

**BEFORE THE
ADMINISTRATIVE RULES COMMITTEE
OF THE
NORTH DAKOTA LEGISLATIVE COUNCIL**

**N.D. Admin. Code Chapters)
75-01-02, Confidentiality and the)
Safeguarding of Information;)
75-01-03, Appeals and Hearings;)
75-01-04, Human Services Grant)
Program; 75-02-01.2, Temporary)
Assistance for Needy Families)
Program; 75-02-01.3, Child Care)
Assistance; 75-02-10, Aid to)
Vulnerable Aged, Blind, and)
Disabled Individuals; 75-03-17.1,)
Authorized Agent in Providing Child)
Welfare Services; 75-03-21,)
Licensing of Foster Homes for)
Adults; 75-03-33,)
Intergovernmental Transfer)
Program; 75-03-36, Licensing of)
Child-Placing Agencies; 75-03-40,)
Licensing of Qualified Residential)
Treatment Program Providers;)
75-03-41, Supervised Independent)
Living; and Article 75-07,)
Multicounty Social Service Districts)**

**REPORT OF THE
DEPT. OF HUMAN SERVICES
March 4, 2020**

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For its report, the North Dakota Department of Human Services (Department) states:

1. The proposed amendments to N.D. Admin Code Chapters 75-01-02, Confidentiality and the Safeguarding of Information; 75-01-03, Appeals and Hearings; 75-01-04, Human Services Grant Program; 75-02-01.2, Temporary Assistance for Needy Families Program; 75-02-01.3, Child

Care Assistance; 75-02-10, Aid to Vulnerable Aged, Blind, and Disabled Individuals; 75-03-17.1, Authorized Agent in Providing Child Welfare Services; 75-03-21, Licensing of Foster Homes for Adults; 75-03-33, Intergovernmental Transfer Program; 75-03-36, Licensing of Child-Placing Agencies; 75-03-40, Licensing of Qualified Residential Treatment Program Providers; 75-03-41, Supervised Independent Living; and Article 75-07, Multicounty Social Service Districts are necessary to comply with 2019 Senate Bill No. 2124.

2. These rules are not related to a change in a federal statute or regulation.
3. The rules were amended to ensure the rules remain accurate and consistent with terminology used in State law and to comply with 2019 Senate Bill No. 2124. Throughout the proposed amendments, the changes adjust "county agency" or "county" to "human service zone"; "county general assistance" to "general assistance"; "county agency" to "department"; "county social service board" to "human service zone" or "human service zone director"; "county social service agencies" to "human service zones"; "social service board of North Dakota" to "department"; or "county social services" to "human service zones". In addition, the following specific changes were made:
Section 75-01-02-02 is amended to replace outdated language, specifically "director of the division of management" and "director of management" with "department's institutional review board"; to remove ", but not limited to" language; and replace "board" and "board and the board's" with "department and human service zone".
Section 75-01-03-01 is amended to remove the definition of "county agency" in response to 2019 Senate Bill No. 2124

transition from county to human service zones and to add the statutory definition of human service zone (N.D.C.C. § 50-01.1-01).

Section 75-01-03-08 is amended to add the “department” as some former county staff transitioned to state employment based on section 142 of 2019 Senate Bill No. 2124.

Chapter 75-01-04 is being repealed based on section 138 of 2019 Senate Bill No. 2124 as North Dakota Century Code section 50-06-20.1 was repealed.

Section 75-02-1.2-01 is amended to update the definition of “child support agency” to the statutory definition (N.D.C.C. § 14-09-09.10).

Section 75-02-01.2-03.1 is amended to replace “child support enforcement” with the defined term of “child support agency”.

Section 75-02-01.2-33 is amended to replace “department or county” with the defined term of “child support agency” to reflect the changes that occurred in 2007 when all regional child support offices became Department facilities.

Section 75-02-01.2-44 is amended to add a missing word, “payments” after “spousal support”.

Section 75-02-01.2-79 is amended to replace “child support enforcement” with the defined term of “child support agency” and to replace “child support enforcement” with “child support sanction”.

Section 75-02-01.2-82 is amended to replace “child support enforcement” with the defined term of “child support agency”.

Section 75-02-01.2-104 is being repealed based on 2019 Senate Bill No. 2124 transition away from county administration to human service zones.

Section 75-02-10-09 is amended to add "human service zone" as a possible entity that may place an individual in an out-of-state institution as currently county and department are listed.

Section 75-02-10-10 is being repealed based on 2019 Senate Bill No. 2124 transition away from county administration to human service zones.

Chapter 75-03-17.1 is being repealed based on all the changes made by 2019 Senate Bill No. 2124, transition away from county administration to human service zones, and the State's funding of human service zones.

Section 75-03-21-01 is amended to remove the definition of "county agency" based on 2019 Senate Bill No. 2124 transition away from county administration to human service zones and to remove "county or" from the definition of "respite care provider" to accurately reflect the funding source.

Section 75-03-36-16 is amended to update the language from "regional human service center" to "human service zone" in response to 2019 Senate Bill No. 2124.

Section 75-03-40-40 is amended to update the language from "department regional office" to "department".

Section 75-03-41-27 is amended to update the language from "regional office of the department" to "department".

Article 75-07 is repealed as a result of 2019 Senate Bill No. 2124 changes from the counties having an option to form a

“multicounty social service districts” to the requirement of forming human service zones.

4. The anticipated fiscal impact resulting from implementation of the proposed amendments is zero.

Prepared by:

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