

PUBLIC WELFARE

CHAPTER 283

Senate Bill No. 163
(O'Brien, Reinke, Bilden and Welanders)

REIMBURSEMENT OF COUNTY GIVING NON-RESIDENT POOR RELIEF

AN ACT

To amend and reenact section 50-0113, of the North Dakota Revised Code of 1943, providing for reimbursement of county where poor person is a non-resident, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 50-0113 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0113. MEDICAL ATTENTION AND HOSPITALIZATION FURNISHED POOR.) In case of necessity, the county welfare board promptly shall provide medical and surgical attention for any poor person in the county who is not provided for in a public institution. In a county where a county physician has been appointed on an annual salary, such physician shall be called to attend such poor person. The county welfare board shall cause to be furnished to such poor person the medicines prescribed by the physician. In all cases where, in the opinion of the county welfare board, hospitalization is necessary, it shall be furnished by the county upon approval or subsequent ratification by the county physician and the board, or by the board in a county having no county physician. Where such poor person is a nonresident of the state, the county furnishing such medical or surgical attention from and after January 2, 1951, shall be reimbursed from the public welfare fund of the state for 80% of the expenses incurred in carrying out the provisions of this section. Such reimbursement shall be made upon vouchers having the approval of the state public welfare board.

§ 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 7, 1951.

CHAPTER 284

H. B. No. 795
(Baker)

COUNTY RESIDENCE FOR POOR RELIEF

AN ACT

To amend and reenact section 50-0204 of the North Dakota Revised Code of 1943, relating to residence in counties; how gained.

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

§ 1. AMENDMENT.) Section 50-0204 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0204. RESIDENCE IN COUNTIES; HOW GAINED.) If no type of public assistance or poor relief, whether county, state (or federal, has been received, residence in a county, for poor relief purposes, shall be gained as follows:

1. Each male person, and each unmarried female, over the age of twenty-one years, who has resided one year continuously in any county in this state, shall be deemed to have residence in such county;
2. Each person who has resided one year continuously in the state, but not in any one county, shall have a residence in the county in which he or she has longest resided within such year;
3. Every minor not emancipated and settled in his own right shall have the same residence as the parent with whom he has last resided.
4. For the purposes of this section the time spent while receiving institutional care in any state licensed home for the aged, infirm, neglected or indigent shall not be included in the computation of time necessary to establish residence hereunder.

Approved March 8, 1951.

CHAPTER 285

House Bill No. 651

(Sailer, Bentz, Robinson, Hafner, Bubel and Thompson)

COUNTY REIMBURSEMENT FOR PUBLIC ASSISTANCE TO
NON-RESIDENTS OCCASIONED BY FEDERAL PROJECTS

AN ACT

To provide for the reimbursement to the counties by the Public Welfare Board of North Dakota of all public assistance to certain persons living or residing in North Dakota by reason of the construction of federal projects of such magnitude as to attract to any county large numbers of persons from outside such county, and declaring an emergency.

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

§ 1.) Whenever there is in process of construction in or adjacent to any county of this state a federal project of such magnitude as to attract to such county a large number of persons from outside such county, who are non-residents of the state or who have gained residence in such counties, all public assistance aid to such non-residents of the state or persons who have gained residence in such counties by reason of such federal project shall be financed solely by the State of North Dakota out of the public welfare fund and not by the county in which such persons may live or reside. The county welfare board shall furnish such public assistance in each case and shall be promptly reimbursed by the public welfare board from the public welfare fund for all such public assistance payments made by the county. Such application for reimbursement shall be made upon vouchers having the approval of the public welfare board.

§ 2.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 24, 1951.

CHAPTER 286

H. B. No. 571
(Legislative Research Committee)
at the request of
(The Public Welfare Board)

NEEDY BLIND, EXAMINATION

AN ACT

To amend and reenact sections 50-0801 as amended by chapter 279 of the Session Laws of 1945, subsections 13 and 14 of section 50-0802, 50-0808, 50-0819 and 50-0820 of the North Dakota Revised Code of 1943, relating to aid to the needy blind.

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

§ 1. AMENDMENT.) Section 50-0801 of the North Dakota Revised Code of 1943 as amended by chapter 279 of the Session Laws of 1945 is hereby amended and reenacted to read as follows:

50-0801. DEFINITION:.) In this Chapter unless the context or subject matter otherwise clearly requires:

1. "State agency" means the public welfare board of North Dakota;
2. "County agency" means the county welfare board in each of the several counties of the state;
3. "Applicant" means a person who has applied for aid to the blind;
4. "Recipient" means a person who has received assistance under the terms of this Chapter;
5. "Assistance" means money payments to or goods and services provided for needy blind persons;
6. "Ophthalmologist" means a physician licensed to practice medicine in this state and who is actively engaged in the treatment of diseases of the human eye;
7. "Supplementary services" means services other than money payments to blind persons in need as provided in this Chapter;
8. "Physician skilled in the diseases of the eye" means a physician licensed to practice medicine in this state, who is actively engaged in the treatment of diseases of the human eye and is a specialist in the treatment of diseases of the eye, ear, nose and throat; and

9. "Optometrist" means a person duly certified by the North Dakota state board of optometry to practice optometry in this state.

§ 2. AMENDMENT.) Subsections 13 and 14 of section 50-0802 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

13. Designate a suitable number of ophthalmologists, physicians skilled in the diseases of the eye, and optometrists, duly licensed to practice in North Dakota and actively engaged in the treatment of diseases or defects of the human eye, to examine applicants and recipients of assistance to the blind;
14. Fix and pay to ophthalmologists, physicians skilled in the diseases of the eye, and optometrists, fees for examinations of applicants;

§ 3. AMENDMENT.) Section 50-0808 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0808. EXAMINATION BY OPHTHALMOLOGISTS, PHYSICIAN SKILLED IN THE DISEASES OF THE EYE, OR OPTOMETRIST BEFORE APPROVAL OF APPLICATION.) No application for assistance under the provisions of this chapter shall be approved until the applicant has been examined by an ophthalmologist, physician skilled in the diseases of the eye, or optometrist designated or approved by the state agency to make examinations. The examining ophthalmologist, physician skilled in the diseases of the eye, or optometrist shall certify in writing, upon forms provided by the state agency, the findings of the examination.

§ 4. AMENDMENT.) Section 50-0819 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0819. ASSISTANCE MAY BE DENIED WHEN APPLICANT REFUSES TREATMENT; APPEAL.) Assistance under this chapter may be denied to any person who refuses medical, surgical, or other treatment when his eyesight may be restored partially or wholly by such treatment, and a certificate in writing to that effect is made by the examining ophthalmologist, physician skilled in the diseases of the eye. Any person denied assistance upon this ground may appeal to the state agency in the manner provided in section 50-0817.

§ 5. AMENDMENT.) Section 50-0820 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0820. SUPPLEMENTARY SERVICES; WHEN PROVIDED.) On the basis of the findings of the examination made by the ophthalmologist or physician skilled in the diseases of the eye, supplementary services may be provided by the state agency to any applicant or recipient of assistance who is in need of treatment either to prevent blindness or to restore his eyesight whether or not he is blind as defined in section 50-0803, if he otherwise is qualified for assistance under this chapter. The supplementary services may include necessary traveling and other expenses to receive treatment from a hospital or clinic designated by the state agency.

Approved March 9, 1951.

CHAPTER 287

H. B. No. 696
(Committee on Social Welfare)

ELIGIBILITY OF NEEDY BLIND FOR PUBLIC ASSISTANCE

AN ACT

To amend and reenact subsection 5 of section 50-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to aid to the needy blind; providing that in determining need the first fifty dollars of earned income shall be disregarded.

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

§ 1. AMENDMENT.) Subsection 5 of section 50-0803 of the 1949 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

5. Has not sufficient income or other resources to provide a reasonable subsistence compatible with health and well-being, providing that the state agency shall, in determining need, disregard the first fifty dollars per month of earned income;

Approved February 23, 1951.

CHAPTER 288

H. B. No. 568
(Legislative Research Committee)
at the request of
(The Public Welfare Board)

AID TO DEPENDENT CHILDREN; INVESTIGATION;
REPORT TO STATE'S ATTORNEY

AN ACT

To amend and reenact section 50-0907 of the North Dakota Revised Code of 1943, relating to aid to dependent children, and providing for investigations by the county agency.

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

§ 1. AMENDMENT.) Section 50-0907 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0907. INVESTIGATION BY COUNTY AGENCY; REPORT TO STATES ATTORNEY.) Whenever a county agency shall receive an application for assistance, or assistance has been granted, under this chapter, the agency promptly shall make an investigation and record of the circumstances of the applicant, or child, or both, in order to ascertain the facts supporting the application, or the granting of assistance, and shall obtain such other information as may be required by the rules and regulations of the state agency. If the county agency shall find that assistance has become necessary by reason of the desertion of one or both parents, the agency shall advise the states attorney of that fact and shall furnish to him the name or names of the offending parent or parents together with their last known address.

Approved February 23, 1951.

CHAPTER 289

H. B. No. 572
(Legislative Research Committee)
at the request of
(The Public Welfare Board)

CHILD PLACING AGENCIES; LICENSING, ETC.

AN ACT

To amend and reenact sections 50-1202, 50-1203, 50-1205, 50-1206, 50-1207, 50-1208, 50-1210, 50-1211, 50-1212, 50-1213, 50-1214, 50-1215, 50-1216 and 50-1217 of the North Dakota Revised Code of 1943, relating to child-placing agencies.

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

§ 1. AMENDMENT.) Section 50-1202 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1202. CHILD -PLACING AGENCY LICENSED.) Every child-placing agency shall secure a license annually from the public welfare board.

§ 2. AMENDMENT.) Section 50-1203 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1203. REQUIREMENTS FOR LICENSE; TERM.) Licenses for the conduct of child-placing agencies shall be issued by the public welfare board upon application and shall be granted for a period not exceeding one year. Such licenses shall be issued to reputable and responsible applicants upon a showing that they, and their agents, are equipped properly by training and experience to find and select suitable temporary or permanent homes for children, and to supervise such homes when children are placed in them, to the end that the health, morality, and general well-being of children placed by them will be properly safeguarded.

§ 3. AMENDMENT.) Section 50-1205 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1205. BOARD MAY PRESCRIBE FORM OF RECORDS; MAKE RULES; RECORDS OPEN FOR INSPECTION.) The public welfare board may prescribe the forms for the registration and record of children placed by a child-placing agency. The board shall make such

reasonable rules and regulations in connection with such placements as are necessary to carry out the purposes of this chapter. All records shall be open to the inspection of the board.

§ 4. AMENDMENT.) Section 50-1206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1206. PLACEMENT CONTRACT.) Every child-placing agency upon placing a child in a foster home shall enter into a written agreement with the persons taking the child which shall provide:

1. The placing agency shall have access at all reasonable times to such child and to the home in which he is living; and
2. For the return of the child to the placing agency whenever in the opinion of such agency, or of the public welfare board, the best interests of the child shall require.

§ 5. AMENDMENT.) Section 50-1207 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1207. DUTIES OF LICENSEE.) Every licensee shall:

1. Keep a full record and social history of each child received for placement and a similar record and history of his family;
2. Report to the public welfare board:
 - a. The name and address of each child to be placed in a permanent foster home.
 - b. The name and address of the proposed foster parents;
 - c. Such other facts and information as shall be requested by the board;
3. Visit the proposed foster home at frequent intervals and make all necessary inquiries and investigations as may be necessary to determine whether the child will become properly adjusted in said home; and
4. Continue to visit and supervise each placement as often as may be required by the board and report in writing to the board the conditions as ascertained by such visit.

§ 6. AMENDMENT.) Section 50-1208 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1208. CHILD MUST BE PLACED IN SUITABLE HOME; PUBLIC WELFARE BOARD MAY REMOVE CHILD.) A child shall not be placed

in any foster home until adequate investigation has been made as to the suitability of the proposed foster parents and their home surroundings. Whenever the public welfare board is satisfied that a child has been placed in an unsuitable home it shall order the child-placing agency, in writing, to remove the child and place it in a home which meets with the approval of the public welfare board. If within a reasonable period of time it appears that suitable arrangements have not been made for the care of the child, the board shall refer the child to the county welfare board of the county in which the child has legal settlement. The county welfare board shall make immediate arrangements, subject to the approval of the public welfare board, for the care and support of the child. If the child has no legal settlement within the state, or in case of a dispute as to the determination of his legal settlement or responsibility for his support, the child shall be brought before a juvenile court as a dependent child in the county in which he is found, as provided by law.

§ 7. AMENDMENT.) Section 50-1210 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1210. REVOCATION OF LICENSE: GROUNDS FOR.) The public welfare board may revoke the license of any child-placing agency upon a proper showing that:

1. Any of the conditions set forth in section 50-1203 as prerequisites for the issuance of the license no longer exist;
2. The license was issued upon fraudulent or untrue representations;
3. The licensee has violated any of the rules and regulations of the public welfare board; or
4. The licensee has been guilty of the violation of any state law disclosing moral turpitude.

§ 8. AMENDMENT.) Section 50-1211 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1211. REVOCATION OF LICENSE: FALSE REPORTS.) If any child-placing agency licensed under the provisions of this chapter shall make any false or misleading report to the public welfare board, the license shall be suspended immediately. Upon hearing before the board, if such false or misleading reports are found to have been made, the license forthwith shall be revoked.

§ 9. AMENDMENT.) Section 50-1212 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1212. DENIAL OR REVOCATION OF LICENSE; HEARING.) Before any application for license to conduct a child-placing agency shall be denied, or before the revocation of any such license shall take place, written charges as to the reasons therefor shall be served upon the applicant or licensee. Such applicant or licensee shall have the right to a hearing before the public welfare board, if such a hearing is requested, within thirty days after service of the written charges.

§ 10. AMENDMENT.) Section 50-1213 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1213. APPEAL FROM DENIAL OR REVOCATION OF LICENSE.) There shall be an appeal from any decision of the public welfare board denying an application for a license to conduct a child-placing agency or revoking a license. Such appeal shall be taken in the manner provided in chapter 32 of the title Judicial Procedure, Civil.

§ 11. AMENDMENT.) Section 50-1214 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1214. FOREIGN ASSOCIATIONS PLACING CHILDREN IN STATE: (CONSENT OF PUBLIC WELFARE BOARD REQUIRED.) Any person, partnership, voluntary association, or corporation undertaking to bring or send a child from any other state into this state for placement in a family home or institution shall obtain prior written consent from the public welfare board for each child so placed. Such consent shall be conditioned upon the acceptance and observance of the following requirements:

1. No child will be brought into the state if he is incorrigible, unsound of mind or body, or likely to become a public charge;
2. Any child so brought in will be removed promptly upon notice from the board;
3. Upon the placing of a child brought into the state in a family home, a report will be made to the board; and
4. All provisions of the statutes of the state, relating to the placement of children will be complied with.

§ 12. AMENDMENT.) Section 50-1215 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1215. RESIDENT MAY BRING CHILD INTO STATE FOR PERMANENT CARE; REPORT.) The provisions of section 50-1214 shall

not apply to a resident of the state, who personally brings a child into the state for permanent care or adoption into his own family. He shall report to the public welfare board:

1. His own name and address;
2. The name of the child; and
3. The name and address of the person, organization or institution from which the child was received.

§ 13. AMENDMENT.) Section 50-1216 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1216. TAKING CHILDREN FROM STATE FOR PLACEMENT IN FAMILY HOMES; CONSENT OF PUBLIC WELFARE BOARD; REPORT.) No person, partnership, voluntary association, or corporation shall take or send any child out of the state for placement in a family home in another state without first securing the consent of the public welfare board so to do and without first reporting to the board:

1. The name and address of the child to be taken or sent;
2. The name and address of the family which is to receive the child; and
3. Such other information concerning the family and the child as the board may require.

This section shall not apply to a parent who personally removes his child from the state.

§ 14. AMENDMENT.) Section 50-1217 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-1217. PENALTY.) No person shall place any child other than his or her own in family homes for adoption or otherwise without a license so to do from the public welfare board. Every person who violates any provision of this chapter is guilty of a misdemeanor.

Approved February 23, 1951.

CHAPTER 290

S. B. No. 57
(Legislative Research Committee)
at the request of
(The Public Welfare Board)

AID TO THE PERMANENTLY AND TOTALLY DISABLED

AN ACT

To provide aid to the permanently and totally disabled.

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

§ 1. DEFINITIONS.) In this Act, unless the context or subject matter otherwise requires:

1. "State agency" shall mean the public welfare board of North Dakota;
2. "County agency" shall mean the county welfare board in each of the several counties of the state;
3. "Applicant" shall mean a person who has applied for aid under this Act;
4. "Recipient" shall mean any person who has received aid under the terms of this Act;
5. "Aid" shall mean money payments to, or goods and services provided for disabled persons as provided in this Act;
6. "Disabled person" shall mean a person who is permanently and totally disabled and who lacks sufficient income or other resources to provide himself a reasonable subsistence compatible with decency and health; and
7. "Fund" shall mean the North Dakota aid to the permanently and totally disabled fund.

§ 2. DUTIES OF THE STATE AGENCY.) The state agency shall:

1. Take such action and make such rules and regulations as may become necessary to entitle the state to receive federal government assistance in providing aid to disabled persons in North Dakota;
2. Supervise the administration of aid to disabled persons throughout the state.

3. 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 aid;
4. Cooperate with the federal government in matters of mutual concern relating to aid to disabled persons, including adoption of such methods of administration as may be required by the federal government;
5. Provide such qualified employees and representatives as may be necessary;
6. Prescribe the form of and print for and supply to the county agencies blanks for applications, reports, and such other forms as it may deem necessary and advisable;
7. 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 state-wide merit system;
8. Make such reports in such form and containing such information as the federal government may from time to time require;
9. Comply with such provisions, rules, and regulations as the federal government, from time to time, may find it necessary to make to assure the correctness and verification of such reports; and
10. Publish a biennial report and such interim reports as may be deemed necessary.

§ 3. ELIGIBILITY FOR AID TO DISABLED PERSONS.) Aid shall be granted under this Act to any person who:

1. Has resided in the United States for ten years, or is a citizen of the United States;
2. Has attained the age of eighteen years but has not reached his sixty-fifth birthday;
3. Has continuously resided in North Dakota for one year immediately preceding his application for aid;
4. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;
5. Is not an inmate of, nor maintained by, any municipal, state, or national institution, except as a patient in a public medical institution; is not a patient in any institu-

tion for tuberculosis or mental diseases; and is not a patient in a medical institution as the result of a diagnosis of tuberculosis or psychosis; the state agency, however, may authorize payments to residents of institutions approved by the state agency;

6. Has no child or other relative of sufficient financial ability to support him, who is responsible under the law for his support, provided, that the refusal or neglect of legally responsible relatives to provide necessary assistance shall not make such applicant ineligible for aid to disabled persons;
7. Has not at any time before or after making application for aid made any assignment or transfer of property for the purpose of rendering himself eligible for aid under this plan; and
8. Is not receiving old age assistance, aid to dependent children, or aid to the blind.

§ 4. RESIDENCE OF APPLICANT; HOW DETERMINED.) The question as to the residence of an applicant for aid to disabled persons shall be determined by the rules and regulations prescribed in sections 50-0201 to 50-0207 of the North Dakota Revised Code of 1943, inclusive. A county in which an applicant has a residence for poor relief purposes will be deemed the county of his residence for the purpose of application for such aid.

§ 5. OWNERSHIP OF PROPERTY OR INSURANCE POLICY DOES NOT PRECLUDE GRANTING OF AID; TRANSFERRED IN TRUST.) The ownership of real or personal property by an applicant for aid, or by the spouse of such applicant, either individually or jointly, or of insurance on the life of the applicant shall not preclude the granting of aid if the applicant is without funds for his support. But if the applicant is the owner of real property, other than a homestead, or a life insurance policy having a cash surrender value of more than three hundred dollars, or of personal property other than household goods, wearing apparel, and personal effects, of a value in excess of two hundred dollars, then the applicant, as a condition to the grant of aid, shall be required to transfer such property in trust by appropriate instrument as security for such aid as the applicant thereafter may receive, unless the congress of the United States shall enact legislation prohibiting the taking of security on either real or personal property belonging to the applicant.

§ 6. LIFE INSURANCE POLICY; AGREEMENT FOR PAYMENT OF PREMIUMS.) If an applicant for aid has a policy of insurance or

a fraternal beneficiary certificate on his life the county agency may recommend and the state agency may authorize premiums upon such insurance policy or beneficiary certificate paid out of the aid granted. The county agencies may enter into such arrangements with the insured as will protect the interest of the insured and the interests of the state and assure repayment to the state, upon the death of the insured, of not less than the premium payments so made after funeral expenses of not to exceed one hundred fifty dollars have been paid.

§ 7. HOMESTEAD OF APPLICANT FOR AID NOT REQUIRED TO BE TRANSFERRED.) In no case shall an applicant for aid be required to transfer a homestead occupied by such applicant unless he or she desires to do so. A recipient of aid to the permanently and totally disabled shall not be permitted to encumber or convey such homestead without the written approval of the state agency. When an application for aid is granted and it appears that the applicant occupies a homestead owned by the applicant the state agency shall cause to be recorded, in the office of the register of deeds of the county in which the homestead is located, a statement in writing to the effect that the owner of such homestead is receiving aid to disabled persons. Such written statement shall be signed by the executive director of the state agency. After the recording of such statement, any instrument of conveyance or encumbrance executed by such applicant without the approval of the state agency shall be null and void. No fee shall be charged by the register of deeds for recording such statement.

§ 8. APPLICATION FOR AID.) An application for aid shall be made to the county agency of the county in which the applicant resides. It shall be in writing or reduced to writing in the manner and upon the form prescribed by the state agency and shall be verified by the oath of the applicant. The application shall contain:

1. A statement of the amount of property, both personal and real, which the applicant owns or has an interest in;
2. A statement of all the income which the applicant has at the time of filing of the application; and
3. Such other information as may be prescribed by the state agency.

§ 9. INVESTIGATION OF APPLICATIONS.) Whenever a county agency receives an application for aid, an investigation of the circumstances of the applicant shall be made with reasonable promptness and the agency shall ascertain:

1. The facts supporting the application; and

2. Such other information as may be required by the state agency.

§ 10. POWER OF COUNTY AND STATE AGENCY IN MAKING INVESTIGATION.) In making an investigation of an application for aid, the county agency and the state agency and the officers and employees thereof authorized to make investigation under this chapter may:

1. Conduct examinations;
2. Require the attendance of witnesses;
3. Require the production of books, records, and papers; and
4. Make application to the district court of the county to compel the attendance of witnesses and the production of such books, records, and papers.

Such officers and employees as may be designated by the county agency or the state agency may administer oaths and affirmations in connection with their administration of this Act.

§ 11. FINDINGS OF COUNTY AGENCY ON INVESTIGATION OF APPLICATION; FINDINGS FOR AN APPLICATION ALLOWED.) The county agency, upon completion of the investigation of an application for aid, shall determine in accordance with its findings whether or not the applicant is eligible for aid and shall make a written order, in duplicate, to the effect that the application be allowed or rejected. A copy of the findings and order of the county agency shall be transmitted forthwith to the state agency. If the county agency finds that the application should be allowed, it shall attach to its order a certificate of eligibility setting forth the amount of monthly assistance which it finds the applicant is entitled to receive.

§ 12. AMOUNT OF AID; HOW TO DETERMINE.) The amount of aid to which any person shall be entitled under the provisions of this Act shall be determined with due regard to the following:

1. The resources of the individual, including any income and property that he may have and any support he may receive from other resources;
2. The necessary expenditures of the individual; and
3. The rules, regulations, and directions which the state agency may find necessary to prescribe.

§ 13. AMOUNT OF AID; MINIMUM.) The amount of aid to which any person shall be entitled shall be sufficient, when added to all other income and resources of the recipient, to provide

such person with a reasonable subsistence compatible with decency and health.

§ 14. PAYMENT TO GUARDIAN FOR BENEFIT OF RECIPIENT.) Whenever a guardian shall have been appointed for any disabled person by a court of competent jurisdiction, the payment of aid shall be made to such legal guardian. The legal guardian shall file a report at the end of each calendar year with the county agency, showing the disbursement of the money received by him for the benefit of any disabled person.

§ 15. REJECTION OF APPLICATION; NOTICE OF; CONTENTS.) If the county agency, upon the investigation of an application for aid finds that the application should be rejected, it shall so notify the applicant forthwith in writing, by registered mail, return receipt requested, or by service of personal notice upon the applicant. The notice also shall state that the applicant may appeal from the finding of the county agency to the state agency within thirty days from the receipt by the applicant of such notice and that the appeal may be taken by filing a written notice of the appeal with the county agency and sending a copy by registered mail addressed to the executive director of the public welfare board of North Dakota, Bismarek, North Dakota.

§ 16. POWER OF STATE AGENCY TO CHANGE DETERMINATION OF COUNTY AGENCY.) The state agency shall have power:

1. To approve, modify, or reverse any action taken by the county agency;
2. To return the application for aid to the county agency for further action or proceedings as the state agency may direct;
3. To conduct a hearing or to cause further investigation to be made;
4. To make such final disposition of an application for aid as justice requires;
5. To reconsider, on its own motion, any or all grants of aid;
6. To act upon any application upon which a decision has not been made by the county agency within a reasonable time;
7. To grant aid where it has been refused, or to change the amount of aid, if after investigation it determines that justice so requires;
8. To withdraw aid if it is found that the recipient's circumstances have altered sufficiently to warrant such action.

Whenever aid is withdrawn, revoked, suspended, or in any way changed, the recipient shall be notified in writing and thereupon shall have the right to a fair hearing before the state agency in the same manner as a hearing is afforded upon an appeal from a decision of the county agency rejecting an application for assistance.

§ 17. APPEAL TO STATE AGENCY; WHEN TAKEN.) An applicant for aid may appeal to the state agency if:

1. An application is not acted upon by the county agency within a reasonable time after it is filed;
 2. The application is denied; or
 3. The applicant deems the aid granted to be insufficient.
- The appeal shall be taken by filing a written notice with the county agency and mailing a copy of such notice of appeal by registered mail, addressed to the executive director of the public welfare board of North Dakota, Bismarck, North Dakota.

§ 18. APPEAL; HOW HEARD.) Where an appeal is taken under the provisions of section 17 the state agency shall give the applicant an opportunity for a fair hearing and may designate one or more members of the state agency, or it may designate one of its employees other than a member of the state agency, to hear the appeal and act as referee to take and certify the evidence to the state agency. Where an appeal is heard before a referee designated by such agency, such person or persons shall make recommendations as to whether or not the application should be granted or rejected or changed in amount and shall certify such recommendations in writing to the state agency, together with all the evidence upon which the recommendations are based. The state agency may accept, reject, or modify such recommendations or hear the matter anew or make such other disposition of the appeal as the facts and the law warrant. If the appeal is heard by a referee or by a designated member or members of the state agency and the hearing results in a denial of assistance or in a denial of the claim of the appellant in whole or in part, such appellant, upon written demand shall be afforded a personal hearing before the state agency sitting as a board of appeal. At such hearing evidence and witnesses may be heard anew in the same manner as in the appeal heard before the referee. The decision of the state agency shall be final, and shall be binding upon the county agency.

§ 19. AID NOT ASSIGNABLE.) Aid granted under this Act shall not be transferrable or assignable in law or equity, and the money paid or payable under this Act shall not be subject to execution, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law.

§ 20. INDIAN; DISABILITY ASSISTANCE; STATE FUNDS USED.) Any county in which an Indian reservation is located may apply to the state agency for payment, out of state funds, of the entire amount of aid paid toward Indians residing in the county and on the Indian reservation. The state agency shall make, or cause to be made, a complete investigation of the financial condition of any county so applying, and if the investigation shows that the financial condition of the county is such that it would be inequitable to ask the county to contribute its share of the amount necessary to provide aid to such Indians and the state agency may use funds appropriated to the public welfare fund for aid to disabled persons to pay such part of the costs of aid to such ward Indians as is not paid by the federal government.

§ 21. COUNTY SHARE OF AID TO DISABLED PERSONS.) Each county shall reimburse the state agency for fifteen per cent of the amount expended, in excess of the amount provided by the federal government, for aid to disabled persons in such county.

§ 22. HOW COUNTY SHARE PAID.) The state agency shall keep records and accounts of the expenditures for aid to disabled persons in each county in North Dakota. Claims for reimbursement under the provisions of section 21 shall be presented by the state agency to the board of county commissioners at the end of each calendar month. The executive director of the state agency shall certify to each county the total amount paid for aid in that county, and the county's share of such payments. The amount so certified shall be paid to the treasurer of the state agency from the county treasury upon the audit and approval of the county auditor and the chairman of the board of county commissioners.

§ 23. COUNTY APPROPRIATION.) The board of county commissioners in each county of this state shall appropriate annually such sum as, in its judgment, may be needed to carry out the provisions of this Act, including expenses of administration based upon a budget prepared by the county agency, after taking into account state aid, and shall include in the tax levy for such county the sum or sums appropriated for that purpose. Should the sum so appropriated, however, be expended or exhausted during the year and for the purpose for which it was appropriated, additional sums shall be appropriated by the board of county commissioners.

§ 24. COUNTY'S SHARE OF FUNDS FURNISHED BY STATE WHEN.) If the financial condition of any county is such that it cannot make an appropriation or levy a tax for aid to disabled to provide the necessary funds to comply with the provisions of this

persons, or cannot legally issue warrants in an amount sufficient Act, the board of county commissioners shall report such fact to the state agency. The state agency shall make, or cause to be made, a complete investigation of the financial condition of such county. If such investigation shows that the county cannot appropriate the funds or legally issue warrants or levy a tax in an amount sufficient to provide the county's share of funds needed for aid to disabled persons in that county, the state agency may provide either as a grant or as a loan that county's share of funds for aid, or so much thereof as may be necessary, from state funds appropriated to the state agency for aid to disabled persons.

§ 25. AID TO THE PERMANENTLY AND TOTALLY DISABLED FUND.) The state agency shall establish a fund to be known as the North Dakota aid to the permanently and totally disabled fund. All moneys received by the state agency for aid to disabled persons from the state of North Dakota, from any of the counties within the state, from the United States under the provisions of the social security act, or from any other source, shall be placed in such fund. The treasurer of the state agency shall receive all such moneys as the same may be paid to him and shall deposit the same in such fund. The treasurer shall issue in triplicate receipts for all moneys received by him for the fund. Such receipts shall show the dates upon and the sources from which the moneys were received and there shall be delivered forthwith one copy to the person, officer, or agency making the payment, and one copy to the executive director of the state agency. The remaining copy shall be retained by the treasurer.

§ 26. DISBURSEMENTS FROM THE AID TO THE PERMANENTLY AND TOTALLY DISABLED FUND.) Disbursements from the aid to the permanently and totally disabled fund shall be made only for:

1. Aid to disabled persons payments; and

2. Expenses of administration of this Act.

All such disbursements shall be made only by checks or warrants drawn on the aid to the permanently and totally disabled fund. Such checks or warrants shall be drawn only by persons who are duly authorized so to do by resolution of the state agency.

§ 27. CASHING ASSISTANCE CHECKS AFTER DEATH OF PAYEE.) Aid checks delivered to a recipient before his death but not endorsed by such recipient may be endorsed and paid, upon approval of the county agency under rules and procedures adopted by the state agency.

§ 28. PERSON HANDLING MONEY TO FURNISH BOND.) The treasurer of the state agency and all persons having any control

over or who handle any of the moneys of the aid fund shall be bonded in such sum as the state agency by resolution shall require.

§ 29. RECOVERY OF AID FROM PERSON LIABLE FOR SUPPORT.) If, at any time during the continuance of any allowance granted under the provisions of this Act, it is ascertained that anyone who is liable for the support and care of a recipient of aid is able to afford the necessary support and care of such recipient but fails and refuses to do so, there shall exist a cause of action for such assistance against such person. The action shall be brought by the state's attorney in the name of the county in which such assistance was granted and against the person liable for the support of the recipient of the assistance. The action shall be brought for the recovery of the amount of money with interest thereon paid to such recipient, together with the costs and disbursements of the action.

§ 30. RECIPIENT TO NOTIFY STATE AGENCY OF RECEIPT OF PROPERTY OR INCOME; AID ALTERED OR CANCELED; PENALTY.) If, at any time during the continuation of aid, the recipient becomes the owner of any property or income in excess of the amount stated in the application provided for in section 8 he immediately shall notify the state agency of the receipt or possession of such property or income and the state agency, after investigation, either may cancel the aid or alter the amount thereof in accordance with the circumstances.

§ 31. RECOVERY FROM THE ESTATE OF RECIPIENT OF AID.) On the death of any recipient of aid, the total amount of aid paid under this Act shall be due and shall be allowed as a preferred claim against the estate of such person in favor of the state, after funeral expenses of the recipient and the recipient's spouse, not to exceed in each individual case one hundred fifty dollars, and such expenses of the last illness of the recipient and the recipient's spouse as are authorized or paid by the county agency, have been paid, and after the expenses of administering the estate, including the attorney's fees approved by the court, have been paid. No claim shall be enforced against the following:

1. Real estate of a recipient used for the support, maintenance, or comfort of the surviving spouse or a dependent;
2. Personal property necessary for the support, maintenance, or comfort of the surviving spouse or a dependent;
3. Personal effects, ornaments, or keepsakes of the deceased, not exceeding two hundred dollars in value.

§ 32. AUTHORITY TO COMPROMISE AND SETTLE.) The state agency may enter the appearance of the state in any proceeding affecting property upon which the state may have a claim for aid

furnished under this Act and may prosecute or defend in any such proceeding. The agency may institute probate proceedings as a creditor of a deceased person, and either in the course of or in the absence of and apart from any action or proceedings enter into any stipulation, compromise, settlement, or other agreement or arrangements in respect to such claims as may deem wise, and may execute any stipulation, modification, quit-claim, release partial release, discharge, extension, agreement, satisfaction, partial satisfaction or subrogation, or other contract, stipulation, or agreement which the interest of the parties or the circumstances of the case may make advisable.

§ 33. HOW MONEY COLLECTED FROM RECIPIENT OR ESTATE OF RECIPIENT DIVIDED.) Any amounts collected from any recipient, or anyone liable for the recipient's support, or from his estate, for aid paid under the provisions of this Act shall be deposited promptly in the fund and credited respectively to the federal government, the state, and the county in proportion to the amounts in which the aid payments represented funds contributed by the federal government, state and county.

§ 34. CONFIDENTIAL CHARACTER OF AID TO THE PERMANENTLY AND TOTALLY DISABLED RECORDS; PENALTY.) All applications, information, and records concerning any applicant or recipient of aid shall be confidential and shall not be disclosed or used for any purpose except for purposes directly connected with the administration of aid of this Act. Any person using any application, information, or records concerning any applicant or recipient for purposes not directly connected with the administration of aid to disabled persons is guilty of a misdemeanor.

§ 35. NO FEES TO BE CHARGED.) No person shall make any charge nor receive any fee from the applicant, recipient, or any other person for representing an applicant or recipient in any proceedings under the provisions of this Act, or with respect to any application for aid.

§ 36. FRAUDULENT ACTS; PENALTY.) Whoever knowingly obtains, or attempts to obtain, by means of a willfully false statement or representation, or by impersonation, or other fraudulent device, aid to which he is not entitled or aid greater than that to which he is justly entitled, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than twelve months, or by both such fine and imprisonment. In assessing the penalty, the court shall take into consideration, along with other factors, the amount of money fraudulently received.

§ 37. ASSISTANCE MAY BE DENIED WHEN APPLICANT REFUSES TREATMENT; APPEAL.) Aid under this Act may be denied to any

person who refuses medical, surgical, or other treatment when such person may be restored partially or wholly by such treatment, and a certificate in writing to that effect is made by the examining physician. Any person denied assistance upon this ground may appeal to the state agency in the manner provided in section 18.

§ 38. LIMITATIONS OF ACT.) All aid granted under this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that hereafter may be passed. No recipient shall have any claim for compensation or otherwise because his aid is affected in any way by any amending or repealing act.

Approved March 6, 1951.

SALES AND EXCHANGES

CHAPTER 291

H. B. No. 695
(Holand, Klefstad and Olson)

REDEMPTION AFTER RETAKING PROPERTY UNDER CONDITIONAL SALES CONTRACT; NOTICE

AN ACT

Providing for a period of redemption after retaking property under conditional sales contract and providing for notice of such retaking.

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

§ 1.) Whenever a seller who has the right to retake possession of property under a conditional sales contract does retake the property, such seller shall within four days after the retaking serve upon the buyer personally if the buyer resides within the county where the property is seized, or if such resident of a county cannot be found within the county then by registered mail directed to his last known address, or if the buyer is not a resident of said county where the property is seized, by registered mail directed to his last known address, a notice containing the following information: the amount necessary to redeem, date of such retaking and that the buyer may redeem said property within fifteen days from the date of such retaking, provided if such retaking is