

**HOUSE BILL NO. 1051**

Introduced by

Human Services Committee

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

1 A BILL for an Act to amend and reenact section 50-06-05.1 of the North Dakota Century Code,  
2 relating to the powers and duties of the department of health and human services.

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

4 **SECTION 1. AMENDMENT.** Section 50-06-05.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **50-06-05.1. Powers and duties of the department. (Effective through June 30, 2025)**

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

- 10 1. To act as the official agency of the state in any social welfare or human service activity  
11 initiated by the federal government not otherwise by law made the responsibility of  
12 another state agency.
- 13 2. To administer, allocate, and distribute any state and federal funds that may be made  
14 available for the purpose of providing financial assistance, care, and services to  
15 eligible persons and families who do not have sufficient income or other resources to  
16 provide a reasonable subsistence compatible with decency and health.
- 17 3. To provide preventive, rehabilitative, and other human services to help families and  
18 individuals to retain or attain capability for independence or self-care.
- 19 4. To do needed research and study in the causes of social problems and to define  
20 appropriate and effective techniques in providing preventive and rehabilitative  
21 services.
- 22 5. To provide for the study, and to promote the well-being, of a child in need of protection,  
23 a child in need of services, and delinquent children.

- 1       6.    To provide for the placing and supervision of children in need of substitute parental  
2        care, subject to the control of any court having jurisdiction and control of any such  
3        child.
- 4       7.    To recommend appropriate human services related legislation to the legislative  
5        assembly.
- 6       8.    To direct and supervise human service zone activities and administer a statewide  
7        program for state-funded human services, staffing, and administration costs related to  
8        the administration of human services.
- 9       9.    To secure, hold, and administer for the purpose for which it is established any property  
10       and any funds donated to it either by will or deed, or otherwise, or through court order  
11       or otherwise available to the department, and to administer those funds or property in  
12       accordance with the instructions in the instrument creating them or in accordance with  
13       the instructions in the court order or otherwise.
- 14     10.   To formulate standards and make appropriate inspections and investigations in  
15       accordance with such standards in connection with all licensing activities delegated by  
16       law to the department, including early childhood programs, nonmedical adult care  
17       facilities and maternity homes, and persons or organizations receiving and placing  
18       children, and to require those facilities, persons, and organizations to submit reports  
19       and information as the department may determine necessary.
- 20     11.   To permit the making of any surveys of human service needs and activities if  
21       determined to be necessary.
- 22     12.   To issue subpoenas, administer oaths, and compel attendance of witnesses and  
23       production of documents or papers whenever necessary in making the investigations  
24       provided for herein or in the discharge of its other duties. A subpoena may not be  
25       issued to compel the production of documents or papers relating to any private  
26       child-caring or child-placing agency or maternity hospital or to compel the attendance  
27       as a witness of any officer or employee of those facilities except upon the order of a  
28       judge of the district court of the judicial district in which the facilities are located.
- 29     13.   To provide insofar as staff resources permit appropriate human services, including  
30       social histories, social or social-psychological evaluations, individual, group, family,  
31       and marital counseling, and related consultation, when referred by self, parent,

1 guardian, human service zone, court, physician, or other individual or agency, and  
2 when application is made by self (if an adult or emancipated youth), parent, guardian,  
3 or agency having custody; also, on the same basis, to provide human services to  
4 children and adults in relation to their placement in or return from the life skills and  
5 transition center, state hospital, or North Dakota youth correctional center.

6 14. To provide insofar as staff resources permit social services, including  
7 social-psychological evaluations, predisposition reports, ~~treatment, probation,~~ and  
8 aftercare services when requested by the judge of a juvenile court.

9 15. To provide insofar as staff resources permit social services, including  
10 social-psychological evaluations, predisposition reports, and treatment, ~~and probation-~~  
11 ~~and parole services,~~ when requested by the judge in a criminal case.

12 16. To act as the official agency of the state in the administration of the supplemental  
13 nutrition assistance program and to direct and supervise human service zone  
14 administration of that program. The department with the consent of the legislative  
15 assembly or the budget section if the legislative assembly is not in session may  
16 terminate the program if the rate of federal financial participation in administrative  
17 costs provided under Public Law 93-347 is decreased or limited, or if the state or  
18 counties become financially responsible for all or a portion of the coupon bonus  
19 payments under the Food Stamp Act. Any request considered by the budget section  
20 must comply with section 54-35-02.9. The department may not deny assistance under  
21 the supplemental nutrition assistance program to any individual who has been  
22 convicted of a felony offense that has as an element the possession, use, or  
23 distribution of a controlled substance as defined in section 102(6) of the Controlled  
24 Substances Act [21 U.S.C. 802(6)].

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

30 18. To act as the official agency of the state in the administration of the home energy  
31 assistance program; to direct and supervise human service zone administration of that

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

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

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

24 21. To administer, allocate, and distribute any funds made available for the payment of  
25 supervised independent living services, to develop standards regarding a supervised  
26 independent living program, to approve supervised independent living services for the  
27 purpose of providing foster care placement, and to apply for and administer federal  
28 and other funds that may be made available to undertake any of the activities  
29 described in this subsection.

30 22. With the approval of the governor, to lease or transfer use of any part of the life skills  
31 and transition center facilities or properties, located in section thirteen, township one

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

- 1       28. To provide resources on mental health awareness and suicide prevention to the  
2 behavioral health resource coordinator at each public school and to the designated  
3 individual at a nonpublic school. The resources must include information on identifying  
4 warning signs, risk factors, and the availability of resources in the community, and also  
5 must include an evidence-based, online virtual mental health and suicide prevention  
6 simulation-based training program that incorporates hands-on practice, contextual  
7 learning, and personalized feedback through interactive role-playing. The provisions of  
8 chapter 54-44.4 do not apply to the online virtual mental health and suicide prevention  
9 simulation-based training program under this subsection.
- 10       29. To administer, allocate, and distribute any funds made available for kinship care  
11 services and payments and services in response to the federal Family First Prevention  
12 Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].
- 13       30. To contract with another human service zone or any other public or private person to  
14 discharge any of the department's duties or exercise any of the department's powers  
15 to administer human services.
- 16       31. To act on behalf of the department of public instruction to administer part B,  
17 section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229  
18 Stat. 2647; 20 U.S.C. 1411 et seq.].
- 19       32. ~~To~~In the event of a disruption of operations, to provide meals at a fair value or without  
20 a charge to employees of the department at the North Dakota state hospital, life skills  
21 and transition center, and regional human service centers twenty-four hour staffed  
22 residential units as required by the job assignments of the employees.

23       **Powers and duties of the department. (Effective after June 30, 2025)** The department  
24 has the following powers and duties to be administered by the department through its state  
25 office or regional human service centers, human service zones, or otherwise as directed by the  
26 department:

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

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

- 1       12. To issue subpoenas, administer oaths, and compel attendance of witnesses and  
2           production of documents or papers whenever necessary in making the investigations  
3           provided for herein or in the discharge of its other duties. A subpoena may not be  
4           issued to compel the production of documents or papers relating to any private  
5           child-caring or child-placing agency or maternity hospital or to compel the attendance  
6           as a witness of any officer or employee of those facilities except upon the order of a  
7           judge of the district court of the judicial district in which the facilities are located.
- 8       13. To provide insofar as staff resources permit appropriate human services, including  
9           social histories, social or social-psychological evaluations, individual, group, family,  
10          and marital counseling, and related consultation, when referred by self, parent,  
11          guardian, human service zone, court, physician, or other individual or agency, and  
12          when application is made by self (if an adult or emancipated youth), parent, guardian,  
13          or agency having custody; also, on the same basis, to provide human services to  
14          children and adults in relation to their placement in or return from the life skills and  
15          transition center, state hospital, or North Dakota youth correctional center.
- 16      14. To provide insofar as staff resources permit social services, including  
17          social-psychological evaluations, predisposition reports, treatment, ~~probation~~, and  
18          aftercare services when requested by the judge of a juvenile court.
- 19      15. To provide insofar as staff resources permit social services, including  
20          social-psychological evaluations, predisposition reports, and treatment, ~~and probation~~  
21          ~~and parole services~~, when requested by the judge in a criminal case.
- 22      16. To act as the official agency of the state in the administration of the supplemental  
23          nutrition assistance program and to direct and supervise human service zone  
24          administration of that program. The department with the consent of the legislative  
25          assembly or the budget section if the legislative assembly is not in session may  
26          terminate the program if the rate of federal financial participation in administrative  
27          costs provided under Public Law 93-347 is decreased or limited, or if the state or  
28          counties become financially responsible for all or a portion of the coupon bonus  
29          payments under the Food Stamp Act. Any request considered by the budget section  
30          must comply with section 54-35-02.9. The department may not deny assistance under  
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2 distribution of a controlled substance as defined in section 102(6) of the Controlled  
3 Substances Act [21 U.S.C. 802(6)].

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

9 18. To act as the official agency of the state in the administration of the home energy  
10 assistance program; to direct and supervise human service zone administration of that  
11 program; and to take such actions, give such directions, and adopt such rules, subject  
12 to review in the courts of this state, as may be necessary or desirable to carry out this  
13 subsection. For purposes of the administration of the energy assistance program,  
14 funds are obligated at the earlier of the time a written commitment is made to pay a  
15 vendor or contractor for services or supplies delivered or to be delivered, or at the time  
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18 payments and commitments made on or after July 1, 1991. The department with the  
19 consent of the legislative assembly or the budget section if the legislative assembly is  
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21 administrative costs is decreased or limited to less than fifty percent of total  
22 administrative costs, or if the state or counties become financially responsible for all or  
23 a portion of the cost of energy assistance program benefits. Any request considered  
24 by the budget section must comply with section 54-35-02.9

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

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

- 1       25. For purposes of administration of programs, and subject to legislative appropriation,  
2 funds are obligated at the time a written commitment is made to pay a vendor or  
3 contractor for services or supplies either delivered or to be delivered. This subsection  
4 applies to payments and commitments made on or after January 1, 1997.
- 5       26. To determine eligibility for medical assistance and children's health insurance program  
6 benefits when the department receives a joint application for these benefits.
- 7       27. To develop a system of services and supports to provide behavioral health services  
8 and supports in the community for children at risk of or identified as having a  
9 behavioral health condition and for the families of these children. This system must  
10 include early intervention, treatment, and recovery services and supports and must  
11 interface with, but not include, child protective services or juvenile court.
- 12       28. To provide resources on mental health awareness and suicide prevention to the  
13 behavioral health resource coordinator at each school. The resources must include  
14 information on identifying warning signs, risk factors, and the availability of resources  
15 in the community.
- 16       29. To administer, allocate, and distribute any funds made available for kinship care  
17 services and payments and services in response to the federal Family First Prevention  
18 Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].
- 19       30. To contract with another human service zone or any other public or private person to  
20 discharge any of the department's duties or exercise any of the department's powers  
21 to administer human services.
- 22       31. To act on behalf of the department of public instruction to administer part B,  
23 section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229  
24 Stat. 2647; 20 U.S.C. 1411 et seq.].
- 25       32. ~~To~~In the event of a disruption of operations, to provide meals at a fair value or without  
26 a charge to employees of the department at the North Dakota state hospital, life skills  
27 and transition center, and regional human service centers twenty-four hour staffed  
28 residential units as required by the job assignments of the employees.