

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2179
(Government and Veterans Affairs Committee)
(At the request of the Office of Management and Budget)

AN ACT to amend and reenact subsection 3 of section 20.1-02-17.1, sections 20.1-02-18.1, 54-01.1-08, 54-21.3-04.1, subsections 3 and 4 of section 54-44.5-01, sections 54-44.5-02, 54-44.5-03, 54-44.5-04, 54-44.5-05, and subsections 2, 3, and 4 of section 54-44.5-07 of the North Dakota Century Code, relating to changing the name of the office of intergovernmental assistance to the division of community services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 20.1-02-17.1 of the North Dakota Century Code is amended and reenacted as follows:

3. A detailed impact analysis from the state game and fish department shall be included with the acquisition proposal for board of county commissioner consideration in making recommendations. The analysis by the game and fish department shall include, but shall not be limited to, the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall prepare an impact analysis for board of county commissioner consideration which shall include the fiscal, social, and agricultural impacts of the proposed acquisition. The state game and fish department shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses shall also be forwarded to the ~~office of intergovernmental assistance~~ division of community services which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions shall have thirty days to review the analyses and return their comments to the ~~office of intergovernmental assistance~~ division of community services. Upon expiration of the thirty-day period, all comments received by the ~~office of intergovernmental assistance~~ division of community services shall be forwarded to the state game and fish department. The state game and fish department may, after consideration of such comments, file a final impact analysis with the ~~office of intergovernmental assistance~~ division of community services and the board of county commissioners.

SECTION 2. AMENDMENT. Section 20.1-02-18.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-18.1. Federal wildlife area acquisitions - Submission to county commissioners, opportunity for public comment, and impact analysis required. The governor, the director, or their designees, responsible under federal law for final approval of land, wetland, and water acquisitions by the United States department of the interior, its bureaus or agencies, for waterfowl production areas, wildlife refuges, or other wildlife or waterfowl purposes, shall submit the proposed acquisitions by certified mail with return receipt to the board of county commissioners of the county or counties in which the land, wetland, and water areas are located for the board's recommendations.

The board of county commissioners of the county affected, or a designee or designees of the board, shall, within twenty-one days of receipt of an acquisition proposal, physically inspect the proposed acquisition areas. The board shall give public notice of the date, hour, and place where the public may comment on the proposed acquisitions. The notice must be published once each week for two successive weeks in the official newspaper of the county or counties in which the land and water areas are located. The notice must set forth the substance of the proposed action, and must include a legal description of the proposed acquisitions. The board of county commissioners shall make its

recommendations by certified mail with return receipt within sixty days after receipt of an acquisition proposal.

A detailed impact analysis from the federal agency involved must be included with the acquisition proposal for board of county commissioner consideration in making recommendations. The analysis must include the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall prepare an impact analysis for board of county commissioner consideration which must include the fiscal, social, and agricultural impacts of the proposed acquisitions. The department of the interior shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses must also be forwarded to the ~~office of intergovernmental assistance~~ division of community services which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions have thirty days to review the analyses and return their comments to the ~~office of intergovernmental assistance~~ division of community services. Upon expiration of the thirty-day period, all comments received by the ~~office of intergovernmental assistance~~ division of community services must be forwarded to the federal agency involved and to the state official or agency responsible for final acquisition approval. The federal agency may, after consideration of the comments, file a final impact analysis with the governor, the board of county commissioners, and any other state official or agency responsible for final acquisition approval.

SECTION 3. AMENDMENT. Section 54-01.1-08 of the North Dakota Century Code is amended and reenacted as follows:

54-01.1-08. ~~Promulgation~~ Adoption of rules and regulations. State agencies may consult with the ~~office of intergovernmental assistance~~ division of community services to establish regulations and procedures for implementation of the provisions of this chapter and to establish such regulations and procedures necessary to assure:

1. That the payments and assistance authorized by this chapter shall be administered in a manner which is fair and reasonable, and as uniform as practicable;
2. That a displaced person who makes proper application for a payment authorized by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and
3. That any displaced person aggrieved by a determination as to eligibility for a payment, or as to the amount of a payment, may have the application reviewed by the head or governing body of the state agency.

SECTION 4. AMENDMENT. Section 54-21.3-04.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-21.3-04.1. Accessibility standards. Notwithstanding section 54-21.3-04, every building or facility subject to the federal Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327] must conform to the accessibility standards of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36]. State and political subdivision entities may not claim the exceptions to the requirement that elevators be installed in certain buildings as those exceptions are stated in exception 1 to section 4.1.3(5) and in section 4.1.6(1)(k)(i) in the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36. A structural change to an existing state or political subdivision building or facility is not required if another method is effective in achieving compliance with regulations adopted under Public Law 101-336. For public accommodations, an alternative to a structural change in existing buildings or facilities is permitted only after it has been documented, in accordance with regulations adopted under Public Law 101-336, that a particular structural change is not readily achievable. A state agency or the governing body of a political subdivision shall require from any person preparing plans and specifications for a building or facility subject to the Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327], a statement that the plans and specifications are, in the professional judgment of that person, in conformance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36, subject to the exception stated in this section. A

statement of conformance must be submitted to the ~~office of intergovernmental assistance~~ division of community services for recording.

SECTION 5. AMENDMENT. Subsections 3 and 4 of section 54-44.5-01 of the 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. "Director" means the director of the ~~office of intergovernmental assistance~~ division of community services.
4. "~~Office~~" "Division" means the ~~office of intergovernmental assistance~~ division of community services.

SECTION 6. AMENDMENT. Section 54-44.5-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.5-02. ~~Office of intergovernmental assistance~~ Division of community services - Creation. The ~~office of intergovernmental assistance~~ division of community services is established in the office of management and budget to provide technical assistance to local governments, state agencies, and the executive branch in the area of community and rural planning and development, policy research and development, and grant program implementation. The director of the office of management and budget shall appoint a director of the ~~office~~ division upon the basis of education and experience. The position of director is not a classified position and the director shall serve at the pleasure of the director of the office of management and budget. The director of the ~~office~~ division may employ such other professional, technical, and clerical persons as may be necessary and may fix their compensation within the limits of legislative appropriation. All personnel within the ~~office~~ division must be allowed their actual and necessary travel expenses at the same rate as for other employees of the state.

SECTION 7. AMENDMENT. Section 54-44.5-03 of the North Dakota Century Code is amended and reenacted as follows:

54-44.5-03. Powers and duties of the director. The director shall direct and supervise, with the approval of the director of the office of management and budget, all the administrative and technical activities of the ~~office~~ division.

SECTION 8. AMENDMENT. Section 54-44.5-04 of the North Dakota Century Code is amended and reenacted as follows:

54-44.5-04. ~~Office of intergovernmental assistance~~ Division of community services - Powers and duties. The ~~office of intergovernmental assistance~~ division of community services shall:

1. Provide relevant information on pertinent topics and issues which relate to public policy development, interpretation, modification, and implementation.
2. Research, analyze, and recommend public policy for the office of management and budget and the executive office.
3. Coordinate public policy implementation within the state. Powers conferred upon departments, agencies, or instrumentalities of the state, counties, townships, or cities by any existing state or local law may not be derogated by this duty.
4. Develop state energy conservation policy and manage federal energy conservation program activities between all levels of the public and private sectors regarding the prudent and efficient use of energy resources.
5. Develop, implement, and administer federal categorical and block grant programs assigned to the ~~office~~ division.
6. Advise, coordinate, and assist cities, political subdivisions, and the state in all phases of state and local planning for the physical development of the state.

7. Render financial assistance to any government planning agency within federal law or regulation.
8. Advise, consult, coordinate, assist, and contract with or on behalf of the various planning agencies in developing and harmonizing planning activities of the state.

SECTION 9. AMENDMENT. Section 54-44.5-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.5-05. Continuing appropriation. There is hereby appropriated as a standing and continuing appropriation to the ~~office of intergovernmental assistance~~ division of community services for the purpose of carrying out the provisions of this chapter, including the administration of such provisions, all moneys returned as repayments of federal or other funds granted under the community development loan fund, and all earnings from the investment of such moneys, which may be received from time to time by the ~~office~~ division. Administrative expenses may only be charged against such moneys to the extent permitted by federal law or regulations.

SECTION 10. AMENDMENT. Subsections 2, 3, and 4 of section 54-44.5-07 of the 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. The ~~office~~ division shall distribute the federal community services block grant funds received under the federal Community Service Block Grant Act [Pub. L. 97-35; 95 Stat. 511; 42 U.S.C. 9903] and shall allocate the funds as follows:
 - a. At least ninety percent must be allocated to community action agencies;
 - b. The greater of fifty-five thousand dollars or five percent may be allocated for state administrative expenses; and
 - c. Not more than five percent may be allocated for state discretionary projects.
3. Each community action agency, in accordance with procedures established by the ~~office~~ division, is entitled to receive a portion of available federal Community Services Block Grant Act [Pub. L. 97-35; 95 Stat. 511; 42 U.S.C. 9903] funds based on that agency's poverty population relative to the state's total poverty population. The ~~office~~ division shall determine poverty levels using criteria established by the United States office of management and budget.
4. Each community action agency is governed by procedures established by the ~~office~~ division as it relates to the community services block grant program.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2179.

Senate Vote: Yeas 46 Nays 0 Absent 3

House Vote: Yeas 86 Nays 4 Absent 8

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State