 6. To provide for the placing and supervision of children in need of substitute parental
20 care, subject to the control of any court having jurisdiction and control of any such
21 child.
- 22 7. To recommend appropriate human services related legislation to the legislative
23 assembly.
- 24 8. To direct and supervise ~~county social~~ human service board ~~zone~~ activities ~~as may be~~
25 ~~financed in whole or in part by or with funds allocated or distributed by the~~
26 ~~department and administer a statewide program for state-funded human services,~~
27 staffing, and administration costs related to the administration of human services.
- 28 9. To secure, hold, and administer for the purpose for which it is established any property
29 and any funds donated to it either by will or deed, or otherwise, or through court order
30 or otherwise available to the department, and to administer those funds or property in

- 1 accordance with the instructions in the instrument creating them or in accordance with
2 the instructions in the court order or otherwise.
- 3 10. To formulate standards and make appropriate inspections and investigations in
4 accordance with such standards in connection with all licensing activities delegated by
5 law to the department, including early childhood programs, nonmedical adult care
6 facilities and maternity homes, and persons or organizations receiving and placing
7 children, and to require those facilities, persons, and organizations to submit reports
8 and information as the department may determine necessary.
- 9 11. To permit the making of any surveys of human service needs and activities if
10 determined to be necessary.
- 11 12. To issue subpoenas, administer oaths, and compel attendance of witnesses and
12 production of documents or papers whenever necessary in making the investigations
13 provided for herein or in the discharge of its other duties. A subpoena may not be
14 issued to compel the production of documents or papers relating to any private
15 child-caring or child-placing agency or maternity hospital or to compel the attendance
16 as a witness of any officer or employee of those facilities except upon the order of a
17 judge of the district court of the judicial district in which the facilities are located.
- 18 13. To provide insofar as staff resources permit appropriate human services, including
19 social histories, social or social-psychological evaluations, individual, group, family,
20 and marital counseling, and related consultation, when referred by self, parent,
21 guardian, ~~county social~~human service ~~board~~zone, court, physician, or other individual
22 or agency, and when application is made by self (if an adult or emancipated youth),
23 parent, guardian, or agency having custody; also, on the same basis, to provide
24 human services to children and adults in relation to their placement in or return from
25 the life skills and transition center, state hospital, or North Dakota youth correctional
26 center.
- 27 14. To provide insofar as staff resources permit social services, including
28 social-psychological evaluations, predisposition reports, treatment, probation, and
29 aftercare services when requested by the judge of a juvenile court.

- 1 15. To provide insofar as staff resources permit social services, including
2 social-psychological evaluations, predisposition reports, treatment, and probation and
3 parole services, when requested by the judge in a criminal case.
- 4 16. To act as the official agency of the state in the administration of the supplemental
5 nutrition assistance program and to direct and supervise ~~county~~human service zone
6 administration of that program. Provided, however, that the department with the
7 consent of the budget section of the legislative management may terminate the
8 program if the rate of federal financial participation in administrative costs provided
9 under Public Law 93-347 is decreased or limited, or if the state or counties become
10 financially responsible for all or a portion of the coupon bonus payments under the
11 Food Stamp Act. The department may not deny assistance under the supplemental
12 nutrition assistance program to any individual who has been convicted of a felony
13 offense that has as an element the possession, use, or distribution of a controlled
14 substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C.
15 802(6)].
- 16 17. To administer, allocate, and distribute any funds made available for the making of
17 direct cash assistance payments, housing assistance payments, and rental subsidies
18 under any rental assistance programs initiated by the federal government not
19 otherwise by law made the responsibility of another state agency possessing
20 statewide jurisdiction.
- 21 18. To act as the official agency of the state in the administration of the home energy
22 assistance program; to direct and supervise ~~county~~human service zone administration
23 of that program; and to take such actions, give such directions, and adopt such rules,
24 subject to review in the courts of this state, as may be necessary or desirable to carry
25 out this subsection. For purposes of the administration of the energy assistance
26 program, funds are obligated at the earlier of the time a written commitment is made to
27 pay a vendor or contractor for services or supplies delivered or to be delivered, or at
28 the time payment is made to a vendor or contractor for services or supplies delivered
29 or to be delivered. The provisions of this subsection concerning obligation of funds
30 apply to payments and commitments made on or after July 1, 1991. The department
31 with the consent of the budget section of the legislative management may terminate

1 the program if the rate of federal financial participation in administrative costs is
2 decreased or limited to less than fifty percent of total administrative costs, or if the
3 state or counties become financially responsible for all or a portion of the cost of
4 energy assistance program benefits.

5 19. To administer, allocate, and distribute any funds made available for the payment of the
6 cost of the special needs of any child under the age of twenty-one years, who is living
7 in an adoptive home and would probably go without adoption except for acceptance by
8 the adopted family, and whose adopted family does not have the economic ability and
9 resources, as established by the department, to take care of the special needs of the
10 child, including legal fees, maintenance costs, medical and dental expenses, travel
11 costs, and other costs incidental to the care of the child.

12 20. To exercise and carry out any other powers and duties granted the department under
13 state law.

14 21. To administer, allocate, and distribute any funds made available for the payment of
15 transitional living services, to develop standards and conduct needs assessments
16 regarding transitional living services, to develop or approve and to evaluate
17 demonstration projects offering transitional living programs, to approve transitional
18 living facilities for the purpose of providing foster care, and to apply for and administer
19 federal and other funds that may be made available to undertake any of the activities
20 described in this subsection. For purposes of this subsection:

21 a. "Transitional living facility" means a specific site, which is identified by a licensed
22 child-placing agency or residential child care facility and which is approved by the
23 department, for the provision of transitional living services.

24 b. "Transitional living program" means a program that provides transitional living
25 services and may include an identified program operations location approved by
26 the department.

27 c. "Transitional living services" may include housing, supervision, and supportive
28 services intended and designed to assist persons who have received foster care
29 services and who have reached age seventeen, but who have not reached age
30 twenty-one, to achieve independence and self-sufficiency.

- 1 22. With the approval of the governor, to lease or transfer use of any part of the life skills
2 and transition center facilities or properties, located in section thirteen, township one
3 hundred fifty-seven north, range fifty-three west, located in Walsh County, North
4 Dakota, to the federal government, or any public or private agency, organization, or
5 business enterprise, or any worthy undertaking, under the following provisions:
- 6 a. The department determines that the facility or property is not needed to serve
7 any present or reasonably foreseeable need of the life skills and transition center.
8 b. The transaction is exempt from the provisions of section 50-06-06.6.
9 c. The term of any lease may not exceed ninety-nine years.
10 d. All required legal documents, papers, and instruments in any transaction must be
11 reviewed and approved as to form and legality by the attorney general.
12 e. Any funds realized by any transaction must be deposited in the state's general
13 fund.
- 14 23. To act as a decedent's successor for purposes of collecting amounts due to the
15 department or human service zone, unless otherwise directed or determined by the
16 department. Any affidavit submitted by the department under section 30.1-23-01 must
17 conform to the requirements of that section except that the affidavit may state that
18 twenty days have elapsed since the death of the decedent.
- 19 24. To provide those services necessary for the department and for ~~county social~~human
20 service ~~boards~~zones to comply with the provisions of any law, rule, order, or regulation
21 of the United States or any federal agency or authority requiring civil service or merit
22 standards or classifications as a condition for providing funds administered by the
23 department.
- 24 25. For purposes of administration of programs, and subject to legislative appropriation,
25 funds are obligated at the time a written commitment is made to pay a vendor or
26 contractor for services or supplies either delivered or to be delivered. This subsection
27 applies to payments and commitments made on or after January 1, 1997.
- 28 26. ~~Notwithstanding section 50-01.2-00.1, to~~To determine eligibility for medical assistance
29 and children's health insurance program benefits when the department receives a joint
30 application for these benefits.

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

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

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

9 3. Each human service center must have a human services advisory group consisting of
10 the ~~county social~~human service zone directors of the region served, the public health
11 directors of the region served, two current county commissioners appointed by the
12 executive director of the department, and five additional members appointed by the
13 executive director of the department. Each advisory group member must be a resident
14 of the region the member is appointed to serve. The term of office for each appointed
15 member is two years and arranged so that the term of three of the appointed members
16 expires at the end of the first year and the term of the remaining four appointed
17 members expires at the end of the second year, except for those first members
18 appointed, three members shall serve a one-year term and four members shall serve
19 a two-year term. The director shall select the appointed members of each human
20 service advisory group on the basis of population of the counties in the region served
21 by the human service center. Each county in the region must be represented by at
22 least one member on the human service advisory group. To the extent possible,
23 appointed membership of the advisory group must reflect regional interests in the
24 fields of developmental disabilities, social services, mental health, and substance use
25 disorders. The executive director of the department shall appoint a chairman for each
26 advisory group from the membership of the advisory group. The executive director of
27 the department shall fill a vacancy occurring within an advisory group for other than
28 the expiration of a term in the same manner as original appointments, except that
29 appointments must be made only for the unexpired term. The department shall
30 compensate appointed members of a human service advisory group at the rate of
31 forty-five dollars per day, not to exceed twenty-five days in any one year. The

1 department also shall pay members for mileage and actual expenses incurred in
2 attending meetings and in the performance of their official duties in the amounts
3 provided by law for other state officers.

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

6 **50-06-05.8. Department to assume costs of economic assistance and social service**
7 **programs. (Effective through December 31, 2019)**

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

12 **Department to assume certain costs of certain ~~social service programs~~ human**
13 **services. (Effective after December 31, 2019)** ~~Notwithstanding section 50-06-2-05, or any~~
14 ~~other provision in title 50 to the contrary, and in addition to the programs identified in section~~
15 ~~50-06-20, the~~ The department of human services shall pay the local expenses of administration
16 incurred by a county each human service zone's expenses for administering human services for
17 calendar years after December 31, 2019, for family preservation programs; a county's share of
18 the cost of the electronic benefits transfers for the supplemental nutrition assistance program
19 incurred after December 31, 2019; and the computer processing costs incurred by the county
20 after December 31, 2019, which exceed the county's costs of operation of the technical
21 eligibility computer system in calendar year 1995 increased by the increase in the consumer
22 price index for all urban consumers (all items, United States city average) after January 1,
23 1996 based on the formula payment amount calculated for each human service zone under
24 chapter 50-35. The executive director of the department shall authorize expenditures from the
25 human service finance fund to reimburse the department for the department's costs of providing
26 human services that historically have been provided by a county or human service zone, or for
27 a new service or program based on federal or state law.

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

1 **50-06-06.2. Clinic services - Provider qualification - Utilization of federal funds.**

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

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

16 **50-06-06.5. Continuum of services for individuals with serious and persistent mental**
17 **illness.**

- 18 1. The department of ~~human services~~ shall develop a plan for an integrated,
19 multidisciplinary continuum of services for individuals with serious and persistent
20 mental illness. The continuum may consist of an array of services provided by private
21 mental health professionals, private agencies, ~~county-social~~human service
22 ~~agencies~~zones, human service centers, community-based residential care and
23 treatment facilities, and private and public inpatient psychiatric hospitals. When
24 appropriate, access to the continuum must be through human service centers. Within
25 the limits of legislative appropriations, the plan for a continuum may include:
- 26 a. Programs, and appropriate related facilities, to provide socialization skills.
 - 27 b. Programs, and appropriate related facilities, to provide basic living skills.
 - 28 c. Appropriate residential facilities and other housing options.
 - 29 d. Appropriate training, placement, and support to enhance potential for
 - 30 employment.
 - 31 e. Appropriate delivery and control of necessary medication.

- 1 f. Appropriate economic assistance.
- 2 g. An inpatient facility with appropriate programs to respond to persons who require
- 3 hospitalization.
- 4 h. Peer and recovery support.
- 5 i. Crisis service that is available twenty-four hours a day seven days a week.
- 6 2. The continuum of care must provide that a person requiring treatment be submitted to
- 7 the least restrictive available conditions necessary to achieve the purposes of
- 8 treatment. The department shall ensure appropriate cooperation with ~~county-~~
- 9 ~~social~~human service ~~agencies~~zones and private providers in achieving the continuum
- 10 of care.

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

13 **50-06-06.14. Placement of children - Least restrictive care.**

14 The department and ~~county-social~~human service ~~boards~~zones shall explore the option of
15 kinship care ~~when~~if a child is unable to return home due to safety concerns. Absent kinship
16 options, the department and ~~county-social~~human service ~~boards~~zones shall provide
17 permanency options that are in the least restrictive care and near the family's home as required
18 by the federal Adoption and Safe Family Act of 1997 [Pub. L. 105-89; 111 Stat. 2115; 42 U.S.C.
19 671].

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

22 **50-06-12. CountyHuman service zone bound by reciprocal agreements of department**
23 **- Duty of state and countyhuman service zone when person determined not entitled to**
24 **support.**

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

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

1 **50-06-20. Programs funded at state expense - Interpretation.**

2 1. The state shall bear the cost, in excess of the amount provided by the federal
3 government, of:

4 a. As provided in section 50-24.1-14, medical assistance services provided under
5 chapter 50-24.1;

6 b. Energy assistance program benefits provided under subsection 18 of section
7 50-06-05.1;

8 c. Supplements provided under chapter 50-24.5 as basic care services;

9 d. Services, programs, and costs listed in section 50-09-27;

10 e. Welfare fraud detection programs; and

11 f. Human services provided by the human service zones or the department;

12 g. General assistance under chapter 50-01;

13 h. Special projects approved by the department and agreed to by any affected
14 ~~county social~~human service boardzone; and

15 i. Programs and services unique to the human service zone which have been
16 included in the approved human service zone plan.

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

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

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

24 **50-06.2-01. Purpose - Interpretation.**

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

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

- 1 2. To prevent, remedy, or alleviate neglect, abuse, or exploitation of children and adults
- 2 unable to protect their own interests.
- 3 3. To provide a continuum of community-based services adequate to appropriately
- 4 sustain individuals in their homes and in their communities and to delay or prevent
- 5 institutional care.
- 6 4. To preserve, rehabilitate, and reunite families.
- 7 5. To assist in securing referral or admission of individuals to institutional care when other
- 8 forms of care are not appropriate.

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

11 **50-06.2-02. Definitions.**

12 As used in this chapter:

- 13 1. "Comprehensive human services" means services included in the comprehensive
- 14 human services plan published by the state agency and human services required by
- 15 state law or state agency regulation or federal law or regulation as a condition for the
- 16 receipt of federal financial participation in programs administered under the provisions
- 17 of this title.
- 18 2. ~~"County agency" means the county social service board in each county of the state.~~
- 19 3. ~~"County plan" means the county human services plan required by section 50-06.2-04.~~
- 20 4. "Family home care" means the provision of room, board, supervisory care, and
- 21 personal services to an eligible elderly or disabled person by the spouse or by one of
- 22 the following relatives, or the current or former spouse of one of the following relatives,
- 23 of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult
- 24 grandchild, adult niece, or adult nephew. The family home care provider need not be
- 25 present in the home on a twenty-four-hour basis if the welfare and safety of the client
- 26 is maintained.
- 27 ~~5-3.~~ "Human service center" means a regional center established under section
- 28 50-06-05.3.
- 29 4. "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 state agency.

- 1 5. "Human service zone plan" means the human service zone plan required by section
2 50-06.2-04.
- 3 6. "Human services" means:
- 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 service programs, and aging service programs, to assist the
7 individual or the individual's family in achieving and maintaining basic
8 self-sufficiency, including physical health, mental health, education, welfare, food
9 and 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 ~~6-7.~~ "Qualified service provider" means a county agency human service zone or
15 independent contractor which agrees to meet standards for service and operations
16 established by the state agency.
- 17 ~~7-8.~~ "State agency" means the department of human services.

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

20 **50-06.2-03. Powers and duties of the state agency.**

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

- 22 1. To act as the official agency of the state in the administration of the human services
23 programs for individuals and families in conformity with state and federal
24 requirements.
- 25 2. To prepare, at least biennially, a comprehensive human services plan which must:
- 26 a. Include human services determined essential in effectuating the purposes of this
27 chapter.
- 28 b. Detail the human services identified by the state agency for provision by human
29 service centers and the services which the ~~county agencies have agreed-~~
30 ~~to~~ human service zones make available in approved ~~county~~ human service zone.

1 plans as a condition for the receipt of any funds allocated or distributed by the
2 state agency.

3 3. To make available, through ~~county agencies~~ human service zone or human service
4 centers, any or all of the services set out in the comprehensive human services plan
5 on behalf of those individuals and families determined to be eligible for those services
6 under criteria established by the state agency.

7 4. To supervise and direct the comprehensive human services administered by ~~county-~~
8 ~~agencies~~ human service zone and human service centers through standard-setting,
9 technical assistance, approval of ~~county~~ human service zone and regional plans,
10 preparation of the comprehensive human services plan, evaluation of comprehensive
11 human services ~~programs~~, and distribution of public money for services.

12 5. Within the limits of legislative appropriations and at rates determined payable by the
13 state agency, to pay qualified service providers, which meet standards for services
14 and operations, for the provision of the following services as defined in the
15 comprehensive human services plan which are provided to individuals who, on the
16 basis of functional assessments, income, and resources, are determined eligible for
17 the services in accordance with rules adopted by the state agency:

18 a. Homemaker services;

19 b. Chore services;

20 c. Respite care;

21 d. Home health aide services;

22 e. Case management;

23 f. Family home care;

24 g. Personal attendant care;

25 h. Adult family foster care; and

26 i. Such other services as the state agency determines to be essential and
27 appropriate to sustain individuals in their homes and in their communities and to
28 delay or prevent institutional care.

29 6. To take actions, give directions, and adopt rules as necessary to carry out the
30 provisions of this chapter.

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

3 **SECTION 92. AMENDMENT.** Section 50-06.2-04 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-06.2-04. Powers and duties of county agencies. (Effective through December 31,**
6 **2019)**

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

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

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

- 26 3. To make available the human services detailed in the comprehensive human services
27 plan which the county agency has included in the approved county plan and to provide
28 such other human services as the county agency determines essential in effectuating
29 the purposes of this chapter within the county. To the extent funding is available under
30 section 50-06.2-03 and chapter 50-24.1, the county plan must include the services
31 enumerated in those sections. The county agency shall make these services available

- 1 to any individual requesting service and determined eligible on the basis of a
2 functional assessment conducted in accordance with state and federal laws and
3 regulations. The individual shall pay for the services in accordance with a fee scale
4 based on family size and income. The county agency may contract with any qualified
5 service provider in its provision of those enumerated services.
- 6 4. To submit annually to the board of county commissioners a budget containing an
7 estimate and supporting data, setting forth the funds needed to carry out the
8 provisions of this chapter.

9 **Powers and duties of ~~county agencies~~ human service zones. (Effective after
10 **December 31, 2019**) Each ~~county agency~~ human service zone has the following powers and**

11 duties under this chapter:

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

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

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

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

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

19 **50-06.2-06. Freedom of choice.**

20 Each person eligible for services under this chapter, or the person's representative, must be
21 free to choose among available qualified service providers that offer competitively priced
22 services. The ~~county agency~~human service zone shall inform each eligible applicant for
23 services, provided under this chapter, of the identity of qualified service providers available to
24 provide the service required by the applicant. The ~~county agency~~human service zone shall
25 make and document reasonable efforts to inform potential service providers of the anticipated
26 need for services in the ~~county~~human service zone.

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

29 **50-09-01. Definitions.**

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

- 1 1. "Account" means a demand deposit account, checking or negotiable withdrawal order
2 account, share account, share draft account, savings account, time deposit account,
3 securities account, money market mutual fund account, or any other account or
4 arrangement that reflects an owner's share or similar equity interest issued by an
5 entity that is registered as an investment company under the federal investment
6 company laws, to the extent the owner is permitted to redeem the share or interest by
7 an order for payment to a third party.
- 8 2. "Assistance" means money payments with respect to, or goods and services provided
9 for dependent children, including payments for the care of unmarried mothers or
10 fathers and their infants.
- 11 3. "Child support" has the meaning provided in section 14-09-09.10.
- 12 4. ~~"County agency" means the county social service board in each of the counties of the~~
13 ~~state.~~
- 14 5. "Dependent child" means any needy child who is described in a state plan for aid and
15 services to needy families submitted pursuant to title IV-A.
- 16 ~~6.5.~~ "Financial institution" means:
 - 17 a. A depository institution, as defined in section 3(c) of the Federal Deposit
18 Insurance Act [12 U.S.C. 1813(c)];
 - 19 b. An institution-affiliated party, as defined in section 3(u) of the Federal Deposit
20 Insurance Act [12 U.S.C. 1813(u)];
 - 21 c. Any federal credit union or state credit union, as defined in section 101 of the
22 Federal Credit Union Act [12 U.S.C. 1752], including an institution-affiliated party
23 of such a credit union, as defined in section 206(r) of the Federal Credit Union
24 Act [12 U.S.C. 1786(r)]; and
 - 25 d. Any benefit association, insurance company, safe deposit company, securities
26 intermediary, money market mutual fund, or similar entity authorized to do
27 business in the state.
- 28 6. "Human service zone" means a county or consolidated group of counties
29 administering human services within a designated area in accordance with an
30 agreement or plan approved by the state agency.
- 31 7. "Obligor" has the meaning provided in section 14-09-09.10.

- 1 8. "Past-due support" has the meaning provided in section 14-09-09.10.
- 2 9. "Secretary" means the secretary of the United States department of health and human
3 services.
- 4 10. "Securities account" has the meaning provided in section 41-08-41.
- 5 11. "Securities intermediary" has the meaning provided in section 41-08-02, but does not
6 include a clearing corporation.
- 7 12. "State agency" means the North Dakota department of human services.
- 8 13. "Title IV-A" means title IV-A of the Social Security Act, as adopted by title I of Pub. L.
9 104-193 [110 Stat. 2110 et seq.; 42 U.S.C. 601 et seq.].
- 10 14. "Title IV-B" means title IV-B of the Social Security Act [Pub. L. 90-248, title II,
11 sec. 240(c); 81 Stat. 911; 42 U.S.C. 620 et seq.], as amended.
- 12 15. "Title IV-D" means title IV-D of the Social Security Act [Pub. L. 93-647; 88 Stat. 2351;
13 42 U.S.C. 651 et seq.].
- 14 16. "Title IV-E" means title IV-E of the Social Security Act [Pub. L. 96-272, title I,
15 sec. 101(a)(1); 94 Stat. 501; 42 U.S.C. 670 et seq.], as amended.
- 16 17. "Work activity" means any activity permitted or required to be treated as work for
17 purposes of calculating a work participation rate.

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

20 **50-09-02. Duties of the state agency.**

21 The state agency shall:

- 22 1. Take such action and adopt rules as may become necessary to entitle the state to
23 receive funds from the federal government under title IV-A.
- 24 2. Supervise the administration of temporary assistance for needy families throughout
25 the state of North Dakota.
- 26 3. Take such action, give such directions, and adopt rules as may be necessary or
27 desirable to carry out the provisions of this chapter, including the adoption and
28 application of suitable standards and procedure to ensure appropriate treatment of all
29 applicants for temporary assistance for needy families.
- 30 4. Cooperate with the federal government in matters of mutual concern pertaining to
31 temporary assistance for needy families, including the adoption of such methods of

- 1 administration as are found by the state agency to be appropriate for the efficient
2 operation of the plan for such assistance.
- 3 5. Provide such qualified employees and representatives as may be necessary.
- 4 6. Prescribe the form of and print and supply to the ~~county agencies~~human service zones
5 blanks for applications, reports, and such other forms as it may deem necessary and
6 advisable.
- 7 7. Have authority to establish and maintain personnel standards on a merit basis for
8 personnel employed by the state and the ~~county public assistance agencies not~~
9 ~~covered by a statewide merit system~~human service zone.
- 10 8. Make such reports in such form and containing such information as the federal
11 government from time to time may require.
- 12 9. Make any determinations respecting title IV-A not expressly reserved to the federal
13 government under federal law.
- 14 10. Determine if the terms of any waiver of federal requirements, pertaining to the aid to
15 families with dependent children program, submitted to the federal government before
16 August 22, 1996, are consistent with the requirements of title IV-A.
- 17 11. Determine the expenditures that constitute qualified state expenditures for purposes of
18 this chapter.
- 19 12. Determine the costs that constitute administrative costs for purposes of this chapter.
- 20 13. Determine in any case if assistance provided will be funded through qualified state
21 expenditures, funds made available from the federal government under title IV-A, or a
22 combination thereof.
- 23 14. Assist recipients of temporary assistance for needy families, in a form and manner
24 determined appropriate by the state agency, but which need not be uniform among
25 families or among counties.
- 26 15. Administer all funds appropriated or made available to it for the purpose of carrying out
27 the provisions of this chapter.
- 28 16. Act as the official agency of the state in the administration of the child support
29 enforcement program and medical support enforcement program in conformity with
30 title IV-D. In administering the child support enforcement and medical support
31 enforcement programs, the state agency may contract with any public or private

1 agency or person to discharge the state agency's duties and must maintain an office in
2 each of the eight planning regions of the state.

3 17. Take actions and adopt rules necessary to entitle the state to receive funds from the
4 federal government under the child care and development block grant [42 U.S.C. 9858
5 et seq.], as amended.

6 18. Have authority to establish a program for families that include both a minor child and
7 an incapacitated parent of that minor child, using no federal funds derived from
8 temporary assistance for needy families block grant funds, which otherwise functions
9 in substantially the form and manner of the temporary assistance for needy families
10 program.

11 19. For purposes of section 674(e)(2) of the Social Security Act [42 U.S.C. 674(e)(2)],
12 approve families, outside of the jurisdiction of the state of North Dakota, for placement
13 of children for adoption.

14 20. Act as the official agency of the state in the administration of child and family services
15 in conformity with title IV-B and to direct and supervise ~~county~~human service zone
16 administration of that program, unless otherwise directed or determined by the state
17 agency.

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

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

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

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

1 **50-09-02.2. Assistance for adopted children with special needs.**

2 Assistance provided under this chapter or chapter 50-24.1 after adoption to a child with
3 special needs must be provided without regard to the income or resources of the adopting
4 parents. Except as provided in this section, such assistance continues until the adopted child
5 becomes eighteen years of age, is emancipated, or dies; the adoption is terminated; or a
6 determination of ineligibility is made by the ~~county~~human service zone or state agency,
7 whichever occurs earlier. If sufficient funds are available, the ~~county~~human service zone or state
8 agency may continue assistance for an adopted child until the child reaches twenty-one years
9 of age if the human service zone or state agency determines that the adopted child is a student
10 regularly attending a secondary, postsecondary, or career and technical education school in
11 pursuance of a course of study leading to a diploma, degree, or gainful employment. Assistance
12 provided to an adopted child must continue regardless of the residence of the adopting parents.
13 ~~A~~The state ~~or county~~ agency or human service zone may require, as a condition of receiving
14 assistance under this chapter or chapter 50-24.1, that the adopting parents enter ~~into~~ a contract
15 or agreement regarding the type of assistance to be received; the amount of assistance; the
16 identity of the physical, mental, or emotional condition for which medical assistance is received;
17 or any conditions for continued receipt of assistance. A child with special needs is a child legally
18 available for adoptive placement whose custody has been awarded to the ~~department~~state
19 agency or a ~~county social~~human service ~~board~~zone and who is seven years of age or older;
20 under eighteen years of age with a physical, emotional, or mental disability or has been
21 diagnosed by a licensed physician to be at high risk for such a disability; a member of a
22 minority; or a member of a sibling group.

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

25 **50-09-03. Duties of ~~county agency~~human service zone.**

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

- 28 1. Administer the temporary assistance for needy families program in its ~~county~~human
29 service zone, subject to the rules of the state agency.
- 30 2. Report to the state agency at such times and in such manner and form as the state
31 agency, from time to time, may direct.

- 1 3. Submit annually, ~~through the human service zone director,~~ to the ~~board of county-~~
2 ~~commissioners of each county~~state agency a budget containing an estimate and
3 supporting data, setting forth the amount of money needed to carry out the provisions
4 of this chapter.
- 5 4. Cooperate with juvenile courts and licensed children's agencies.
- 6 5. Administer child and family services under the direction and supervision of the state
7 agency in conformity with title IV-B.
- 8 6. Administer federal payments for foster care and adoption assistance under the
9 direction and supervision of the state agency in conformity with title IV-E.

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

12 **50-09-04. Preservation and protection of religious faith.**

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

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

17 **50-09-06. Application for assistance.**

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

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

25 **50-09-07. Investigation by ~~county~~human service zone or state agency.**

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

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

3 **50-09-08. Investigations - Power of ~~county agencies~~human service zone, state**
4 **agency, and employees.**

5 1. In the investigation of applications under the provisions of this chapter, the ~~county-~~
6 ~~agencies~~human service zone, the state agency, and the officials and employees of
7 such agencies charged with the administration and enforcement of this chapter may:

8 a. Conduct examinations;

9 b. Require the attendance of witnesses and the production of books, records, and
10 papers; and

11 c. Make application to the district court of the county to compel the attendance of
12 witnesses and the production of books, records, and papers.

13 2. The state agency may request from other state, county, human service zones, and
14 local agencies information deemed necessary to carry out the child support
15 enforcement program. All officers and employees of state, county, and local agencies
16 shall cooperate with the state agency in locating absent parents of children to whom
17 an obligation of support is owed or on whose behalf assistance is being provided and,
18 on request, shall supply the state agency with available information relative to the
19 location, income, social security number, and property holdings of the absent parent,
20 notwithstanding any provision of law making that information confidential. Any person
21 acting under the authority of the state agency who pursuant to this subsection obtains
22 information from the office of the state tax commissioner, the confidentiality of which is
23 protected by law, may not divulge such information except to the extent necessary for
24 the administration of the child support enforcement program or when otherwise
25 directed by judicial order or when otherwise provided by law.

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

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

30 2. All information received under this section, if confidential under some other provision
31 of law, is subject to the penalties under section 50-06-15 and is confidential, except

1 that the information may be used in the administration of any program administered by
2 or under the supervision and direction of the ~~department~~state agency and as
3 specifically authorized by the rules of the ~~department~~state agency. Any information
4 received under this section, if not subject to section 44-04-18 and section 6 of
5 article XI of the Constitution of North Dakota in the possession of the person providing
6 the information, is exempt from section 44-04-18 and section 6 of article XI of the
7 Constitution of North Dakota. Any person acting under the authority of the state
8 agency who pursuant to this subsection obtains information from the office of the state
9 tax commissioner, the confidentiality of which is protected by law, may not divulge
10 such information except to the extent necessary for the administration of the child
11 support enforcement program or when otherwise directed by judicial order or
12 otherwise provided by law.

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

15 (1) For any disclosure of information, in any form, made under this section, to
16 the state agency, a county agency, a human service zone, or an official,
17 employee, or agent of either;

18 (2) For encumbering or surrendering any assets held by a financial institution in
19 response to a notice of lien or an execution issued by the state agency as
20 provided in section 28-21-05.2 and chapter 35-34; or

21 (3) For any other action taken in good faith to comply with the requirements of
22 this section.

23 b. The court shall award reasonable attorney's fees and costs against any person
24 who commences an action that is subsequently dismissed by reason of the
25 immunity granted by this section.

26 4. The officers and employees designated by the ~~county agencies~~human service zones
27 or the state agency may administer oaths and affirmations.

28 **SECTION 103. AMENDMENT.** Section 50-09-08.3 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **50-09-08.3. Administrative enforcement in interstate cases.**

2 1. In acting as the official agency of the state in administering the child support program
3 under title IV-D, the state agency, directly or through agents and ~~county-~~
4 ~~agencies~~ human service zones:

5 1. a. Shall use high-volume automated administrative enforcement, to the same extent
6 as used in intrastate cases, in response to a request made by another state to
7 enforce a child support order, and shall promptly report the results of such
8 enforcement procedure to the requesting state;

9 2. b. May transmit requests, by electronic or other means, to other states for
10 assistance in cases involving enforcement of child support orders which include
11 information provided and intended to enable the receiving state to compare
12 information about the case to information in the databases of the receiving state,
13 and which constitute a certification:

14 a. (1) Of the amount of arrearages, if any, under the child support order; and

15 b. (2) That procedural due process requirements applicable to the case have been
16 complied with;

17 3. c. In cases in which the state agency receives requests made by another state to
18 enforce a child support order, shall not consider that matter a child support case
19 transferred to this state, but may establish a corresponding case based on the
20 other state's request for assistance; and

21 4. d. Shall maintain records of:

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

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

25 e. (3) The amount of support collected.

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

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

3 **50-09-08.4. Reporting arrearages to credit bureaus.**

- 4 1. In acting as the official agency of the state in administering the child support program
5 under title IV-D, the state agency, directly or through agents and ~~county-~~
6 ~~agencies~~human service zones, subject to subsection 2, may report periodically to
7 consumer reporting agencies the name of any obligor who owes past-due support and
8 the amount of past-due support owed by the obligor.
- 9 2. The state agency may report under subsection 1 only after such an obligor has been
10 provided notice and a reasonable opportunity to contest the accuracy of the statement
11 of the name and amount of overdue support owed by the obligor.
- 12 3. For purposes of this section, "consumer reporting agency" means an agency that has
13 furnished evidence, satisfactory to the ~~department~~state agency, that the agency is a
14 consumer reporting agency as defined in section 603(f) of the Fair Credit Reporting
15 Act [15 U.S.C. 1681a(f)].

16 **SECTION 105. AMENDMENT.** Section 50-09-09 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **50-09-09. Award of assistance.**

- 19 1. Upon completion of the investigation of an applicant for assistance under this chapter,
20 the ~~county~~human service zone or state agency shall determine, in accordance with the
21 rules of the state agency:
- 22 1. a. If the applicant may be provided assistance under the provisions of this chapter;
23 2. b. The amount and type of any assistance the applicant may receive; and
24 3. c. The date upon which such assistance may begin.
- 25 2. In all cases, a statement of the findings of the ~~county agency~~human service zone
26 forthwith must be transmitted to the state agency.

27 **SECTION 106. AMENDMENT.** Subsection 1 of section 50-09-14 of the North Dakota
28 Century Code is amended and reenacted as follows:

- 29 1. An applicant for or recipient of temporary assistance for needy families under this
30 chapter, aggrieved because of a ~~county~~human service zone's or state agency's
31 decision or delay in making a decision, may appeal to the state agency in the manner

1 prescribed by the state agency and must be afforded a reasonable notice and
2 opportunity for a fair hearing by the state agency. The state agency, on its own motion,
3 may review individual cases and make determinations which are binding upon the
4 ~~county agency~~ human service zone. An applicant or recipient aggrieved by any such
5 determination, upon request, must be afforded reasonable notice and opportunity for a
6 fair hearing by the state agency. All decisions of the state agency made on an appeal
7 are final and are binding upon and must be complied with by the ~~county agency~~ human
8 service zone.

9 **SECTION 107. AMENDMENT.** Section 50-09-29 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **50-09-29. Requirements for administration of temporary assistance for needy**
12 **families.**

- 13 1. Except as provided in subsections 2, 3, and 4, the ~~department of human services~~ state
14 agency, in its administration of the temporary assistance for needy families program,
15 shall:
- 16 a. Provide assistance to otherwise eligible women in the third trimester of a
17 pregnancy;
 - 18 b. Except as provided in subdivision c, afford eligible households benefits for no
19 more than sixty months;
 - 20 c. Exempt eligible households from the requirements of subdivision b due to mental
21 or physical disability of a parent or child, mental or physical incapacity of a
22 parent, or other hardship including a parent subject to domestic violence as
23 defined in section 14-07.1-01;
 - 24 d. Unless an exemption, exclusion, or disregard is required by law, count income
25 and assets whenever actually available;
 - 26 e. Except as provided in subdivision j, and as required to allow the state to receive
27 funds from the federal government under title IV-A, provide no benefits to
28 noncitizen immigrants who arrive in the United States after August 21, 1996;
 - 29 f. Limit eligibility to households with total available assets, not otherwise exempted
30 or excluded, of a value established by the ~~department~~ state agency;
 - 31 g. Exclude one motor vehicle of any value in determining eligibility;

- 1 h. Require work activities for all household members not specifically exempted by
2 the ~~department of human services~~state agency for reasons such as mental or
3 physical disability of a parent or child or mental or physical incapacity of a parent;
- 4 i. Establish goals and take action to prevent and reduce the incidence of
5 out-of-wedlock pregnancies and establish numerical goals for reducing the
6 illegitimacy rate for the state for periods through calendar year 2005;
- 7 j. To the extent required to allow the state to receive funds from the federal
8 government under title IV-A, provide benefits to otherwise eligible noncitizens
9 who are lawfully present in the United States;
- 10 k. Establish and enforce standards against program fraud and abuse;
- 11 l. Provide employment placement programs;
- 12 m. Exempt from assets and income the savings and proportionate matching funds in
13 individual development accounts;
- 14 n. Determine the unemployment rate of adults living in a county that includes Indian
15 reservation lands and a significant population of Indian individuals by using
16 unemployment data provided by job service North Dakota;
- 17 o. When appropriate, require household members to complete high school;
- 18 p. To the extent required to allow the state to receive funds from the federal
19 government under title IV-A, exempt single parents from required work activities;
- 20 q. Provide for sanctions, including termination of assistance to the household, if a
21 household member fails to cooperate with work requirements;
- 22 r. Provide for sanctions, including termination of assistance to the household, if a
23 household member fails, without good cause, to cooperate with child support
24 activities;
- 25 s. Deny assistance with respect to a minor child absent from the household for
26 more than one calendar month, except as specifically provided by the state
27 agency for absences;
- 28 t. Require each household to participate in developing an individual employment
29 plan and provide for sanctions, including termination of assistance to the
30 household, if adult or minor household members age sixteen or older fail to
31 cooperate with the terms of the individual employment plan;

- 1 u. Provide pre-pregnancy family planning services that are to be incorporated into
2 the temporary assistance for needy families program assessment;
- 3 v. Except in cases of pregnancy resulting from rape or incest, not increase the
4 assistance amount to recognize the increase in household size when a child is
5 born to a household member who was a recipient of assistance under this
6 chapter during the probable month of the child's conception;
- 7 w. Disregard earned income as an incentive allowance for no more than twelve
8 months; and
- 9 x. Consider, and if determined appropriate, authorize demonstration projects in
10 defined areas which may provide benefits and services that are not identical to
11 benefits and services provided elsewhere.
- 12 2. If the secretary of the United States department of health and human services
13 determines that funds otherwise available for the temporary assistance for needy
14 families program in this state must be reduced or eliminated should the ~~department of~~
15 ~~human services~~state agency administer the program in accordance with any provision
16 of subsection 1, the ~~department of human services~~state agency shall administer the
17 program in a manner that avoids the reduction or loss.
- 18 3. If the ~~department of human services~~state agency determines, subject to the approval
19 of the legislative management, that there is insufficient worker opportunity, due to
20 increases in the unemployment rate, to participate in work activities, the
21 ~~department~~state agency may administer the temporary assistance for needy families
22 program in a manner different than provided in subsection 1.
- 23 4. If the ~~department of human services~~state agency determines, subject to the approval
24 of the legislative management, that administration of the temporary assistance for
25 needy families program, in the manner provided by subsection 1, causes otherwise
26 eligible individuals to become a charge upon the ~~counties~~human service zones under
27 chapter 50-01, the ~~department~~state agency may administer the program in a manner
28 that avoids that result.
- 29 5. The ~~department of human services~~state agency may not deny assistance to any
30 individual who has been convicted of a felony offense that has as an element the

1 possession, use, or distribution of a controlled substance as defined in section 102(6)
2 of the Controlled Substance Act [21 U.S.C. 802(6)].

3 **SECTION 108. AMENDMENT.** Section 50-09-30 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-09-30. Child support agencies exempt from certain fees.**

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

9 **SECTION 109. AMENDMENT.** Subsection 2 of section 50-11-00.1 of the North Dakota
10 Century Code is amended and reenacted as follows:

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

13 **SECTION 110. AMENDMENT.** Section 50-11.1-02 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **50-11.1-02. Definitions.**

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

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

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

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

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

24 ~~5.4.~~ "Drop-in care" means the care of children on a one-time, occasional, or unscheduled
25 basis to meet the short-term needs of families.

26 ~~6.5.~~ "Early childhood program" means any program licensed under this chapter where
27 early childhood services are provided for at least two hours a day for three or more
28 days a week.

29 ~~7.6.~~ "Early childhood services" means the care, supervision, education, or guidance of a
30 child or children, which is provided in exchange for money, goods, or other services.

31 Early childhood services does not include:

- 1 a. Substitute parental child care provided pursuant to chapter 50-11.
- 2 b. Child care provided in any educational facility, whether public or private, in grade
- 3 one or above.
- 4 c. Child care provided in a kindergarten which has been established pursuant to
- 5 chapter 15.1-22 or a nonpublic elementary school program approved pursuant to
- 6 subsection 1 of section 15.1-06-06.
- 7 d. Child care, preschool, and prekindergarten services provided to children under
- 8 six years of age in any educational facility through a program approved by the
- 9 superintendent of public instruction.
- 10 e. Child care provided in facilities operated in connection with a church, business, or
- 11 organization where children are cared for during periods of time not exceeding
- 12 four continuous hours while the child's parent is attending church services or is
- 13 engaged in other activities, on the premises.
- 14 f. Schools or classes for religious instruction conducted by religious orders during
- 15 the summer months for not more than two weeks, Sunday schools, weekly
- 16 catechism, or other classes for religious instruction.
- 17 g. Summer resident or day camps for children which serve no children under six
- 18 years of age for more than two weeks.
- 19 h. Sporting events, practices for sporting events, or sporting or physical activities
- 20 conducted under the supervision of an adult.
- 21 i. Head start and early head start programs that are federally funded and meet
- 22 federal head start performance standards.
- 23 j. Child care provided in a medical facility by medical personnel to children who are
- 24 ill.
- 25 ~~8-7.~~ "Family child care" means a private residence licensed to provide early childhood
- 26 services for no more than seven children at any one time, except that the term
- 27 includes a residence licensed to provide early childhood services to two additional
- 28 school-age children.
- 29 ~~9-8.~~ "Group child care" means a child care program licensed to provide early childhood
- 30 services for thirty or fewer children.

- 1 ~~10.9.~~ "Household member" means an adult living in the private residence out of which a
2 program is operated, regardless of whether the adult is living there permanently or
3 temporarily.
- 4 10. "Human service zone" means a county or consolidated group of counties
5 administering human services within a designated area in accordance with an
6 agreement or plan approved by the department.
- 7 11. "In-home provider" means any person who provides early childhood services to
8 children in the children's home.
- 9 12. "Licensed" means an early childhood program has the rights, authority, or permission
10 granted by the department to operate and provide early childhood services.
- 11 13. "Multiple licensed program" means an early childhood program licensed to provide
12 more than one type of early childhood services.
- 13 14. "Owner" or "operator" means the person who has legal responsibility for the early
14 childhood program and premises.
- 15 15. "Parent" means an individual with the legal relationship of father or mother to a child or
16 an individual who legally stands in place of a father or mother, including a legal
17 guardian or custodian.
- 18 16. "Premises" means the indoor and outdoor areas approved for providing early
19 childhood services.
- 20 17. "Preschool" means a program licensed to offer early childhood services, which follows
21 a preschool curriculum and course of study designed primarily to enhance the
22 educational development of the children enrolled and which serves no child for more
23 than three hours per day.
- 24 18. "Public approval" means a nonlicensed early childhood program operated by a
25 government entity that has self-certified that the program complies with this chapter.
- 26 19. "Registrant" means the holder of an in-home provider registration document issued by
27 the department in accordance with this chapter.
- 28 20. "Registration" means the process whereby the department maintains a record of all
29 in-home providers who have stated that they have complied or will comply with the
30 prescribed standards and adopted rules.

- 1 21. "Registration document" means a written instrument issued by the department to
2 publicly document that the registrant has complied with this chapter and the applicable
3 rules and standards as prescribed by the department.
- 4 22. "School-age child care" means a child care program licensed to provide early
5 childhood services on a regular basis for nineteen or more children aged five years
6 through eleven years.
- 7 23. "School-age children" means children served under this chapter who are at least five
8 years but less than twelve years of age.
- 9 24. "Self-declaration" means voluntary documentation of an individual providing early
10 childhood services in a private residence for up to five children through the age of
11 eleven, of which no more than three may be under the age of twenty-four months.
- 12 25. "Staff member" means an individual:
- 13 a. Who is an employee of an early childhood program or of an early childhood
14 services provider under a self-declaration; or
- 15 b. Whose activities involve the care, supervision, or guidance of children for or
16 unsupervised access to children under the care, supervision, or guidance of an
17 early childhood program or early childhood services provider under a
18 self-declaration.

19 **SECTION 111. AMENDMENT.** Section 50-11.2-01 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **50-11.2-01. Foster care parent grievance.**

22 A foster parent who is duly licensed to care for a foster child may object to any decision
23 made by the department of human services or ~~county social~~human service ~~board~~zone which
24 substantially affects the foster parent or the needs of the foster child. An objection may be made
25 in the form of a grievance, which must be filed in the county of the foster care parent's
26 residence with the ~~county social~~human service ~~board~~zone. The ~~county social~~human service
27 ~~board~~zone shall notify foster parents of the grievance procedure and provide them with
28 grievance procedure forms.

29 **SECTION 112. AMENDMENT.** Section 50-11.2-02 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **50-11.2-02. Grievance procedure.**

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

- 4 1. Any decision made by the department of human services or ~~county-social~~human
5 service ~~board~~zone which substantially affects the licensed foster parent or the needs
6 of a foster child must be sent in writing to the foster parents who have been given the
7 responsibility of providing foster care for that child. Nothing herein may be construed
8 to prohibit the department of human services or ~~county-social~~human service
9 ~~board~~zone from immediately implementing a decision, when the best interests of the
10 child require such immediate action, as long as notice is given to the foster parent as
11 soon as possible.
- 12 2. A foster parent may object to any decision referred to in subsection 1. Upon the filing
13 of a grievance by the foster care parents, the ~~county-social~~human service ~~board~~zone
14 shall schedule an informal meeting to be held within ten days of the filing of the
15 grievance. The needs and responsibilities of all interested parties must be discussed
16 at this meeting in an attempt to maintain a continuing relationship which will serve the
17 best interests of the foster child. A written resolution relating to the grievance should
18 be agreed to and signed by both parties.
- 19 3. If no written resolution between the parties relating to the grievance is made at the
20 informal meeting, the foster parents may request a formal hearing to be held at ~~the-~~
21 ~~regional-foster-care~~a conflict-free human service zone office. This meeting must be
22 held within ten working days of the informal meeting unless both parties agree to an
23 extension. The ~~regional-foster-care~~human service zone director or the director's
24 designee shall provide for a record of this hearing. The ~~regional-foster-care~~human
25 service zone director or the director's designee shall review all prior contact between
26 the foster care parents and the department of human services or ~~county-social~~service-
27 ~~board~~human service zone relating to the grievance. The ~~regional-foster-care~~human
28 service zone director or the director's designee shall then make a final determination
29 relating to the grievance. The ~~regional-foster-care~~human service zone director's or the
30 director's designee's findings and conclusions must be sent to the ~~county-social~~human
31 service board~~zone~~ and the foster care parents.

- 1 4. All decisions ~~of the regional foster care director~~ relating to a grievance under this
- 2 chapter are final.
- 3 5. The department of human services shall adopt rules to carry out the purpose and
- 4 intent of this section and these rules must be given to the foster parent upon licensing.
- 5 6. Denial or revocation of a foster care license may be appealed as provided in chapter
- 6 28-32.
- 7 7. Nothing herein may be construed to require a grievance proceeding under this
- 8 chapter, when the department of human services or ~~county social~~human service
- 9 ~~board~~zone is acting to implement a specific placement decision issued by a court with
- 10 competent jurisdiction.

11 **SECTION 113. AMENDMENT.** Section 50-24.1-03.1 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **50-24.1-03.1. Duties of ~~county agency~~human service zone and department.**

14 In the administration of the medical assistance program, ~~the department or a county-~~
15 ~~agency~~human service zone shall investigate and record the circumstances of each applicant or
16 recipient of assistance, in order to ascertain the facts supporting the application, or the granting
17 of assistance, and obtain such other information as directed by the department or as may be
18 required by the rules and regulations of the department ~~of human services~~.

19 **SECTION 114. AMENDMENT.** Section 50-24.1-03.2 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **50-24.1-03.2. Investigations - Power of ~~county agencies~~human service zones,**
22 **department, and employees.**

- 23 1. In the investigation of applications under the provisions of this chapter, the ~~county-~~
24 ~~agencies~~human service zones, the department of human services, and the officials
25 and employees of such agencies charged with the administration and enforcement of
26 this chapter may:
 - 27 a. Conduct examinations;
 - 28 b. Require the attendance of witnesses and the production of books, records, and
29 papers; and
 - 30 c. Make application to the district court of the county to compel the attendance of
31 witnesses and the production of books, records, and papers.

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

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

17 **SECTION 115. AMENDMENT.** Section 50-24.5-01 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **50-24.5-01. Definitions.**

20 In this chapter, unless the context otherwise requires:

- 21 1. "Aged" means at least sixty-five years of age.
- 22 2. "Blind" has the same meaning as the term has when used by the social security
23 administration in the supplemental security income program under titles II and XVI of
24 the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.].
- 25 3. "Congregate housing" means housing shared by two or more individuals not related to
26 each other which is not provided in an institution.
- 27 4. ~~"County agency" means the county social service board.~~
- 28 5. "Department" means the department of human services.
- 29 6-5. "Disabled" has the same meaning as the term has when used by the social security
30 administration in the supplemental security income program under titles II and XVI of
31 the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.].

- 1 7.6. "Eligible beneficiary" means a resident of this state who:
- 2 a. (1) Is aged; or
- 3 (2) Is at least eighteen years of age and is disabled or blind;
- 4 b. (1) Has applied for and is eligible to receive and receives benefits under title
- 5 XIX of the Social Security Act [42 U.S.C. 1396 et seq.], and who has applied
- 6 for and is receiving benefits, if the individual is eligible to receive benefits,
- 7 under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and 42
- 8 U.S.C. 1381 et seq.]; or
- 9 (2) Has applied for and is eligible to receive and receives benefits under section
- 10 50-24.1-37 for long-term services and supports pursuant to an asset test
- 11 established under title XIX of the Social Security Act [42 U.S.C. 1396
- 12 et seq.] and section 50-24.1-02;
- 13 c. Meets the requirements of section 23-09.3-08.1;
- 14 d. Based on a functional assessment, is not severely impaired in any of the
- 15 activities of daily living of toileting, transferring to or from a bed or chair, or eating
- 16 and:
- 17 (1) Has health, welfare, or safety needs, including a need for supervision or a
- 18 structured environment; or
- 19 (2) Is impaired in three of the following four instrumental activities of daily living:
- 20 preparing meals, doing housework, taking medicine, and doing laundry; and
- 21 e. Is determined to be eligible pursuant to rules adopted by the department.
- 22 7. "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 8. "Institution" means a facility licensed under chapter 23-09.3.
- 26 9. "Living independently" includes living in congregate housing. The term does not
- 27 include living in an institution.
- 28 10. "Personal needs allowance" means an amount retained by the eligible beneficiary to
- 29 cover the costs of clothing and other personal needs.
- 30 11. "Proprietor" means an individual responsible for day-to-day administration and
- 31 management of a facility.

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

4 13. "Would be eligible to receive the cash benefits except for income" refers to an
5 individual whose countable income, less the cost of necessary remedial care that may
6 be provided under this chapter, does not exceed an amount equal to the cash benefit
7 under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and
8 42 U.S.C. 1381 et seq.] which the individual would receive if the individual had no
9 income, plus the amount allowed as the personal needs allowance.

10 **SECTION 116. AMENDMENT.** Subsection 1 of section 50-24.5-02 of the North Dakota
11 Century Code is amended and reenacted as follows:

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

15 **SECTION 117. AMENDMENT.** Section 50-24.5-03 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **50-24.5-03. Powers and duties of ~~county agency~~human service zone.**

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

- 20 1. Administer aid to aged, blind, and disabled persons at the ~~county~~human service zone
21 level under the direction and supervision of the department, pursuant to state
22 requirements.
- 23 2. Provide the services described in this chapter.
- 24 3. Determine eligibility for benefits under this chapter and periodically redetermine
25 eligibility of persons receiving benefits pursuant to this chapter.
- 26 4. Provide case management services to eligible beneficiaries.
- 27 5. Conduct initial and ongoing functional assessments of applicants in cooperation with
28 basic care facilities.
- 29 6. Cooperate with any other ~~county agency~~human service zone to assure the conduct of
30 initial and ongoing functional assessments and determinations of eligibility with respect
31 to any applicant or eligible beneficiary who is physically present in a ~~county~~human

1 service zone other than the ~~county~~human service zone in which the applicant or
2 eligible beneficiary is a resident for purposes of chapter 50-01.

3 **SECTION 118. AMENDMENT.** Section 50-24.5-07 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-24.5-07. Residency.**

6 For purposes of this chapter:

7 1. A person is a resident of this state if:

8 a. The person is not living in an institution and is living in this state:

9 (1) With intent to remain in this state permanently or for an indefinite period; or

10 (2) Without intent if the person is incapable of stating intent.

11 b. The person is living in an institution outside this state and was receiving a benefit
12 under chapter 50-01 on January 1, 1995.

13 c. The person was placed in an out-of-state institution by a ~~county agency~~human
14 service zone or the department while the person was incapable of indicating
15 intent.

16 d. The person is living in an in-state institution, has lived in that institution for at
17 least thirty days, and was not placed in that institution by another state. A person
18 placed in an institution by another state is a resident of the state making the
19 placement. Any action beyond providing information to the person and the
20 person's family constitutes arranging or making a state placement. However, the
21 following actions do not constitute state placement:

22 (1) Providing basic information about this chapter and information about the
23 availability of this chapter; or

24 (2) Assisting a person in locating an institution in this state, if the person is
25 capable of indicating intent and independently decides to move.

26 2. A person who is a resident of this state is a resident of the ~~county~~human service zone
27 in which the person is a resident for purposes of chapter 50-01.

28 **SECTION 119. AMENDMENT.** Section 50-24.5-09 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **50-24.5-09. Responsibility for expenditures.**

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

4 **SECTION 120. AMENDMENT.** Section 50-24.7-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-24.7-01. Definitions.**

7 In this chapter, unless the context otherwise requires:

- 8 1. "Aged" means at least sixty-five years of age.
- 9 2. "Blind" has the same meaning as the term has when used by the social security
10 administration in the supplemental security income program 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 3. ~~"County agency" means the county social service board.~~
- 13 4. "Department" means the department of human services.
- 14 ~~5.4.~~ "Disabled" has the same meaning as the term has when used by the social security
15 administration in the supplemental security income program under titles II and XVI of
16 the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.].
- 17 ~~6.5.~~ "Eligible beneficiary" means a resident of this state who:
- 18 a. (1) Is aged; or
- 19 (2) Is at least eighteen years of age and is disabled or blind;
- 20 b. Has applied for and is eligible to receive benefits under title XIX of the Social
21 Security Act [42 U.S.C. 1396 et seq.], and who has applied for and is receiving
22 benefits, if the individual is eligible to receive benefits, under titles II and XVI of
23 the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.];
- 24 c. Based on a functional assessment, is not severely impaired in any of the
25 activities of daily living of toileting, transferring to or from a bed or chair, or eating
26 and:
- 27 (1) Has health, welfare, or safety needs, including a need for supervision or a
28 structured environment; or
- 29 (2) Is impaired in three of the four instrumental activities of daily living of
30 preparing meals, doing homework, taking medicine, and doing laundry;

- 1 d. Has countable income, less the cost of necessary remedial care that may be
2 provided under this chapter, does not exceed an amount equal to the cash
3 benefit under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and
4 42 U.S.C. 1381 et seq.] which the individual would receive if the individual had no
5 income, plus the personal needs allowance;
6 e. Has impairments that are not the result of an intellectual disability; and
7 f. Is determined to be eligible pursuant to rules adopted by the department.

8 ~~7.6.~~ "Family home care" means the provision of room, board, supervisory care, and
9 personal services to an eligible elderly or disabled person by the spouse or by one of
10 the following relatives, or the current or former spouse of one of the following relatives,
11 of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult
12 grandchild, adult niece, or adult nephew. The family home care provider need not be
13 present in the home on a twenty-four-hour basis if the welfare and safety of the client
14 is maintained.

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

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

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

24 **SECTION 121. AMENDMENT.** Subsection 1 of section 50-24.7-02 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 1. The department shall administer expanded service payments for elderly and disabled
27 and supervise and direct ~~county agencies~~human service zones in the administration of
28 expanded service payments for elderly and disabled.

29 **SECTION 122. AMENDMENT.** Section 50-24.7-03 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **50-24.7-03. Powers and duties of ~~county agency~~human service zone.**

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

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

13 **SECTION 123. AMENDMENT.** Section 50-24.7-06 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **50-24.7-06. Responsibility for expenditures.**

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

18 **SECTION 124. AMENDMENT.** Subsections 6 and 11 of section 50-25.1-02 of the North
19 Dakota Century Code are amended and reenacted as follows:

- 20 6. "Authorized agent" means the ~~county social~~human service ~~board~~zone, unless another
21 entity is designated by the department.
- 22 11. "Local child protection team" means a multidisciplinary team consisting of the
23 designee of the ~~director of the regional human service center~~human service zone
24 director who shall serve as presiding officer, together with such other representatives
25 as that director might select for the team ~~with the consent of the director of the county~~
26 ~~social service board~~. All team members, at the time of their selection and thereafter,
27 must be staff members of the public or private agencies they represent or shall serve
28 without remuneration. An attorney member of the child protection team may not be
29 appointed to represent the child or the parents at any subsequent court proceeding
30 nor may the child protection team be composed of fewer than three members. The

1 department ~~shall~~may coordinate the organization of local child protection teams on a
2 ~~county or multicounty~~human service zone basis.

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

5 **50-25.1-04.3. Child fatality review panel - Duties.**

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

- 10 1. Interagency communication for the management of child death cases and for the
11 management of future nonfatal cases.
- 12 2. Effective criminal, civil, and social intervention for families with fatalities.
- 13 3. Intervention and counseling of surviving and at-risk siblings, and offer the same.
- 14 4. Interagency use of cases to audit the total health and social service systems and to
15 minimize misclassification of cause of death.
- 16 5. Evaluation of the impact of specific risk factors including substance abuse, domestic
17 violence, and prior child abuse.
- 18 6. Interagency services to high-risk families.
- 19 7. Data collection for surveillance of deaths and the study of categories of causes of
20 death.
- 21 8. The use of media to educate the public about child abuse prevention.
- 22 9. Intercounty, interhuman service zones, and interstate communications regarding child
23 death.
- 24 10. Use of local child protection team members as local child fatality review panelists.
- 25 11. Information that apprises a parent or guardian of the parent's or guardian's rights and
26 the procedures taken after the death of a child.

27 **SECTION 126. AMENDMENT.** Section 50-25.2-14 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **50-25.2-14. Implementation contingent upon appropriation.**

30 The department and ~~county social~~human service boards~~boards~~zones are not required to
31 implement or enforce this chapter with respect to any zone, region, area, or county of this state

1 if the legislative assembly does not provide an appropriation to support the implementation and
2 enforcement of this chapter within that zone, region, area, or county.

3 **SECTION 127. AMENDMENT.** Section 50-29-01 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-29-01. Definitions.**

6 As used in this chapter:

- 7 1. "Children's health insurance program" means a program to provide health assistance
8 to low-income children funded through title XXI of the federal Social Security Act
9 [42 U.S.C. 1397aa et seq.].
- 10 2. ~~"County agency" means the county social service board.~~
- 11 3. "Department" means the department of human services.
- 12 3. "Human service zone" means a county or consolidated group of counties
13 administering human services within a designated area in accordance with an
14 agreement or plan approved by the department.
- 15 4. "Plan" means the children's health insurance program state plan.
- 16 5. "Poverty line" means the official income poverty line as defined by the United States
17 office of management and budget and revised annually in accordance with ~~42 U.S.C.~~
18 ~~9902(2)~~section 9902(2) of title 42 of the United States Code, applicable to a family of
19 the size involved.

20 **SECTION 128. AMENDMENT.** Section 50-29-02 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **50-29-02. Duties of the department.**

- 23 1. The department shall prepare, submit, and implement the plan that includes
24 determinations of eligibility, based on modified adjusted gross income methodologies
25 as required in ~~42 U.S.C. 1396a(e)(14)~~section 1396a(e)(14) of the United States Code;
- 26 2. Supervise the administration of the children's health insurance program throughout
27 this state;
- 28 3. Take action, give directions, and adopt rules as may be necessary or desirable to carry
29 out the provisions of this chapter;
- 30 4. After federal approval of the plan, apply for a federal waiver allowing plan coverage for
31 a family through an employer-based insurance policy if an employer-based family

1 insurance policy is more cost-effective than the traditional plan coverage for the
2 children;

3 5. Report annually to the legislative council and describe enrollment statistics and costs
4 associated with the plan; and

5 6. ~~Reimburse counties for expenses incurred in the administration of the children's health-~~
6 ~~insurance program at rates based upon all counties' total administrative costs; and~~

7 7. Administer all funds appropriated or made available to the department for the purpose
8 of carrying out the provisions of this chapter.

9 **SECTION 129. AMENDMENT.** Section 50-29-03 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **50-29-03. Duties of ~~county agency~~human service zone.**

12 In the administration of the plan, unless the department otherwise establishes eligibility, the
13 ~~county agency~~human service zone shall:

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

17 **SECTION 130.** Chapter 50-35 of the North Dakota Century Code is created and enacted as
18 follows:

19 **50-35-01. Definitions.**

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

- 21 1. "Department" means the department of human services.
22 2. "Director" means the executive director of the department or the executive director's
23 designee.
24 3. "Economic assistance" means those primary economic assistance programs that need
25 to be accessible to all citizens of the state through a human service zone, including:
26 a. Temporary assistance for needy families;
27 b. Employment and training programs;
28 c. Child care assistance programs;
29 d. Medical assistance, including early periodic screening, diagnosis, and treatment;
30 e. Supplemental nutrition assistance programs, including employment and training
31 programs;

- 1 f. Refugee assistance programs;
- 2 g. Basic care services;
- 3 h. Energy assistance programs; and
- 4 i. Information and referral.
- 5 4. "Human service zone" means a county or consolidated group of counties
- 6 administering human services within a designated area in accordance with an
- 7 agreement or plan approved by the department.
- 8 5. "Human service zone director" means a human service zone team member who
- 9 oversees the human service zone's operation and budget and serves as presiding
- 10 officer of the human service zone board.
- 11 6. "Human services" means:
- 12 a. A service or assistance provided to an individual or an individual's family in need
- 13 of services or assistance, including child welfare services, economic assistance
- 14 programs, medical service programs, and aging service programs, to assist the
- 15 individual or the individual's family in achieving and maintaining basic
- 16 self-sufficiency, including physical health, mental health, education, welfare, food
- 17 and nutrition, and housing.
- 18 b. A service or assistance provided, administered, or supervised by the department
- 19 in accordance with chapter 50-06.
- 20 c. Licensing duties as administered or supervised by the department or delegated
- 21 by the department to a human service zone.
- 22 7. "Indirect costs" means salaries, benefits, and operating costs incurred in providing
- 23 those goods and services to support human services that are generally available for
- 24 the common benefit of multiple county agencies. These costs include legal
- 25 representation; facilities and related costs, such as utilities and maintenance;
- 26 administrative support, including payroll, accounting, banking, and coordination;
- 27 information technology support and equipment; and miscellaneous goods and
- 28 services, such as transportation, supplies, insurance coverage, phone, and mail
- 29 services.

1 **50-35-02. State-paid human services - Application - Study.**

- 2 1. The department shall administer a statewide program for state funding of staffing and
3 administrative costs related to the administration of human services.
- 4 2. Payments must be distributed to human service zones and the department pursuant to
5 the formula in section 50-35-04, with the first formula payment distributions
6 commencing in January 2020.
- 7 3. Human service zones shall cooperate with the department to adopt administrative and
8 operational cost-savings methodologies and determine options for consolidations.
9 Human service zones shall implement the administrative and operational cost-savings
10 methodologies and consolidations.
- 11 4. During the 2019-20 interim, the department shall consider options for allowing a
12 human service zone to opt in to state employment. The study must identify under what
13 conditions a transition to state employment may be desirable for a human service
14 zone; outline the governance process for choosing to opt in to state employment,
15 including a description of the role of the human service zone board, county
16 commissions, and the department; and include a template and potential timeline for
17 any zone choosing to make the transition to state employment.

18 **50-35-03. Formula payments - Distributions by the director.**

- 19 1. The director shall calculate the total formula payment for each human service zone
20 pursuant to section 50-35-04 for each calendar year. The director shall notify each
21 human service zone of the amount of that zone's formula payment for calendar year
22 2020, before December 16, 2019, and for calendar year 2021 and the following years
23 thereafter, before June second of the previous year. The director may amend and
24 modify each human service zone's formula payment. If the director amends and
25 modifies a human service zone's formula payment, the human service zone director
26 must be notified within thirty days of amendment or modification.
- 27 2. The director shall distribute fifty percent of the amount of each human service zone's
28 formula payment determined under subsection 1, within the limits of legislative
29 appropriation, before January eleventh.

- 1 3. By June first of each year, excluding calendar year 2019, the director shall recalculate
2 the total formula payment for each human service zone pursuant to section 50-35-04
3 for the current calendar year.
- 4 4. For payments disbursed after calendar year 2020, the director shall subtract from a
5 human service zone's June fifteenth disbursement any amount exceeding the
6 limitation under section 50-35-05.
- 7 5. The director shall calculate the total formula payment for the department pursuant to
8 section 50-35-04.

9 **50-35-04. Calculation of formula payment - Expenditures.**

- 10 1. The director shall calculate the total formula payment for each human service zone.
11 The calculation must be based on the human service zone's most recently available
12 data on historical cost and income, and may include:
 - 13 a. Other factors outlined in subsection 3;
 - 14 b. The human service zone director's proposed budget for the human service zone
15 which may include expansion of scope of human services to include kinship care
16 services and payments and services in response to the federal Family First
17 Prevention Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L.
18 115-123];
 - 19 c. Compensation equity and salary increases. The department may limit future
20 salary increases for human service zone team members who received a salary
21 increase from the county commissioners or county social service board for
22 calendar year 2018 or 2019 which was above the salary increase provided by the
23 legislative assembly for state employees or who receive a wage above equitable
24 compensation; and
 - 25 d. Current and future duties of and services offered by the human service zone and
26 department.
- 27 2. The director shall authorize expenditures from the human service finance fund to
28 reimburse the department for the department's costs of providing human services that
29 historically have been provided by a county, human service zone, or a new service or
30 program based on federal or state law. The department may authorize expenditures

1 from the human service finance fund to reimburse the department for transitional costs
2 incurred for implementing the statewide program for state funding.

3 3. The director may recalculate and adjust each human service zone's formula payment
4 biannually based on pertinent factors, which include actual expenditures over the
5 previous or current payment period, current costs, offered services, need, income,
6 performance of duties directed or assigned and supervised by the department, and
7 caseload. If the director amends and modifies a human service zone's formula
8 payment, the human service zone director must be notified within thirty days of
9 amendment or modification. The spending authority of the human service zone must
10 be increased based on the approved, adjusted, or modified formula payment.

11 4. The director, during the period between January 1, 2020, and December 31, 2021,
12 shall calculate payment for indirect costs according to a formula established by the
13 department, during the period between January 1, 2020, and December 31, 2021. The
14 total payment by the department for reimbursement of indirect costs incurred to
15 support human services may not be less than the prorated amount paid to counties for
16 this purpose in state fiscal year 2018 as identified in the indirect cost plan, unless a
17 cost reduction or cost-savings is achieved by the county.

18 **50-35-05. Human service zone human services fund - Establishment - Fund balance**
19 **limitations.**

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

28 2. The balance of monies in the human service zone human services fund on January
29 first of each year, after calendar year 2020, may not exceed five hundred thousand
30 dollars for a human service zone that had annual expenditures of two million dollars or
31 greater in calendar year 2020 or one hundred thousand dollars for a human service

1 zone that had annual expenditures of less than two million dollars in calendar year
2 2020. The balance of monies carried over must be used for the administration of
3 human services within that human service zone as approved by the human service
4 zone director. The human service zone human services fund is not subject to any
5 other charges and is exempt from section 21-02-08.

6 **50-35-06. Human service zone human services fund - Transfer.**

- 7 1. The county treasurer shall transfer the full amount of the service area human services
8 fund to the human service zone human services fund on January 1, 2020. If on
9 January 1, 2021, and each year thereafter, the balance of a human service zone
10 human services fund exceeds the limitations in section 50-35-05, the director shall
11 reduce the human service zone's formula payment as directed in subsection 4 of
12 section 50-35-03.
- 13 2. The county may not transfer any funds from the service area human services fund
14 until January 1, 2020, unless approved by the department.

15 **50-35-07. Human service finance fund.**

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

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

21 **54-46-13. Rules for state and ~~county social~~human service zone records -**
22 **Administrator to adopt.**

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

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

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

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

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

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

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

1 upon the question of a specific capital project or projects at a primary or general
2 election in the county, the county commissioners may levy and collect an additional
3 voter-approved tax for capital projects under section 57-15-06.6 not exceeding a tax
4 rate of ten mills per dollar of the taxable valuation of property in the county. After
5 January 1, 2015, approval or reauthorization by electors of increased levy authority
6 under this subsection may not be effective for more than ten taxable years. Any
7 voter-approved levy in excess of ten mills for the purposes specified in section
8 57-15-06.6 approved by the electors before January 1, 2015, remains effective
9 through 2024 or the period of time for which it was approved by the electors,
10 whichever is less, under the provisions of law in effect at the time it was approved.

- 11 9. A county levying a tax for emergency purposes as provided in section 57-15-28 may
12 levy a tax not exceeding two mills in a county with a population of thirty thousand or
13 more, four mills in a county with a population under thirty thousand but more than five
14 thousand, or six mills in a county with a population of five thousand or fewer.
- 15 10. A county levying a tax for county emergency medical service according to section
16 57-15-50 may levy a tax not exceeding ten mills.
- 17 11. A county levying a tax for weed control as provided in section 4.1-47-14 may levy a tax
18 not exceeding four mills.
- 19 12. A county levying a tax for programs and activities for senior citizens according to
20 section 57-15-56 may levy a tax not exceeding two mills.
- 21 13. Tax levies made for paying the principal and interest on any obligations of the county
22 evidenced by the issuance of bonds.
- 23 14. A county levying a tax for a job development authority as provided in section
24 11-11.1-04 may levy a tax not exceeding four mills on the taxable valuation of property
25 within the county. However, if any city within the county is levying a tax for support of a
26 job development authority and the total of the county and city levies exceeds four
27 mills, the county tax levy within the city levying under subsection 12 of section
28 57-15-10 must be reduced so the total levy in the city does not exceed four mills.
- 29 15. ~~A county levying an annual tax for human services purposes as provided in section~~
30 ~~50-06.2-05 may levy a tax not exceeding the lesser of twenty mills or the number of~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 a. The term includes:

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

1 minor worker, but in the event of the award of a lump sum of benefits to
2 minor employee, the lump sum may be paid only to the legally appointed
3 guardian of the minor.

4 b. The term does not include:

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

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

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

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

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

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

19 (c) A written agreement must exist between the salesperson or broker
20 and the person for which the salesperson or broker works, which
21 agreement must provide the salesperson or broker will not be treated
22 as an employee but rather as an independent contractor.

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

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

31 (7) An employer.

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

3 **SECTION 139. REPEAL.** Sections 50-01-03, 50-01.1-02.1, 50-01.2-03.1, 50-01.2-06,
4 50-06-05.7, 50-06-06.1, and 50-25.1-06.1 of the North Dakota Century Code are repealed.

5 **SECTION 140. REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY -**
6 **DEPARTMENT OF HUMAN SERVICES.** The department of human services shall submit to the
7 appropriations committees of the sixty-seventh legislative assembly a report with metrics that
8 include the cost per unit of work for transactional services or caseloads and other performance
9 metrics as available. The department of human services shall submit trends in these metrics for
10 selected programs or geographies that have undergone concentrated process improvement
11 efforts under pilot projects or otherwise in collaboration with the department.

12 **SECTION 141. CONTINGENT APPROPRIATION AND AUTHORIZATION.** Subject to the
13 availability of funds, the department of human services may adjust or increase full-time
14 equivalent positions of the department of human services in order to carry out the powers and
15 duties of the department of human services as follows:

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

- 1 4. The department of human services shall notify the office of management and budget
2 and report to the budget section after June 30, 2020, if one or more full-time
3 equivalent positions are authorized under this section of this Act. The department of
4 human services shall include in the notification and report the amount of salaries,
5 wages, and operating costs withheld from human service zone formula payments
6 because of a transfer of powers and duties and the corresponding full-time equivalent
7 positions.
- 8 5. The department of human services shall notify the appropriations committees of the
9 sixty-seventh legislative assembly of any full-time equivalent positions transferred
10 pursuant to this section.
- 11 6. Of the thirty-three full-time equivalent positions in this section, the department of
12 human services may adjust or increase full-time equivalent positions as transfers from
13 one or more human service zones up to:
 - 14 a. Fourteen full-time equivalent positions if the department of human services
15 assumes powers and duties associated with foster care assistance or IV-E
16 eligibility determination.
 - 17 b. Sixteen full-time equivalent positions if the department of human services
18 assumes powers and duties associated with long-term care eligibility
19 determination.
 - 20 c. Three full-time equivalent positions to serve as quality control to the human
21 service zones.
- 22 7. Of the thirty-three full-time equivalent positions in this section, the department of
23 human services may adjust or increase full-time equivalent positions as transfers from
24 one or more human service zones for management support to administer the powers
25 and duties transferred.

26 **SECTION 142. TRANSFER OF EMPLOYEES - HEALTH INSURANCE COVERAGE.**

- 27 1. The following full-time equivalent positions of a county or human service zone become
28 full-time equivalent positions of the department of human services upon notice of
29 transfer to the human service zone director or county commissioners:

- 1 a. Four full-time equivalent positions to serve as human service zone operational
2 directors to provide supervision and technical assistance to the human service
3 zones.
- 4 b. Twenty-seven full-time equivalent child care licensing positions.
- 5 c. Two full-time equivalent adoption assistance eligibility determination and adoption
6 case management or related administration positions.
- 7 d. Sixty-four full-time equivalent home and community-based services case
8 management positions.
- 9 e. Three full-time equivalent positions to assist with the human service zones,
10 human service zone plans, or formula payments, or to relieve human service
11 zones of miscellaneous duties, including estate recovery.
- 12 f. Seven full-time equivalent positions to serve as quality control to the human
13 service zones.
- 14 2. Of the one hundred seven full-time equivalent positions in this section, the department
15 of human services may adjust or increase full-time equivalent positions as transfers
16 from one or more host counties for management support to administer the powers and
17 duties transferred.
- 18 3. Any employee who becomes a state employee under this section or section 141 is
19 entitled to receive a salary in an amount not less than the salary received as an
20 employee of the county or host county.
- 21 4. The department may limit future salary increases for an employee who is transferred
22 under this section or section 141 who received a salary increase from their former
23 county commissioners or county social service board for the calendar years 2018 or
24 2019 above the salary increase provided by the legislative assembly for state
25 employees or who receive a wage above equitable compensation.
- 26 5. Each year of county or host county employment of an employee who is transferred
27 under this section or section 141 will be considered a year of state employment for
28 purposes of section 54-06-14.
- 29 6. Before the transfer of the full-time equivalent position from the county or host county to
30 the department of human services, the county or host county shall pay the employer's
31 share of any premium that is necessary to continue any existing health insurance

1 coverage for an employee who is transferred under this section for one month after the
2 effective date of this transfer.

3 7. Any equipment, including technology-related equipment, furnishings, and supplies in
4 the control and custody of a county or human service zone on the effective date of an
5 employment transfer from the county or host county to the department of human
6 services under this section or section 141, may be transferred to the control and
7 custody of the department of human services if requested.

8 8. Any position added to the department of human services under this section would be
9 position transfers from the human service zone and may not result in:

10 a. A net addition of positions delivering human services programs, services, or
11 functions under the appropriation provided in Senate Bill No. 2012, as approved
12 by the sixty-sixth legislative assembly.

13 b. An increase in county social services employees or human service zone team
14 members delivering human services programs, services, or functions.

15 **SECTION 143. EFFECTIVE DATE.** Sections 64 and 142 of this Act become effective on
16 August 1, 2019. Sections 132, 133, 134, and 135 are effective for taxable years beginning after
17 December 31, 2018. Sections 1, 3 through 13, 15, 16 through 25, 27 through 30, 32, 33, 35, 37
18 through 60, 65 through 74, 76 through 82, 84 through 91, 93 through 129, 131, 136, 137, 139,
19 140, and 141 of this Act become effective on January 1, 2020.

20 **SECTION 144. EXPIRATION DATE.** Sections 14, 26, 31, 34, and 36 of this Act are effective
21 through December 31, 2019, and after that date are ineffective.

22 **SECTION 145. EMERGENCY.** Section 130 of this Act is declared to be an emergency
23 measure.