

## ECONOMIC ASSISTANCE PROGRAM RESPONSIBILITIES OF THE STATE AND COUNTIES - STATUTORY PROVISIONS AND CHANGES

This memorandum lists the statutory provisions enacted by the 1997 Legislative Assembly as part of House Bill No. 1041 (the "swap" agreement) identifying the responsibilities of the state and

counties in the administration of economic assistance programs.

The following schedule summarizes each section of the bill and subsequent legislative changes:

1997 HOUSE BILL NO. 1041 - BILL SECTION AND NORTH DAKOTA CENTURY CODE SECTION	DESCRIPTION/AMENDMENT
Section 1 50-01.2-00.1	<p>This section defines local expenses of administration and identifies the economic assistance programs included in the "swap" agreement.</p> <p>Legislative changes:</p> <ul style="list-style-type: none"> <li>• The 1999 Legislative Assembly amended the definition of local expenses of administration by removing reference to costs associated with achieving caseload ratios of 65 cases-to-1 worker.</li> <li>• The 2001 Legislative Assembly amended the definition of local expenses of administration by replacing the training, education, employment, and management (TEEM) program with the temporary assistance for needy families (TANF) program.</li> <li>• The 2007 Legislative Assembly changed the programs included by removing child support enforcement programs and programs established under Section 50-06-01.8, which related to the department seeking a waiver for the training, education, employment, and management program.</li> </ul>
Section 2 50-01.2-06	<p>This section relates to the standards of administration of economic assistance programs and procedures to follow if a county fails to provide for the administration of these programs.</p> <p>Legislative changes:</p> <ul style="list-style-type: none"> <li>• The 1997 Legislative Assembly amended this section to provide that members of the peer review committee be compensated in the amount of \$62.50 per day.</li> <li>• The 2001 Legislative Assembly amended this section to update statutory references relating to appeals hearings in district court.</li> </ul>
Section 3 50-01.2-03.1	<p>This section authorizes county social service boards to contract for the administration of economic assistance programs.</p> <p>Legislative changes:</p> <ul style="list-style-type: none"> <li>• This section has not been changed.</li> </ul>
Section 4 50-01.2-03.2	<p>This section establishes the duties of the county in administering these economic assistance programs and provides for additional state funding for counties with an Indian reservation.</p> <p>Legislative changes:</p> <ul style="list-style-type: none"> <li>• The 1999 Legislative Assembly amended this section to establish a formula for providing financial assistance to counties within an Indian reservation.</li> <li>• The 2001 Legislative Assembly amended the Indian county payment formula by reducing the payment from 100 percent to 90 percent of an affected county's expenses that are in excess of the statewide average.</li> <li>• The 2005 Legislative Assembly amended this section to return the payment formula to 100 percent of an affected county's expenses that are in excess of the statewide average.</li> </ul>
Section 5 50-03-00.1	<p>This section provides that the definitions included in this chapter relating to county human service funds have the same meaning as in Chapter 50-01.2 relating to county social service boards.</p> <p>Legislative changes:</p> <ul style="list-style-type: none"> <li>• This section has not been amended.</li> </ul>

1997 HOUSE BILL NO. 1041 - BILL SECTION AND NORTH DAKOTA CENTURY CODE SECTION	DESCRIPTION/AMENDMENT
Section 6 50-03-08	This section identifies expenses that are the responsibility of the counties. Legislative changes: <ul style="list-style-type: none"> <li>• This section has not been amended.</li> </ul>
Section 7 50-03-09	This section requires the Department of Human Services to develop a formula to determine each county's share of the costs identified in Section 50-03-08. Legislative changes: <ul style="list-style-type: none"> <li>• This section has not been amended.</li> </ul>
Section 8 50-03-10	This section provides that the counties provide an annual recommendation to the Department of Human Services for determining the distribution of social service block grant funds, similar general fund equivalents, and child support incentive funds among the counties. Legislative changes: <ul style="list-style-type: none"> <li>• The 2005 Legislative Assembly amended this section to provide that the department distribute child support incentive funds according to a formula that promotes performance and consistency in child support enforcement activities throughout the state.</li> <li>• The 2007 Legislative Assembly removed provisions relating to the department distributing child support incentive funds to counties.</li> </ul>
Section 9 Subsection 28 of 50-06-05.1	This subsection identifies the point at which funds are considered obligated when spent by the Department of Human Services. Legislative changes: <ul style="list-style-type: none"> <li>• This subsection has not been amended.</li> </ul>
Section 10 50-06-20	This section identifies the economic assistance program grant costs that are the responsibility of the state. The programs include Medicaid, fuel assistance, basic care assistance, child care assistance, employment and training programs, welfare fraud detection programs, TANF programs, and special projects approved by the department. Legislative changes: <ul style="list-style-type: none"> <li>• This section has not been amended.</li> </ul>
Section 11 50-24.1-14	This section identifies that the medical assistance grant costs, except for those expenses identified under Section 50-03-08, are the responsibility of the state. Legislative changes: <ul style="list-style-type: none"> <li>• This section has not been amended.</li> </ul>
Section 12 50-24.5-09	This section provides that the responsibility for expenditures to the aged, blind, and disabled are the responsibility of the state, except for expenses identified under Section 50-03-08. Legislative changes: <ul style="list-style-type: none"> <li>• This section has not been amended.</li> </ul>

Sections of 1997 House Bill No. 1041 included in the North Dakota Century Code (NDCC) are listed below along with subsequent legislative changes to the original provisions:

**SECTION 1 - CODIFIED AS  
NORTH DAKOTA CENTURY CODE  
SECTION 50-01.2-00.1**

Definitions. In this chapter, unless the context otherwise requires:

1. "Department" means the department of human services.
2. "Local expenses of administration" includes costs for personnel, space, equipment, computer software, costs associated with achieving caseload ratios of sixty-five cases to

one worker, materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the training, education, employment, and management program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items,

United States city average) after January 1, 1996, or, unless agreed to by the county social service board, any costs related to pilot programs before the programs are implemented on a statewide basis.

3. "Locally administered economic assistance programs" means those primary economic assistance programs that need to be accessible to all citizens of the state through a county social service office and include:
  - a. Temporary assistance for needy families;
  - b. Child support enforcement programs;
  - c. Programs established under section 50-06-01.8;
  - d. Employment and training programs;
  - e. Child care assistance programs;
  - f. Medical assistance, including early periodic screening, diagnosis, and treatment;
  - g. Food stamp programs, including employment and training programs;
  - h. Refugee assistance programs;
  - i. Basic care services;
  - j. Energy assistance programs; and
  - k. Information and referral.

#### Legislative changes:

##### 1999 Senate Bill No. 2114 - Section 1:

SECTION 1. AMENDMENT. Subsection 2 of section 50-01.2-00.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. "Local expenses of administration" includes costs for personnel, space, equipment, computer software, ~~costs associated with achieving caselead ratios of sixty-five cases to one worker,~~ materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the training, education, employment, and management program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996, or, unless agreed to by the county social service board, any costs related to pilot programs before the programs are implemented on a statewide basis.

##### 2001 House Bill No. 1108 - Section 1:

SECTION 1. AMENDMENT. Subsection 2 of section 50-01.2-00.1 of the North Dakota Century Code is amended and reenacted as follows:

2. "Local expenses of administration" includes costs for personnel, space, equipment, computer software, materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the ~~training, education, employment, and management~~ temporary assistance for needy families program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996, or, unless agreed to by the county social service board, any costs related to pilot programs before the programs are implemented on a statewide basis.

##### 2007 Senate Bill No. 2205 - Section 4:

SECTION 4. AMENDMENT. Subsection 3 of section 50-01.2-00.1 of the North Dakota Century Code is amended and reenacted as follows:

3. "Locally administered economic assistance programs" means those primary economic assistance programs that need to be accessible to all citizens of the state through a county social service office and include:
  - a. Temporary assistance for needy families;
  - b. ~~Child support enforcement programs;~~
  - c. ~~Programs established under section 50-06-01.8;~~
  - d. Employment and training programs;
  - e. ~~c.~~ Child care assistance programs;
  - f. ~~d.~~ Medical assistance, including early periodic screening, diagnosis, and treatment;
  - g. ~~e.~~ Food stamp programs, including employment and training programs;
  - h. ~~f.~~ Refugee assistance programs;
  - i. ~~g.~~ Basic care services;
  - j. ~~h.~~ Energy assistance programs; and
  - k. ~~i.~~ Information and referral.

##### Current version:

50-01.2-00.1. Definitions. In this chapter, unless the context otherwise requires:

1. "Department" means the department of human services.
2. "Local expenses of administration" includes costs for personnel, space, equipment, computer software, materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the temporary assistance

for needy families program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996, or, unless agreed to by the county social service board, any costs related to pilot programs before the programs are implemented on a statewide basis.

3. "Locally administered economic assistance programs" means those primary economic assistance programs that need to be accessible to all citizens of the state through a county social service office and include:
  - a. Temporary assistance for needy families;
  - b. Employment and training programs;
  - c. Child care assistance programs;
  - d. Medical assistance, including early periodic screening, diagnosis, and treatment;
  - e. Food stamp programs, including employment and training programs;
  - f. Refugee assistance programs;
  - g. Basic care services;
  - h. Energy assistance programs; and
  - i. Information and referral.

**SECTION 2 - CODIFIED AS  
NORTH DAKOTA CENTURY CODE  
SECTION 50-01.2-06**

SECTION 2. A new section to chapter 50-01.2 of the North Dakota Century Code is created and enacted as follows:

Standards of administration - Action upon failure to administer - Peer review committee - Appeal.

1. The department shall adopt standards for administration for locally administered economic assistance programs and shall provide training for the implementation of those standards. Each county social service board shall provide for administration of locally administered economic assistance programs that meet those standards.
2. If a county social service board fails to provide for administration of locally administered economic assistance programs that meet the standards adopted under subsection 1, the department may take any of the following actions:
  - a. Provide training to the persons responsible for administration.
  - b. Require the county social service board to prepare and implement a corrective action plan.

- c. Appoint a receiver to act in place of the county social service board.
3. At least thirty days before taking any action under subsection 2, the department shall provide notice of its proposed action to the county social service board and the board of county commissioners of the affected county. The notice must describe the proposed action and the reasons therefor.
4. If the county disputes a notice of proposed action, the board of county commissioners, before the effective date of the action, shall:
  - a. Request reconsideration by the department;
  - b. Propose an alternative action under subsection 2;
  - c. Request a peer review; or
  - d. Make any combination of these responses.
5. If the county's response includes a request for reconsideration or proposed alternative action under subsection 2, the department promptly shall consider that request or proposal and notify the county of its determination.
6. If the county's response includes a request for a peer review, the board of county commissioners shall name two members of a peer review committee, the department shall name two members of the peer review committee, and those four committee members shall name a fifth member of the peer review committee. At least one member of the peer review committee must be a member of a board of county commissioners and at least two members of the peer review committee must be county social service board directors or former county social service board directors. No member of the peer review committee may hold or have held office as county social service board director, or as a member of the county social service board or board of county commissioners, or be a resident of the county requesting the peer review.
7. A peer review must be based upon written submissions made by the department and the county requesting the peer review. The county submission must be made within fifteen days after the county requests peer review, and the department's submission must be made within fifteen days after receipt of a copy of the county's submission. The peer review committee may direct written questions to the parties, and the parties shall respond in writing within fifteen days.
8. A committee member designated by the department shall chair the peer review committee. The committee shall meet at the call of the presiding officer, and may meet by teleconference. Any committee action must be by motion. A decision on the county's request must be made within sixty days after

receipt of the county's request, and subject to subsection 9, is binding on both parties.

9. The decision of the peer review committee is a final administrative decision. That decision may be appealed to the district court, and for that purpose, the decision must be treated as a decision on a request for rehearing made pursuant to section 28-32-14. Appeal to the district court must be taken in the manner required by section 28-32-15. The department shall submit a record consisting of:
  - a. Submissions made, and questions asked and answered, under subsection 7; and
  - b. The motion and vote upon which the peer review committee acted to decide the matter.
10. A timely dispute of a notice to appoint a receiver under subsection 2 stays that action until thirty days after issuance of a decision by a peer review committee.
11. A timely appeal of a decision by a peer review committee stays that decision until determination of that appeal.
12. A receiver appointed under this section may take any action that may lawfully be taken by the county social service board and may draw upon the human services fund.
13. Members of a peer review committee are entitled to receive compensation by the department in the same amounts as members of the legislative council. The county requesting the review shall reimburse the department for one-half of that cost.

**Legislative changes:**

**1997 Senate Bill No. 2052 - Section 2211:**

SECTION 22. AMENDMENT. Subsection 13 of the new section to chapter 50-01.2 of the North Dakota Century Code as created by section 2 of House Bill No. 1041, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

13. Members of a peer review committee are entitled to receive compensation by the department in the ~~same amounts as members of the legislative council~~ amount of sixty-two dollars and fifty cents per day. The county requesting the review shall reimburse the department for one-half of that cost.

**2001 House Bill No. 1030 - Section 25:**

SECTION 25. AMENDMENT. Subsection 9 of section 50-01.2-06 of the North Dakota Century Code is amended and reenacted as follows:

9. The decision of the peer review committee is a final administrative decision. That decision may be appealed to the district court, and for that purpose, the decision must be treated as a decision on a request for rehearing made pursuant to section ~~28-32-14~~ 28-32-40. Appeal to the district court must be taken in the manner required by section ~~28-32-15~~

28-32-42. The department shall submit a record consisting of:

- a. Submissions made, and questions asked and answered, under subsection 7; and
- b. The motion and vote upon which the peer review committee acted to decide the matter.

**Current version:**

50-01.2-06. Standards of administration - Action upon failure to administer - Peer review committee - Appeal.

1. The department shall adopt standards for administration for locally administered economic assistance programs and shall provide training for the implementation of those standards. Each county social service board shall provide for administration of locally administered economic assistance programs that meet those standards.
2. If a county social service board fails to provide for administration of locally administered economic assistance programs that meet the standards adopted under subsection 1, the department may take any of the following actions:
  - a. Provide training to the persons responsible for administration.
  - b. Require the county social service board to prepare and implement a corrective action plan.
  - c. Appoint a receiver to act in place of the county social service board.
3. At least thirty days before taking any action under subsection 2, the department shall provide notice of its proposed action to the county social service board and the board of county commissioners of the affected county. The notice must describe the proposed action and the reasons therefor.
4. If the county disputes a notice of proposed action, the board of county commissioners, before the effective date of the action, shall:
  - a. Request reconsideration by the department;
  - b. Propose an alternative action under subsection 2;
  - c. Request a peer review; or
  - d. Make any combination of these responses.
5. If the county's response includes a request for reconsideration or proposed alternative action under subsection 2, the department promptly shall consider that request or proposal and notify the county of its determination.
6. If the county's response includes a request for a peer review, the board of county commissioners shall name two members of a peer review committee, the department shall name two members of the peer review committee, and those four committee members shall name a fifth member of the peer review committee. At least one member

of the peer review committee must be a member of a board of county commissioners and at least two members of the peer review committee must be county social service board directors or former county social service board directors. No member of the peer review committee may hold or have held office as county social service board director, or as a member of the county social service board or board of county commissioners, or be a resident of the county requesting the peer review.

7. A peer review must be based upon written submissions made by the department and the county requesting the peer review. The county submission must be made within fifteen days after the county requests peer review, and the department's submission must be made within fifteen days after receipt of a copy of the county's submission. The peer review committee may direct written questions to the parties, and the parties shall respond in writing within fifteen days.
8. A committee member designated by the department shall chair the peer review committee. The committee shall meet at the call of the presiding officer and may meet by teleconference. Any committee action must be by motion. A decision on the county's request must be made within sixty days after receipt of the county's request, and subject to subsection 9, is binding on both parties.
9. The decision of the peer review committee is a final administrative decision. That decision may be appealed to the district court, and for that purpose, the decision must be treated as a decision on a request for rehearing made pursuant to section 28-32-40. Appeal to the district court must be taken in the manner required by section 28-32-42. The department shall submit a record consisting of:
  - a. Submissions made, and questions asked and answered, under subsection 7; and
  - b. The motion and vote upon which the peer review committee acted to decide the matter.
10. A timely dispute of a notice to appoint a receiver under subsection 2 stays that action until thirty days after issuance of a decision by a peer review committee.
11. A timely appeal of a decision by a peer review committee stays that decision until determination of that appeal.
12. A receiver appointed under this section may take any action that may lawfully be taken by the county social service board and may draw upon the human services fund.
13. Members of a peer review committee are entitled to receive compensation by the department in the amount of sixty-two dollars and fifty cents per day. The county requesting

the review shall reimburse the department for one-half of that cost.

**SECTION 3 - CODIFIED AS  
NORTH DAKOTA CENTURY CODE  
SECTION 50-01.2-03.1  
HAS NOT BEEN AMENDED**

50-01.2-03.1. Board may contract. In addition to actions a county social service board may take under chapter 54-40, a board may contract with another county social service board, the receiver of a county social service board appointed under section 50-01.2-06, the department, or any other public or private person to discharge any of its duties or exercise any of its powers to administer economic assistance programs.

**SECTION 4 - CODIFIED AS  
NORTH DAKOTA CENTURY CODE  
SECTION 50-01.2-03.2**

A new section to chapter 50-01.2 of the North Dakota Century Code is created and enacted as follows:

County duties - Financing in exceptional circumstances.

1. Each county social service board shall administer, under the direction and supervision of the department:
  - a. Locally administered economic assistance programs;
  - b. Replacement programs with substantially similar goals, benefits, or objectives; and
  - c. When necessary, experimental, pilot, or transitional programs with substantially similar goals, benefits, or objectives.
2. On or before February twenty-eighth of each year, each county shall report to the department the total amount of county funds expended in the previous year to meet the cost of providing human services required under this title and the number of mills that must have been levied by that county in the prior year to raise that total amount. Upon receipt of reports from all counties, the department shall determine the statewide average of the mill levies and identify each county that levied ten mills more than that average. Each identified county is entitled to a share of funds appropriated for distribution under this subsection. Each identified county's share is determined by:
  - a. Reducing its mill levy necessary to meet the costs of providing human services required under this title by the statewide average mill levy determined under this subsection plus ten mills;
  - b. Determining the amount that could have been raised in that county and year

- through a mill levy in the amount calculated under subdivision a;
- c. Totaling the amounts determined under subdivision b for all counties entitled to a distribution;
  - d. Calculating a decimal fraction equal to each identified county's proportionate share of the total determined under subdivision c; and
  - e. Multiplying that decimal fraction times one-half of the biennial appropriation.
3. The department shall seek appropriations for the purpose of providing additional financial assistance to county social service boards for human service program costs and local expenses of administering human service programs in counties in which the presence of an Indian reservation substantially reduces the amount of property subject to taxation.

#### Legislative changes:

##### 1999 Senate Bill No. 2012 - Section 9:

SECTION 9. AMENDMENT. Subsection 3 of section 50-01.2-03.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. ~~The Notwithstanding any other provisions of law, the department shall seek appropriations for the purpose of providing additional financial assistance to~~ reimburse county social service boards for ~~human service program costs and local expenses of administering human service~~ locally administered economic assistance programs in counties in which ~~the presence of an Indian reservation substantially reduces the amount of property subject to taxation~~ more than twenty percent of the caseload for these programs consists of people who reside on a federally recognized Indian reservation or property tax-exempt tribal trust lands. The reimbursement must be such that:
  - a. An affected county's expenses for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at one hundred percent;
  - b. Each calendar year the affected counties will receive quarterly allocations based on the actual county expenses for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date;
  - c. The reimbursement will be calculated for each county and reported to the county social service board prior to August first of the year preceding the allocation; and
  - e. For calendar year 2000, up to fifteen percent of the social service block grant

funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement. For the first six months of calendar year 2001, up to seven and one-half percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement.

##### 2001 House Bill No. 1015 - Section 25:

SECTION 25. AMENDMENT. Subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code is amended and reenacted as follows:

3. Notwithstanding any other provisions of law, the department shall reimburse county social service boards for expenses of locally administered economic assistance programs in counties in which more than twenty percent of the caseload for these programs consists of people who reside on a federally recognized Indian reservation or property tax-exempt tribal trust lands. The reimbursement must be such that:
  - a. An affected county's expenses for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at one hundred ninety percent;
  - b. Each calendar year the affected counties will receive quarterly allocations based on the actual county expenses for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date; and
  - c. The reimbursement will be calculated for each county and reported to the county social service board prior to August first of the year preceding the allocation; and
  - d. ~~For calendar year 2000, up to fifteen percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement. For the first six months of calendar year 2001, up to seven and one-half percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement.~~

##### 2005 Senate Bill No. 2301 - Section 1:

SECTION 1. AMENDMENT. Subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code is amended and reenacted as follows:

3. Notwithstanding any other provisions of law, the department shall reimburse county social

service boards for expenses of locally administered economic assistance programs in counties in which more than twenty percent of the caseload for these programs consists of people who reside on a federally recognized Indian reservation or property tax-exempt tribal trust lands. The reimbursement must be such that:

- a- An affected county's expenses for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at ~~ninety one~~ **one hundred** percent;
- b- Each calendar year the affected counties will receive quarterly allocations based on the actual county expenses for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date; and
- c- The reimbursement will be calculated for each county and reported to the county social service board prior to August first of the year preceding the allocation.

**Current version:**

50-01.2-03.2. County duties - Financing in exceptional circumstances.

1. Each county social service board shall administer, under the direction and supervision of the department:
  - a- Locally administered economic assistance programs;
  - b- Replacement programs with substantially similar goals, benefits, or objectives; and
  - c- When necessary, experimental, pilot, or transitional programs with substantially similar goals, benefits, or objectives.
2. On or before February twenty-eighth of each year, each county shall report to the department the total amount of county funds expended in the previous year to meet the cost of providing human services required under this title and the number of mills that must have been levied by that county in the prior year to raise that total amount. Upon receipt of reports from all counties, the department shall determine the statewide average of the mill levies and identify each county that levied ten mills more than that average. Each identified county is entitled to a share of funds appropriated for distribution under this subsection. Each identified county's share is determined by:
  - a- Reducing its mill levy necessary to meet the costs of providing human services required under this title by the statewide average mill levy determined under this subsection plus ten mills;
  - b- Determining the amount that could have been raised in that county and year

through a mill levy in the amount calculated under subdivision a;

- d- Totaling the amounts determined under subdivision b for all counties entitled to a distribution;
  - e- Calculating a decimal fraction equal to each identified county's proportionate share of the total determined under subdivision c; and
  - f- Multiplying that decimal fraction times one-half of the biennial appropriation.
3. Notwithstanding any other provisions of law, the department shall reimburse county social service boards for expenses of locally administered economic assistance programs in counties in which more than twenty percent of the caseload for these programs consists of people who reside on a federally recognized Indian reservation or property tax-exempt tribal trust lands. The reimbursement must be such that:
    - a- An affected county's expenses for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at one hundred percent;
    - b- Each calendar year the affected counties will receive quarterly allocations based on the actual county expenses for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date; and
    - c- The reimbursement will be calculated for each county and reported to the county social service board prior to August first of the year preceding the allocation.

**SECTION 5 - CODIFIED AS  
NORTH DAKOTA CENTURY CODE**

**SECTION 50-03-00.1**

**HAS NOT BEEN AMENDED**

50-03-00.1. Definitions. Terms defined in chapter 50-01.2 have the same meaning when used in this chapter.

**SECTION 6 - CODIFIED AS  
NORTH DAKOTA CENTURY CODE**

**SECTION 50-03-08**

**HAS NOT BEEN AMENDED**

50-03-08. Appropriation for county social service board administration and programs. The board of county commissioners of each county annually shall appropriate and make available to the human services fund an amount sufficient to pay:

1. The local expenses of administration of locally administered economic assistance programs;



2. That county's share of fifteen percent of the amount expended in this state, in excess of the amount provided by the federal government, for medical assistance in the form of payments for care furnished to recipients of therapeutic foster care services; and
3. That county's share of the cost of other family preservation services, including intensive in-home services, provided under title VI-B, subpart 2, of the Social Security Act [Pub. L. 103-66, title XIII, 13711(a)(2); 107 Stat. 649, et seq.; 42 U.S.C. 629, et seq.], as amended, as may be agreed to by the department and the county social service board.

**SECTION 7 - CODIFIED AS  
NORTH DAKOTA CENTURY CODE  
SECTION 50-03-09  
HAS NOT BEEN AMENDED**

50-03-09. Department to develop formula. The department, with the cooperation of the boards of county commissioners, shall develop a formula to be used to determine the appropriate amount of each county's share under subsection 2 of section 50-03-08.

**SECTION 8 - CODIFIED AS  
NORTH DAKOTA CENTURY CODE  
SECTION 50-03-10**

SECTION 8. A new section to chapter 50-03 of the North Dakota Century Code is created and enacted as follows:

County commissions to make recommendations. Before August first of each year, the boards of county commissioners of the counties shall make a collective recommendation to the department concerning the distribution between counties, of the social service block grant funds, general fund equivalents of social service block grant funds, and child support incentive funds available to the department for distribution to county social service boards. The department shall consider the recommendation of the county commissioners in determining the distribution to the county social service boards, in the following calendar year, of the social service block grant funds, general fund equivalents of social service block grant funds, and child support incentive funds available to the department for that purpose.

**Legislative changes:**

**2005 Senate Bill No. 2301 - Section 2:**

SECTION 2. AMENDMENT. Section 50-03-10 of the North Dakota Century Code is amended and reenacted as follows:

50-03-10. County commissions to make recommendations. Before August first of each year, the boards of county commissioners of the counties shall make a collective recommendation to the

department concerning the distribution between counties, of the social service block grant funds, and the general fund equivalents of social service block grant funds, and child support incentive funds available to the department for distribution to county social service boards. The department shall consider the recommendation of the county commissioners in determining the distribution to the county social service boards, in the following calendar year, of the social service block grant funds, and the general fund equivalents of social service block grant funds, and child support incentive funds available to the department for that purpose. The department shall distribute child support incentive funds according to a formula that promotes performance and consistency in child support enforcement activities throughout the state.

**2007 Senate Bill No. 2205 - Section 5:**

SECTION 5. AMENDMENT. Section 50-03-10 of the North Dakota Century Code is amended and reenacted as follows:

50-03-10. County commissions to make recommendations. Before August first of each year, the boards of county commissioners of the counties shall make a collective recommendation to the department concerning the distribution between counties, of the social service block grant funds and the general fund equivalents of social service block grant funds available to the department for distribution to county social service boards. The department shall consider the recommendation of the county commissioners in determining the distribution to the county social service boards, in the following calendar year, of the social service block grant funds and the general fund equivalents of social service block grant funds available to the department for that purpose. ~~The department shall distribute child support incentive funds according to a formula that promotes performance and consistency in child support enforcement activities throughout the state.~~

**Current version:**

50-03-10. County commissions to make recommendations. Before August first of each year, the boards of county commissioners of the counties shall make a collective recommendation to the department concerning the distribution between counties, of the social service block grant funds and the general fund equivalents of social service block grant funds available to the department for distribution to county social service boards. The department shall consider the recommendation of the county commissioners in determining the distribution to the county social service boards, in the following calendar year, of the social service block grant funds and the general fund equivalents of social service block grant funds available to the department for that purpose.

**SECTION 9 - CODIFIED AS  
SUBSECTION 28 OF NORTH DAKOTA  
CENTURY CODE SECTION 50-06-05.1  
HAS NOT BEEN AMENDED**

28. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.

**SECTION 10 - CODIFIED AS NORTH  
DAKOTA CENTURY CODE  
SECTION 50-06-20  
HAS NOT BEEN AMENDED**

50-06-20. Programs funded at state expense - Interpretation.

1. The state shall bear the cost, in excess of the amount provided by the federal government, of:
  - a- Except as provided in section 50-24.1-14, services provided under chapter 50-24.1;
  - b- Benefits provided under subsection 19 of section 50-06-05.1;
  - c- Supplements provided under chapter 50-24.5 as basic care services;
  - d- Services provided under chapter 50-09 as child care assistance;
  - e- Services provided under chapter 50-09 as employment and training programs;
  - f- Welfare fraud detection programs;
  - g- Temporary assistance for needy families; and

- h- Special projects approved by the department and agreed to by any affected county social service board.
2. This section does not grant any recipient of services, benefits, or supplements identified in subsection 1, any service, benefit, or supplement that a recipient could not claim in the absence of this section.

**SECTION 11 - CODIFIED AS  
NORTH DAKOTA CENTURY CODE  
SECTION 50-24.1-14  
HAS NOT BEEN AMENDED**

50-24.1-14. Responsibility for expenditures - Exceptions.

1. Except as otherwise specifically provided in subsection 2 and section 50-03-08, expenditures required under this chapter are the responsibility of the federal government or the state of North Dakota.
2. Each county shall reimburse the department of human services the amount required to be appropriated under subsection 3 of section 50-03-08.

**SECTION 12 - CODIFIED AS NORTH  
DAKOTA CENTURY CODE  
SECTION 50-24.5-09  
HAS NOT BEEN AMENDED**

50-24.5-09. Responsibility for expenditures. Except as otherwise specifically provided in section 50-03-08, expenditures required under this chapter are the responsibility of the state of North Dakota.