

PUBLIC WELFARE

CHAPTER 326

S. B. No. 214

(Holand, Longmire, Reichert, Wartner, Chesrown, Brooks)

PUBLIC WELFARE BOARD POWERS AND DUTIES

AN ACT

To create and enact subsection 15 of 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:

15. To provide social histories and other social services, psychological testing and related services, and psychiatric evaluations and treatment in so far as resources permit, when requested by a judge of the district court in juvenile and criminal cases, to be kept as confidential for the use of the court.

Approved March 4, 1963.

CHAPTER 327

H. B. No. 527

(Hofstrand, Haugland, Leet, Solberg)
(Neukircher, Lowe, Giffey)

(From LRC Study)

GENERAL ASSISTANCE CONTRACTS WITH FEDERAL GOVERNMENT

AN ACT

Authorizing the state public welfare board to execute contracts with the United States for the provision of general assistance to Indian citizens.

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

§ 1. General Assistance Contract Authorized.) The state public welfare board is authorized to execute contracts or agreements with the government of the United States or the appropriate agency thereof for the purpose of making available

the services of the state and counties of the state in providing general welfare assistance or poor relief in accordance with the provisions of chapters 50-01 and 50-02, to Indian citizens in all counties of the state in which no Indian reservation or portion thereof is located. Such contracts shall provide that any Indian citizen of this state having a residence on a reservation located in North Dakota or in any county of the state containing an Indian reservation or portion thereof and who has not acquired a residence for welfare purposes as required by the public welfare laws of this state in another county not containing an Indian reservation or portion thereof, shall be entitled to receive general assistance or poor relief from the county welfare board of a non-reservation county in which he is located upon the same basis and according to the same standards as general assistance or poor relief is provided for residents of the county. Such contract or agreement shall further provide that all cost of poor relief or general assistance payments for Indian citizens located in non-reservation counties who have not acquired residence for welfare purposes, plus such amounts as may be agreed upon as reasonable costs of administration, shall be paid as reimbursement to the non-reservation county providing the poor relief payments to the Indian citizens by the United States until such Indian citizens shall acquire a residence in the county for welfare purposes. Such contract may further provide that in the event an Indian citizen shall have lived and have been domiciled in such non-reservation county for a period of twenty-four months, but has not acquired residence for welfare purposes in such non-reservation county, the responsibility of the United States to reimburse such county for general assistance or poor relief payments and costs of administration shall cease, and the state public welfare board shall thereupon reimburse such non-reservation county for such costs until such time as such Indian citizen shall acquire residence for welfare purposes in the non-reservation county. The agreement or contract shall contain such other provisions as may in the discretion of the state public welfare board be necessary to properly administer such a program of general assistance or poor relief, and shall contain a provision for the termination of the contract or agreement upon reasonable notice by the state.

Approved February 9, 1963.

CHAPTER 328

H. B. No. 828

(Connolly, Fossum, Anderson (Richland), Anderson (McHenry))
(Poling, Powers, Haugland, Christensen (McLean), Wastvedt)

AID TO AGED, BLIND OR DISABLED PROGRAM

AN ACT

To create and enact chapter 50-24 of the North Dakota Century Code, establishing a combined program for assistance to the aged, blind, disabled, and medical assistance for the aged, prescribing powers of the state and county welfare boards in the administration thereof, setting standards of eligibility for assistance, providing for the financing of the program, and providing a penalty for fraudulent acts, and to repeal chapters 50-07, 50-08, 50-10A, and 50-23 of the North Dakota Century Code, relating to the individual programs for aid to the blind, old age assistance, aid to the permanently and totally disabled, and medical assistance for the aged.

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

§ 1.) Chapter 50-24 of the North Dakota Century Code is hereby created and enacted to read as follows:

AID TO AGED, BLIND OR DISABLED PROGRAM

50-24-01. Definitions.) In this chapter, unless the context or subject matter otherwise requires:

1. "State department" shall mean the public welfare board of North Dakota;
2. "County agency" shall mean the county welfare board of each of the several counties of the state;
3. "Applicant" shall mean a person who has applied for assistance under this chapter;
4. "Recipient" shall mean a person who has received assistance under the terms of this chapter;
5. "Assistance" shall mean money payments to or goods or services provided for recipients under the terms of this chapter;
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 the aged, blind or disabled" shall be understood and interpreted as a general term referring to "old age assistance", "aid to the

- blind", "aid to the permanently and totally disabled", and "medical assistance for the aged";
7. "Old age assistance" shall mean money payments to or goods and services provided to or in behalf of needy aged persons;
 8. "Aid to the blind" shall mean money payments to or goods and services to or in behalf of needy blind;
 9. "Aid to the permanently and totally disabled" shall mean money payments to or goods and services provided to or in behalf of needy persons determined to be permanently and totally disabled;
 10. "Medical assistance for the aged" shall mean payments to or in behalf of an aged person for medical care and incidental personal supplies;
 11. "Medical care" in the medical assistance for the aged program shall be defined as including but not limited to (1) inpatient hospital services; (2) skilled nursing home services; (3) physicians and other licensed practitioners services; (4) outpatient hospital or clinic services; (5) private duty nursing services; (6) dental services; (7) laboratory and X-ray services; (8) prescribed drugs; (9) diagnostic, screening and preventive services; and (10) authorized physical therapy. Should it be necessary to reduce expenditures for medical assistance hereunder due to lack of funds, the reduction is to be pro-rated among all of the dispensers of medical services equally.

50-24-02. Duties of State Department.) The state department shall:

1. Take such action and make such rules and regulations as may become necessary to entitle the state to receive aid from the federal government for assistance for the aged, blind, and disabled in North Dakota;
2. Supervise the administration of the assistance for the aged, blind or disabled throughout this 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 chapter, including the adoption and application of suitable standards and procedures to insure uniform and equitable treatment of all applicants;
4. Cooperate with the federal government in matters of mutual concern pertaining to assistance for the aged, blind or disabled, including the adoption of such methods of administration as are found by the federal

- government to be necessary for the efficient operation of the program;
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 statewide merit system;
 8. Make such reports in such form and containing such information as the federal government, from time to time, may require;
 9. Comply with such provisions, rules and regulations as the federal government, from time to time, may find it necessary to require;
 10. Publish a biennial report and such interim reports as may be deemed necessary; and
 11. Administer all funds appropriated or made available to it for the purpose of carrying out the provisions of this chapter.

50-24-03. Eligibility.) Assistance shall be granted under this chapter to any person who shall meet the following requirements:

1. Has resided ten years in the United States, or is a citizen of the United States.
2. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. Has no child or other relative of sufficient financial ability to support him who is responsible under the law for his support, provided, however, that if such child or other relative refused or neglects to provide necessary assistance, such refusal or neglect shall not make such applicant ineligible for assistance to the aged, blind or disabled.
4. Has not at any time before or after making application for assistance to the aged, blind or disabled made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this plan.
5. Is not a patient in any medical institution as a result of a diagnosis of tuberculosis or psychosis with respect to any period after the recipient has been a patient in

- a medical institution as a result of such diagnosis for forty-two days.
6. Is not an inmate of, nor being maintained by any municipal, state or national institution at the time of receiving assistance; provided, however, that the state department shall have authority to make payments as provided in this chapter to residents of such public institutions as are approved by the state department.
 7. Applicants for old age assistance shall in addition have:
 - a. Attained the age of sixty-five years;
 - b. Resided in North Dakota continuously for one year immediately preceding application for assistance except that in order to establish eligibility for assistance in North Dakota, any person who is eligible to receive or is receiving assistance from another state will be required to reside in North Dakota for the same period of time as a person moving from North Dakota to such other state would be required to reside, under such other state's laws or regulations, in order to establish eligibility under such other state's assistance program. 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 Act.
 8. Or applicants for aid to the blind shall in addition have:
 - a. No vision or vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential.
 - b. Resided in North Dakota continuously for one year immediately preceding application for assistance except that in order to establish eligibility for assistance in North Dakota, any person who is eligible to receive or is receiving assistance from another state will be required to reside in North Dakota for the same period of time as a person moving from North Dakota to such other state would be required to reside, under such other state's laws or regulations, in order to establish eligibility under such other state's assistance program. 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 Act.
 9. Or applicants for aid to the permanently and totally disabled shall in addition have:
 - a. Attained the age of 18 years.
 - b. Been determined in the manner prescribed in federal regulations to be permanently and totally disabled.

- c. Resided in North Dakota continuously for one year immediately preceding application for assistance except that in order to establish eligibility for assistance in North Dakota, any person who is eligible to receive or is receiving assistance from another state will be required to reside in North Dakota for the same period of time as a person moving from North Dakota to such other state would be required to reside, under such other state's laws or regulations, in order to establish eligibility under such other state's assistance program. 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 Act.
10. Or applicants for medical assistance for the aged shall in addition have:
 - a. Attained the age of 65 years.
 - b. Is residing in the state of North Dakota, or be a legal resident of North Dakota though temporarily residing outside of the state of North Dakota.
 - c. Has paid or obligated himself to pay in the amount of fifty dollars for medical care during the 12 month period prior to making application.

50-24-03.1. How Residence in State Lost.) If any person not receiving public assistance but having legal residence in this state for poor relief purposes voluntarily moves from this state, his residence for public assistance purposes is lost, destroyed or defeated in the same manner and upon like conditions as the residence of a person in that state voluntarily moved to this state would be lost, destroyed or defeated.

A legal resident of this state receiving public assistance who voluntarily moves from this state continues to be eligible for public assistance on a residence basis from this state until he becomes eligible in the state to which he moves, unless the other state does not have a public assistance program for which he is eligible. In this event, eligibility continues for one year after he moves from this state. A person not a legal resident receiving public assistance from this state loses eligibility for public assistance upon voluntarily moving from this state.

50-24-04. Medical Assistance for Aged—Purpose—Certification—Choice of Services—Payment.) The purpose of medical assistance for the aged is to provide for a program of medical assistance to the aged for those applicants who have incurred burdensome medical expenses and who meet the standards and qualifications set forth in this chapter. Minor medical expenses are not intended to be covered under the program.

Medical services shall be rendered upon certification by the attending licensed practitioner that medical service is required. Services of a medical institution shall be rendered only after referral by a licensed physician and certification by him that the services of the medical institution are required for the medical treatment of the individual, except that referral shall not be necessary in case of an emergency.

The applicant shall be entitled to free choice of those physicians, hospitals, nursing homes, and other licensed dispensers of medical services. The state department may negotiate to pay dispensers of medical services according to the usual and customary fees being charged in the local community for services rendered to persons of comparable economic status. Should the department contract with private agencies or carriers for all or a part of such medical services, it may make payment direct to such agencies or carriers.

50-24-05. Application for Assistance.) An application for assistance to the aged, blind, or disabled under the provisions of this chapter 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 department 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 in which he has an interest;
2. A statement of all the income which the applicant has at the time of the filing of the application; and
3. Such other information as may be prescribed by the state department.

50-24-06. Investigations of Applications.) Whenever a county agency receives an application for assistance to the aged, blind, or disabled, an investigation of the circumstances of the applicant shall be made to ascertain:

1. The facts supporting the application; and
2. Such other information as may be required by the state department. If the county agency believes that assistance has become necessary by reason of the action of any person contrary to law, the agency shall advise the state's attorney of the fact and shall give to him the name or names of the offending person or persons together with their last known address.

50-24-07. Power of State and County Agencies on Investigation.) The county agency and state department and the officers and authorized employees thereof authorized to make

investigations under the provisions of this chapter shall have the power to:

1. Conduct examinations;
2. Require the attendance of witnesses and the production of books, records, and papers; and
3. Make application to the district court of the county to compel the attendance of witnesses and the production of books, records, and papers. The officers and employees designated by the county agency and the state department also may administer oaths and affirmations.

50-24-08. Blind Aid—Examination.) No application for aid to the blind 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 department 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 department, the findings of the examination. A recipient of aid to the blind under the provisions of this chapter shall submit to a re-examination as to his eyesight when required to do so by the state department. He also shall furnish any information required by the state department.

50-24-09. 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 department to any applicant or recipient of assistance under the age of sixty-five who is in need of treatment either to prevent blindness or to restore his eyesight whether or not he is blind as defined in subsection 8a of section 50-24-03, 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 department.

50-24-10. Denial or Withdrawal of Assistance When Treatment Refused.) Assistance to the blind or totally and permanently disabled may be denied to, or having been granted, may be withdrawn from any person who refuses medical, surgical, or other treatment when such person, or 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 or physician, as the case may be. Any person who is denied assistance or whose assistance is withdrawn upon this ground may appeal to the state department in the manner provided in sections 50-24-18 and 50-24-19.

50-24-11. Findings of County Agency on Investigation.)

The county agency, upon completion of the investigation of an application for assistance to the aged, blind, or disabled shall determine in accordance with its findings whether or not the applicant is eligible for assistance 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 department. If the county agency finds that the application should be allowed, it shall, on applications except those for medical assistance for the aged, attach to its order a certificate of eligibility setting forth the amount of monthly assistance which it finds the applicant is entitled to receive and the date upon which assistance is to begin.

50-24-12. Amount of Aid — Determination.) The amount of assistance to which any person shall be entitled under the provisions of this chapter 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 sources;
2. The necessary expenditures of the individual; and
3. The rules, regulations, and directions which the state department may find necessary to prescribe.

Such amount 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.

In the case of applicants for old age assistance, the county agency in determining need shall disregard not more than the first ten dollars of earned income plus one-half of the next forty dollars of earned income per month.

In the case of applicants for aid to the blind, the county agency in determining need shall disregard the first eighty-five dollars of earned income plus one-half of the earned income in excess of this amount. In addition, the county agency shall disregard such amounts of other income and resources for an individual who has a plan for achieving self support as will be necessary to fulfill such plan, provided that the state department approves such plan and that the period of exemption shall not exceed a total of twelve months for any individual.

In the case of medical assistance for the aged, the county agency in determining need shall disregard not more than the first twelve hundred dollars of yearly income for an un-

married applicant or not more than the first eighteen hundred dollars for a married applicant and spouse living together. Such income shall not include the shelter value of a residence occupied by the applicant nor the value of gifts or services contributed in kind.

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. But if the applicant for old age assistance, aid to the blind, or aid to the permanently and totally disabled is the owner of real property, other than a homestead, of 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 including money, of a value in excess of three hundred dollars, then such applicant, as a condition to the grant of assistance, shall be required to transfer such property in trust by appropriate instrument, except property selected by the applicant having a value of not more than three hundred dollars, as security for such assistance payments as the applicant thereafter may receive, unless the Congress of the United States shall enact legislation prohibiting the taking of security on other real or personal property belonging to the applicant.

In determining the need for medical assistance for the aged, the state department shall disregard such resources as are necessary to meet the subsistence needs of the applicant for himself and his legal dependents. The amount of resources so disregarded shall not exceed twenty-five hundred dollars in net value of personal property of which not more than five hundred dollars shall be in cash or maturity value of stocks or bonds for an applicant who is unmarried or not living with the spouse nor more than one thousand dollars for a married applicant and spouse living together. The limit in net value of personal property shall not include household goods, wearing apparel, or personal effects; nor shall the resources in real property other than the home exceed twenty-five hundred dollars in current net value for a married or unmarried applicant.

50-24-14. Life Insurance Policy—Agreement for Payment of Premiums.) If an applicant for old age assistance, aid to the blind, or aid to the permanently and totally disabled, under the provisions of this chapter, has a policy of insurance or a fraternal beneficiary certificate on his life and if such policy or beneficiary certificate has a surrender value less than that

stated or has no cash surrender value at all, the county agency may recommend and the state department may authorize premiums upon such insurance policy or beneficiary certificate to be paid out of assistance payments. Such agencies may enter into such arrangements with the insured as shall protect the interests 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 two hundred and fifty dollars have been paid.

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.

50-24-16. Rejection of Application—Notice of—Contents.) If the county agency upon investigation of an application for assistance to the aged, blind, or disabled, finds that the application should be rejected, it forthwith shall notify the applicant in writing of its decision. The notice to the applicant also shall state that he may appeal from the findings of the county agency to the state department within thirty days from the receipt by the applicant of such written notice and that such appeal may be taken by filing a written notice of appeal with the county agency or state department.

50-24-17. Power of State Department to Change Determination of County Agency.) The state department shall have the following powers in regard to the reconsideration of the change in the amount of assistance to the aged, blind,

or disabled that has been granted under the provision of this chapter:

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

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

50-24-18. Appeal to State Department—When Taken.) An applicant for assistance to the aged, blind, or disabled under the provisions of this chapter may appeal to the state department 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 allowance insufficient.

The appeal shall be taken by filing a written notice with the county agency or state department.

50-24-19. Appeal—How Heard.) Where an appeal is taken under the provisions of section 50-24-16, the state department shall give the applicant an opportunity for a fair hearing. The state department may designate some person to act as referee

and take and certify evidence to the state department. When an appeal is heard before a member or members of the state department, or a referee designated by such department, such person or persons shall make findings in writing and shall state the reason why the application should not be granted or rejected or changed in amount, as the case may be, and report such findings to the state department, together with all the evidence upon which the same is based. The state department may accept and approve such findings or reverse or modify the same or hear the matter anew or make such disposition of the appeal as the facts and the law warrant. If the decision of the department results in a denial of assistance or in a denial of the claim of the applicant in whole or in part, such appellant upon written demand shall be afforded a fair hearing before the department. The decision of the state department shall be final, and binding upon the county agency.

50-24-20. County Share of Assistance.) Each county in this state shall reimburse the state department for amounts expended for assistance to the aged, blind, or disabled in such county in excess of the amount provided by the federal government, in the following percentages:

1. Aid to the permanently and totally disabled—fifteen percent;
2. Old age assistance—ten percent;
3. Medical assistance for the aged—ten percent;
4. Aid to the blind—none.

50-24-21. How County's Share Paid.) The state department shall keep records and accounts in relation to the expenditures for each program listed in section 50-24-20 in each county in North Dakota. Claims for reimbursements shall be presented by the state department to the board of county commissioners at the end of each calendar month. The executive director of the state department shall certify to each county the total amount paid for each program to or on behalf of persons in that county, and the county's share of such payments. The amount so certified shall be paid to the treasurer of the state department from the county treasury upon the audit and approval of the county auditor and the chairman for the board of county commissioners.

50-24-22. County Appropriation.) The board of county commissioners in each county in this state shall appropriate annually such sum as, in its judgment, may be needed to carry out the provisions of this chapter, including expenses of administration based upon a budget prepared by the county welfare board, 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.

50-24-23. When County's Share of Fund Furnished by State.) If the financial condition of any county is such that it cannot make an appropriation or levy a tax for assistance to the aged, blind, or disabled, or cannot legally issue warrants in an amount sufficient to provide the necessary funds to comply with the provisions of this chapter, the board of county commissioners shall report such fact to the state department. The state department 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 funds or legally issue warrants or levy a tax in an amount sufficient to provide the county's share of funds needed for the purposes of this chapter in that county, the state department may provide either as a grant or as a loan that county's share of funds for the purposes of this chapter or so much thereof as may be necessary, from state funds appropriated to the state department for the purposes of this chapter.

50-24-24. Assistance to Transients—How Paid.) The state department may use funds appropriated to the department for old age assistance and aid to the permanently and totally disabled to pay the entire cost of such grants, not paid by the federal government, to those persons who meet the following requirements:

1. Whose residence cannot be determined to be in any county in North Dakota or in any other state in the United States; and
2. Who have resided in North Dakota for one year and who meet all the other requirements for such assistance.

50-24-25. Indians—When State Funds Used.) Any county in which an Indian reservation is located may apply to the state department 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 department 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 or the amount necessary to provide aid to such Indians the state department may use funds appropriated to the public welfare fund for aid to aged, blind, or disabled persons to pay

such part of the costs of aid to such ward Indians as is not paid by the federal government.

50-24-26. Assistance to the Aged, Blind, or Disabled Funds.)

All moneys received by the state department 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 the appropriate fund for assistance to aged, blind, or disabled, in accordance with the purpose for which received. The treasurer of the state department shall receive all such moneys as the same may be paid to him and shall deposit the same in the appropriate fund. The treasurer shall issue in triplicate receipts for all moneys received by him for each fund. Such receipts shall show the dates upon and the sources from which the moneys were received, and the original shall be delivered forthwith to the person, officer, or agency making the payment, one copy to the executive director of the state department, and the other copy shall be retained by the treasurer.

50-24-27. Disbursements for Assistance to the Aged, Blind, or Disabled.) Disbursements for assistance shall be made only for the purposes of this chapter which shall include:

1. Payments to or on behalf of recipients of assistance;
2. Expenses of administration of the assistance to the aged, blind, or disabled plan in this state.

All disbursements shall be made only by checks or warrants drawn on the appropriate assistance fund. Such checks or warrants shall be drawn only by persons who are duly authorized so to do by resolution of the state department.

50-24-28. Person Handling Money to Furnish Bond.) The treasurer of the state department and all persons having any control over or who handle any of the moneys for the purposes of this chapter shall be bonded in such sum as the state department by resolution shall require.

50-24-29. Recovery of Assistance to the Aged, Blind, or Disabled from Person Liable for Support.) If, at any time during the continuance of any allowance granted under the provisions of this chapter, it is ascertained that anyone who is liable for support and care of a recipient of assistance to the aged, blind, or disabled is able to afford the necessary support or 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 of the county in the name of the county in which

such assistance was granted and against the person liable for the support or care 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.

50-24-30. Authority to Compromise and Settle.) The state department shall have the authority to enter the appearance of the state in any proceeding affecting property upon which the state may have a claim for old age assistance, aid to the blind, or aid to the permanently and totally disabled to prosecute and defend in any such proceedings, to institute probate proceedings as a creditor to deceased persons, and either in the course of or in the absence of and apart from any action or proceeding enter into any stipulation, compromise, settlement or other agreement or arrangement in respect to such claim as may seem wise, and to execute any such stipulation, modification, quit claims, releases, partial releases, discharges, extensions, agreements, satisfactions, partial satisfactions or subordination or other contracts or stipulation or agreement which the interest of the parties or the circumstances of the case may make advisable.

50-24-31. Confidential Character of Records—Penalty.) All applications, information, and records concerning any applicant or recipient of assistance to aged, blind, or disabled under the provisions of this chapter shall be confidential and shall not be disclosed nor used for any purpose not directly connected with the administration of assistance to the aged, blind, or disabled; except that upon the personal written request of any elected public official the records of the names, addresses, and amounts of assistance shall be open for his inspection by the state or county welfare board. Such information shall not be used for any political or commercial purpose or made public in any manner. Any person using any application, information, or records concerning any applicant or recipient beyond his official capacity or for purposes not directly connected with the administration of assistance to the aged, blind, or disabled is guilty of a misdemeanor.

50-24-32. Recipient to Notify the State Department of Receipt of Property or Income—Assistance Altered or Canceled.) If, at any time during the continuation of assistance to the aged, blind, or disabled under the provisions of this chapter, the recipient becomes the owner of any property or income in excess of the amount stated in the application provided in section 50-24-05, he immediately shall notify the county agency of the receipt of possession of such property or income and the county agency, after investigation, either

may cancel the assistance or alter the amount thereof in accordance with the circumstances. Any assistance paid after the recipient has come into possession of such property or income, and in excess of his needs, shall be recoverable by the state from the estate of the recipient.

50-24-33. Recovery from Estate of Recipient of Assistance to the Aged, Blind or Disabled.) On the death of any recipient of assistance to the aged, blind, or disabled under the provisions of this chapter the total amount of assistance paid under this chapter shall be allowed as a preferred claim against the estate of such person in favor of the state, after funeral expenses for recipient and his or her spouse, not to exceed in each individual case two hundred and fifty dollars, and such expenses of the last illness of recipient and 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 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 in value two hundred dollars.

50-24-34. Division of Moneys Recovered.) Any amounts recovered under the provisions of sections 50-24-27 or 50-24-29 for assistance to the aged, blind, or disabled paid under the provisions of this chapter shall be deposited promptly in the appropriate fund and credited respectively to the federal government, the state, and the county in proportion to the amounts in which the assistance payments represented funds contributed by the federal government, state, and county.

50-24-35. Guardian Appointed—Payments to Guardian.) Whenever a guardian shall have been appointed for any recipient 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 such recipient.

50-24-36. Aid Not Assignable—Cashing Checks After Death of Payee.) Aid granted under this chapter shall not be transferable or assignable in law or equity, and the money paid or payable under this chapter shall not be subject to execution, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law. 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 department.

50-24-37. 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 chapter, or with respect to any application for aid.

50-24-38. Statute of Limitations Shall Not Run.) The statute of limitations shall not run against claims of the state of North Dakota for repayment of assistance to the aged, blind, or disabled.

50-24-39. Fraudulent Acts—Penalty.) Whoever knowingly obtains, or attempts to obtain, or aids or abets another, by means of a willfully false statement or representation, or by impersonation, or by other fraudulent device, assistance to the aged, blind, or disabled to which he 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 factors, the amount of money fraudulently received.

50-24-40. Limitations of Chapter.) All assistance to the aged, blind or disabled granted under this chapter 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 assistance is affected in any way by any amending or repealing Act.

50-24-41. Suspension of Chapter.) In the event that any provision or provisions of this chapter shall be in conflict with Title XVI—Grants to States for Aid to the Aged, Blind, or Disabled or for such aid and medical assistance for the aged being amendments of Title I of the Social Security Act, being Public Law 87-543, 87th Congress, H.R. 10606, dated July 25, 1962, providing for a state plan for the aged, blind, and disabled; under which, if this chapter were not in conflict, the state would be entitled to receive contributions from the United States for the combined state plan for the aged, blind, and disabled, such provision or provisions of this chapter so in conflict with such law of the United States shall be considered as suspended and noneffective until fifty days after

convening the legislative assembly in the year 1965 so as to enable the state to qualify and participate in such contributions for the aged, blind, and disabled from the United States.

***§ 2. Repeal.)** Chapters 50-07, 50-08, 50-10A, and 50-23 of the North Dakota Century Code are hereby repealed.

Approved March 14, 1963.

***Note:** Sections 50-07-21, 50-07-22, and 50-10A-20 were amended by sections 18, 19, and 20 of chapter 200 of the 1963 Session Laws.