

**Fifty-ninth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2201  
(Senators Wardner, Lyson)  
(Representatives Haas, Maragos)

AN ACT to amend and reenact sections 54-44.5-01, 54-44.5-06, and 54-44.5-07 of the North Dakota Century Code, relating to federal block grants supporting community action agencies.

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

**SECTION 1. AMENDMENT.** Section 54-44.5-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.5-01. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Community action agency" means a not-for-profit corporation that has authority under its charter and bylaws to receive funds to administer community action programs and which was officially designated as a community action agency or a community action program under section 210 of the Economic Opportunity Act of 1964 [Pub. L. 88-452; 78 Stat. 508; 42 U.S.C. 2701 et seq.] or any federal law concerning a block grant program or other appropriate federal funding of social or community services, unless the community action agency or a community action program lost its designation as a result of failure to comply with the provisions of ~~the federal Act~~ law.
2. "Community action program" means a community-based and operated program that includes an intake assessment and referral capability in each of its counties and is designed to include a number of projects or components to provide a range of services and activities having a measurable and potentially major impact on causes and conditions of poverty in the community or those areas of the community where poverty is a particularly acute problem. These services and activities may include activities designed to provide opportunities for eligible persons to:
  - a. Secure and retain meaningful employment;
  - b. Attain an adequate education;
  - c. Make better use of available income;
  - d. Obtain and maintain adequate housing and suitable living environment;
  - e. Obtain emergency assistance through grants and loans to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;
  - f. Maximize the role community action agencies play in supportive mechanisms available to North Dakota families;
  - g. Remove obstacles and solve problems that block achievement of self-sufficiency;
  - h. Achieve greater participation in the affairs of the community; ~~and~~
  - i. Make more effective use of other programs; and

- j. Engage in activities eligible for federal funding, including funding through a block grant for social or community services.
3. "Department" means the department of commerce.
4. "Director" means the director of the division.
5. "Division" means the department division of community services.

**SECTION 2. AMENDMENT.** Section 54-44.5-06 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.5-06. Community action agency board of directors - Qualifications - Powers - Duties.** Each community action agency must have a board of directors, as provided by the bylaws of the corporation, ~~of not less than nine nor more than fifty one members. One third of the members of the board must be elected public officials, currently holding office, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one third of the membership of the board, membership on the board by appointive public officials may be counted in meeting the one third requirement. At least one third of the members must be persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served, and the remainder of the members must be officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community that is consistent with federal law concerning community action agencies that are eligible to receive federal funding through a block grant or other appropriate federal sources for social or community services.~~ The board shall determine personnel, fiscal, and program policies and shall approve proposals of financial assistance and the disbursement of funds.

**SECTION 3. AMENDMENT.** Section 54-44.5-07 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.5-07. Funding - Community action agency's share of funds - How determined.**

1. If the Congress of the United States approves a block grant system to fund social or community programs, the state may use, subject to legislative appropriation, the block grant funds or in-kind services to provide a level of financial assistance for community action agencies to carry out community action programs through the community services block grants pursuant to the federal Community Services Block Grant Act [Pub. L. 97-35; 95 Stat. 511; 42 U.S.C. 9903] ~~and~~ or any other block grant or other federal funding sources that may be appropriate.
2. The division shall distribute the federal community services block grant funds received under the federal Community Services Block Grant Act [Pub. L. 97-35; 95 Stat. 511; 42 U.S.C. 9903] or any other block grant or other appropriate federal funding source and shall allocate the funds as follows, unless a different amount is mandated by federal law:
  - 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 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] or any other block grant funds or other appropriate federal funding source, if it is consistent with federal law, based on that agency's poverty population relative to the state's total poverty population. The 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 division as it relates to the community services block grant program.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2201.

Senate Vote:    Yeas    46        Nays    0        Absent    1

House Vote:    Yeas    88        Nays    0        Absent    6

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2005.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2005,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State