

# PUBLIC WELFARE

## CHAPTER 483

HOUSE BILL NO. 1298  
 (Representatives A. Olson, Haugland, Olafson)  
 (Senator Vosper)

### COUNTY SOCIAL SERVICE BOARD MEMBERSHIP

AN ACT to amend and reenact section 50-01-07 of the North Dakota Century Code, relating to the appointment of county social service board members.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-01-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-01-07. COUNTY SOCIAL SERVICE BOARD - MEMBERS - QUALIFICATIONS. The board of county commissioners of each county in this state shall ~~provide for the establishment of~~ establish a county social service board. ~~Such county social service board shall consist~~ consisting of five, seven, or nine members of which ~~not less than one nor more than two~~ one or more shall be county commissioners ~~designated by the board of county commissioners. The board of county commissioners shall designate two or more qualified individuals to fill each vacancy in the remaining membership of the county social service board and shall submit the name and qualifications of such individuals to the social service board of North Dakota. One of the individuals so designated to fill each vacancy in the remaining membership shall be appointed by the board of county commissioners with the advice and consent of the social service board of North Dakota.~~ The members of the county social service board shall be appointed by the board of county commissioners and shall be chosen without regard to political affiliation and upon the basis of their fitness to serve in said capacity as members by reason of character, experience, and training. Each of the sexes shall be represented on the board.

Approved March 3, 1981

## CHAPTER 484

SENATE BILL NO. 2152  
(Committee on Social Services and Veterans Affairs)  
(At the request of the Social Service Board)

## ENERGY ASSISTANCE PROGRAM ADMINISTRATION

AN ACT to create and enact a new subsection to section 50-01-09 and a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the powers and duties of county social service boards and the social service board of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. A new subsection to section 50-01-09 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

Subject to subsection 20 of section 50-06-05.1, to administer the energy assistance program in the county under the direction and supervision of the social service board of North Dakota and to enter into an agreement for such purpose with the social service board of North Dakota.

SECTION 2. A new subsection to section 50-06-05.1 of the 1979 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

To act as the official agency of the state in the administration of the energy assistance program; to direct and supervise county administration of that program; and to take such actions, give such directions, and promulgate such rules and regulations, subject to review in the courts of this state, as may be necessary or desirable to carry out the provisions of this subsection. Provided, however, that the board with the consent of the legislative committee on budget may terminate the program should the rate of federal financial participation in administrative costs be decreased or limited to less than fifty percent of total administrative costs, or should the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits.

Approved April 8, 1981

## CHAPTER 485

HOUSE BILL NO. 1158  
(Freborg)

## COMMUNITY WORK EXPERIENCE PROGRAMS

AN ACT to create and enact five new sections to chapter 50-01 of the North Dakota Century Code, relating to work requirements for poor relief recipients, establishment of community work experience programs, and termination of benefits; and to repeal section 50-01-18 of the North Dakota Century Code, relating to work requirements for poor relief recipients.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

If a person applying for poor relief is in good health, the county social service board may, at its option, require the applicant to comply with any or all of the following provisions as a condition to receiving public assistance:

1. To register with job service North Dakota.
2. To participate in work incentive programs in accordance with the guidelines established for aid to families with dependent children.
3. To accept work which is available through community work experience programs.

SECTION 2. A new section to chapter 50-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

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

SECTION 3. A new section to chapter 50-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Any community work experience program established pursuant to this chapter shall provide:

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

SECTION 4. A new section to chapter 50-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

No recipient shall be required to participate in a work experience program if:

1. The position offered is vacant because of a strike, lockout, or other labor dispute.
2. The recipient would be required to join a company union or to resign from or refrain from joining any legitimate labor organization.
3. Participation would impose a hardship on the recipient or the recipient's family because of illness, physical or mental disability, or remoteness of the recipient's residence from the place of employment.

SECTION 5. A new section to chapter 50-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refusal of any applicant or recipient, without good cause, to comply with any work requirements established pursuant to this chapter may be grounds for denial or termination of poor relief.

SECTION 6. REPEAL. Section 50-01-18 of the 1979 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 11, 1981

## CHAPTER 486

HOUSE BILL NO. 1418  
(Representative Strinden)  
(Senator Nething)

## DEPARTMENT OF HUMAN SERVICES

AN ACT to create a department of human services; to amend and reenact sections 25-01-01.1, 25-02-04, 25-02-09, 25-10-01, 25-10-04, 25-12-02, 27-21-01, subsection 5 of section 39-08-01, section 50-01.1-01, subsection 1 of section 50-01.1-04, sections 50-06-01, 50-06-01.1, 50-06-05.1, 50-06-06.2, 50-06.1-01, subsection 1 of section 50-09-01, sections 50-10-01, 50-24.1-03, 50-26-01, 50-26-04, subsection 1 of section 54-07-01.2, sections 54-38-01, 54-38-05, 54-40-09, 54-42-06, and 54-44.3-19 of the North Dakota Century Code, relating to the developmental disabilities council, the superintendent of the state hospital, care of patients at the state hospital, the mental health and retardation division of the state health department, local mill levy for support of mental health and retardation service units, the state youth authority, penalty for driving under the influence of intoxicating liquors or controlled substances, definitions of state and county social service boards, the creation of multicounty welfare districts, powers and duties of the social service board, use of federal funds for clinic services, the division of vocational rehabilitation, definition of state agency for administration of aid to dependent children, definition of state agency for aid to crippled children, county share of medical assistance, the governor's council on human resources, governor's power to appoint majority of certain board members, the division on alcoholism and drug abuse, human service centers, agencies subject to the merit system, and authority of merit system board to provide service to cities and political subdivisions; to repeal sections 1-01-48, 25-10-05, 25-12-01, 25-12-02, 25-12-03, 25-12-04, 25-12-05, 50-06-02, 50-06-03, 50-06-03.1, 50-06-04, 50-06-07, 50-06-08, 50-06-09, 50-06-10, 50-06-13, 54-40-10, and 54-40-11 of the North Dakota Century Code, relating to the division of child welfare, mental health and retardation service units, members of the social service board, the executive director of the social service board, report of the social service board to the governor, certification for human service centers, and collocation of human service centers with county social service boards;

authorizing the legislative council to make some statutory revisions; to provide an appropriation; to provide effective dates; and to provide for the appointment of initial human service council members.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. DEPARTMENT OF HUMAN SERVICES - CREATION. The North Dakota department of human services is hereby created to assume the functions, powers, and duties of the following governmental agencies:

1. The social service board of North Dakota, including all of the statutory authority and responsibilities set out in chapters 27-21, 50-06, 50-06.1, 50-09, 50-10, 50-11, 50-11.1, 50-12, 50-18, 50-19, 50-20, 50-21, 50-24.1, and 50-25.1.
2. The governor's council on human resources as established by chapter 50-26.
3. The mental health and retardation division of the department of health as established by chapter 25-10, including the state hospital and any other institutions under the jurisdiction of the mental health and retardation division.
4. The division of alcoholism and drug abuse of the department of health as established by chapter 54-38.
5. The state council on developmental disabilities as established by section 25-01-01.1.

SECTION 2. EXECUTIVE DIRECTOR - APPOINTMENT - COMPENSATION. The executive director of the department of human services shall be appointed by, and shall serve at the pleasure of, the governor. The executive director shall take the oath of office required of civil officers by section 44-01-05 and shall be bonded as required of civil officers by section 44-01-06. The executive director shall receive compensation in the amount established by the governor within the limits of legislative appropriations.

SECTION 3. STRUCTURE OF THE DEPARTMENT. The department of human services shall include the state hospital, an office of human services, an office of economic assistance and county administration, administrative and fiscal support services as the executive director deems necessary, and as many other subdivisions as the executive director may deem appropriate, or as may be provided by law.

1. The office of human services shall contain the following divisions:

- a. Developmental disabilities division.
  - b. Mental health division.
  - c. Social services division, including an aging services unit and a children and family services unit.
  - d. Vocational rehabilitation division, including regional vocational rehabilitation offices collocated with regional human service centers.
  - e. Alcoholism and drug abuse division.
2. The office of economic assistance and county administration shall include the following divisions:
- a. Public assistance division, including a food stamp unit, a housing assistance unit, an assistance payments unit, an energy assistance unit, and a child support unit.
  - b. Medical assistance division.

Regional supervisors of economic assistance shall be collocated with regional human service centers and shall be responsible for maintaining a close working relationship between county social service boards and regional human service centers. The executive director of the department of human services shall be responsible for consulting with and maintaining a close working relationship with the department of health; with the director of institutions and the superintendents of the Grafton state school, the school for the deaf, and the school for the blind to develop programs for developmentally disabled persons; and with the superintendent of public instruction to maximize the use of resource persons in regional human service centers in the provision of special education services.

SECTION 4. REGIONAL HUMAN SERVICE CENTERS - LICENSURE - COLLOCATION WITH COUNTY SOCIAL SERVICE BOARDS. Human services shall be delivered through regional human service centers in the areas designated by the governor's executive order 49 dated September 18, 1969. Services provided by regional human service centers shall include those services formerly provided by mental health and retardation service units and area social service centers. The regional human service centers shall be subject to licensing by the state department of human services. The department shall adopt rules and standards for the licensing and operation of the regional human service centers. No human service center may operate without a license issued hereunder. Regional human service centers are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the centers. Any county social service board collocating its offices with a regional human service center shall, within the limits of legislative appropriations, be reimbursed up to fifty percent of the

amount expended for space costs in excess of the amount provided by the federal government.

SECTION 5. DIRECTOR OF REGIONAL CENTER - MEDICAL DIRECTOR. Each regional human service center shall be headed by a regional director appointed by the executive director of the department of human services in consultation with the regional human service council. The regional director shall be accountable to the executive director. Each regional director shall have the authority to employ the staff necessary to discharge the center's responsibilities. The regional director shall also have authority, subject to the approval of the executive director of the department and within the limit of legislative appropriations, to make contractual arrangements with public or private agencies or with individuals and organizations to discharge the regional human service center's service delivery responsibilities. The staff of each regional human service center shall include a qualified medical professional who shall be designated as the medical director of the center. The medical director shall be primarily responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the regional director, with the concurrence of the executive director. At the discretion of the executive director, the regional director of a center, if qualified therefor, could also be appointed medical director of that center. As used in this section, "qualified medical professional" means an individual possessing a degree of doctor of psychiatry, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

SECTION 6. OFFICE AND OFFICE EQUIPMENT. The department of human services shall be provided with suitable offices in the state capitol. The department may purchase through the department of accounts and purchases, out of the funds appropriated, any furniture, office and filing equipment, office supplies, stationery, and postage necessary for the efficient conduct of department business.

SECTION 7. BIENNIAL REPORT TO GOVERNOR AND DEPARTMENT OF ACCOUNTS AND PURCHASES. The department of human services shall submit to the governor and the department of accounts and purchases a biennial report as prescribed by section 54-06-04.

SECTION 8. AUTHORITY TO ADOPT RULES. The department of human services may adopt rules necessary to carry out its responsibilities under this Act. All rules adopted shall be published in the North Dakota Administrative Code. Rules adopted by agencies prior to the effective date of this Act which relate to functions or agencies covered by this Act shall remain in effect until such time as they are specifically amended or repealed by the department.

SECTION 9. AMENDMENT. Section 25-01-01.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-01-01.1. STATE COUNCIL ON DEVELOPMENTAL DISABILITIES. There is hereby created and shall be maintained in the state department of health human services a state council on developmental disabilities consisting of one representative of each of the following departments, divisions, institutions, and organizations designated by the head of such agency or organization:

1. Office of superintendent of public instruction.
2. ~~Social--service--board-of~~ North Dakota department of human services.
3. State department of health.
4. Grafton state school.
5. Job service North Dakota.
6. Director of institutions.
7. ~~Community--mental-health-and-retardation-and-human-service center-~~

The council shall have consumer representation in conformity with federal regulations regarding developmental disabilities. All members of the council shall be appointed by the governor from the list of designees provided by agency heads pursuant to this section. The council shall select its own officers who shall serve for a term of two years commencing on October first of each year. Meetings shall be held at least twice a year or at the call of the chairman or upon notice in writing signed by not less than three members of the council. A simple majority of the council shall constitute a quorum and shall have authority to act upon any matter coming before the council. Members of the council shall be reimbursed in the same manner and at the same rate provided by law for other state officials.

The council shall assist in the development of the state plan for developmental disabilities, monitor and evaluate the implementation of such state plan, review and comment on all state plans in the state which relate to programs affecting persons with developmental disabilities, provide protection and advocacy to developmentally disabled individuals when requested by a state department, division, institution, or organization, and establish a committee on professional standards and certification that will develop rules and regulations for the certification of developmental disability professionals. The council shall also perform studies and surveys of the needs of the developmentally disabled persons in North Dakota, and shall facilitate coordination of the activities of all state departments, divisions, agencies, and institutions having responsibilities in the field of developmental disabilities.

SECTION 10. AMENDMENT. Section 25-02-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-02-04. SUPERINTENDENT TO POSSESS CERTAIN QUALIFICATIONS - EMPLOYEES. The superintendent of the state hospital shall be a certified psychiatrist. He ~~The superintendent shall appoint with the approval of the state mental health and retardation division executive director of the department of human services an assistant superintendent of administration who shall be under his supervision and who shall be a qualified and experienced hospital administrator. The superintendent shall appoint and employ the professional staff and define their qualifications and duties. The assistant superintendent shall employ such other personnel as may be necessary and shall define their qualifications and duties.~~

SECTION 11. AMENDMENT. Section 25-02-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-02-09. CARE OF PATIENTS TO BE IMPARTIAL --EXCEPTIONS. All patients at the state hospital shall be provided with equal care and treatment in accordance with the different degrees or conditions of mental and physical health. ~~However, if relatives or friends of any patient shall request it and pay the expenses thereof, such patient may receive special care and be provided with a special attendant in such manner as may be agreed upon by the superintendent. In all such cases, the charges for special care and attendants shall be paid quarterly in advance. The relatives or friends of any patient in the hospital shall have the privilege of paying any portion or all of the expenses of such patient and the superintendent shall cause the account of such patient to be credited with any sums so paid. The superintendent shall account to the state mental health and retardation division for all money or property which shall come into his hands for the purpose of furnishing extra care or treatment to any patient at the state hospital.~~

SECTION 12. AMENDMENT. Section 25-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-10-01. STATE MENTAL HEALTH AND RETARDATION DIVISION. There is hereby established within the state department of health human services a division to be known as the state mental health and retardation division, ~~such division to be under the direction and supervision of a certified psychiatrist who shall be appointed by the state health officer with the approval of the state health council;~~ to perform the following functions in the field of mental health:

1. Cooperate in providing services to state and local departments and agencies and other groups for programs of prevention of mental illness, mental retardation, and other psychiatric disabilities.
2. Assist in providing informational and educational services regarding mental health to the public and lay and professional groups.

3. Assist in providing consultative services to schools, courts, and health and welfare agencies, both public and private.
4. Assist in providing outpatient diagnostic and treatment services.
5. Assist in providing rehabilitation services for patients suffering from mental or emotional disorders, ~~mental retardation,~~ and other psychiatric conditions, particularly those who have received prior treatment in an inpatient facility.

The above services shall be undertaken by the state department of health human services to the extent funds are available to the department for the performance of these functions.

SECTION 13. AMENDMENT. Section 25-10-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-10-04. TRANSFER OF INSTITUTIONS UNDER THE DIRECTOR OF INSTITUTIONS. The administration and control of the state hospital at Jamestown is hereby transferred from the director of institutions to ~~the mental health and retardation division of~~ the state department of health human services.

SECTION 14. AMENDMENT. Section 25-12-02 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-12-02. LOCAL SUPPORT - LICENSING.

1. ~~A mental health and retardation service unit comprising only one political subdivision may receive aid from such political subdivision to the extent that its governing body agrees to participate. If a mental health or retardation service unit comprises regional human service center comprising more than one political subdivision, the unit shall may receive aid from the political subdivisions in proportion to the assessed valuation of each political subdivision or in such other manner as their governing bodies shall agree.~~
2. The governing body of any such political subdivisions for the purpose of ~~operating, maintaining, or~~ participating in the operation and maintenance of ~~mental health and retardation service units or providing such services by contract in accordance with this chapter~~ a regional human service center, may by resolution of the governing body thereof submit the question of the authorization of a tax upon all taxable property in the political subdivision of not to exceed three-quarters of one mill to the electorate of the political subdivision at any special or regular election. If such levy shall be approved by the majority

of the electors voting thereon, a tax not in excess of that authorized may be levied by the governing body of the political subdivision for the purpose of providing services financial assistance as authorized in this chapter section. Such levy, when authorized, shall be over and above any mill levy limitation provided by law, provided, however, there shall not be more than one election per year on the mill levy.

~~37--The--mental--health--and--retardation--division--of--the--state--department--of--health--is--hereby--authorized--to--license--mental--health--and--retardation--service--units--established--pursuant--to--this--chapter--The--division--shall--promulgate--standards--rules--and--regulations--for--the--operation--of--the--mental--health--and--retardation--facilities--licensed--hereunder--in--accordance--with--chapter--28--32--and--may--in--accordance--with--chapter--28--32--suspend--the--license--of--any--facility--which--does--not--remain--in--compliance--with--the--standards--rules--and--regulations--so--promulgated--No--mental--health--and--retardation--service--unit--may--operate--after--July--17--1975--without--a--license--issued--hereunder.~~

SECTION 15. AMENDMENT. Section 27-21-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-21-01. CREATION OF STATE YOUTH AUTHORITY - DIRECTOR. A state youth authority is hereby created and established with such the powers and duties as are prescribed by this chapter. The state youth authority shall be created within the social--service--board department of human services, and its chief administrative officer shall be the executive director of the social--service--board department of human services, or his designee.

SECTION 16. AMENDMENT. Subsection 5 of section 39-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. The court may, upon a conviction of a person under this section, but prior to sentencing, refer him the person to an addiction facility licensed by the North Dakota state department of health for diagnosis. Upon receipt of the results of this diagnosis, the court may impose a sentence as prescribed in this section or it may sentence the person to treatment in a facility approved by the North Dakota state department of health, ~~division of--alcoholism and--drug--abuse~~ human services.

SECTION 17. AMENDMENT. Section 50-01.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-01.1-01. DEFINITIONS. As used in this chapter, unless the context or subject matter otherwise requires:

1. "State board" ~~shall mean the social service board of North Dakota~~ means the department of human services.
2. "County board" ~~shall mean~~ means the county welfare social service boards.

SECTION 18. AMENDMENT. Subsection 1 of section 50-01.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A plan for the creation of a multicounty welfare district prepared by a county board shall provide for the method of operation of the consolidated office, its administration, its location, the disbursements from public funds, and the accountability of funds and manner of reporting receipts and disbursements. The plan shall provide that all services provided by county officials to county boards under the provisions of this code shall be provided by those county officials residing within the same county wherein the office of the multicounty welfare district is located. The plan shall also provide for the distribution of property owned by each of the county boards affected by the consolidation. ~~Such~~ The plan may also provide that the ~~program supervisor regional director of a state board area social regional human~~ regional human service center shall serve as the director of the multicounty welfare district.

SECTION 19. AMENDMENT. Section 50-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-01. DEFINITION. Whenever the word "board" is used in this chapter, it shall mean the ~~social service board of North Dakota~~ department of human services.

SECTION 20. AMENDMENT. Section 50-06-01.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-01.1. ~~SOCIAL--SERVICE-BOARD-OF-NORTH-DAKOTA DEPARTMENT OF HUMAN SERVICES TO BE SUBSTITUTED FOR PUBLIC WELFARE BOARD OF NORTH DAKOTA AND SOCIAL SERVICE BOARD OF NORTH DAKOTA, MEMBERS OF BOARD, AND EXECUTIVE DIRECTOR.~~ Wherever the terms "public welfare board of North Dakota", "social service board of North Dakota", "executive director of the public welfare board", ~~or~~ "executive director of the social service board", "member of the public welfare board", or "member of the social service board", or any derivative of those terms which, when used in context indicates an intention to refer to those persons or that board, shall appear in the North Dakota Century Code, the term "~~social service board of North Dakota~~" "department of human services", or the term "executive director of the social service board department of human services", as the case may be, shall be substituted therefor. It is the intent of the legislative assembly that the ~~social service board of North Dakota~~ department of human services shall be substituted for, shall take

any action previously to be taken by, and shall perform any duties previously to be performed by the public welfare board of North Dakota or by the social service board of North Dakota.

SECTION 21. AMENDMENT. Section 50-06-05.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-05.1. POWERS AND DUTIES OF THE BOARD DEPARTMENT. The ~~social-service-board-of~~ North Dakota department of human services shall have the following powers and duties to be administered by ~~such-board~~ the department through its state office or through regional ~~offices~~ human service centers or otherwise as directed by it:

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other ~~social~~ human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being of deprived, unruly, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate social legislation to the legislative assembly.
8. To direct and supervise county social service board activities as may be financed in whole or in part by or with funds allocated or distributed by the ~~board~~ department.
9. To inform the public as to social conditions and ways of meeting social needs.

10. To secure, hold, and administer for the purpose for which it is established, any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the board department, and to administer said funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
11. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the board department including child-care facilities, nonmedical adult-care facilities and maternity homes, and persons or organizations receiving and placing children, and to require such facilities, persons, and organizations to submit ~~such~~ reports and information as the board may determine necessary.
12. To permit the making of any surveys of ~~social-welfare~~ human service needs and activities if deemed by the board department to be necessary and expedient.
13. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever the board department deems it necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena shall not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or maternity hospital or to compel the attendance as a witness of any officer or employee of ~~such those~~ facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
14. To provide insofar as staff resources permit appropriate ~~social~~ human services, including social histories, social or social-psychological evaluations, individual, group, family, and marital counseling, and related consultation, when referred by self, parent, guardian, county social service board, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide ~~social~~ human services to children and adults in relation to their placement in or return from the Grafton state school, state hospital, or North Dakota industrial school.
15. To provide marital counseling to individuals ordered to participate in such treatment by the family court.
16. To provide insofar as staff resources permit social services, including social-psychological evaluations,

- predisposition reports, treatment, probation, and aftercare services when requested by the judge of a juvenile court, all reports to be kept confidential for the use of the judge except as may be disclosed by the judge.
17. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, and probation and parole services, when requested by the judge in a criminal case, all reports to be kept confidential for use by the judge except as may be disclosed by the judge.
  18. To act as the official agency of the state in the administration of the food stamp program ~~in--conformity with the Feed-Stamp-Act-of-1964,--as-amended,~~ and to direct and supervise county administration of ~~such that~~ program. Provided, however, that the ~~board~~ department with the consent of the legislative council committee on budget may terminate the program should the rate of federal financial participation in administrative costs provided under Public Law 93-347 be decreased or limited, or should the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act.
  19. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing assistance payments, and rental subsidies under any rental assistance programs initiated by the federal government not otherwise by law made the responsibility of another state agency possessing statewide jurisdiction.

SECTION 22. AMENDMENT. Section 50-06-06.2 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-06.2. CLINIC SERVICES - PROVIDER QUALIFICATION - UTILIZATION OF FEDERAL FUNDS. Within the limits of legislative appropriation therefor and in accordance with rules and regulations established by the ~~social--service--board~~ department of human services, the ~~board~~ department may defray the costs of preventive diagnostic, therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible individuals by:

1. ~~Human--service--centers-established-under-section-54-40-09 which fulfill mental health--and--social--service--quality assurance--standards--jointly-prescribed, promulgated, and adopted--by--the--social--service--board--and--the--state department-of-health.~~

~~2--Mental--health--and--retardation-service-units-established  
and-licensed-under-chapter-25-12~~ regional human service  
centers.

Within the limits of legislative appropriations and to the extent permitted by state and federal law and regulations established thereunder, it is the intent of the legislative assembly that federal funds available under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] be utilized to defray the costs of identifiable mental health clinic services furnished eligible individuals in qualifying regional human service and mental health centers and that federal funds available under title XX of the Social Security Act [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable social services furnished eligible individuals by county social service boards, ~~area social service centers,~~ and regional human service centers.

SECTION 23. AMENDMENT. Section 50-06.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06.1-01. DEFINITIONS. In this chapter, unless the context or subject matter otherwise requires:

1. "State board" ~~shall-mean-the-social-service-board-of~~ means the North Dakota department of human services.
2. "Division" ~~shall--mean~~ means the division of vocational rehabilitation.
3. "Division executive director" ~~shall--mean~~ means the director of the division of vocational rehabilitation.
4. ~~"Regulations"--shall--mean--regulations-made~~ "Rules" means rules adopted by the division executive director with the approval of the ~~state--board~~ executive director of the department of human services.

SECTION 24. AMENDMENT. Subsection 1 of section 50-09-01 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "State agency" ~~shall--mean--the--social-service-board-of~~ means the North Dakota department of human services.

SECTION 25. AMENDMENT. Section 50-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-10-01. DEFINITIONS. In this chapter unless the context or subject matter otherwise requires:

1. "State agency" ~~shall--mean--the--social-service-board-of~~ means the North Dakota department of human services.

2. "County agency" ~~shall mean means~~ the county welfare-board social service boards in this state.

\* SECTION 26. AMENDMENT. Section 50-24.1-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24.1-03. COUNTY SHARE OF MEDICAL ASSISTANCE - REIMBURSEMENT FOR CLINIC SERVICES NOT REQUIRED. Each county in this state shall reimburse the state department for amounts expended for medical assistance in ~~such~~ that county in excess of the amount provided by the federal government, in the amount of fifteen percent. This section shall not be construed to require a county to reimburse the state department for clinic services furnished by ~~mental health and retardation service units or~~ regional human service centers, ~~but it shall also not be construed as preventing payments under chapter 25-12.~~

SECTION 27. AMENDMENT. Section 50-26-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-26-01. ESTABLISHMENT OF GOVERNOR'S COUNCIL ON HUMAN RESOURCES - CERTAIN COMMITTEES TO CONSTITUTE - APPOINTMENT. There is hereby established a governor's council on human resources, to be maintained within the department of human services, which shall consist of a committee on aging, a committee on children and youth, a committee on employment of the handicapped, and ~~such~~ other committees ~~who have having~~ a related interest in human resources as may be appointed. Each of these committees shall each consist of an executive committee of no more than nine members, each of whom shall be appointed by the governor for a term of three years, staggered so that the terms of one-third of the members of each committee expire July first of each year, except that initial appointments to the committees shall be made on the basis of a one-year term for one-third of the members of each committee; a two-year term for one-third of the members of each committee; and a full three-year term for the remaining members of each committee. Each of the executive committees of the governor's council on human resources may appoint to their committee the chairman of the mayor's committee or his designated representative. A vacancy occurring other than by reason of the expiration of a term shall be filled in the same manner as original appointments, except that such appointment shall be made for the remainder of the unexpired term only.

SECTION 28. AMENDMENT. Section 50-26-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-26-04. EXECUTIVE COMMITTEE - POWERS - EMPLOYMENT OF EXECUTIVE DIRECTOR. The executive committee of the governor's council on human resources shall consist of the respective chairman and vice chairman of the committees which constitute the council. They shall select a chairman from their membership and shall meet at such times and at such places as the chairman may direct. Members

\* NOTE: Section 50-24.1-03 was also amended by section 1 of House Bill No. 1048, chapter 495.

of the executive committee shall receive the same mileage and expenses for performance of their official duties as is provided in section 50-26-03. It shall be the duty of the executive committee to determine the number of meetings each committee shall hold, the areas in which they shall devote their time, and generally, to supervise all functions of any committee. The executive committee shall coordinate all functions of the council with other state departments, agencies, and other organizations and shall assure that the council cooperate with such departments, agencies, and other organizations wherever possible. The executive committee of the governor's council shall, with the approval of the ~~governor~~ executive director of the department of human services, appoint a full-time director of the council on human resources whose duty it shall be to assist the committees in any manner authorized by the executive committee of the council. The executive committee of the council may authorize the council director to employ such clerical help as they deem necessary. The compensation of the director and clerical help shall be set by the ~~executive committee of the council~~ director of the department of human services within appropriations by the legislative assembly. A special operating fund for the governor's council on human resources shall be maintained within the state treasury. All expenditures from such fund shall be within the limits of legislative appropriations and shall be made upon vouchers, signed and approved by the ~~chairman--of--the~~ executive committee director of the department of human services. Upon approval of such vouchers by the ~~state-auditing-board~~ office of the budget, warrant-checks shall be prepared by the department of accounts and purchases. All moneys received as gifts, donations, or bequests and all federal moneys received shall be deposited in ~~such~~ the special operating fund. The state treasurer shall make periodic transfers upon order of the director of the department of accounts and purchases from the governor's council on human resources general fund appropriation to such special operating fund whenever its balance falls so low as to require supplementation. The executive committee is authorized on behalf of the council to accept any federal funds and any other gifts and money from any source that may be offered to them.

\* SECTION 29. AMENDMENT. Subsection 1 of section 54-07-01.2 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Notwithstanding the provisions of sections 2-05-01, 4-18.1-04, 4-27-04, 6-01-03, 6-09.1-02, 12-55-01, 12-59-01, 15-21-17, 15-38-17, 15-39.1-05, 15-65-02, 20.1-02-23, 23-01-02, 23-25-02, 36-01-01, 37-18.1-01, ~~50-06-02, ---50-06-03+1,~~ 50-26-01, 51-10-13, ~~54-03-20+2,~~ 54-34-03, ~~54-42-01,~~ 54-54-02, 55-01-01, 55-06-01, 61-02-04, 61-28-03, and 65-02-01, all members of the following boards and commissions shall, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:

\* NOTE: Subsection 1 of section 54-07-01.2 was also amended by section 10 of House Bill No. 1443, chapter 528, and section 54-07-01.2 was also amended by section 45 of House Bill No. 1069, chapter 91.

- a. The aeronautics commission.
- b. The milk stabilization board.
- c. The dairy products promotion commission.
- d. The state banking board.
- e. The state credit union board.
- f. The advisory board of directors to the Bank of North Dakota.
- g. The board of pardons.
- h. The state parole board.
- i. The state board of public school education.
- j. The teachers' professional practices commission.
- k. The board of trustees for the teachers' fund for retirement.
- l. The educational broadcasting council.
- m. The state game and fish advisory board.
- n. The health council.
- o. The air pollution control advisory council.
- p. The livestock sanitary board.
- q. The administrative committee on veterans' affairs.
- ~~r. The social service board of North Dakota.~~
- ~~s. The governor's council on human resources.~~
- ~~t. The North Dakota trade commission.~~
- ~~u. The legislative compensation commission.~~
- ~~v. The business and industrial development commission.~~
- ~~w. The merit system council.~~
- ~~x. u.~~ u. The North Dakota council on the arts.
- ~~y. v.~~ v. The state historical board.
- ~~z. w.~~ w. The Yellowstone-Missouri-Fort Union commission.

- aa- x. The state water conservation commission.
- bb- y. The state water pollution control board.
- ee- z. The workmen's compensation bureau.

SECTION 30. AMENDMENT. Section 54-38-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-38-01. DEFINITIONS. In this chapter unless the context or subject matter otherwise requires:

1. "Alcoholic" ~~shall--mean~~ means any person who chronically and habitually uses alcoholic beverages to the extent that he has lost the power of self-control with respect to the use of such beverages, or while chronically or habitually under the influence of alcoholic beverages, endangers public morals, health, safety, or welfare~~;~~.
2. "Department" ~~shall--mean~~ means the ~~state~~ department of ~~health;~~ human services.
3. "Patients" ~~shall--mean~~ means persons who are under the supervision or care of the department~~;~~.
4. "Alcoholism" ~~shall--mean~~ means the pathological condition attendant upon the excessive and habitual use of alcoholic beverages~~;~~.
5. "Division" ~~shall--mean~~ means the division of alcoholism and drug abuse within the ~~state~~ department of ~~health;~~ human services.
6. "Drug abuse" ~~shall--mean~~ means the use of drugs solely for their stimulant, depressant, or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent prescribed in the course of medical treatment or in a program of research operated under the direction of a physician or pharmacologist~~;~~and.
7. "Drug dependent persons" ~~shall--mean~~ means any person who has developed a state of psychic or physical dependence, or both, upon a drug following administration of that drug upon a repeated periodic or continuous basis.

SECTION 31. AMENDMENT. Section 54-38-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-38-05. DUTIES OF DEPARTMENT. The department shall:

1. Study alcoholism and drug abuse and related problems, including methods and facilities available for the care, custody, detention, treatment, employment, and

rehabilitation of resident alcoholics and drug dependent persons.

- 2. Promote meetings and programs for the discussion of alcoholism and drug abuse or any of their aspects, disseminate information on the subject of alcoholism and drug abuse for the guidance and assistance of individuals, courts, and public or private agencies for the prevention of alcoholism and drug abuse, and inform and educate the general public on problems of alcoholism and drug abuse, their prevention and treatment, to the end that alcoholism and drug abuse may be prevented and that persons suffering from alcoholism or drug dependency may be disposed to seek available treatment.
- 3. Conduct, promote, and finance, in full or in part, studies, investigations, and research, independently or in cooperation with universities, colleges, scientific organizations, and public or private agencies.
- 4. Accept for examination, diagnosis, guidance, and treatment, insofar as funds permit, any resident of the state coming to the department of his own volition for advice and guidance.
- 5. Establish, from time to time, policies governing the acceptance, care, and treatment of alcoholics and drug dependent persons.

~~6. Employ such assistants as may be necessary. The present staff of chapter 54-39 may be transferred to the newly created division of alcoholism and drug abuse within the state department of health.~~

SECTION 32. AMENDMENT. Section 54-40-09 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-40-09. REGIONAL HUMAN SERVICE CENTERS - POWERS - DUTIES. ~~Human~~ Regional human service centers organized under this chapter are those centers established to provide human services otherwise as authorized by law by the state or any of its political subdivisions. The term "human service" means service provided to individuals or their families in need thereof to help them achieve, maintain, or support the highest level of personal independence and economic self-sufficiency, including health, mental health, education, manpower, social, vocational rehabilitation, aging, food and nutrition, and housing service. Human Regional human service centers shall function as ~~single-located~~ regional administrative units established, within the multicounty areas designated by the governor's executive order 49 dated September 18, 1969, to provide for the planning and delivery of human services. Human Regional human service centers shall provide human services to all eligible individuals and families to help them achieve or maintain social,

emotional and economic self-sufficiency; prevent, reduce, or eliminate dependency; prevent or remedy the neglect, abuse, or exploitation of children and of adults unable to protect their own interests; aid in the preservation, rehabilitation, and reuniting of families; prevent or reduce inappropriate institutional care by providing for care while institutionalized or providing for community-based or other forms of less restrictive care; and secure referral or admission for institutional care.

Human service center boards shall plan and develop health and social resources to assure the effective and efficient delivery of high quality human services fully accessible to all citizens. Human service center boards shall maximize the coordination and integration of services and functions to the fullest extent practicable to avoid unnecessary duplication and overlapping of functions and services. A human service center shall be established upon a majority vote of those commissioners within a multicounty area present at a joint meeting of the boards of county commissioners called by the chairman of the board of county commissioners of the county with the largest population. Following that majority vote, the state department of health, the state social service board, the mental health and retardation service units shall, and other state departments and governmental units performing human service functions within the multicounty area may, pursuant to written agreement entered into by their respective boards or agencies with the center board, identify and delegate the planning and delivery of specified human services within their jurisdiction to the human service center.

Human; provide outpatient diagnostic and treatment services; and provide rehabilitation services for patients suffering from mental or emotional disorders, mental retardation, and other psychiatric conditions, particularly for those patients who have received prior treatment in an inpatient facility. Regional human service centers shall deliver such human services in the manner prescribed by the state departments and governmental units accountable for such services department of human services. The governing body human service council of a human service center shall be a board of directors council of not more than thirteen members. The council shall be appointed by the boards of county commissioners of the respective counties within the multicounty area region meeting jointly with the director of the regional human service center, except for the appointment of the initial human service council which shall be as provided in section 41 of this Act. County commissioners may serve as members of the human service council, provided that the commission members do not comprise more than one-third of the total council members. The terms of office shall be three two years or less and arranged so that the term of one-third, calculated as nearly as practicable, six members shall expire in one year, the term of one-half, calculated as nearly as practicable, of the remaining members in the next year, at the end of the first year and the term of the remaining seven members shall expire at the end of the third second year. New appointments to the board shall be made in accordance with the procedure adopted by a majority of the commissioners attending a joint meeting of the boards of county commissioners of the multicounty area. Members of each human service council are to be selected on the basis of population from residents of the counties

in the region served by the human service center. Each county in the region must have at least one member on the human service council. To the extent possible, membership on the council shall reflect regional interests in the fields of developmental disabilities, social services, vocational rehabilitation, mental health, and alcoholism and drug abuse. Members shall elect from the council membership a chairman and other officers as the council deems necessary. All members of each council shall be residents of the area served by the regional human service center. Vacancies occurring on the board for other than the expiration of a term shall be filled in the same manner as original appointments, except that appointments shall be made only for the unexpired term. Members of the board human service council shall be compensated at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The members shall also be paid for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers. Human service center boards shall have such powers and duties as authorized in this chapter for political subdivisions of the state, unless otherwise provided in this section. Such powers shall include the power to employ staff to discharge the center's responsibilities. Persons employed will be state employees and all employment practices shall be subject to the state central personnel system. Human service centers shall expend funds in accordance with law and within the limits of legislative appropriations, and shall have access to the services of the state's combined automatic telecommunications system and the department of accounts and purchases computer, duplicating, accounting, purchasing, and other services rendered by such department to state agencies and institutions. The state social service board, the state department of health, and such other agencies of the state as may have responsibilities in the field of service as provided by human service centers shall provide such centers assistance to the extent that the requests for such services are reasonable and related to the programs of such departments.

SECTION 33. DUTIES OF HUMAN SERVICE COUNCIL. The human service councils of the regional human service centers shall perform the following duties:

1. Assist in needs assessment and the planning and development of health and social resources to assure the effective and efficient delivery of high quality human services fully accessible to all citizens.
2. Review and evaluate services and programs provided by the centers and make periodic reports to the state department of human services together with any recommendations the councils may have for improvement in services, programs, or facilities.
3. Promote cooperation and working agreements with private human service agencies.

4. Review the budgets for submission to the executive director for consideration and submission within the budget request for the state department of human services.
5. Promote local and regional financing from public and private sources.

SECTION 34. AMENDMENT. Section 54-42-06 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-42-06. AGENCIES SUBJECT TO MERIT SYSTEM. All personnel employed by the ~~social-service-board-of-North-Dakota~~ department of human services, the ~~area-and-county regional~~ offices of such board that department, the job service North Dakota, the North Dakota merit system council, the North Dakota state department of health, and other agencies or political subdivisions as may by federal laws or regulations be required to be subject to the merit system in order to obtain federal grants-in-aid, shall be covered by the complete merit system provided in this chapter. ~~The-merit-system-council-shall-provide-merit-system-coverage--to--mental--health--and-retardation--service--units,--human-service-centers,--and-other-units-resulting-from-combinations-of-mental-health-and-retardation-service-units,--area-social-service-centers,--and-other-functions-or-services-of-state-agencies-or-political-subdivisions-upon-the-request-of-such-centers--or--units.~~ Merit system coverage shall also be provided to personnel employed as purchasing agents or buyers in the purchasing division of the department of accounts and purchases. Such other agencies, departments or divisions, or positions, shall be placed under the complete or limited merit system in the manner and to the extent the legislative assembly shall by law direct.

\* SECTION 35. AMENDMENT. Section 54-44.3-19 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-44.3-19. BOARD AUTHORITY TO PROVIDE SERVICE TO CITIES AND POLITICAL SUBDIVISIONS. The board may enter into agreement with any city or political subdivision of this state to furnish any of its services and facilities, other than factfinding or conciliation services, and such agreement shall provide for reimbursement to the state of the cost of the services and facilities furnished. All cities and political subdivisions of this state may enter into such agreements. The board and division shall provide coverage to other agencies or political subdivisions as may by federal laws or regulations be required to be subject to a personnel system in order to obtain federal grants-in-aid. The board and division shall provide coverage to ~~mental-health--and--retardation--service--units, human--service--centers,--and--other-units-resulting-from-combinations-of-mental-health-and-retardation-service-units,--area-social--service-centers,--and--other-functions-or-services-of-state-agencies-or-political-subdivisions-upon-the-request-of-such-centers-or-units.~~ Such other agencies, departments, or divisions, or positions, shall be placed under the complete or limited board and division personnel

\* NOTE: Section 54-44.3-19 was also amended by section 1 of House Bill No. 1046, chapter 543.

plan in the manner and to the extent the legislative assembly shall by law direct.

SECTION 36. LEGISLATIVE COUNCIL - AUTHORITY TO CHANGE REFERENCES TO NEW DEPARTMENT AND TO REDESIGNATE SECTION 54-40-09. The North Dakota legislative council is hereby authorized to delete, where appropriate, references to the social service board of North Dakota or to the executive director of the social service board wherever they appear in the North Dakota Century Code or in the supplements thereto and to replace each deleted reference with a reference to the North Dakota department of human services or to the executive director of the department of human services, as appropriate. The legislative council is also authorized to redesignate and renumber section 54-40-09 of the 1979 Supplement to the North Dakota Century Code to a place in the North Dakota Century Code consistent with the placement of the department of human services. These changes are to be made when any volume or supplement of the North Dakota Century Code is being reprinted.

SECTION 37. REPEAL. Sections 1-01-48, 50-06-02, 50-06-03, 50-06-03.1, 50-06-07, 50-06-08, 50-06-09, and 50-06-10 of the North Dakota Century Code, and sections 25-10-05, 25-12-01, 25-12-03, 25-12-04, 25-12-05, 50-06-04, 50-06-13, 54-40-10, and 54-40-11 of the 1979 Supplement to the North Dakota Century Code are hereby repealed.

SECTION 38. DELAYED REPEAL. Section 25-12-02 of the North Dakota Century Code is repealed effective January 1, 1983, and the mill levy authorized thereunder shall not be levied for property tax years beginning on and after January 1, 1983.

SECTION 39. APPROPRIATION. Any moneys appropriated by the forty-seventh legislative assembly to the governmental agencies and functions listed in section 1 of this Act shall be considered appropriated to the department of human services for the period beginning January 1, 1982, and ending June 30, 1983. The director of the department of accounts and purchases shall see to the appropriate transfer of accounts.

SECTION 40. EFFECTIVE DATES. This Act shall become effective on January 1, 1982, except for section 41, which shall be effective on July 1, 1981.

\*SECTION 41. APPOINTMENT OF INITIAL HUMAN SERVICE COUNCIL - STATUS OF PRESENT BOARD. The chairman of the board of county commissioners of the county with the largest population within each region shall, not later than October 1, 1981, call a joint meeting of the county commissioners within the region to appoint the initial human service council for the regional human service center, according to the selection process and terms of office specified in section 31 of this Act. This meeting shall include an individual designated by the governor. The chairmen shall consult with the governor in setting the time and location of each meeting.

Approved April 6, 1981

\* NOTE: The reference to section 31 should be to section 32.

## CHAPTER 487

SENATE BILL NO. 2216  
(Senators Wenstrom, Stenehjelm, Tennefos)  
(Representatives Hoffner, Meiers, Swiontek)

## SENIOR CITIZEN PROGRAMS MATCHING GRANTS

AN ACT to provide for a state matching program to counties and cities senior citizen programs and activities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

\* SECTION 1. SENIOR CITIZEN PROGRAMS. The social service board is authorized to match with state general fund moneys on a seventy-five percent basis moneys made available to counties and cities for senior citizen programs and activities as provided in section 57-15-56, for the biennium beginning July 1, 1981, and ending June 30, 1983. The social service board is authorized to expend an amount not to exceed \$1,200,000, during the biennium beginning July 1, 1981, and ending June 30, 1983, for this purpose. If that amount is not sufficient to match on a seventy-five percent basis all of the funds made available pursuant to section 57-15-16, the amount which is available shall be prorated, with each governmental unit receiving the same percent reduction.

Approved March 26, 1981

\* NOTE: In the last sentence of this section the reference to section 57-15-16 apparently should be to section 57-15-56.

## CHAPTER 488

HOUSE BILL NO. 1656

(Strinden)

(Approved by the Committee on Delayed Bills)

### RENT SUBSIDY PROGRAM

AN ACT relating to the temporary authority of the social service board to administer the rent subsidy program; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. RENT SUBSIDY PROGRAM - AUTHORITY TO ADMINISTER. Notwithstanding the provisions of House Bill No. 1196 as enacted by the forty-seventh legislative assembly, the social service board of North Dakota is authorized, through June 30, 1981, to administer, allocate, and distribute any funds made available for the making of housing assistance payments and rental subsidies under any rental assistance programs authorized by federal law.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval through June 30, 1981.

Approved March 31, 1981

## CHAPTER 489

HOUSE BILL NO. 1084  
(Legislative Council)  
(Interim Social Services Committee)

### COMPREHENSIVE SOCIAL SERVICE PLANS

AN ACT prescribing the powers and duties of the social service board of North Dakota and the county social service boards of this state, and relating to the responsibility for the provision and the financing of comprehensive social service programs on behalf of eligible families and individuals in North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. PURPOSE - INTERPRETATION. It is the purpose of this Act to establish a system for planning, coordinating, and providing comprehensive social services administered by county social service boards, area social service centers, and human service centers. This Act shall be construed to effectuate the following public purposes:

1. To help individuals or their families to achieve, maintain, or support the highest attainable level of personal independence and economic self-sufficiency.
2. To prevent, remedy, or alleviate neglect, abuse, or exploitation of children and adults unable to protect their own interests.
3. To prevent or reduce institutional care by providing alternate, cost effective and quality of life enhancing community-based care, home-based care, or other forms of less intensive care.
4. To preserve, rehabilitate, and reunite families.
5. To assist in securing referral or admission of individuals to institutional care when other forms of care are not appropriate.

SECTION 2. DEFINITIONS. As used in this Act:

1. "Area social service center" means a regional social service center established by the state agency pursuant to section 50-06-05.1.
2. "Comprehensive social services" means services included in the comprehensive social services plan published by the state agency and social services required by state law or state agency regulation or federal law or regulation as a condition for the receipt of federal financial participation in programs administered under the provisions of title 50.
3. "County agency" means the county social service board in each of the counties of the state established under section 50-01-07.
4. "County plan" means the county social services plan required by section 4 of this Act.
5. "Human service center" means a regional center established under section 54-40-09.
6. "State agency" means the social service board of North Dakota established under section 50-06-02.

SECTION 3. POWERS AND DUTIES OF THE STATE AGENCY. The state agency shall have the following powers or duties under this Act:

1. To act as the official agency of the state in the administration of the social services programs for individuals and families in conformity with state and federal requirements including titles IV-B and XX of the Social Security Act, as amended.
2. To prepare, at least biennially, a comprehensive social services plan which shall:
  - a. Include social services determined essential in effectuating the purposes of this Act.
  - b. Detail the social services identified by the state agency for provision by human service centers and area social service centers and the services which the county agencies have agreed to make available in approved county plans as a condition for the receipt of any funds allocated or distributed by the state agency.
3. To make available, through area centers, county agencies, or human service centers, any or all of the services set out in the comprehensive social services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.

4. To supervise and direct the comprehensive social services administered by county agencies and human service centers through standard-setting, technical assistance, approval of county and regional plans, preparation of the comprehensive social services plan, evaluation of comprehensive social service programs, and distribution of public money for services.
5. To take actions, give directions, and adopt rules as necessary to carry out the provisions of this Act.

SECTION 4. POWERS AND DUTIES OF COUNTY AGENCIES. Each county agency shall have the following powers and duties under this Act:

1. To administer comprehensive social services programs for individuals and families at the county level in conformity with state and federal requirements, including titles IV-B and XX of the Social Security Act, as amended, under the direction and supervision of the state agency.
2. To publish and provide to the state agency a county social services plan which shall include the following:
  - a. A statement of the goals of county social service programs in the county.
  - b. Methods used to identify persons in need of services and the social problems to be addressed by the county social service programs.
  - c. A description of each county social service proposed and identification of the agency or person proposed to provide the service.
  - d. The amount of money proposed to be allocated to each service.
  - e. An agreement to make available those social services required by state law and by federal law or regulation as a condition for the receipt of federal financial participation in programs administered by county agencies under the provisions of title 50.

The date of submission of the county social service plan to the state agency shall be determined so that the plan is coordinated with the proposed and final comprehensive social services plan required by applicable titles of the Social Security Act.

3. To make available the social services detailed in the comprehensive social service plan which the county agency has included in the approved county plan and to provide such other social services the county agency determines

essential in effectuating the purposes of this Act within the county.

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

SECTION 5. APPROPRIATION OF COUNTY FUNDS. The board of county commissioners of each county shall annually appropriate and make available to the poor relief fund an amount sufficient to pay the local expenses of administration and provision of the social services required by state law and by federal law or regulation as a condition for the receipt of federal financial participation in programs administered by county agencies under the provisions of title 50.

Approved March 26, 1981

## CHAPTER 490

HOUSE BILL NO. 1477  
(Eagles)

## CHILDREN IN FOSTER CARE

AN ACT to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to foster care for children.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

REDUCTION OF NUMBER OF CHILDREN IN FOSTER CARE - GOALS. On or before October 1, 1982, and annually thereafter, the social service board of North Dakota shall attempt to reduce the number of children receiving assistance under Title IV-E of the Social Security Act, who have been in foster care for more than twenty-four months, by the following amounts:

1. For the year beginning October 1, 1982, one percent of the number of children, in foster care for more than twenty-four months, and receiving benefits under Title IV-A of the Social Security Act from July 1, 1979, through June 30, 1980;
2. For the years beginning October 1, 1983, and ending September 30, 1990, one percent of the maximum number permitted in the previous year; and
3. For all subsequent years, one-half percent of the maximum number permitted in the previous year.

Approved March 3, 1981

## CHAPTER 491

HOUSE BILL NO. 1132  
(Committee on Social Services and Veterans Affairs)  
(At the request of the Social Service Board)

## SUPPLEMENTAL PARENTAL CARE

AN ACT to create and enact nine new sections to chapter 50-11.1 of the North Dakota Century Code, relating to supplemental parental care; to amend and reenact sections 50-11.1-02, 50-11.1-03, 50-11.1-04, 50-11.1-06, 50-11.1-06.1, 50-11.1-07, 50-11.1-08, 50-11.1-09, and 50-11.1-12, relating to supplemental parental care; and to repeal subdivision j of subsection 1 of section 50-11.1-02 and section 50-11.1-05, relating to supplemental parental care.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-11.1-02 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-02. DEFINITIONS. As used in this chapter:

1. ~~"Supplemental parental care" shall mean the provision of feed, shelter, safety, comfort, supervision, and a learning experience commensurate with a child's age and capabilities, so as to safeguard the child's health, safety, and development on a supplemental basis, either inside or outside of the child's home by persons other than a parent, guardian, person in loco parentis, or relative,~~ means the care, supervision, education, or guidance of a child or children, unaccompanied by the child's parent, guardian, or custodian, which is, or is anticipated to be, ongoing for periods of four or more hours per day or for three or more days per week. Supplemental parental care shall not include substitute:
  - a. Substitute parental child care provided pursuant to chapter 50-11;
  - b. Child care provided in any educational facility, whether public or private, in grade one or above;

- c. Child care provided in a kindergarten which has been established pursuant to chapter 15-45;
  - d. Child care provided to preschool age handicapped children in any educational facility through a program approved by the superintendent of public instruction;
  - e. Child care provided in facilities operated in connection with a church, shopping center, business or other establishment where children are cared for during periods of time not exceeding four continuous hours while the child's parent, guardian, or custodian is attending church services, shopping, or engaged in other activities, other than employment, on or near the premises;
  - f. Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism or other classes for religious instruction;
  - g. Summer resident or day camps for children; or
  - h. Child care provided in a preschool educational facility which offers and follows a curriculum and course of study designed primarily to enhance the educational development of the children in care, employs a supervising instructor who possesses at least a bachelor's degree or a teaching certificate, complies with fire safety standards applicable to educational or school facilities for elementary or younger students, which serves no child for more than four hours per day, and which has a governing body or advisory committee, consisting of at least five members, which meets at least quarterly and which includes a majority of parents who have children in care.
  - i. Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.
  - j. Child care provided in a program of youth service operated by an organization chartered by the national council of young men's christian associations electing not to be licensed under this chapter, but which complies with fire safety standards applicable to educational or school facilities for elementary or younger students.
2. "Family day child care home" ~~shall-mean~~ means an occupied private residence in which supplemental parental care is regularly provided for no more than ~~twelve~~ seven children

from more than one family or no more than four children ages two and under.

3. "Group child care home" or "group child care facility" means a child care facility where supplemental care is regularly provided for eight to eighteen children.
4. "Child care center" means a child care facility where supplemental parental care is regularly provided to nineteen or more children.
- 3- 5. "Day Child care center" shall mean facility" means
- a. ~~Any any facility, other than an occupied private residence, which regularly receives one or more children for supplemental parental care, or~~
- b. ~~Any facility, including an occupied private residence, which regularly provides where supplemental parental care for thirteen or more children is regularly provided, whether the facility is known as a day care home, day care center, day nursery, nursery school, kindergarten, child play school, progressive school, child development center, preschool or known by any other name.~~
- 4- 6. ~~"Child-care-attendant" shall mean "In-home provider" means any person who provides, for purchase by any agency of state or local government, supplemental parental care to children from one family in the children's home.~~
- 5- 7. ~~"Registration" shall mean means the process whereby the board maintains a record of all family day care homes and child-care-attendants in-home providers who have certified that they have complied or will comply with the prescribed standards and promulgated regulations.~~
8. "License" means the right, authority, or permission granted by the board to operate a group child care facility or child care center; or the right, authority, or permission, granted by the board, to hold out a family child care home as inspected and approved by the board.
- 6- 9. ~~"Registrant" shall mean means the holder of a registration certificate issued by the board in accordance with the provisions of this chapter.~~
- 7- 10. "Registration certificate" is a written instrument issued by the board to publicly document that the certificate holder has certified compliance with this chapter and the applicable regulations and standards as prescribed by the board.

8- 11. "Board" ~~shall-mean~~ means the social service board of North Dakota.

12. "County agency" means the county social service board in each of the counties of the state.

~~9- "Relative" shall-mean-any-person-having-the-following-relationship-to-the-child-by-marriage,-blood,-or-adeption;-grandparent,-brother,-sister,-stepparent,-stepsister,-stepbrother,-uncle,-or-aunt-~~

SECTION 2. AMENDMENT. Section 50-11.1-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-03. OPERATION OF DAY GROUP CHILD CARE FACILITIES AND CHILD CARE CENTERS - LICENSE REQUIRED. No person, partnership, firm, corporation, association, or nongovernmental organization shall establish or operate a day group child care facility or child care center unless licensed to do so by the board. No governmental organization shall establish or operate a group child care facility or child care center without first certifying, to the board, that it has complied with all rules and regulations applicable to group child care facilities or child care centers.

SECTION 3. AMENDMENT. Section 50-11.1-04 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-04. APPLICATION FOR LICENSE - PREREQUISITES FOR ISSUANCE - LICENSE GRANTED - TERM. Applications for day child care licenses shall be made on forms provided, in the manner prescribed, by the board. The board county agency shall investigate the applicant's activities and proposed standards of care and shall make an inspection of the proposed-center facility. A license for the operation of a child care facility or child care center shall be granted by the board upon a showing that:

1. The premises to be used are in fit sanitary condition and properly equipped to provide for the health and safety for all children who may be received;
2. The persons in charge of such-center the facility and their assistants are qualified to fulfill the duties required of them according to the provisions of this chapter and ~~the-rules,-regulations,-and~~ standards prescribed for their qualifications by the rules and regulations of the board; and
3. The center facility will be maintained according to the standards prescribed for its conduct by the rules and regulations of the board; and

4. The facility has not had a previous license revoked within the one hundred eighty days prior to the date of the current application.

The license shall be in force and effect for a period of not more than ~~two~~ years one year. Previously licensed facilities must make the same showing as initially licensed facilities.

SECTION 4. AMENDMENT. Section 50-11.1-06 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-06. ~~CHILD---CARE---ATTENDANTS~~ IN-HOME PROVIDER - REGISTRATION REQUIRED VOLUNTARY - ISSUANCE OF REGISTRATION CERTIFICATE - TERM. ~~Child-care-attendants, prior to providing in-home-supplemental-parental-care, shall procure~~ In-home providers may apply for a registration certificate from the board. ~~The board~~ county agency shall determine whether the standards have been met and shall issue or deny a registration certificate based upon that determination. Registration certificates for ~~child-care--attendants~~ in-home providers shall be in force and effect for not more than ~~two years~~ one year.

SECTION 5. AMENDMENT. Section 50-11.1-06.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-06.1. CONVICTION NOT BAR TO LICENSURE - EXCEPTIONS. Conviction of an offense shall not disqualify a person from licensure under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as the owner or proprietor of a ~~day-care-center, family-day care-home, or as a child-care-attendant~~ child care facility or as an in-home provider, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

SECTION 6. AMENDMENT. Section 50-11.1-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-07. INVESTIGATION OF APPLICANTS, LICENSEES, AND REGISTRANTS - MAINTENANCE OF RECORDS - CONFIDENTIALITY OF RECORDS.

1. The board and ~~its authorized agents~~ the county agency at any time may investigate and inspect the conditions of the facility, the qualifications of the providers of supplemental parental care in any ~~day-care-center or family-day-care-home~~ child care facility, and the qualifications of any ~~child-care--attendant~~ in-home provider seeking or holding a license or registration certificate under the provisions of this chapter. Upon request of the board or the county agency, the state department of health or the state fire marshal, or his designee, shall inspect any ~~home or~~ facility for which a

license ~~ex-registration--certificate~~ is applied for or issued and shall report its findings to the board county agency.

2. Licensees and registrants shall:
  - a. Maintain such records as the board may prescribe regarding each child in their care and control, and shall report to the board, when requested, such facts as the board may require with reference to the children upon forms furnished by the board; and
  - b. Admit for inspection authorized agents of the board or the county agency and open for examination all records, books, and reports of the home or facility.
3. All records and information maintained with respect to children receiving supplemental parental care shall be deemed confidential and be properly safeguarded and shall not be disclosed except:
  - a. In a judicial proceeding;
  - b. To officers of the law or other legally constituted boards or agencies; or
  - c. To persons having a definite interest in the well-being of the child or children concerned and who, in the judgment of the board, are in a position to serve their interests should that be necessary.

SECTION 7. AMENDMENT. Section 50-11.1-08 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-08. MINIMUM STANDARDS - RULES AND REGULATIONS - INSPECTION BY A GOVERNMENTAL UNIT. The board may:

1. Establish reasonable minimum standards for the operation of ~~day-care-centers,-the-registration-of-family--day-care-homes~~ child care facilities, and the registration of ~~child care--attendants~~ in-home providers. In appropriate circumstances and upon good cause shown, specific minimum standards may be substituted by alternate, equivalent standards, approved by the board.
2. Take such action and make such reasonable rules and regulations for the regulation of supplemental parental care as may be necessary to carry out the purposes of this chapter and entitle the state to receive aid from the federal government.
3. Authorize a governmental unit to:

- a. Inspect any home or facility for which a ~~registration certificate or~~ license is applied for or issued under this chapter; and
- b. Certify to the board that the home or facility meets the requirements of this chapter and the minimum standards prescribed by the board.

SECTION 8. AMENDMENT. Section 50-11.1-09 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-09. REVOCATION OF LICENSE OR REGISTRATION CERTIFICATE. The board may revoke the license ~~or registration certificate~~ of any ~~day-care-center, family-day-care-home child care facility, or child-care-attendant~~ the registration certificate of any in-home provider upon proper showing of any of the following:

1. Any of the applicable conditions set forth in section 50-11.1-04 as prerequisites for the issuance of the license no longer exist.
2. The licensee or registrant is no longer in compliance with the minimum standards prescribed by the board.
3. The license or registration certificate was issued upon fraudulent or untrue representation.
4. The licensee or registrant has violated any rules and regulations of the board.
5. The licensee or registrant has been guilty of an offense determined by the board to have a direct bearing upon a person's ability to serve the public as a licensee or registrant.
6. The licensee has been convicted of any offense and the board, acting pursuant to section 12.1-33-02.1, has determined that he has not been sufficiently rehabilitated.

SECTION 9. AMENDMENT. Section 50-11.1-12 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-11.1-12. VIOLATION OF CHAPTER OR REGULATIONS - INJUNCTION. ~~When there is a violation of this chapter or a regulation promulgated thereunder, and the unlawful activity or condition of the day-care-center or family-day-care-home is likely to result in serious harm to the children under care,~~ the board may seek injunctive action against the ~~day-care-center or family-day-care home~~ a child care facility in the district court through proceedings instituted by the attorney general on behalf of the board, if:

1. There is a violation of this chapter or a regulation promulgated thereunder;
2. A child care facility, after notice and opportunity for hearing on the notice of noncompliance, or on the resumption of the fiscal sanction, or after administrative hearing confirming and upholding the fiscal sanction, does not pay a properly assessed fiscal sanction in accordance with section 17 of this bill.

SECTION 10. A new section to chapter 50-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

NUMBER OF CHILDREN IN CARE - HOW DETERMINED. For the purpose of determining the number of children in a child care facility, all children of the operator or employees, present in the facility and under the age of fourteen years, shall be counted.

SECTION 11. A new section to chapter 50-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

OPERATIONS OF CHILD CARE HOME - LICENSE. Any person who operates a child care home may make application for a child care license.

SECTION 12. A new section to chapter 50-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

NOTICE. After each inspection or reinspection, the county agency shall, by certified mail, send copies of any correction order or notice of noncompliance, to the child care facility.

SECTION 13. A new section to chapter 50-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

CORRECTION ORDERS. Whenever the county agency finds, upon inspection of a child care facility, that the facility is not in compliance with the provisions of this chapter, or the rules and regulations promulgated thereunder, a correction order shall be issued to the facility. The correction order shall cite the specific statute or regulation violated, state the factual basis of the violation, state the suggested method of correction, and specify the time allowed for correction. The correction order shall also specify the amount of any fiscal sanction to be assessed if the correction order is not complied with in a timely fashion. The board shall, by rule promulgated pursuant to subsection 2 of section 50-11.1-08, establish a schedule of allowable time periods for correction of deficiencies.

SECTION 14. A new section to chapter 50-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

REINSPECTIONS. A child care facility issued a correction order under section 13 of this bill shall be reinspected at the end of the period allowed for correction. If, upon reinspection, it is determined that the facility has not corrected a violation identified in the correction order, a notice of noncompliance with the correction order shall be mailed by certified mail to the facility. The notice shall specify the violations not corrected and the penalties assessed in accordance with section 16 of this bill.

SECTION 15. A new section to chapter 50-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

FISCAL SANCTIONS. A child care facility, if issued a notice of noncompliance with a correction order, shall be assessed fiscal sanctions in accordance with a schedule of fiscal sanctions established by rules promulgated pursuant to subsection 2 of section 50-11.1-08. The fiscal sanction shall be assessed for each day the facility remains in noncompliance after the allowable time period for the correction of deficiencies ends and shall continue until a notice of correction is received by the county agency in accordance with section 17 of this bill. No fiscal sanction for a specific violation may exceed twenty-five dollars per day of noncompliance.

SECTION 16. A new section to chapter 50-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

ACCUMULATION OF FISCAL SANCTIONS. A child care facility shall promptly notify the county agency in writing when a violation noted in a notice of noncompliance is corrected. Upon receipt of written notice by the county agency, the daily fiscal sanction assessed for the deficiency shall stop accruing. The facility shall be reinspected within three working days after receipt of the notification. If, upon reinspection, it is determined that a deficiency has not been corrected, the daily assessment of fiscal sanction shall resume and the amount of fiscal sanction which otherwise would have accrued during the period prior to resumption shall be added to the total assessment due from the facility. The county agency shall notify the facility of the resumption by certified mail. Recovery of the resumed fiscal sanction shall be stayed if the operator of the facility makes a written request for an administrative hearing in the manner provided in chapter 28-32, provided that written request for the hearing is made to the board within ten days of the notice of resumption.

SECTION 17. A new section to chapter 50-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

RECOVERY OF FISCAL SANCTIONS - HEARING. Fiscal sanctions assessed pursuant to this chapter shall be payable fifteen days after receipt of the notice of noncompliance and at fifteen-day intervals thereafter, as the fiscal sanctions accrue. Recovery of an assessed fiscal sanction shall be stayed if the operator makes written request to the board for an administrative hearing within ten days after the facility's receipt of the notice.

SECTION 18. A new section to chapter 50-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

DISPOSITION OF FISCAL SANCTIONS. Any fiscal sanction which shall be collected for any violation of this chapter or of regulations promulgated thereunder, shall be paid into the state treasury for the general fund, after the costs of recovering the fiscal sanction are deducted therefrom.

SECTION 19. REPEAL. Section 50-11.1-05 of the North Dakota Century Code is hereby repealed.

SECTION 20. DELAYED REPEAL. Subdivision j of subsection 1 of section 50-11.1-02 is repealed effective July 1, 1983, and the programs therein described shall thereafter be subject to licensure under the provisions of chapter 50-11.1 unless otherwise exempted by law.

Approved April 6, 1981

## CHAPTER 492

SENATE BILL NO. 2159  
(Committee on Social Services and Veterans Affairs)  
(At the request of the Social Service Board)

## MEDICAL ASSISTANCE

AN ACT to create and enact two new sections to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance for needy persons; and to amend and reenact sections 50-24.1-02.1 and 50-24.1-07 of the North Dakota Century Code, relating to medical assistance for needy persons.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-24.1-02.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

~~50-24.1-02.1. SUBROGATION-OF-SOCIAL-SERVICE-BOARD-TO-RIGHT-OF RECOVERY--~~ ASSIGNMENT OF CLAIM. ~~The--social--service--board--is subrogated--to~~ Each applicant or recipient of benefits under this chapter shall be deemed to have assigned, to the social service board, any right of recovery as the applicant or recipient under this chapter may have for medical costs incurred under this chapter not exceeding the amount of funds expended by the social service board for the care and treatment of the applicant or recipient. The applicant or recipient, or other person ~~acting~~ empowered by law to act in his behalf, shall execute and deliver an assignment of claim, assignment of rights, or other authorizations as necessary to secure fully the right of recovery of the social service board. The assignment:

1. Is effective as to both current and accrued medical support recovery obligations.
2. Takes effect upon a determination that an applicant is eligible for assistance under this chapter.

\* SECTION 2. AMENDMENT. Section 50-24.1-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

\* NOTE: Section 50-24.1-07 was also amended by section 1 of Senate Bill No. 2345, chapter 496.

50-24.1-07. RECOVERY FROM ESTATE OF MEDICAL ASSISTANCE RECIPIENT. On the death of any recipient of medical assistance who was sixty-five years of age or older when he received such assistance, the total amount of medical assistance paid on behalf of the decedent following his sixty-fifth birthday shall be allowed as a preferred claim against the decedent's estate after funeral expenses not in excess of twelve hundred dollars, expenses of last illness, and expenses of administering the estate, including attorney's fees approved by the court, and claims on behalf of the state hospital have been paid. No claim shall be allowed must be paid during the lifetime of the decedent's surviving spouse, if any, nor while there is a surviving child who is under the age of twenty-one years or is blind or permanently and totally disabled, but no timely filed claim shall be disallowed because of the provisions of this section. Every personal representative, upon the granting of letters of administration or testamentary shall, at the time that publication of notice to creditors is required, forward to the social service board a copy of the petition or application commencing probate, heirship proceedings or joint tenancy tax clearance proceedings in the respective county court, together with a list of the names of the legatees, devisees, surviving joint tenants, and heirs at law of such estate. If no notice is required by the proceedings, the personal representative shall forward to the social service board a copy of the petition or application commencing the proceedings, together with a list of the names of the legatees, devisees, surviving joint tenants, and heirs at law of the estate. Unless a properly filed claim of the social service board is paid in full, the personal representative shall provide to the board a statement of assets and disbursements in the estate.

SECTION 3. A new section to chapter 50-24.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

INVESTIGATIONS - POWER OF COUNTY AGENCIES, STATE AGENCY, AND EMPLOYEES. In the investigation of applications under the provisions of this chapter, the county agencies, the state agency, and the officials and employees of such agencies charged with the administration and enforcement of this chapter may:

1. Conduct examinations.
2. Require the attendance of witnesses and the production of books, records, and papers.
3. Make application to the district court of the county to compel the attendance of witnesses and the production of books, records, and papers.
4. Request from state, county, and local agencies information deemed necessary to carry out the medical support enforcement program. All officers and employees of state, county, and local agencies shall cooperate with the state and county agency in locating absent spouses or parents of

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

The officers and employees designated by the county agencies or the state agency may administer oaths and affirmations.

SECTION 4. A new section to chapter 50-24.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

DUTIES OF COUNTY AGENCY. In the administration of the medical assistance program, a county agency shall:

1. Administer the medical support enforcement program under the direction and supervision of the social service board of North Dakota. In administering the program the county agency shall have the authority to contract with any public or private agency or person to discharge their medical support enforcement duties.
2. Make an investigation and record the circumstances of each applicant or recipient of assistance, in order to ascertain the facts supporting the application, or the granting of assistance, and shall obtain such other information as may be required by the rules and regulations of the state agency.

Approved March 12, 1981

## CHAPTER 493

SENATE BILL NO. 2307  
(Erickson, Peterson)

## MEDICAL ASSISTANCE ELIGIBILITY

AN ACT to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to consideration of separated spouse's resources in determining eligibility for medical assistance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-24.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

RESOURCES OF SEPARATED SPOUSE NOT TO BE CONSIDERED. In determining eligibility for medical assistance, the social service board may not consider the resources of a noninstitutionalized spouse of any applicant for or recipient of medical assistance when the applicant or recipient has lived separately and apart from the noninstitutionalized spouse for at least six months and the value of all resources, not otherwise disregarded, and separately owned by the noninstitutionalized spouse do not exceed the resource limitations in the property provisions of the rules adopted by the social service board by more than twenty-five thousand dollars.

Not approved or disapproved by the Governor

Filed March 19, 1981

## CHAPTER 494

HOUSE BILL NO. 1571  
(Hoffner)

## MEDICAL ASSISTANCE ELIGIBILITY

AN ACT to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the exclusion of prepaid funeral plans in medical assistance eligibility determinations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-24.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

WHEN PRE-NEED FUNERAL PLAN NOT TO BE CONSIDERED IN ELIGIBILITY DETERMINATION. In determining eligibility for medical assistance, the social service board may not consider as an available resource any prepayments or deposits which total three thousand dollars or less made under a pre-need funeral service contract by an applicant for or recipient of medical assistance.

Not approved or disapproved by the Governor

Filed March 27, 1981

## CHAPTER 495

HOUSE BILL NO. 1048  
(Legislative Council)  
(Interim Budget "B" Committee)

## INTERMEDIATE CARE FACILITY SERVICE REIMBURSEMENT

AN ACT to amend and reenact section 50-24.1-03 of the North Dakota Century Code, relating to the exemption of counties from reimbursing the state social service board for funds spent for medical services by intermediate care facilities for developmentally disabled persons.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

\* SECTION 1. AMENDMENT. Section 50-24.1-03 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24.1-03. COUNTY SHARE OF MEDICAL ASSISTANCE - REIMBURSEMENT FOR CLINIC SERVICES NOT REQUIRED. Each county in this state shall reimburse the state department for amounts expended for medical assistance in such county in excess of the amount provided by the federal government, in the amount of fifteen percent. ~~This section shall not be construed to require a~~ A county is not required to reimburse the state department for ~~elias~~ services furnished by mental health and retardation service units ~~of~~ human service centers, ~~but--it--shall--also~~ or intermediate care facilities for developmentally disabled persons. This section shall not be construed as preventing payments under chapter 25-12.

Approved March 3, 1981

\* NOTE: Section 50-24.1-03 was also amended by section 26 of House Bill No. 1418, chapter 486.

## CHAPTER 496

SENATE BILL NO. 2345  
(R. Christensen, Melland)

## RECOVERY FROM RECIPIENT'S ESTATE

AN ACT to amend and reenact section 50-24.1-07 of the North Dakota Century Code, relating to the recovery from the estates of medical assistance recipients.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

\* SECTION 1. AMENDMENT. Section 50-24.1-07 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24.1-07. RECOVERY FROM ESTATE OF MEDICAL ASSISTANCE RECIPIENT. On the death of any recipient of medical assistance who was sixty-five years of age or older when he received such assistance, the total amount of medical assistance paid on behalf of the decedent following his sixty-fifth birthday shall be allowed as a preferred claim against the decedent's estate after funeral expenses not in excess of ~~twelve~~ fourteen hundred dollars, expenses of last illness, and expenses of administering the estate, including attorney's fees approved by the court, and claims on behalf of the state hospital have been paid. No claim shall be allowed during the lifetime of the decedent's surviving spouse, if any, nor while there is a surviving child who is under the age of twenty-one years or is blind or permanently and totally disabled.

Approved March 18, 1981

\* NOTE: Section 50-24.1-07 was also amended by section 2 of Senate Bill No. 2159, chapter 492.