

PUBLIC WELFARE

CHAPTER 381

HOUSE BILL NO. 1529
(Laughlin)

COMPENSATION OF MEMBERS OF COUNTY WELFARE BOARDS

AN ACT to amend and reenact section 50-01-08 of the North Dakota Century Code, relating to the compensation of members of county welfare boards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 50-01-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-01-08. MEMBERS OF COUNTY WELFARE BOARD - TERM OF OFFICE - OATH - COMPENSATION.) The members of the county welfare board shall serve for a term of three years or until their successors have duly qualified. Their terms of office shall be arranged so that the term of office of one of the members shall expire in one year, the term of one-half of the remaining members the next year, and the term of the remaining members the third year. Each member of the board shall qualify by taking the oath provided for civil officers. Such oath shall be filed with the county auditor. The members of the county welfare board shall receive, in addition to any salaries they may receive from any other source, from the state or county or any municipality, the sum of fifteen dollars per day for time actually spent in transacting the business of the board not exceeding a maximum of twenty-five days a year. Members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties and shall be paid legal mileage for necessary travel. In counties having a population in excess of thirty thousand, members of the county welfare board shall receive, in addition to any salaries they may receive from any other source, from the state or county or any municipality, the sum of fifteen dollars per day for time actually spent in transacting the business of the board not to exceed a maximum of thirty-five days a year. Members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties and shall be paid legal mileage for necessary travel.

Approved March 21, 1973

CHAPTER 382

SENATE BILL NO. 2169

(Committee on Social Welfare)

(At the request of the Social Service Board)

TERM OF OFFICE OF
SOCIAL SERVICE BOARD

AN ACT to amend and reenact section 50-06-03 of the 1971 Supplement to the North Dakota Century Code, relating to the term of office of social service board members, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 50-06-03 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-03. SOCIAL SERVICE BOARD - TERM OF OFFICE - REMOVAL.) Each member of the social service board shall be appointed for a term of six years with the terms of office so arranged that the terms of at least two members shall expire on April sixth of each odd-numbered year. Each member shall qualify by taking the oath of office provided for civil officers and shall serve until his successor has been appointed and qualified. Any person appointed to fill a vacancy on the board shall serve only during the unexpired term in which the vacancy occurred. A member of the board may be removed by the governor for cause.

No member shall serve more than two six-year terms, except as provided in this section. No person shall be eligible for appointment if he would become seventy-one years of age or older before the end of such term. A person appointed to fill the unexpired term of a member shall be eligible for appointment to another term only if his total service on the board after completion of such term will not exceed thirteen years. To be eligible for appointment, no member shall be currently serving on a county welfare board or a board of county commissioners. For purposes of this Act, any board member appointed to a term of four years pursuant to the provisions of section 2 of chapter 466 of the 1971 Session Laws shall be deemed to have been appointed to a term of six years.

SECTION 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 10, 1973

CHAPTER 383

HOUSE BILL NO. 1030
(Strinden, Eagles, Hickie, Laughlin)
(From Legislative Council Study)

VOCATIONAL REHABILITATION

AN ACT to transfer the responsibility for the state division of vocational rehabilitation from the state board of public school education to the social service board of North Dakota; and to amend and reenact sections 15-20.1-01, 15-20.1-04, 15-20.1-05, and 15-20.1-21, relating to the division of vocational rehabilitation; and to repeal sections 15-20.1-12, 15-20.1-13, 15-20.1-14, 15-20.1-15, 15-20.1-16, 15-20.1-17, 15-20.1-18, 15-20.1-19, and 15-20.1-20 of the North Dakota Century Code, relating to the division of vocational rehabilitation under the board of public school education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

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

1. "State board" shall mean the social service board of North Dakota.
2. "Division" shall mean the division of vocational rehabilitation.
3. "Division executive director" shall mean the director of the division of vocational rehabilitation.
4. "Regulations" shall mean regulations made by the division executive director with the approval of the state board.

SECTION 2. ACCEPTANCE OF BENEFITS OF FEDERAL ACTS IN VOCATIONAL REHABILITATION - COOPERATION WITH FEDERAL GOVERNMENT.) The state of North Dakota hereby accepts all of the provisions and benefits of the acts of Congress to assist states to provide for the vocational rehabilitation of disabled persons in accordance with state statutes and policies of the state board, and the state board shall comply with such conditions as may be necessary to secure the full benefit of such acts. The state board shall cooperate pursuant to agreement with the federal government in carrying out the purposes of any federal act pertaining to voca-

tional rehabilitation, and shall adopt such methods of administration as may be found by the federal government to be necessary for the proper and efficient operation of such agreement.

SECTION 3. CUSTODY AND PAYMENT OF VOCATIONAL REHABILITATION FUNDS.) The state board shall be charged with the duty of administering all funds that are received from federal and state sources for vocational rehabilitation purposes. All such moneys received shall be placed in the custody of the state treasurer, and shall be paid in accordance with legislative appropriations by the department of accounts and purchases as directed by the division director.

SECTION 4. EXECUTIVE DIRECTOR OF DIVISION OF VOCATIONAL REHABILITATION - DUTIES - RELATIONSHIP OF DEPARTMENT TO STATE BOARD.) The state board shall be responsible for vocational rehabilitation. The executive director of the division of vocational rehabilitation shall be appointed in accordance with established personnel standards and on the basis of his education, training, experience, and demonstrated ability. In carrying out his duties under this chapter, the executive director of the division of vocational rehabilitation, with the approval of the state board:

1. Shall make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility and investigation and determination thereof for vocational rehabilitation services, procedures for fair hearings, and such other regulations as he finds necessary to carry out the purposes of this Act relating to vocational rehabilitation.
2. Shall establish, with the approval of the state board, appropriate subordinate administrative units within the division.
3. Shall appoint, with the approval of the state board, such personnel as he deems necessary for the efficient performance of the functions of the division.
4. Shall prepare and submit to the state board annual reports of activities and expenditures and, prior to each regular session of the legislature, estimates of sums required for carrying out the provisions of this Act relating to vocational rehabilitation, and estimates of the amounts to be made available for this purpose from all sources.
5. Shall make certification for disbursement, in accordance with regulations, of funds available for vocational rehabilitation purposes.
6. Shall take, with the approval of the state board, such other action as he deems necessary or appropriate to carry out the provisions of this Act relating to vocational rehabilitation.
7. May delegate, with the approval of the state board, to

any officer or employee of the division such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the provisions of this Act relating to vocational rehabilitation.

SECTION 5. ADMINISTRATION OF VOCATIONAL REHABILITATION.) Except as otherwise provided by law, the state board shall provide vocational rehabilitation services to disabled individuals determined by the division director to be eligible therefor. In carrying out the purposes of this Act, the division, among other things, may:

1. Cooperate with other departments, agencies, and institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals, in studying the problems involved therein, and in establishing, developing, and providing, in conformity with the purposes of this Act relating to vocational rehabilitation, such programs, facilities, and services as may be necessary or desirable.
2. Enter into reciprocal agreements with other states to provide for the vocational rehabilitation of residents of the states concerned.
3. Conduct research and compile statistics relating to the vocational rehabilitation of disabled individuals.

SECTION 6. REHABILITATION SERVICES PROVIDED TO ANY DISABLED INDIVIDUAL - ELIGIBILITY.) Vocational rehabilitation services shall be provided to any disabled individual:

1. Whose vocational rehabilitation the division director determines, after full investigation, can be satisfactorily achieved; or is
2. Eligible therefor under the terms of an agreement with another state or with the federal government.

SECTION 7. REHABILITATION SERVICES PROVIDED TO DISABLED INDIVIDUALS REQUIRING FINANCIAL ASSISTANCE.) Except as may be otherwise provided by law or as may be specified in any agreement with another state or with the federal government, rehabilitation services shall be provided at public cost to disabled individuals found to require financial assistance.

SECTION 8. GIFTS - AUTHORIZATION TO ACCEPT AND USE.) The division director, with the approval of the state board, may accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of this Act. Gifts made under such conditions as in the judgment of the state board are proper and consistent with the provisions of this Act may be so accepted and shall be held, invested, and reinvested, and used in accordance with the conditions of the gift.

SECTION 9. MAINTENANCE NOT ASSIGNABLE.) The right of a

disabled individual to vocational rehabilitation maintenance under this Act shall not be transferable or assignable at law or in equity.

SECTION 10. HEARINGS ALLOWED TO AGGRIEVED PERSONS.) Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the division shall be entitled, in accordance with regulations, to a fair hearing by the state board.

SECTION 11. MISUSE OF VOCATIONAL REHABILITATION LISTS AND RECORDS.) It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program or its legislative review, and in accordance with regulations prescribed by the state board, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names of, or any information concerning persons applying or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files, or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

SECTION 12. LIMITATION OF POLITICAL ACTIVITY.) No officer or employee engaged in the administration of the vocational rehabilitation program shall use his official authority or influence, or permit the use of the vocational rehabilitation program, for the purposes of interfering with an election or affecting the results thereof, or for any partisan political purposes. No such officer or employee shall take any active part in the management of political campaigns or participate in any political activity, except that he shall retain the right to vote as he may please and to express his opinion as a citizen on all subjects. No such officer or employee shall solicit or receive, nor shall any such officer or employee be obliged to contribute or render any service, assistance, subscription, assessment, or contribution for any political purpose. Any officer or employee violating this provision shall be subject to discharge or suspension.

SECTION 13.) Section 15-20.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-01. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. "State board" shall mean the state board of vocational education which is the state board of public school education.
2. "Director" shall mean the director of vocational education.
3. "Regulations" shall mean regulations made by the director with the approval of the state board.

SECTION 14.) Section 15-20.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-04. ACCEPTANCE OF BENEFITS OF FEDERAL ACTS IN VOCATIONAL EDUCATION - COOPERATION WITH FEDERAL GOVERNMENT.) The state of North Dakota hereby accepts all of the provisions and benefits of the acts of Congress to assist states to maintain, extend, and improve existing programs and develop new programs in vocational education.

SECTION 15.) Section 15-20.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-05. CUSTODY AND PAYMENT OF VOCATIONAL EDUCATION FUNDS.) The state board shall be charged with the duty of administering all funds that are received from federal and state sources and accept and use gifts made unconditionally by will or otherwise for purposes of carrying out this Act for vocational education. All such moneys received shall be placed in the custody of the state treasurer, and shall be paid in accordance with legislative appropriations by the department of accounts and purchases as directed by the director of vocational education.

SECTION 16.) Section 15-20.1-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 15-20.1-21. REPORT OF STATE BOARD TO GOVERNOR AND SECRETARY OF STATE.) The state board shall submit a biennial report to the governor and the secretary of state as prescribed by section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report shall set forth the condition of vocational education in the state, a list of the schools to which federal and state aid for vocational education has been given, and a detailed statement of the expenditures of federal and state funds for that purpose.

SECTION 17. REPEAL.) Sections 15-20.1-12, 15-20.1-13, 15-20.1-14, 15-20.1-15, 15-20.1-16, 15-20.1-17, 15-20.1-18, 15-20.1-19, and 15-20.1-20 of the North Dakota Century Code are hereby repealed.

Approved March 28, 1973

*NOTE: Section 15-20.1-21 was also amended by section 11 of House Bill No. 1019, chapter 403.

CHAPTER 384

HOUSE BILL NO. 1183
(Committee on Social Welfare)
(At the request of the Department of Social Services)

DEFINITION OF DEPENDENT CHILD

AN ACT to amend and reenact paragraph (3) of subdivision a of subsection 6 of section 50-09-01 of the North Dakota Century Code, relating to definitions of dependent children who attend academic or vocational courses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Paragraph (3) of subdivision a of subsection 6 of section 50-09-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- (3) Under the age of nineteen years and a student regularly attending and making satisfactory progress in pursuance of a course of study of academic or vocational training designed to fit him for gainful employment.

Approved March 15, 1973

CHAPTER 385

SENATE BILL NO. 2406
(Kautzmann)

COUNTY REIMBURSEMENT FOR
ADC PAYMENTS

AN ACT to amend and reenact section 50-09-21 of the North Dakota Century Code, relating to county reimbursement liability in aid to dependent children cases.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 50-09-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-09-21. AMOUNT COUNTY LIABLE FOR - REIMBURSEMENT BY COUNTY.) Each county shall reimburse the state agency, upon claim being made therefor by the state agency, for one-fourth 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, except assistance payments for dependent children defined in subdivision b of subsection 6 of section 50-09-01, for which the county share of payment shall be reimbursed to the state agency by the county liable therefor under chapter 50-02 of the North Dakota Century Code.

Approved March 15, 1973