

## **CHAPTER 54-44.5**

### **DIVISION OF COMMUNITY SERVICES**

**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 federal 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;
  - 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.

**54-44.5-02. Division of community services - Creation.** The division of community services is established in the department to provide technical assistance to local governments, state agencies, and the executive branch in the area of community and rural planning and

development, policy research and development, and grant program implementation. The commissioner shall appoint a director of the division upon the basis of education and experience. The position of director is not a classified position and the director shall serve at the pleasure of the commissioner. The director of the division may employ such other professional, technical, and clerical persons as may be necessary and may fix their compensation within the limits of legislative appropriation. All personnel within the division must be allowed their actual and necessary travel expenses at the same rate as for other employees of the state.

**54-44.5-03. Powers and duties of the director.** The director shall direct and supervise, with the approval of the commissioner, all the administrative and technical activities of the division.

**54-44.5-04. Division of community services - Powers and duties.** The division of community services shall:

1. Provide relevant information on pertinent topics and issues which relate to public policy development, interpretation, modification, and implementation.
2. Research, analyze, and recommend public policy for the office of management and budget and the executive office.
3. Coordinate public policy implementation within the state. Powers conferred upon departments, agencies, or instrumentalities of the state, counties, townships, or cities by any existing state or local law may not be derogated by this duty.
4. Develop state energy conservation policy and manage federal energy conservation program activities between all levels of the public and private sectors regarding the prudent and efficient use of energy resources.
5. Develop, implement, and administer federal categorical and block grant programs assigned to the division.
6. Advise, coordinate, and assist cities, political subdivisions, and the state in all phases of state and local planning for the physical development of the state.
7. Render financial assistance to any government planning agency within federal law or regulation.
8. Advise, consult, coordinate, assist, and contract with or on behalf of the various planning agencies in developing and harmonizing planning activities of the state.
9. Implement a state facility energy improvement program.

**54-44.5-05. Continuing appropriation.** There is hereby appropriated as a standing and continuing appropriation to the department for the purpose of carrying out the provisions of this chapter, including the administration of such provisions, all moneys returned as repayments of federal or other funds granted under the community development loan fund, and all earnings from the investment of such moneys, which may be received from time to time by the division. Administrative expenses may only be charged against such moneys to the extent permitted by federal law or regulations.

**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, 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.

**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] 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.

**54-44.5-08. State facility energy improvement program.** By August fifteenth of each odd-numbered year, the office shall inform all state agencies and institutions of the state facility energy improvement program. The office shall work with interested agencies and institutions to identify potential state facility energy improvement programs and select facilities for indepth energy audits designed to provide information on project costs along with estimated energy savings from implementation of those projects. The office shall notify affected utilities to discuss the potential impact on the utility and its customers of the proposed energy savings or conservation project. Upon completion of the energy audit, the office, in consultation with the interested agencies or institutions, shall submit a list of proposed projects to the governor, accompanied with the estimated cost of each project and energy savings resulting from the projects. The office shall submit a report listing the proposed energy savings or conservation projects to the governor by September first of each even-numbered year. The governor shall include the proposed energy efficiency or conservation projects in the biennial budget. The governor shall make available to the legislative assembly a report prepared by the office on each energy efficiency or conservation project, a description of the improvements to be financed, the estimated cost of each project, the total cost of the program, and the proposed method of financing the program. If the office proposes that evidences of indebtedness be issued to finance the energy efficiency or conservation improvements, the office shall provide an assurance that energy savings resulting from the improvements will be sufficient to equal or exceed the annual debt service of the evidences of indebtedness. In determining whether the energy savings will be sufficient to equal or exceed the annual debt service, the office, in consultation with the interested agencies or institutions, may analyze state agency utility data to identify potential projects; perform detailed energy audits of state facilities, including contracting for audits if necessary; and provide training to facility maintenance staff to ensure that sufficient cost-savings are realized

from projects to cover the debt service. The governor shall include in the executive budget recommendation for each state agency or institution participating in the state facility energy improvement program an estimate of the annual energy cost-savings expected for that agency, and, if needed, a projection of the debt service on program bonds that is apportioned to that agency. The executive budget recommendation must then reduce the current level of utility appropriations by the amount needed for debt service retirement and recommend an appropriation of that amount to the state building authority. Any appropriation of an amount needed for debt service retirement to the state building authority is not subject to the limitation contained in section 54-17.2-23.

**54-44.5-09. Office of renewable energy and energy efficiency.** The office of renewable energy and energy efficiency is established within the division of community services. The office shall assist in the development of renewable energy within this state to provide secure, diverse, sustainable, and competitive renewable energy supplies and promote the conservation of energy and the wise use of energy resources in both the public and private sectors. The office shall communicate and disseminate information concerning state and federal energy conservation and renewable energy incentives, including tax credits, financing and grants to business entities seeking to invest in wind-generated power and transmission, ethanol production and distribution; and the development of biodiesel, biomass, solar, hydropower, geothermal, and other renewable energy sources. The office shall also manage and distribute all production incentive payments as authorized by chapter 17-02.