

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact sections 23-41-04 and 50-06-05.1 of the North Dakota
2 Century Code, relating to maternity hospitals, maternity homes, and medical hospitals; and to
3 repeal chapter 50-19 of the North Dakota Century Code, relating to maternity homes.

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

5 **SECTION 1. AMENDMENT.** Section 23-41-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-41-04. Birth report of child with special health care needs made to department.**

8 Within three days after the birth in this state of a child born with a visible congenital
9 deformity, the licensed ~~maternity~~medical hospital ~~or home~~ in which the child was born, or the
10 legally qualified physician or other person in attendance at the birth of the child outside of a
11 ~~maternity~~medical hospital, shall furnish the department a report concerning the child with the
12 information required by the department.

13 **SECTION 2. AMENDMENT.** Section 50-06-05.1 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **50-06-05.1. Powers and duties of the department. (Effective through June 30, 2025)**

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

- 19 1. To act as the official agency of the state in any social welfare or human service activity
20 initiated by the federal government not otherwise by law made the responsibility of
21 another state agency.
- 22 2. To administer, allocate, and distribute any state and federal funds that may be made
23 available for the purpose of providing financial assistance, care, and services to

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

- 1 12. To issue subpoenas, administer oaths, and compel attendance of witnesses and
2 production of documents or papers whenever necessary in making the investigations
3 provided for herein or in the discharge of its other duties. A subpoena may not be
4 issued to compel the production of documents or papers relating to any private
5 child-caring or child-placing agency or ~~maternity hospital~~ or to compel the attendance
6 as a witness of any officer or employee of those facilities except upon the order of a
7 judge of the district court of the judicial district in which the facilities are located.
- 8 13. To provide insofar as staff resources permit appropriate human services, including
9 social histories, social or social-psychological evaluations, individual, group, family,
10 and marital counseling, and related consultation, when referred by self, parent,
11 guardian, human service zone, court, physician, or other individual or agency, and
12 when application is made by self (if an adult or emancipated youth), parent, guardian,
13 or agency having custody; also, on the same basis, to provide human services to
14 children and adults in relation to their placement in or return from the life skills and
15 transition center, state hospital, or North Dakota youth correctional center.
- 16 14. To provide insofar as staff resources permit social services, including
17 social-psychological evaluations, predisposition reports, treatment, probation, and
18 aftercare services when requested by the judge of a juvenile court.
- 19 15. To provide insofar as staff resources permit social services, including
20 social-psychological evaluations, predisposition reports, treatment, and probation and
21 parole services, when requested by the judge in a criminal case.
- 22 16. To act as the official agency of the state in the administration of the supplemental
23 nutrition assistance program and to direct and supervise human service zone
24 administration of that program. The department with the consent of the legislative
25 assembly or the budget section if the legislative assembly is not in session may
26 terminate the program if the rate of federal financial participation in administrative
27 costs provided under Public Law 93-347 is decreased or limited, or if the state or
28 counties become financially responsible for all or a portion of the coupon bonus
29 payments under the Food Stamp Act. Any request considered by the budget section
30 must comply with section 54-35-02.9. The department may not deny assistance under
31 the supplemental nutrition assistance program to any individual who has been

1 convicted of a felony offense that has as an element the possession, use, or
2 distribution of a controlled substance as defined in section 102(6) of the Controlled
3 Substances Act [21 U.S.C. 802(6)].

4 17. To administer, allocate, and distribute any funds made available for the making of
5 direct cash assistance payments, housing stabilization supports, and rental assistance
6 and to promote cooperation and working agreements with public agencies and
7 including the housing finance agency and department of commerce, and private
8 human service agencies.

9 18. To act as the official agency of the state in the administration of the home energy
10 assistance program; to direct and supervise human service zone administration of that
11 program; and to take such actions, give such directions, and adopt such rules, subject
12 to review in the courts of this state, as may be necessary or desirable to carry out this
13 subsection. For purposes of the administration of the energy assistance program,
14 funds are obligated at the earlier of the time a written commitment is made to pay a
15 vendor or contractor for services or supplies delivered or to be delivered, or at the time
16 payment is made to a vendor or contractor for services or supplies delivered or to be
17 delivered. The provisions of this subsection concerning obligation of funds apply to
18 payments and commitments made on or after July 1, 1991. The department with the
19 consent of the legislative assembly or the budget section if the legislative assembly is
20 not in session may terminate the program if the rate of federal financial participation in
21 administrative costs is decreased or limited to less than fifty percent of total
22 administrative costs, or if the state or counties become financially responsible for all or
23 a portion of the cost of energy assistance program benefits. Any request considered
24 by the budget section must comply with section 54-35-02.9

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

- 1 20. To exercise and carry out any other powers and duties granted the department under
2 state law.
- 3 21. To administer, allocate, and distribute any funds made available for the payment of
4 supervised independent living services, to develop standards regarding a supervised
5 independent living program, to approve supervised independent living services for the
6 purpose of providing foster care placement, and to apply for and administer federal
7 and other funds that may be made available to undertake any of the activities
8 described in this subsection.
- 9 22. With the approval of the governor, to lease or transfer use of any part of the life skills
10 and transition center facilities or properties, located in section thirteen, township one
11 hundred fifty-seven north, range fifty-three west, located in Walsh County, North
12 Dakota, to the federal government, or any public or private agency, organization, or
13 business enterprise, or any worthy undertaking, under the following provisions:
- 14 a. The department determines that the facility or property is not needed to serve
15 any present or reasonably foreseeable need of the life skills and transition center.
- 16 b. The transaction is exempt from the provisions of section 50-06-06.6.
- 17 c. The term of any lease may not exceed ninety-nine years.
- 18 d. All required legal documents, papers, and instruments in any transaction must be
19 reviewed and approved as to form and legality by the attorney general.
- 20 e. Any funds realized by any transaction must be deposited in the state's general
21 fund.
- 22 23. To act as a decedent's successor for purposes of collecting amounts due to the
23 department or human service zone, unless otherwise directed or determined by the
24 department. Any affidavit submitted by the department under section 30.1-23-01 must
25 conform to the requirements of that section except that the affidavit may state that
26 twenty days have elapsed since the death of the decedent.
- 27 24. To provide those services necessary for the department and for human service zones
28 to comply with the provisions of any law, rule, order, or regulation of the United States
29 or any federal agency or authority requiring civil service or merit standards or
30 classifications as a condition for providing funds administered by the department.

- 1 25. For purposes of administration of programs, and subject to legislative appropriation,
2 funds are obligated at the time a written commitment is made to pay a vendor or
3 contractor for services or supplies either delivered or to be delivered. This subsection
4 applies to payments and commitments made on or after January 1, 1997.
- 5 26. To determine eligibility for medical assistance and children's health insurance program
6 benefits when the department receives a joint application for these benefits.
- 7 27. To develop a system of services and supports to provide behavioral health services
8 and supports in the community for children at risk of or identified as having a
9 behavioral health condition and for the families of these children. This system must
10 include early intervention, treatment, and recovery services and supports and must
11 interface with, but not include, child protective services or juvenile court.
- 12 28. To provide resources on mental health awareness and suicide prevention to the
13 behavioral health resource coordinator at each public school and to the designated
14 individual at a nonpublic school. The resources must include information on identifying
15 warning signs, risk factors, and the availability of resources in the community, and also
16 must include an evidence-based, online virtual mental health and suicide prevention
17 simulation-based training program that incorporates hands-on practice, contextual
18 learning, and personalized feedback through interactive role-playing. The provisions of
19 chapter 54-44.4 do not apply to the online virtual mental health and suicide prevention
20 simulation-based training program under this subsection.
- 21 29. To administer, allocate, and distribute any funds made available for kinship care
22 services and payments and services in response to the federal Family First Prevention
23 Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].
- 24 30. To contract with another human service zone or any other public or private person to
25 discharge any of the department's duties or exercise any of the department's powers
26 to administer human services.
- 27 31. To act on behalf of the department of public instruction to administer part B,
28 section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229
29 Stat. 2647; 20 U.S.C. 1411 et seq.].

30 **Powers and duties of the department. (Effective after June 30, 2025)** The department
31 has the following powers and duties to be administered by the department through its state

1 office or regional human service centers, human service zones, or otherwise as directed by the
2 department:

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27 or otherwise available to the department, and to administer those funds or property in
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24 Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].

25 30. To contract with another human service zone or any other public or private person to
26 discharge any of the department's duties or exercise any of the department's powers
27 to administer human services.

28 31. To act on behalf of the department of public instruction to administer part B,
29 section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229
30 Stat. 2647; 20 U.S.C. 1411 et seq.].

31 **SECTION 3. REPEAL.** Chapter 50-19 of the North Dakota Century Code is repealed.