

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 ~~43.~~ 14. Determine in any case if assistance provided will be funded through qualified state
2 expenditures, funds made available from the federal government under title IV-A,
3 or a combination thereof.
- 4 ~~44.~~ 15. Assist recipients of temporary assistance for needy families, in a form and manner
5 determined appropriate by the state agency, but which need not be uniform among
6 families or among counties.
- 7 ~~45.~~ 16. Administer all funds appropriated or made available to it for the purpose of carrying
8 out ~~the provisions of~~ this chapter.
- 9 ~~46.~~ 17. Act as the official agency of the state in the administration of the child support
10 enforcement program in conformity with title IV-D and to direct and supervise
11 county administration of that program.
- 12 ~~47.~~ 18. Take actions and adopt rules necessary to entitle the state to receive funds from
13 the federal government under the child care and development block grant [42
14 U.S.C. 9858; et seq.], as amended.
- 15 ~~48.~~ 19. Have authority to establish a program for families that include both a minor child
16 and an incapacitated parent of that minor child, using no federal funds derived from
17 temporary assistance for needy families block grant funds, which otherwise
18 functions in substantially the form and manner of the temporary assistance for
19 needy families program.

20 **SECTION 4. AMENDMENT.** Section 50-10-06 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **50-10-06. Duties of the state agency.** The state agency, in administering this chapter,
23 shall:

- 24 1. Cooperate with the federal government in the development of plans and policies for
25 services for crippled children.
- 26 2. ~~Make such~~ Adopt any rules and ~~regulations and take such~~ any action ~~as may be~~
27 necessary to entitle the state to receive aid from the federal government for
28 services for crippled children in conformity with title 5, part 2, of the federal Social
29 Security Act and its amendments.
- 30 3. Take ~~such~~ any action, give ~~such~~ any directions, and ~~promulgate such~~ adopt any
31 rules ~~and regulations as may be~~ necessary or desirable to carry out ~~the provisions~~

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;₁ the central personnel division;₁ the
10 state department of health;₁ 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.