

**HOUSE BILL NO. 1491**

Introduced by

Representatives Disrud, Devlin, Delzer

Senators Klein, Lee

1 A BILL for an Act to create and enact a new subsection to section 50-06-05.1 of the North  
2 Dakota Century Code, relating to authority of the department of human services with respect to  
3 participation in the state merit system; and to amend and reenact subsection 26 of section  
4 50-06-05.1, sections 50-09-02, 50-10-06, 54-44.3-17, and 54-44.3-30 of the North Dakota  
5 Century Code, relating to county public assistance agency participation in the state merit  
6 system.

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

8 **SECTION 1.** A new subsection to section 50-06-05.1 of the 1997 Supplement to the  
9 North Dakota Century Code is created and enacted as follows:

10 To determine when a county public assistance agency's proposed merit system  
11 meets federal merit system standards and thereby qualifies the county public  
12 assistance agency to operate under its own merit system.

13 **SECTION 2. AMENDMENT.** Subsection 26 of section 50-06-05.1 of the 1997  
14 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15 26. To provide those services necessary for the department, county public assistance  
16 agencies, and ~~for~~ county social service boards to comply with the provisions of any  
17 law, rule, order, or regulation of the United States or any federal agency or  
18 authority requiring civil service or merit standards or classifications as a condition  
19 for providing funds administered by the department.

20 **SECTION 3. AMENDMENT.** Section 50-09-02 of the 1997 Supplement to the North  
21 Dakota Century Code is amended and reenacted as follows:

22 **50-09-02. Duties of the state agency.** The state agency shall:

23 1. Take ~~such~~ any action and adopt rules as may become necessary to entitle the  
24 state to receive funds from the federal government under title IV-A.

- 1           2. Supervise the administration of temporary assistance for needy families throughout  
2           the state of North Dakota.
- 3           3. Take ~~such any~~ action, give ~~such any~~ directions, and adopt rules as may be  
4           necessary or desirable to carry out ~~the provisions of~~ this chapter, including the  
5           adoption and application of ~~suitable~~ standards and procedure to ensure  
6           appropriate treatment of all applicants for temporary assistance for needy families.
- 7           4. Cooperate with the federal government in matters of mutual concern pertaining to  
8           temporary assistance for needy families, including the adoption of ~~such~~ methods of  
9           administration ~~as are~~ found by the state agency to be appropriate for the efficient  
10          operation of the plan for ~~such~~ assistance.
- 11          5. Provide ~~such~~ qualified employees and representatives as ~~may be~~ necessary.
- 12          6. Prescribe the form of and print and supply to the county agencies blanks for  
13          applications, reports, and ~~such~~ other forms as it ~~may deem~~ determines necessary  
14          and advisable.
- 15          7. Determine when a county public assistance agency's proposed merit system  
16          meets federal merit system standards and the agency thereby qualifies to operate  
17          under its own merit system under 50-06-05.1.
- 18          8. Have authority to establish and maintain personnel standards on a merit basis for  
19          personnel employed by the state and the county public assistance agencies not  
20          covered by a ~~statewide~~ merit system.
- 21          ~~8.~~ 9. Make ~~such~~ reports in ~~such the~~ form and containing ~~such the~~ information as the  
22          federal government ~~from time to time may require~~ requires.
- 23          ~~9.~~ 10. Make any determinations respecting title IV-A not expressly reserved to the federal  
24          government under federal law.
- 25          ~~10.~~ 11. Determine if the terms of any waiver of federal requirements, pertaining to the aid  
26          to families with dependent children program, submitted to the federal government  
27          before August 22, 1996, are consistent with the requirements of title IV-A.
- 28          ~~11.~~ 12. Determine the expenditures that constitute qualified state expenditures for  
29          purposes of this chapter.
- 30          ~~12.~~ 13. Determine the costs that constitute administrative costs for purposes of this  
31          chapter.



1            ~~of~~ this chapter, including the adoption and application of ~~suitable~~ standards and  
2            procedures to ensure uniform and equitable treatment of all applicants for services  
3            for crippled children.

4            4. Cooperate with the federal government in matters of mutual concern pertaining to  
5            services to crippled children, including the adoption of such methods of  
6            administration ~~as are~~ found by the federal government to be necessary for the  
7            efficient operation of the plan for ~~such~~ assistance.

8            5. Provide ~~such~~ qualified employees and representatives as ~~may be~~ necessary.

9            6. Determine when a county public assistance agency may establish and operate  
10           under its own merit system under section 50-06-05.1.

11           7. Establish a merit system covering all state and county personnel engaged in the  
12           administration of this chapter who are not covered by a ~~statewide~~ merit system  
13           approved by the state agency.

14           7. ~~8. Establish~~ Adopt and enforce the necessary rules ~~and regulations~~ to maintain ~~such~~  
15           a merit system as may be required under the provisions of the federal Social  
16           Security Act.

17           8. ~~9. Make reports in such the form and containing such the information as the federal~~  
18           ~~government, from time to time, may require, requires~~ and comply with ~~such the~~  
19           ~~provisions, rules, and regulations as the federal government, from time to time,~~  
20           ~~may find it finds~~ necessary to make to assure the correctness and verification of  
21           ~~such the~~ reports.

22           9. ~~10. Publish a biennial report and such any interim reports as may be deemed~~  
23           ~~necessary.~~

24           40. ~~Repealed by S.L. 1971, ch. 468, § 5.~~

25           **SECTION 5. AMENDMENT.** Section 54-44.3-17 of the North Dakota Century Code is  
26           amended and reenacted as follows:

27           **54-44.3-17. Grant-in-aid programs.** Whenever ~~the provisions of~~ any law, rule, order,  
28           or regulation of the United States or of any federal agency or authority providing or  
29           administering federal funds for use in ~~North Dakota~~ this state require civil service or merit  
30           standards or classifications other than those required by ~~the provisions of~~ this chapter and rules  
31           ~~and regulations promulgated~~ adopted under this chapter, then ~~the provisions of such that~~ law,

1 rule, order, or regulation ~~must prevail~~ prevails and ~~must govern~~ governs the employees affected  
2 thereby. The division or county public assistance agency shall provide those services  
3 necessary to comply with merit standards for federal grant-in-aid agencies.

4 **SECTION 6. AMENDMENT.** Section 54-44.3-30 of the 1997 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **54-44.3-30. Agencies subject to merit system.** All personnel employed by the  
7 department of human services; or the regional offices of that department, but excluding  
8 personnel employed by a county public assistance agency operating under its own merit  
9 system under section 50-06-05.1; job service North Dakota;<sub>1</sub> the central personnel division;<sub>1</sub> the  
10 state department of health;<sub>1</sub> and other agencies or political subdivisions as may by federal law  
11 or rule be required to be subject to a merit system in order to obtain federal grants-in-aid are  
12 covered by the merit system provided in this chapter. Merit system coverage must also be  
13 provided to personnel employed as purchasing agents or buyers in the purchasing division of  
14 the office of management and budget. Other agencies, departments, or divisions and positions  
15 must be placed under a merit system in the manner and to the extent required by law.