

PUBLIC WELFARE

CHAPTER 463

SENATE BILL NO. 2060

(Coughlin, Holand, Kautzmann, Lips, Litten, Van Horn)
(From Legislative Council Study)

FRAUDULENT TRANSFER OF PROPERTY FOR WELFARE ELIGIBILITY

AN ACT to create and enact section 50-01-25 of the North Dakota Century Code; to amend and reenact section 50-01-01 of the North Dakota Century Code, concerning the transfer of property to become eligible for welfare aid and defining fraud in obtaining such aid; and providing a penalty.

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

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

50-01-01. COUNTY OBLIGATED TO SUPPORT POOR - ELIGIBILITY FOR ASSISTANCE - TRANSFER OF PROPERTY AS SECURITY FOR ASSISTANCE.) Each county in this state is obligated to relieve and support persons who are residents of the county and who are in need of poor relief. To be eligible for such relief, the poor person:

1. Shall not at any time before or after making application for county poor relief have made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this chapter.
2. Shall comply with the provisions of section 50-24-13 of the North Dakota Century Code.

SECTION 2.) Section 50-01-25 of the North Dakota Century Code is hereby created and enacted to read as follows:

50-01-25. FRAUDULENT ACTS - PENALTY.) Whoever knowingly obtains or attempts to obtain, or aids or abets another in obtaining assistance under this chapter, by means of a wilfully false statement or representation, by means of impersonation, by assisting knowingly in the transfer or assignment of property, or by other fraudulent device, to which the applicant is not entitled, or assistance 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 facts, the amount of money fraudulently received.

Approved March 11, 1971

CHAPTER 464

SENATE BILL NO. 2056
(Coughlin, Holand, Kautzmann, Lips,
Litten, Sorlie, Strinden, Van Horn)
(From Legislative Council Study)

MULTICOUNTY WELFARE DISTRICTS

AN ACT to permit the consolidation of county welfare boards into multicounty welfare districts, for determinations, for hearings, and for a plan.

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

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

1. "State board" shall mean the public welfare board of North Dakota.
2. "County board" shall mean the county welfare boards.

SECTION 2. CONSOLIDATION OF COUNTY WELFARE BOARDS INTO MULTICOUNTY WELFARE DISTRICTS.) In order to provide optimum services, reduce program costs, and benefit recipients of social services within this state, any county board may consolidate with the county board or boards of any contiguous county or counties in the manner provided in this Act in order to form a multicounty welfare district. Such multicounty welfare districts shall succeed to all the powers and duties enumerated for county boards, and perform all the functions and responsibilities assigned to such county boards by Title 50 of this Code. Where consistent with the provisions of this Act, all provisions relating to county boards contained in Title 50 of this Code shall apply to and govern multicounty welfare districts. Any county board wishing to become a member of a multicounty welfare district shall file a written request for such membership with the state board, together with a plan for the creation of such a district, if such a district does not already exist. The plan shall be prepared as prescribed in section 4 of this Act. The request shall be approved or disapproved by the state board, with the determination being made in accordance with the provisions of section 3 of this Act. In permitting the creation of such a district, the state board shall, to as great a degree as possible, allow the consolidation of county boards in such a manner as will:

1. Conform with the existing pattern of the trade area.
2. Conform with any regional pattern established by the executive department of this state.

SECTION 3. MANNER OF DETERMINATION - NOTICES - HEARINGS.) In determining whether the creation of a multi-county welfare district should be approved, the state board shall refer to, among other pertinent factors, the following:

1. Whether the affected county boards are able to supply an adequate level and quality of social services.
2. The number and qualifications of staff personnel serving the affected county boards.
3. The ratio of the number of cases handled by the affected county boards to the number of their staff personnel.
4. The geographical area and population served by the affected county boards.
5. The distance of recipients from the affected county boards.
6. The benefits which would be realized from the creation of such district in terms of lower costs, increased availability of services, new services, and improvement of services.

Any county which is denied approval to become a member of a multicounty welfare district, or any member of that board, shall have the right to request a hearing thereon. Such county board shall be notified of such right by the state board, and shall have thirty days from the time of the notice to request such a hearing. If a hearing is requested, it shall be scheduled by the state board within fifteen days after the request for the same, and it shall be held at the state capitol. At the hearing, evidence may be presented relative to the creation of the proposed multicounty welfare district. The hearing shall be conducted in accordance with the applicable provisions of chapter 28-32 of this Code.

SECTION 4. PLAN - FINANCING - DISTRIBUTION OF PROPERTY - GOVERNING BOARD - COMPENSATION OF MEMBERS.)

1. A plan for the creation of a multicounty welfare district prepared by a county board shall provide for the method of operation of the consolidated office, its administration, its location, the disbursements from public funds, and the accountability of funds and manner of reporting receipts

and disbursements. The plan shall provide that all services provided by county officials to county boards under the provisions of this Code shall be provided by those county officials residing within the same county wherein the office of the multicounty welfare district is located. The plan shall also provide for the distribution of property owned by each of the county boards affected by the consolidation. Such plan may also provide that the program supervisor of a state board area social service center shall serve as the director of the multicounty welfare district.

2. The governing board of a multicounty welfare district shall consist of seven, nine, or eleven members, as determined by the plan. The plan shall provide that there shall be appointed as members to such board from each respective county, the number of members in the ratio that each county's population bears to the total population of the multicounty welfare district; provided that each county to be included in such district shall be represented by at least one board member. Appointments shall be made by committees created in each county included in the district, and composed of the chairman of the board of county commissioners, the county judge, and the state's attorney of each such county acting with the advice and consent of the public welfare board of North Dakota. Members shall be appointed for a term of three years, or until a successor has been appointed and qualifies. Each member of the governing board shall qualify by taking the oath prescribed for civil officers and filing the same with the county auditor in his county of residence. No person shall serve as a board member for more than two consecutive three-year terms. No person shall be appointed to the board who has served within three years prior to appointment, unless he is being reappointed to a second consecutive term. Vacancies occurring on the board shall be filled in the same manner as regular appointments, provided, however, that a person appointed to fill the unexpired term of a member shall be eligible for appointment to another term only if his consecutive service on the board after completion of such term will not exceed six years. No person shall be eligible for appointment if he would become seventy-one years of age or older before the end of such term.

3. The members of the governing board shall each receive the sum of fifteen dollars per day for each day necessarily spent in the performance of their official duties. In addition, such members shall be permitted the reimbursement of travel and board and lodging expenses incurred in connection with their official duties, at the same rate and under the same conditions as provided for state officials and officers.

Approved March 19, 1971

CHAPTER 465

HOUSE BILL NO. 1058
(Eagles, Lundene, Wagner, Wilkie)
(From Legislative Council Study)

SOCIAL SERVICE BOARD
OF NORTH DAKOTA

AN ACT to create and enact section 50-06-01.1 of the North Dakota Century Code, relating to changing the name of the public welfare board of North Dakota to the social service board of North Dakota.

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

SECTION 1.) Section 50-06-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

50-06-01.1. SOCIAL SERVICE BOARD OF NORTH DAKOTA TO BE SUBSTITUTED FOR PUBLIC WELFARE BOARD OF NORTH DAKOTA, MEMBERS OF BOARD, AND EXECUTIVE DIRECTOR.) Wherever the terms "public welfare board of North Dakota", "executive director of the public welfare board", or "member of the public welfare board", or any derivative of those terms which, when used in context indicates an intention to refer to those persons or that board, shall appear in the North Dakota Century Code, the term "social service board of North Dakota", or the term "executive director of the social service board", as the case may be, shall be substituted therefor. It is the intent of the legislative assembly that the social service board of North Dakota shall be substituted for, shall take any action previously to be taken by, and shall perform any duties previously to be performed by the public welfare board of North Dakota.

Approved March 18, 1971

CHAPTER 466

SENATE BILL NO. 2058

(Coughlin, Holand, Kautzmann, Lips, Litten, Van Horn)
(From Legislative Council Study)

MEMBERSHIP OF PUBLIC WELFARE BOARD

AN ACT to create and enact sections 50-06-03.1 and 50-06-05.1 of the North Dakota Century Code, relating to terms of office of the members of the public welfare board and the powers and duties of such board; to amend and reenact sections 50-06-02, 50-06-03, 50-06-04, 50-06-09, and 50-06-14 of the North Dakota Century Code, relating to the appointment of members of the public welfare board, qualifications for the executive director, and financing of public welfare programs; and to repeal section 50-06-06 of the North Dakota Century Code, relating to powers and duties of the public welfare board.

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

SECTION 1. AMENDMENT.) Section 50-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-02. PUBLIC WELFARE BOARD - MEMBERS - APPOINTMENT.)
The public welfare board of North Dakota shall consist of seven members appointed by the governor, with the consent of the senate.

When the legislative assembly shall be in session at any time within six months prior to the date of the expiration of the term of a member of the public welfare board, the governor shall appoint a successor within the first twenty days of such session and if confirmed by the senate, such successor shall take office on the date of the expiration of the term of the incumbent. When a vacancy occurs upon the board other than by expiration of the term of office of a member thereof when the legislative assembly is not in session, the governor shall appoint a person to fill such vacancy and such person shall serve until the opening of the next session of the legislative assembly following such interim appointment, at which time such appointment shall be certified to the senate for confirmation. If this appointment or such other appointments as may be made by law are not confirmed by the twentieth legislative day of the legislative session, the office shall be deemed vacant, and the governor shall nominate other candidates for such office

until a nomination has been confirmed by the senate. No person who has been nominated by the governor in accordance with this chapter and whose nomination the senate has failed to confirm shall be eligible for an interim appointment.

SECTION 2. AMENDMENT.) Section 50-06-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-03. PUBLIC WELFARE BOARD - TERM OF OFFICE - REMOVAL.) Each member of the public welfare board shall be appointed for a term of four 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 four-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 nine years. To be eligible for appointment, no member shall be currently serving on a county welfare board or a board of county commissioners.

SECTION 3.) Section 50-06-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

50-06-03.1. PUBLIC WELFARE BOARD MEMBERS WITH UNEXPIRED TERMS.) Public welfare board members currently serving terms to expire on April 6, 1973, and April 6, 1975, shall be eligible to serve until the completion of such terms.

SECTION 4. AMENDMENT.) Section 50-06-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-04. MEMBERS OF BOARD - COMPENSATION.) The members of the public welfare board shall receive twenty-five dollars per day, not to exceed seventy-five days in any one year, and their necessary expenses for travel in the same amounts as other public officials while attending meetings, or in the performance of such special duties as the board may direct.

SECTION 5.) Section 50-06-05.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

50-06-05.1. POWERS AND DUTIES OF THE BOARD.) The public welfare board of North Dakota shall have the following powers and duties to be administered by such board through its state office or through regional offices or otherwise as directed by it:

1. To act as the official agency of the state in any social welfare activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive rehabilitative and other social services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being of deprived, unruly, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate social legislation to the legislative assembly.
8. To direct and supervise county welfare board activities as may be financed in whole or in part by or with funds allocated or distributed by the board.
9. To inform the public as to social conditions and ways of meeting social needs.
10. To secure, hold, and administer for the purpose for which it is established, any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the board, and to administer said funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.

11. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the board including child-care facilities, nonmedical adult-care facilities and maternity homes, and persons or organizations receiving and placing children, and to require such facilities, persons, and organizations to submit such reports and information as the board may determine necessary.
12. To permit the making of any surveys of social welfare needs and activities if deemed by the board to be necessary and expedient.
13. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever the board deems it necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena shall not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or maternity hospital or to compel the attendance as a witness of any officer or employee of such facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
14. To provide insofar as staff resources permit appropriate social services, including social histories, social or social-psychological evaluations, individual, group, family, and marital counseling, and related consultation, when referred by self, parent, guardian, county welfare board, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide social services to children and adults in relation to their placement in or return from the Grafton state school, state hospital, or North Dakota industrial school.
15. To provide marital counseling to individuals ordered to participate in such treatment by the family court.
16. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, probation, and aftercare services when requested by the judge of a juvenile court, all reports to be kept confidential for the use of the judge except as may be disclosed by the judge.

17. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, and probation and parole services, when requested by the judge in a criminal case, all reports to be kept confidential for use by the judge except as may be disclosed by the judge.

SECTION 6. AMENDMENT.) Section 50-06-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-09. EXECUTIVE DIRECTOR - QUALIFICATIONS - TERM OF OFFICE.) The executive director of the public welfare board shall be a person who has professional qualifications, wide experience, education, and training in the administration of substantial governmental programs and agencies or substantial private enterprises. He shall hold office at the pleasure of the board.

SECTION 7. AMENDMENT.) Section 50-06-14 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-14. FINANCING OF WELFARE PROGRAMS.) All programs carried out by the public welfare board under the provisions of this title shall be financed by payments out of a special operating fund maintained within the state treasury to be known as the welfare special operating fund. The executive director of the public welfare board or such other person as the board may designate and the state treasurer shall deposit in the welfare special fund, at such times as they may become available, all moneys received from any of the counties within the state, all moneys received from the United States under the provisions of the Social Security Act, such moneys as may be periodically required from legislative appropriations for public welfare purposes, and all public moneys received from any other source. All administrative expenditures made under the provisions of this title shall be paid upon individual warrants prepared by the department of accounts and purchases drawn on the state treasurer against the welfare special operating fund and signed by the state auditor after approval by the state auditing board, such expenditures to be supported by itemized vouchers signed by the executive director of the board or by such other officer or assistant as the board may designate and certify to the department of accounts and purchases. Funds available for payments to or on behalf of recipients of assistance shall be withdrawn as needed from the welfare special operating fund upon a voucher or vouchers approved and signed by the executive director of the public welfare board and by warrant-checks prepared by the department of accounts and purchases. Any funds received from federal agencies shall be deposited and disbursed as herein provided and in the manner provided by act of Congress or by the regulations of the federal agencies from which the funds were received.

SECTION 8. REPEAL.) Section 50-06-06 of the 1969 Supplement to the North Dakota Century Code is hereby repealed.

Approved February 19, 1971

CHAPTER 467

SENATE BILL NO. 2206

(Kautzmann, Coughlin, Swedlund, Doherty, Berube, Freed)

DEFINITION OF "DEPENDENT CHILD"

AN ACT to amend and reenact subsection 6 of section 50-09-01 of the North Dakota Century Code, relating to payments to adoptive families for children with special needs.

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

SECTION 1. AMENDMENT.) Subsection 6 of section 50-09-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. "Dependent child" shall mean any needy child:
 - a. Who is living in the home of a relative by birth, marriage, or adoption, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental condition of a parent, and who is:
 - (1) Under the age of eighteen years; or
 - (2) Under the age of twenty-one years and physically or mentally incapacitated; or
 - (3) Under the age of twenty-one years and a student regularly attending a high school, and making satisfactory progress, in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending and making satisfactory progress in a course of vocational or technical training designed to fit him for gainful employment;
 - b. Under the age of twenty-one years, who is living in a licensed foster home or in a licensed child-caring or child-placing institution:
 - (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 the parent; or

- (2) Who is abandoned by his parent, guardian, or custodian; or
 - (3) Whose parent, guardian, or custodian is unable, 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; or
 - (4) Who is in need of special care as provided by a private agency for which his parent, guardian, or custodian is unable, neglects, or refuses to provide.
- c. Under the age of twenty-one years, who is living in an adoptive home and would in all probability go without adoption except for acceptance by the adoptive family, and whose adoptive family does not have the economic ability and resources as established by guidelines and rules of the public welfare board to take care of the special needs of such child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of such child, in which case the public welfare board may make payments to the adoptive parents in accordance with the provisions of this chapter and the rules and regulations established thereunder.

Under this chapter no fee shall be paid for the adoptive study and/or the supervision and evaluation of the placement.

Approved March 19, 1971

CHAPTER 468

SENATE BILL NO. 2080
(Lips, Morgan, Sanstead)
(Legislative Council Study)

CRIPPLED CHILDREN'S COMMISSION
ABROGATED

AN ACT to amend and reenact sections 50-10-01, 50-10-05, subsection 1 of section 50-10-06, and subsection 1 of section 50-10-09 of the North Dakota Century Code, and to repeal sections 50-10-02, 50-10-03, 50-10-04, and subsection 10 of section 50-10-06 of the North Dakota Century Code, to provide for the abrogation of the crippled children's commission and to transfer its functions to the public welfare board.

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

SECTION 1. AMENDMENT.) Section 50-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-10-01. DEFINITIONS.) In this chapter 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 this state.

SECTION 2. AMENDMENT.) Section 50-10-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-10-05. ADMINISTRATION OF SERVICES FOR CRIPPLED CHILDREN BY STATE AGENCY.) Services for crippled children shall be administered by the state agency.

SECTION 3. AMENDMENT.) Subsection 1 of section 50-10-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Cooperate with the federal government in the development of plans and policies for services for crippled children;

SECTION 4. AMENDMENT.) Subsection 1 of section 50-10-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Cooperate with the state agency in administering the provisions of this chapter in its county subject to the rules and regulations prescribed by the state agency;

SECTION 5. REPEAL.) Sections 50-10-02, 50-10-03, 50-10-04, and subsection 10 of section 50-10-06 of the North Dakota Century Code are hereby repealed.

Approved February 19, 1971

CHAPTER 469

HOUSE BILL NO. 1456
(R. Peterson, W. Erickson)

DAY CARE CENTERS AND HOMES

AN ACT to create and enact sections 50-11-01.1, 50-11-01.2, and 50-11-01.3 of the North Dakota Century Code, defining a family day care home for children, a day care center for children, and providing for the use of public funds.

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

SECTION 1.) Section 50-11-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

50-11-01.1. FAMILY DAY CARE HOME FOR CHILDREN DEFINED.) As used in this chapter, the term family day care home for children shall mean any home which advertises or holds itself out to the public as providing family day care or which provides care for children from more than one family for more than one day a week. The term shall not apply to reciprocal arrangements among parents, nor to private arrangements entered into by the parents and another family home not coming within the above definition, nor when the children received for care by such person are related to him by blood or marriage.

SECTION 2.) Section 50-11-01.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

50-11-01.2. DAY CARE CENTER FOR CHILDREN DEFINED.) As used in this chapter, the term day care center shall mean any facility providing care for a group of children including but not limited to nursery schools, activity centers for retarded, day nurseries, and day care centers.

SECTION 3.) Section 50-11-01.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

50-11-01.3. USE OF PUBLIC FUNDS.) Public funds for the purchase of day care shall be used only in licensed day care facilities.

Approved March 27, 1971

CHAPTER 470

HOUSE BILL NO. 1059
(Eagles, Lundene, Wagner, Wilkie)
(From Legislative Council Study)

MEDICAL ASSISTANCE FOR THE AGED

AN ACT to amend and reenact subsection 6 of section 50-24-01, sections 50-24-13 and 50-24-15 of the North Dakota Century Code, and to repeal subsections 10 and 11 of section 50-24-01, subsection 10 of section 50-24-03, and section 50-24-04 of the North Dakota Century Code, all relating to medical assistance for the aged.

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

SECTION 1. AMENDMENT.) Subsection 6 of section 50-24-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. "Assistance to the aged, blind, or disabled" shall mean money payments to or in behalf of persons eligible under the provisions of this chapter and the services that will improve their well-being and aid them in increasing their capability for self-care, self-support, and self-reliance; the term "assistance to aged, blind, or disabled" shall be understood and interpreted as a general term referring to "old age assistance", "aid to the blind", and "aid to the permanently and totally disabled";

SECTION 2. AMENDMENT.) Section 50-24-13 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24-13. OWNERSHIP OF PROPERTY - TRANSFER IN TRUST.) The ownership of real or personal property by an applicant for assistance to the aged, blind, or disabled, 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 such assistance if the applicant is without funds for his support. However, as a condition to the grant of old-age assistance, aid to the blind, or aid to the permanently and totally disabled, the applicant shall be required to transfer such property in trust by appropriate instrument as security for assistance payments the applicant may thereafter receive, unless the property consists of the following:

1. A homestead;
2. A life insurance policy having a cash surrender value of less than three hundred dollars; or
3. Personal property of a value less than three hundred dollars, not including household goods, wearing apparel and personal effects, such as money; or
4. Property selected by the applicant having a value of less than three hundred dollars;
5. Real or personal property held in trust for the applicant by the federal government;
6. Real or personal property on which the taking of security may be prohibited through legislation enacted by the Congress of the United States.

SECTION 3. AMENDMENT.) Section 50-24-15 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-24-15. HOMESTEAD OF APPLICANT FOR ASSISTANCE NOT ENCUMBERED.) An applicant for assistance to the aged, blind, or disabled under the provisions of this chapter in no case shall be required to transfer a homestead occupied by him as such unless he or she desires to do so. A recipient of old-age assistance, aid to the blind, or aid to the permanently and totally disabled shall not be permitted to encumber or convey such homestead without the approval in writing of the state department. When an application for old-age assistance, aid to the blind, or aid to the permanently and totally disabled is granted and it appears that the applicant occupies a homestead, which he owns, the state department shall cause to be recorded, in the office of the register of deeds of the county in which such homestead is located, a statement in writing to the effect that the owner of such homestead is receiving or is about to receive assistance payments. Such written statement shall be signed by the executive director of the state department. After the recording of such statement, any instrument of conveyance or encumbrance executed by such applicant for assistance without the approval of the state department shall be null and void. No fee shall be charged by the register of deeds for recording such statement. This section shall not apply to an applicant or recipient of assistance to the aged, blind, or disabled who owns a homestead which is held in trust for him by the federal government.

SECTION 4. REPEAL.) Subsections 10 and 11 of section 50-24-01, subsection 10 of section 50-24-03, and section 50-24-04 of the 1969 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 27, 1971

CHAPTER 471

HOUSE BILL NO. 1060
(Eagles, Lundene, Wagner, Wilkie)
(From Legislative Council Study)

WELFARE RESIDENCY REQUIREMENTS

AN ACT to amend and reenact subsections 7 and 9 of section 50-24-03, and to repeal subdivision b of subsection 8 of section 50-24-03 and section 50-24-24 of the North Dakota Century Code, relating to residency for receiving aid for the aged or disabled.

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

SECTION 1. AMENDMENT.) Subsection 7 of section 50-24-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. Applicants for old-age assistance shall in addition have attained the age of sixty-five years. A county in which an applicant has residence for poor relief purposes will be financially responsible for the county's share of any assistance provided under this chapter.

SECTION 2. AMENDMENT.) Subsection 9 of section 50-24-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

9. Or applicants for aid to the permanently and totally disabled shall in addition have:
 - a. Attained the age of eighteen years.
 - b. Been determined in the manner prescribed in federal regulations to be permanently and totally disabled.
 - c. A county in which an applicant has residence for poor relief purposes will be financially responsible for the county's share of any assistance provided under this chapter.

SECTION 3. REPEAL.) Subdivision b of subsection 8 of section 50-24-03 and section 50-24-24 of the 1969 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 22, 1971