

**CHAPTER 50-01.2  
COUNTY SOCIAL SERVICE BOARDS**

**50-01.2-00.1. Definitions. (Effective through December 31, 2019)**

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 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. Supplemental nutrition assistance programs, including employment and training programs;
  - f. Refugee assistance programs;
  - g. Basic care services;
  - h. Energy assistance programs; and
  - i. Information and referral.

**Definitions. (Effective after December 31, 2019)** In this chapter, unless the context otherwise requires:

1. "Department" means the department of human services.
2. "Host county" means the county within the human service zone in which the human service zone administrative office is located and in which the human service zone team members are employed.

**50-01.2-01. County social service board - Members - Qualifications. (Effective through December 31, 2019)**

Each board of county commissioners shall establish a county social service board consisting of five, seven, or nine members of which one or more must be members of the board of county commissioners. The board of county commissioners shall appoint the members of the county social service board based upon fitness to serve as members by reason of character, experience, and training without regard to political affiliation. The board must include members of each sex.

**Human service zone board - Members - Qualifications. (Effective after December 31, 2019)** The board of county commissioners of each county within the human service zone shall appoint the appointed members of the human service zone board based upon fitness to serve as members by reason of character, experience, and training without regard to political affiliation. Appointed members of the human service zone board must consist of local elected officials and other key community partners. Each county must be represented on the human service zone board by at least one county commissioner of that county. Appointed members shall elect a vice presiding officer and appoint a secretary, and other officers as the human service zone board determines necessary. The human service zone director shall serve as presiding officer of the human service zone board as a nonappointed member.

**50-01.2-02. Members of county social service board - Term of office - Oath - Compensation. (Effective through December 31, 2019)**

The members of the county social service board serve a term of three years or until their successors have duly qualified. Terms of office must be arranged so the term of office of one member expires in one year, the term of one-half the remaining members the next year, and the term of the remaining members the third year. Each member of the board qualifies by taking the oath provided for civil officers. The oath must be filed with the county auditor. The appointing authority shall establish the rate of compensation for board members and actual expenses incurred by board members may be reimbursed at the official reimbursement rates of the appointing authority.

**Members of human service zone board - Term of office - Oath - Compensation. (Effective after December 31, 2019)** The appointed members of the human service zone board serve a term of three years or until their successors have duly qualified. The members appointed to the initial human service zone board of a human service zone, however, must be appointed to staggered terms determined according to the plan approved pursuant to section 50-01.1-03. Each appointed member of the human service zone board shall qualify by taking the oath provided for civil officers. The oath must be filed with the county auditor of the county of residency. The human service zone shall compensate appointed members of the human service zone board at a rate established by the host county commission, upon consultation with the other county commissions in the human service zone, consistent with the rate of compensation for members of other appointed boards within the member counties and not to exceed the compensation and expense reimbursement of members of the legislative assembly. The human service zone shall also pay members for mileage and actual expenses incurred in attending meetings and in other performance of official duties of the members in the amounts provided by law for other state officers.

**50-01.2-03. Duties of county social service board. (Effective through December 31, 2019)**

The county social service board of each county in this state shall:

1. Supervise and direct all human service activities conducted by the county including county general assistance or other public assistance.
2. Supervise and administer, under the direction and supervision of the department of human services, human services in the county which are financed in whole or in part with funds allocated or distributed by the department of human services.
3. Aid and assist in every reasonable way to efficiently coordinate and conduct human service activities within the county by private as well as public organizations.
4. Subject to subsection 16 of section 50-06-05.1, administer the supplemental nutrition assistance program in the county under the direction and supervision of the department of human services in conformity with the Food Stamp Act of 1964, as amended, and enter into an agreement for administering the supplemental nutrition assistance program with the department of human services.
5. Subject to subsection 18 of section 50-06-05.1, administer the home energy assistance program in the county under the direction and supervision of the department of human services and to enter into an agreement for administering the home energy assistance program with the department of human services.
6. Charge and collect fees and expenses for services provided by its staff in accordance with policies and fee schedules adopted by the department of human services.
7. Supervise and administer designated child welfare services under the direction and supervision of the department of human services. Through established procedures the department of human services may release the county social service board of this duty or the county social service board may request to be released from this duty by the department of human services. If a county is released from the county's duty to supervise and administer designated child welfare services under this subsection, the county retains its financial responsibility for providing those services unless otherwise negotiated and approved by the department.

**Duties of human service zone board. (Effective after December 31, 2019)** The human service zone board in this state shall:

1. Provide information to the department relative to the community needs of the human service zone residents and advocate to meet those needs.
2. Review services and programs provided by the human service zone and make periodic recommendations for improvement in services, programs, or facilities.
3. Aid and assist in every reasonable way to efficiently coordinate and conduct human service activities within the human service zone by private as well as public organizations.
4. Establish procedures for the review and approval of all claims against the human service zone human services fund.
5. Supervise and take other personnel actions related to the human service zone director with direct consultation and involvement from the department. Hire the human service zone director with the express approval of the department. Employment must be consistent with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department. A human service zone director must be hired by April 1, 2020.
6. Hear and act on employee grievances in accordance with the human service zone plan and in compliance with merit system requirements.

**50-01.2-03.1. Board may contract. (Repealed effective January 1, 2020)**

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.

**50-01.2-03.2. County duties.**

Each county social service board shall administer, under the direction and supervision of the department:

1. Locally administered economic assistance and social and human services programs;
2. Replacement programs with substantially similar goals, benefits, or objectives; and
3. When necessary, experimental, pilot, or transitional programs with substantially similar goals, benefits, or objectives.

**50-01.2-04. Removal of members of the board. (Effective through December 31, 2019)**

The board of county commissioners may adopt a resolution to remove a member of the county social service board without cause.

**Removal of members of the human service zone board. (Effective after December 31, 2019)** The appointing board of county commissioners may adopt a resolution to remove an appointed member of the human service zone board without cause. The board of county commissioners may not remove the human service zone director as presiding officer of the human service zone board.

**50-01.2-05. Actions and proceedings - Duty of state's attorney. (Effective through December 31, 2019)**

Any suit or other proceeding arising out of the administration of the laws pertaining to the support of persons eligible for county general assistance must be brought by or against the county in its corporate name. The state's attorney shall institute and conduct or defend any and all actions or proceedings that may be instituted under chapter 50-01.

Actions and proceedings - Duty of state's attorney. (Effective after December 31, 2019) Any suit or other proceeding arising out of the administration of the laws pertaining to the support of persons eligible for county general assistance or general assistance must be brought by or

against the county in its corporate name or human service zone. The state's attorney shall institute and conduct or defend any and all actions or proceedings that may be instituted under chapter 50-01.

**50-01.2-06. Standards of administration - Action upon failure to administer - Peer review committee - Appeal. (Repealed effective January 1, 2020)**

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.