

PUBLIC WELFARE

CHAPTER 241

H. B. No. 164—(House Committee On Public Welfare)

AID TO NEEDY BLIND

An Act to amend and re-enact Section 2 of Chapter 210 of the Session Laws for 1937 as amended by Section 1, Chapter 191, of the Session Laws for 1939, and to amend and re-enact Sections 3, 4 and 22 of Chapter 210 of the Session Laws for 1937, relating to aid to the needy blind; the amount of assistance, duties of the state agency, and the confidential nature of the records.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2 of Chapter 210 of the Session Laws for 1937 as amended by Section 1, Chapter 191, of the Session Laws for 1939, be amended and re-enacted to read as follows:

§ 2. ELIGIBILITY FOR ASSISTANCE.] Assistance shall be given under this act to any person who:

- (a) Is a citizen of the United States;
- (b) Is not less than eighteen (18) nor more than sixty-five (65) years of age, except that persons, whose ordinary subsistence needs are being provided for through a grant of old age assistance, may be considered eligible under this act for treatment to prevent blindness or to restore vision, as provided in Section 13 of this act, if, upon suitable investigation and consideration, such treatment is approved by the state agency;
- (c) Has resided in the State for not less than one year continuously immediately preceding application for assistance;
- (d) Has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential;
- (e) Has not sufficient income or other resources to provide a reasonable subsistence compatible with health and wellbeing;
- (f) Is not an inmate of or being maintained by any public institution at the time of receiving assistance. An inmate of such institution may, however, make application for such assistance but the assistance, if granted, shall not begin until after he ceases to be an inmate;
- (g) Has no child or other relative of sufficient financial ability to support the applicant and responsible under the law for the support of the applicant;

(h) Has not made an assignment or transfer of property so as to render himself eligible for assistance under this act.

§ 2. AMENDMENT.] That Section 3 of Chapter 210 of the Session Laws for 1937 be amended and re-enacted to read as follows:

§ 3. AMOUNT OF ASSISTANCE.] The amount of assistance which any recipient shall receive shall be determined, in accordance with the rules and regulations of the state agency, with due regard to his requirements and the conditions existing in his case and to the income and resources determined to be available to him from whatever source, and shall be sufficient, when added to such income and resources, to provide him with a reasonable subsistence compatible with health and wellbeing.

§ 3. AMENDMENT.] That Section 4 of Chapter 210 of the Session Laws for 1937 be amended and re-enacted to read as follows:

§ 4. DUTIES OF THE STATE AGENCY.] The State agency shall:

(a) Take such action and make such rules and regulations as may become necessary to entitle the State to receive aid from the Federal Government for assistance to the needy blind in North Dakota.

(b) Supervise the administration of assistance to the needy blind throughout the State of North Dakota.

(c) Take such action, give such directions and promulgate such rules and regulations as may be necessary or desirable to carry out the provisions of this act, including the adoption and application of suitable standards and procedures to insure uniform and equitable treatment of all applicants for blind assistance.

(d) Cooperate with the Federal Government in matters of mutual concern pertaining to assistance to the needy blind, including the adoption of such methods of administration as are found by the Federal Government to be necessary for the efficient operation of the plan for such assistance and to provide such qualified employees and representatives as may be necessary.

(e) Prescribe the form of and print and supply to the county agencies blanks for applications, reports and such other forms as it may deem necessary and advisable.

(f) Have authority to establish and maintain personnel standards on a merit basis for personnel employed by the state and the county public assistance agencies not covered by a state wide merit system or Civil Service Act.

(g) Make such reports in such form and containing such information as the Federal Government may from time to time require and comply with such provisions, rules and regulations as the Federal Government may from time to time find it necessary to make to assure the correctness and verification of such reports.

(h) Designate the procedure to be followed in securing a competent medical examination for the purpose of determining blindness in the individual applicant for assistance.

(i) Promulgate rules and regulations stating, in terms of ophthalmic measurements, the amount of visual acuity which an applicant may have and still be eligible for assistance under this act.

(j) Publish a biennial report and such interim reports as may be deemed necessary.

(k) Designate a suitable number of ophthalmologists, duly licensed to practice medicine in North Dakota and actively engage in the treatment of diseases of the human eye, to examine applicants and recipients of assistance to the blind.

(l) Fix and pay to ophthalmologists fees for examinations of applicants.

(m) Develop or cooperate with other agencies in developing measures for the prevention of blindness, the restoration of eyesight, and the vocational adjustment of blind persons.

§ 4. AMENDMENT.] That Section 22 of Chapter 210 of the Session Laws for 1937 be amended and re-enacted to read as follows:

§ 22. CONFIDENTIAL CHARACTER OF AID TO THE BLIND RECORDS.] The rule-making power of the State agency shall include the power to establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the State and county agencies. The use of such records, papers, files and communications by any other agency, department or government official to which they may be furnished shall be limited to the purposes for which they are furnished, and such office or official shall make adequate regulations or orders, consistent with the rules and regulations of the State agency, for the custody and use of such documents in its possession.

It shall be a misdemeanor, except for purposes directly connected with the administration of aid to the needy blind, and in accordance with the rules and regulations of the State agency, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files, or communications of the state or county or sub-divisions or agencies thereof, or acquired in the course of the performance of official duties.

Approved March 13, 1941.

CHAPTER 242

H. B. No. 157—(Fitch, Haugland and Bergesen)

CRIPPLED CHILDREN'S COMMISSION

An Act Creating a Crippled Children's Commission, defining its Powers and Duties, (Defining) the Powers and Duties of the Public Welfare Board in the Administration of Service for Crippled Childred in conformity with Title V, Part 2 of the Federal Social Security Act of 1935, as amended; Providing for and Authorizing Coordination of a Commission with and Supplementary to the Public Welfare Board of North Dakota; and declaring an Emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. PURPOSES.] The purposes of this Act are to promote services for crippled children in conformity with Title V, Part 2 of the Federal Social Security Act of 1935 and amendments thereto through the advice, assistance and cooperation which the Crippled Children's Commission can render to the Public Welfare Board in the administration of Crippled Children's Services authorized by Chapter 221 of the Session Laws of 1935, to define the duties and powers of the Crippled Children's Commission and the Public Welfare Board and the various county welfare boards created by Chapter 123, Laws of 1935, in relation thereto.

§ 2. DEFINITIONS.] The term "Commission" as used in this act shall mean a Crippled Children's Commission as herein created. The term "State Agency" as used in this act shall mean the Public Welfare Board of North Dakota as created and defined by Chapter 221, Laws of 1935. The term "county agency" as used in this act shall mean the county welfare boards of the several counties in the State as created and defined by Chapter 123, Laws of 1935.

§ 3. CRIPPLED CHILDREN'S COMMISSION.] There is hereby created a Crippled Children's Commission, which commission shall consist of three members, who shall be appointed by the Governor. Such appointment shall be made within thirty (30) days after the taking effect of this act; each commissioner shall hold office for three (3) years, excepting the first commission shall hold office as follows: that is, the Governor shall appoint one member for three years, one for two years and one for one year. Each member of the commission shall file an oath of office with the Secretary of State and shall hold such office for the full term for which he is appointed and until his successor is appointed and qualified. A member of the Commission may be removed by the Governor only for cause.

§ 4. ORGANIZATION MEETING.] Within sixty (60) days after this act takes effect, the Governor shall call the members thus appointed to meet at the State Capitol at Bismarck, North Dakota and the Commission shall organize by the election of a chairman.

§ 5. DUTIES.] The Commission is hereby authorized and empowered to advise and assist the State Agency in the administration of this act as well as assist and cooperate with the State Agency in any and all other requirements of the laws, rules and regulations administered by the State Agency for medical and social services for and education of crippled children and to render aid to the State Agency in the formulation of rules and regulations for the administration of this act, assist the State Agency in conducting hearings and in directing the expenditures of the funds provided for services for crippled children; the State Agency shall consult with the Commission with regard to the plans, policies, and methods of the State Agency for giving effect to this act, and especially in the matter of recommendations, questions of providing facilities for use in aiding and treating crippled children and institutions in which crippled children may be hospitalized; and educational institutions other than public schools meeting the requirements of this act, for the treatment, care, and education of crippled children designated qualified or coming under this act or any other act or law within the State of North Dakota.

§ 6. ADMINISTRATION.] Services for crippled children shall be administered by the State Agency with the advice and cooperation of the Commission. No member of the Commission shall receive any compensation for his services.

§ 7. DUTIES OF THE STATE AGENCY.] The State Agency shall:

(a) Cooperate with the Federal Government with the advice of the Commission in development of plans and policies for services for crippled children.

(b) Make such rules and regulations and take such action as may be necessary to entitle the State to receive aid from the Federal Government for services for crippled children in conformity with Title 5, Part 2, of the Federal Social Security Act or as amended:

(c) Take such actions, give such directions and promulgate such rules and regulations as may be necessary or desirable to carry out the provisions of this act, including the adoption and application of suitable standards and procedures to insure uniform and equitable treatment of all applicants for services for crippled children.

(d) Cooperate with the Federal Government in matters of mutual concern pertaining to services to crippled children, including the adoption of such methods of administration as are found by the Federal Government to be necessary for the efficient operation of the plan for such assistance and to provide such qualified employees and representatives as may be necessary.

(e) Establish a Merit System covering all State and county personnel engaged in the administration of this act who are not covered by a statewide merit system or Civil Service Act, and estab-

lish and enforce the necessary rules and regulations to maintain such merit system, as may be required under the provisions of the Federal Social Security Act.

(f) Make such reports in such form and containing such information as the Federal Government may from time to time require and comply with such provisions, rules and regulations as the Federal Government may from time to time find it necessary to make to assure the correctness and verification of such reports.

(g) Publish a biennial report and such interim reports as may be deemed necessary.

§ 8. BIRTH REPORT OF CRIPPLED CHILD.] Within three days after the birth in this state of a child born with a visible congenital deformity, every licensed maternity hospital or home in which such child with visible congenital deformity is born and each legally qualified physician or other person in attendance at the birth of any such child outside of a maternity hospital shall furnish the State Agency such reports as may be required by the State Agency concerning such child. Such report shall be confidential and shall be solely for the use of the State Agency in the performance of its duties and the same shall not be open to public inspection nor considered a public record except for the purposes herein contemplated. The information contained in such reports may be used by the State Agency for the care and treatment of the child pursuant to and for carrying into effect the provisions of this act. Any person or agency disclosing such confidential information except in furtherance of the provisions of this act shall upon conviction thereof be guilty of a misdemeanor and subject to a penalty of a fine not to exceed fifty dollars (\$50.00) and costs of such prosecution or imprisonment in a county jail for the term not to exceed thirty (30) days.

§ 9. DUTIES OF THE COUNTY AGENCIES.]

(a) The county agencies shall cooperate with the State Agency and the Commission in administering the provisions of this act in the respective counties subject to the rules and regulations prescribed by the State Agency pursuant to the provisions of this act.

(b) Make surveys and reports regarding crippled children in the various counties to the State Agency at such times and in such manner and form as the State Agency may from time to time direct.

(c) Provide for the transportation of crippled children to clinics for medical examination, and to hospitals or clinics for treatment.

§ 10. SEPARABLE CLAUSE.] If any section of this act shall be held unconstitutional, the remaining provisions shall be given full force and effect as if the part held unconstitutional had not been included therein.

§ 11. EMERGENCY.] An emergency is hereby declared to

exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 17, 1941.

CHAPTER 243

H. B. No. 161—(Committee on Public Welfare)

AID TO DEPENDENT CHILDREN

An Act to provide aid to dependent children, to authorize the State Public Welfare Board to administer such aid, to authorize the county welfare boards to administer such aid under the supervision of the State Public Welfare Board in the several counties, to authorize and require the Board of County Commissioners to appropriate funds and to make tax levies for aid to dependent children and to make partial reimbursement to the state of amounts expended by the State Public Welfare Board with respect to residents of the several counties under certain conditions, and to prescribe the duties of the State Public Welfare Board and the county welfare boards in the administration thereof, and repealing Chapter 209, Session Laws for 1937 and Chapter 194, Session Laws for 1939.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DEFINITIONS.] When used in this Act, the masculine pronoun in all cases includes the feminine, and the following terms shall have the following meanings, respectively:

(a) "State Agency" shall mean the State Public Welfare Board, created by Chapter 221 of the Session Laws for 1935.

(b) "County Agency" shall mean the county welfare boards in each of the counties of the state as created by Chapter 97, Session Laws for 1933, as amended by Chapter 123, Session Laws for 1935.

(c) "Assistance" shall mean money payments with respect to dependent children.

(d) "Applicant" shall mean a person or agency having the custody of a dependent child or children who is making application for aid for such children under the provisions of this act.

(e) "Dependent Child" shall mean any needy child under the age of eighteen years:

(1) who has been deprived of parental support or care by reason of the death, continued absence from the home or physical or mental incapacity of a parent; or

(2) who is abandoned by his parent, guardian, or custodian; or

(3) whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, medical or

surgical care or other care necessary for his health, morals or well-being.

§ 2. DUTIES OF THE STATE AGENCY.] The State agency shall:

(a) Take such action and make such rules and regulations as may become necessary to entitle the State to receive aid from the Federal Government for aid to dependent children in North Dakota.

(b) Supervise the administration of assistance to dependent children throughout the State of North Dakota.

(c) Take such actions, give such directions and promulgate such rules and regulations as may be necessary or desirable to carry out the provisions of this act, including the adoption and application of suitable standards and procedures to insure uniform and equitable treatment of all applicants for aid to dependent children.

(d) Cooperate with the Federal Government in matters of mutual concern pertaining to aid to dependent children, including the adoption of such methods of administration as are found by the Federal Government to be necessary for the efficient operation of the plan for such assistance and to provide such qualified employees and representatives as may be necessary.

(e) Prescribe the form of and print and supply to the county agencies blanks for applications, reports and such other forms as it may deem necessary and advisable.

(f) Have authority to establish and maintain personnel standards on a merit basis for personnel employed by the state and the county public assistance agencies not covered by a statewide merit system or Civil Service Act.

(g) Make such reports in such form and containing such information as the Federal Government may from time to time require and comply with such provisions, rules and regulations as the Federal Government may from time to time find it necessary to make to assure the correctness and verification of such reports.

(h) Publish a biennial report and such interim reports as may be deemed necessary.

§ 3. DUTIES OF COUNTY AGENCY.] County agencies shall:

(a) Administer the provisions of this Act in the respective counties, subject to the rules and regulations prescribed by the State Agency, pursuant to the provisions of this Act.

(b) Report to the State Agency at such times and in such manner and form as the State Agency may, from time to time, direct.

(c) Submit annually to the Board of County Commissioners a budget containing an estimate and supporting data, setting forth the amount of money needed to carry out the provisions of this Act.

(d) Cooperate with juvenile courts and licensed children's agencies.

§ 4. PRESERVE AND PROTECT RELIGIOUS FAITH.] It shall be the duty of the County and State Agencies to preserve and protect the religious faith of children coming under their jurisdiction.

§ 5. ELIGIBILITY FOR ASSISTANCE.] Aid to dependent children shall be granted under this Act with respect to any needy dependent child, as defined in Section 1 of this Act, who:

(a) Has resided in the State for one year immediately preceding the application for such assistance; or was born within the year immediately preceding application but has resided in the state from the time of birth and whose mother had resided in the State for so many months immediately preceding his birth as, added to the age of the child, aggregates one year immediately preceding the date of application; and is either:

(1) Living with a relative, by birth, marriage, or adoption, in a place of residence maintained by one or more of such relatives as his or their own home; and has been deprived of parental support or care by reason of the death, continued absence from home, or the physical or mental incapacity of a parent; or

(2) Living in a boarding home licensed under the laws of North Dakota or in a home maintained or selected by a child-caring or child-placing agency duly licensed under the laws of North Dakota to make child placements.

§ 6. AMOUNT OF ASSISTANCE.] The amount of assistance which shall be granted with respect to any dependent child shall be determined with due regard to his requirements and the conditions existing in his case and to the income and resources determined to be available to him from whatever source and shall be sufficient when added to such income and resources to provide him with a reasonable subsistence compatible with health and well-being.

§ 7. APPLICATION FOR ASSISTANCE.] Application for aid to dependent children under this act shall be made to the county agency in the manner and form prescribed by the State Agency and the application shall contain such information as the State Agency may require.

§ 8. INVESTIGATION.]

(a) Whenever a county agency shall receive an application for assistance under this Act, it shall promptly make an investigation and record of the circumstances of the applicant, or child, or both, in order to ascertain the facts supporting the application and to obtain such other information as may be required by the rules and regulations of the State Agency.

(b) The county agencies, the State Agency, and the officials and employees of such agencies charged with the administration and enforcement of this act, may conduct examinations, require the attendance of witnesses and the production of books, records, and

papers, and make application to the District Court of the County to compel the attendance of witnesses and the production of such books, records, and papers. The officers and employees designated by the County agencies or the State agency may administer oaths and affirmations.

§ 9. AWARD OF ASSISTANCE.] Upon the completion of the investigation the county agency shall determine in accordance with the rules and regulations of the State Agency whether the applicant is eligible for assistance under the provisions of this Act, the amount of assistance he shall receive and the date upon which such assistance shall begin. In all cases, a statement of the findings of the County agency shall forthwith be transmitted to the State Agency.

§ 10. REDETERMINATION OF AWARDS.] Awards of assistance may be changed or withdrawn whenever the circumstances have altered sufficiently to warrant such action. If at any time during the continuance of aid to dependent children the recipient thereof becomes possessed of income or resources in excess of the amount previously reported by him, he shall notify the county agency of this fact immediately on the receipt or possession of such additional income or resources.

§ 11. CONFIDENTIAL CHARACTER OF AID TO DEPENDENT CHILDREN RECORDS.] The rule-making power of the State Agency shall include the power to establish and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the State and county agencies. The use of such records, papers, files, and communications by any other agency, department, or government official to which they may be furnished shall be limited to the purposes for which they are furnished, and such office or official shall make adequate regulations or orders, consistent with the rules and regulations of the State Agency for the custody and use of such documents in its possession.

It shall be a misdemeanor, except for purposes directly connected with the administration of aid to dependent children, and in accordance with the rules and regulations of the State Agency, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files, or communications of the State or county or sub-divisions or agencies thereof, or acquired in the course of the performance of official duties.

§ 12. APPEAL AND FAIR HEARING.] An applicant or recipient aggrieved because of a county agency's decision or delay in making a decision shall be entitled to appeal to the State Agency in the manner prescribed by the State Agency and shall be afforded a reasonable notice and opportunity for a fair hearing by the State

Agency. The State Agency may, on its own motion, review individual cases and make determinations which shall be binding upon the county agency. An applicant or recipient aggrieved by any such determination, upon request, shall be afforded reasonable notice and opportunity for a fair hearing by the State Agency. All decisions of the State Agency made on an appeal shall be final and shall be binding upon and shall be complied with by the county agency.

§ 13. ASSISTANCE FOR DEPENDENT CHILDREN NOT ASSIGNABLE.] Assistance awarded under this Act shall not be transferable or assignable at law or in equity, and none of the money paid or payable under this Act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

§ 14. AID TO DEPENDENT CHILDREN FUND.] The State Agency shall have the administration of all funds appropriated or made available to it for the purpose of carrying out the provisions of this Act.

The State Agency shall establish a fund to be known as "North Dakota Aid to Dependent Children Fund." All moneys that shall be received by the State Agency for aid to dependent children purposes from the State of North Dakota, from any of the counties within the State or from the United States under the provisions of the Social Security Act, or from any other source, shall be placed in such fund. Disbursements from such fund shall be made only for the purposes of this act and only upon checks or vouchers drawn pursuant to the direction and authority of the State Agency. The State Agency shall issue in triplicate receipts for all moneys received for aid to dependent children; such receipts shall show the dates upon and sources from which the money was received and there shall be delivered forthwith to the person, officer or agent making payment a receipt for such payment.

§ 15. DISBURSEMENTS OF AID TO DEPENDENT CHILDREN FUND.]

(a) All payments for aid to dependent children and all payments for expenses of the State Agency incident to the administration of aid to dependent children in North Dakota shall be made by checks or warrants drawn on the Aid to Dependent Children Fund. Such checks or warrants shall be drawn only by persons who are duly authorized so to do by resolution of the Public Welfare Board of North Dakota.

(b) All persons having any control over or who handle any money of the Aid to Dependent Children Fund shall be bonded in such sum as the State Public Welfare Board by resolution may require.

(c) All bills for the care of dependent children maintained in a licensed boarding home or under the custody of a child-caring

or child-placing agency shall be submitted to the State Agency by the person or agency in whose care the child has been placed. Such bills shall be subject to the audit and approval of the State Agency.

§ 16. APPROPRIATION OF COUNTY FUNDS.] For the purpose of carrying out the provisions of this Act, the Board of County Commissioners of each county shall annually appropriate and make available an amount sufficient to carry out the provisions of this Act, including local expenses of administration and the county's share of assistance payments as specified in Section 17 of this Act. If the financial condition of any county is such that it cannot make an appropriation or levy a tax for aid to dependent children or cannot legally issue warrants in an amount sufficient to provide the necessary funds to comply with the provisions of this Act, the Board of County Commissioners shall report such fact to the State Agency. After a hearing before the State Agency, and such investigation as the State Agency may make, the State Agency may increase the amount to be supplied from State funds and adjust accordingly the amount to be supplied from county funds.

§ 17. REIMBURSEMENT PROCEDURE.]

(a) Each county shall reimburse the State Agency for one-half of the amount expended for aid to dependent children in such county, in excess of the amount provided by the Federal government for assistance payments to dependent children.

(b) The State Agency shall keep records and accounts in relation to the expenditures for aid to dependent children in each county in North Dakota.

(c) Claims for reimbursement shall be presented by the State Agency to the Board of County Commissioners at the end of each calendar month. The State Agency shall certify to each county the total amount paid with respect to aid to dependent children eligible for aid from that county, and the county's share of such payments; and the amount so certified shall be paid to the Public Welfare Board by the County Treasurer upon the audit and approval of the claim in the manner provided by law.

§ 18. FRAUDULENT ACTS.] Whoever knowingly obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device,

(a) Assistance to which he is not entitled;

(b) Assistance greater than that to which he is justly entitled; shall be punished by a fine of not more than Five Hundred Dollars or imprisonment for not more than one year in the State Penitentiary or the County Jail, or by both such fine and imprisonment. In assessing the penalty, the Court shall take into consideration the amount of money fraudulently received.

§ 19. REPEAL.] Chapter 209, Laws of 1937 and Chapter 194, Laws of 1939 are hereby repealed. All other acts or parts of acts in conflict herewith are hereby repealed.

§ 20. LIMITATIONS OF ACT.] All assistance awarded under this Act shall be deemed to be awarded and to be held subject to the provisions of any amending or repealing act which may hereafter be passed, and no recipients shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

Approved March 13, 1941.

CHAPTER 244

H. B. No. 163—(House Committee on Public Welfare)

OLD AGE ASSISTANCE, AMENDMENT

An Act to amend and re-enact Sections 4, 18, and 21 of Chapter 211 of the Session Laws for 1937, pertaining to the duties of the State Agency, the confidential character of old age assistance records, and the distribution of amounts recovered from the estates of recipients of old assistance.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 4 of Chapter 211 of the Session Laws for 1937 be hereby amended and re-enacted to read as follows:

§ 4. DUTIES OF THE STATE AGENCY.] The State Agency shall:

(a) Take such action and make such rules and regulations as may become necessary to entitle the State to receive aid from the Federal Government for assistance to the needy aged in North Dakota.

(b) Supervise the administration of assistance to the needy aged throughout the State of North Dakota.

(c) Take such actions, give such directions and promulgate such rules and regulations as may be necessary or desirable to carry out the provisions of this act, including the adoption and application of suitable standards and procedures to insure uniform and equitable treatment of all applicants for old age assistance.

(d) Cooperate with the Federal Government in matters of mutual concern pertaining to assistance to the needy aged, including the adoption of such methods of administration as are found by the Federal Government to be necessary for the efficient opera-

tion of the plan for such assistance and to provide such qualified employees and representatives as may be necessary.

(e) Prescribe the form of and print and supply to the county agencies blanks for applications, reports and such other forms as it may deem necessary and advisable.

(f) Have authority to establish and maintain personnel standards on a merit basis for personnel employed by the state and county public assistance agencies not covered by a statewide merit system or Civil Service Act.

(g) Make such reports in such form and containing such information as the Federal Government may from time to time require and comply with such provisions, rules and regulations as the Federal Government may from time to time find it necessary to make to assure the correctness and verification of such reports.

(h) Publish a biennial report and such interim reports as may be deemed necessary.

§ 2. AMENDMENT.] That Section 18 of Chapter 211 of the Session Laws for 1937 be hereby amended and re-enacted to read as follows:

§ 18. CONFIDENTIAL CHARACTER OF OLD AGE ASSISTANCE RECORDS.] All applications, information and records concerning any applicant or recipient shall be confidential and shall not be disclosed nor used for any purpose except for purposes directly connected with the administration of old age assistance. Any person using any application, information or records concerning any applicant or recipient for purposes not directly connected with the administration of old age assistance shall be guilty of a misdemeanor.

§ 3. AMENDMENT.] That Section 21 of Chapter 211 of the Session Laws for 1937 be hereby amended and re-enacted to read as follows:

§ 21. RECOVERY FROM THE ESTATE.] On the death of any recipient, the total amount of assistance paid under this act shall be allowed as a preferred claim against the estate of such person in favor of the state, after funeral expenses, not to exceed one hundred twenty-five dollars (\$125.00) have been paid and after the expense of administering the estate has been paid. No claim shall be enforced against any real estate of a recipient while it is occupied by the surviving spouse or a dependent, nor shall any claim be enforced against any personal property, necessary for the support, maintenance or comfort of the surviving spouse or a dependent.

The Federal Government shall be entitled to a share of any amounts collected from any recipient or from his estate. The net amount so recovered shall promptly be deposited in the North Dakota Old Age Assistance Fund and credited respectively to the Federal Government, the State and the county in proportion to the amounts

which the assistance payments represented funds contributed by the Federal Government, State and County.

Personal effects, ornaments or keepsakes of the deceased, not exceeding in value two hundred dollars (\$200.00) shall not be subject to the claim against the estate of the recipient, provided for by this section.

Approved March 17, 1941.

REPEALS

CHAPTER 245

H. B. No. 128—(Shure, Beede, and Aker)
Special Committee on Code Revision

QUINNESS PATENT BUTTER

An Act to Repeal Section 10197 and 10199 of the Compiled Laws of North Dakota Relating to Quinness Patent Butter and to Patent Butter and Cheese.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. REPEAL.] That Sections 10197 and 10199 of the 1913 Compiled Laws of the State of North Dakota are hereby repealed.

Approved March 14, 1941.

CHAPTER 246

S. B. No. 48—(Page)

GRAIN STORAGE COMMISSIONER, REPEAL

An Act to repeal Chapter 138 of the Session Laws of the State of North Dakota for the year 1929 creating the office of Grain Storage Commissioner.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. REPEAL.] That Chapter 138 of the Session Laws of the State of North Dakota for the year 1929 be and the same is hereby repealed.

Approved February 20, 1941.