

**TITLE 50
PUBLIC WELFARE**

**CHAPTER 50-01
COUNTY POOR RELIEF, ADMINISTRATION**

50-01-01. County obligated to support poor - Eligibility for assistance - Transfer of property as security for assistance. (Effective through December 31, 2019)

Within the limits of the county human services appropriation, each county in this state is obligated, upon receipt of a written application, to provide county general assistance to persons who are residents of the county and who are eligible. To be eligible for county general assistance, the applicant:

1. May not have made, before or after making an application for county general assistance, an assignment or transfer of property for the purpose of rendering the applicant eligible for assistance.
2. Shall comply with the written eligibility standards for county general assistance established by the county social service board. A copy of the written standards must be available upon request. Pursuant to this requirement, the ownership of property by an applicant for county general assistance, or by the spouse of the applicant, either individually or jointly, or of insurance on the life of the applicant does not preclude the granting of assistance if the applicant is without funds for the applicant's support. As a condition to the granting of county general assistance, however, the applicant may be required to transfer the property in trust by appropriate instrument as security for relief the applicant may receive, unless the property consists of one of the following:
 - a. A homestead.
 - b. A life insurance policy having a cash surrender value of less than three hundred dollars.
 - c. Personal property of a value less than three hundred dollars, not including household goods, wearing apparel, and personal effects, such as money.
 - d. Property selected by the applicant having a value of less than three hundred dollars.
 - e. Real or personal property held in trust for the applicant by the federal government.
 - f. Real or personal property on which the taking of security may be prohibited through legislation enacted by the Congress of the United States.

Human service zone obligated to support poor - Eligibility for assistance. (Effective after December 31, 2019) Within the limits of the human service zone appropriation, each human service zone in this state is obligated, upon receipt of a written application, to provide general assistance to persons who are residents of the human service zone and who are eligible. To be eligible for general assistance, the applicant:

1. May not have made, before or after making an application for general assistance, an assignment or transfer of property for the purpose of rendering the applicant eligible for assistance.
2. Shall comply with the written eligibility standards for general assistance established by the human service zone director or department of human services. A copy of the written standards must be available upon request. Pursuant to this requirement, the ownership of property by an applicant for general assistance, or by the spouse of the applicant, either individually or jointly, or of insurance on the life of the applicant does not preclude the granting of assistance if the applicant is without funds for the applicant's support.

50-01-01.1. Determination of eligibility - Notice - Appeal. (Effective through December 31, 2019)

The director of the county social service board, or an individual designated by the county social service board, is responsible for determining, within a reasonable period of time, an

applicant's eligibility for county general assistance under this chapter. The applicant must be provided written notice of the determination. The notice must include the reasons for the determination, as well as an explanation of the applicant's right to a timely appeal of the determination to the county social service board if aggrieved by the decision. Decisions of the county social service board regarding appeals taken pursuant to this section are subject to judicial review in the manner prescribed by chapter 28-32.

Determination of eligibility - Notice - Appeal. (Effective after December 31, 2019) The human service zone director or the director's designee is responsible for determining, within a reasonable period of time, an applicant's eligibility for general assistance under this chapter. The applicant must be provided written notice of the determination. The notice must include the reasons for the determination, as well as an explanation of the applicant's right to a timely appeal of the determination to the human service zone board if aggrieved by the decision. Decisions of the human service zone board regarding appeals taken pursuant to this section are subject to judicial review in the manner prescribed by chapter 28-32.

50-01-02. County general assistance jurisdiction. (Effective through December 31, 2019)

The county social service board of each county has exclusive jurisdiction and control of the administration of county general assistance within the county, except as otherwise provided in this title.

General assistance jurisdiction. (Effective after December 31, 2019) The human service zone, through the human service zone director, or the director's designee, has exclusive jurisdiction and control of the administration of general assistance within the human service zone, except as otherwise provided in this title.

50-01-03. County social service board may accept property or security. (Repealed effective January 1, 2020)

In cases when it seems desirable, the county social service board may accept property or security from a person receiving or in need of county general assistance.

50-01-04. Records to be kept. (Effective through December 31, 2019)

Every person who administers county general assistance shall maintain reasonable records.

Records to be kept. (Effective after December 31, 2019) Every person who administers general assistance shall maintain reasonable records.

50-01-05. Reports to county social service board.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-06. Blanks and reports prepared by counties.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-07. County social service board - Members - Qualifications.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-07.1. County social service board to be substituted for county welfare board.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-08. Members of county social service board - Term of office - Oath - Compensation.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-08.1. Out-of-state travel approval.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-09. Duties of county social service board.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-09.1. Reimbursement of county for public assistance to nonresidents occasioned by federal projects.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-09.2. Allocation to counties by state for poor relief expenditures.

Repealed by S.L. 1993, ch. 2, § 27.

50-01-10. Removal of members of the board.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-11. Investigation of application for poor relief.

Repealed by omission from this code.

50-01-12. Relief provided when residence uncertain.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-13. Medical attention and hospitalization furnished poor. (Effective through December 31, 2019)

Within the limits of the county human services appropriation, the county social service board promptly shall provide necessary medical services, covered in the written eligibility standards for general assistance, for any poor person in the county who is not provided for in a public institution. The county social service board shall cause to be furnished to the person the necessary covered medicines prescribed by a physician. Necessary covered hospitalization must be furnished by the county upon approval or subsequent ratification by the board. If the poor person is a nonresident of the state, the county furnishing the medical services must be reimbursed within the limits of funds appropriated for that purpose by the legislative assembly for eighty percent of the expenses incurred in carrying out this section. The reimbursement must be made upon vouchers having the approval of the department of human services.

Medical attention and hospitalization furnished to poor. (Effective after December 31, 2019)
Within the limits of the human service zone appropriation, the human service zone promptly shall provide necessary medical services, covered in the written eligibility standards for general assistance, for any poor person in the human service zone who is not provided for in a public institution. The human service zone shall cause to be furnished to the person the necessary covered medicines prescribed by a physician. Necessary covered hospitalization must be furnished by the human service zone upon approval or subsequent ratification by the human service zone director or the director's designee. If the poor person is a nonresident of the state, the human service zone furnishing the medical services must be reimbursed within the limits of funds appropriated for that purpose by the legislative assembly for eighty percent of the expenses incurred in carrying out this section. The reimbursement must be made upon vouchers having the approval of the department of human services.

50-01-14. Restrictions on aid furnished nonresidents.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-15. Transportation not furnished to nonresident.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-16. Complaint in behalf of the poor.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-17. Person required to work. (Effective through December 31, 2019)

If a person applying for county general assistance is able to work, or if any member of that person's family is able to work, the county social service board of the county in which the person is a resident may insist that those able to work seek employment and the board may refuse to furnish any assistance until it is satisfied that the person claiming assistance is endeavoring to find work. The board may attempt to secure, for a person claiming county general assistance, who is able to work, employment in the county where the person resides and may call upon residents of the county to aid the board in finding work for that person.

Person required to work. (Effective after December 31, 2019) If a person applying for general assistance is able to work, or if any member of that person's family is able to work, the human service zone in which the person is a resident may insist that those able to work seek employment and the human service zone director or the director's designee may refuse to furnish any assistance until it is satisfied that the person claiming assistance is endeavoring to find work. The human service zone may attempt to secure, for a person claiming general assistance, who is able to work, employment in the county where the person resides and may call upon residents of the county to aid the human service zone in finding work for that person.

50-01-17.1. Work requirement conditions. (Effective through December 31, 2019)

If a person applying for county general assistance is able to work, the county social service board, at its option, may require the applicant to comply with any or all of the following provisions as a condition to receiving public assistance:

1. To register with job service North Dakota.
2. To participate in work incentive programs in accordance with the guidelines established for public assistance programs.
3. To accept work which is available through community work experience programs.

Work requirement conditions. (Effective after December 31, 2019) If a person applying for general assistance is able to work, the human service zone director or the director's designee, at its option, may require the applicant to comply with any or all of the following provisions as a condition to receiving general assistance:

1. To register with job service North Dakota.
2. To participate in work incentive programs in accordance with the guidelines established for public assistance programs.
3. To accept work which is available through community work experience programs.

50-01-17.2. Community work experience programs - Development. (Effective through December 31, 2019)

The county social service board may develop community work experience programs through agreements with any public entity, nonprofit agency or organization, or in conjunction with, or through utilization of, applicable federal programs. The number of hours to be worked may be determined by dividing the amount of the assistance payment by the prevailing minimum wage.

Community work experience programs - Development. (Effective after December 31, 2019) The department of human services may develop community work experience programs through agreements with any public entity, nonprofit agency or organization, or in conjunction with, or through utilization of, applicable federal programs. The number of hours to be worked may be determined by dividing the amount of the assistance payment by the prevailing minimum wage.

50-01-17.3. Community work experience program requirements. (Effective through December 31, 2019)

Any community work experience program established pursuant to this chapter must provide:

1. That appropriate health, safety, and work conditions exist.
2. That the program does not result in displacement of persons currently employed.
3. That the program does not apply to jobs covered by a collective bargaining agreement.

4. That recipients will not be required to travel an unreasonable distance from their homes or to remain away from their homes overnight.
5. That the county social service board shall provide for transportation and all other costs reasonably necessary for and directly related to a recipient's participation in the program.

Community work experience program requirements. (Effective after December 31, 2019)

Any community work experience program established pursuant to this chapter must provide:

1. That appropriate health, safety, and work conditions exist.
2. That the program does not result in displacement of persons currently employed.
3. That the program does not apply to jobs covered by a collective bargaining agreement.
4. That recipients will not be required to travel an unreasonable distance from their homes or to remain away from their homes overnight.
5. That the human service zone shall provide for transportation and all other costs reasonably necessary for and directly related to a recipient's participation in the program.

50-01-17.4. Community work experience program participation.

No recipient may be required to participate in a work experience program if:

1. The position offered is vacant because of a strike, lockout, or other labor dispute.
2. The recipient would be required to join a company union or to resign from or refrain from joining any legitimate labor organization.
3. Participation would impose a hardship on the recipient or the recipient's family because of illness, physical or mental disability, or remoteness of the recipient's residence from the place of employment.

50-01-17.5. Refusal to comply with work requirements - Denial of relief. (Effective through December 31, 2019)

Refusal of any applicant or recipient, without good cause, to comply with any work requirements established pursuant to this chapter may be grounds for denial or termination of county general assistance.

Refusal to comply with work requirements - Denial of relief. (Effective after December 31, 2019) Refusal of any applicant or recipient, without good cause, to comply with any work requirements established pursuant to this chapter may be grounds for denial or termination of general assistance.

50-01-18. Refusal of poor person to work.

Repealed by S.L. 1981, ch. 485, § 6.

50-01-19. Duty of relative to aid - Right of recovery by county.

Repealed by S.L. 2019, ch. 129, § 2.

50-01-20. Assistance by relatives.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-21. County has preferred claim against estate of recipient of county general assistance. (Effective through December 31, 2019)

Funds used for subsistence, medical, hospital, or burial expenses of a recipient of county general assistance may not be considered as gifts, and the county has a preferred claim against the estate of any person who has received county general assistance for funds expended for that person and that person's legal dependents. The statute of limitations does not run on this type of claim.

County and department have preferred claim against estate of recipient of county general assistance or general assistance. (Effective after December 31, 2019) Funds used for subsistence, medical, hospital, or burial expenses of a recipient of county general assistance or general assistance may not be considered as gifts, and the county and department have a

preferred claim against the estate of any person who has received county general assistance or general assistance for funds expended for that person and that person's legal dependents. The statute of limitations does not run on this type of claim.

50-01-22. Actions and proceedings - Duty of state's attorneys.

Repealed by S.L. 1995, ch. 456, § 25.

50-01-23. Sending pauper out of county unlawful - Prosecution.

Repealed by S.L. 1975, ch. 106, § 673.

50-01-24. Penalty for bringing pauper into the county.

Repealed by S.L. 1975, ch. 106, § 673.

50-01-25. Fraudulent acts - Penalty.

Repealed by S.L. 1975, ch. 106, § 673.

50-01-26. County of residence for county general assistance purposes. (Effective through December 31, 2019)

A person who has residence in this state, for county general assistance purposes, is a resident of the county in which the person is living on other than a temporary basis. If a person is living in a county on a temporary basis, the person is a resident of the county in which the person most recently lived other than on a temporary basis.

Human service zone of residence for county general assistance purposes. (Effective after December 31, 2019) A person who has residence in this state, for general assistance purposes, is a resident of the human service zone in which the person is living on other than a temporary basis. If a person is living in a human service zone on a temporary basis, the person is a resident of the human service zone in which the person most recently lived other than on a temporary basis.

50-01-27. State of residence for county general assistance purposes. (Effective through December 31, 2019)

A person who is a resident of this state for purposes of chapter 50-24.5 is a resident of this state for county general assistance purposes. If a person moves from this state for other than a temporary purpose, the person's residency in this state for county general assistance purposes is lost. Residency in this state is presumed lost if:

1. The person plans to be absent or has been absent from this state for one year or longer; or
2. The person receives any form of public assistance, while in another state, which is available only to residents of that state.

State of residence for county general assistance purposes. (Effective after December 31, 2019) A person who is a resident of this state for purposes of chapter 50-24.5 is a resident of this state for county general assistance purposes. If a person moves from this state for other than a temporary purpose, the person's residency in this state for county general assistance purposes is lost. Residency in this state is presumed lost if:

1. The person plans to be absent or has been absent from this state for one year or longer; or
2. The person receives any form of public or general assistance, while in another state, which is available only to residents of that state.

50-01-28. Change of residence to another county. (Effective through December 31, 2019)

When a person who is receiving county general assistance in one county becomes a resident of another county in this state, the county from which the person moves shall forward appropriate records and files to the new county of residence.

Change of residence to another human service zone. (Effective after December 31, 2019) If a person who is receiving general assistance in one human service zone becomes a resident of another human service zone in this state, the human service zone from which the person moves shall forward appropriate records and files to the new human service zone of residence.

50-01-29. Persons with uncertain residence. (Effective through December 31, 2019)

If the residence of a person is uncertain for county general assistance purposes, the county in which the person lives shall provide county general assistance until that person's residence is determined.

Persons with uncertain residence. (Effective after December 31, 2019) If the residence of a person is uncertain for general assistance purposes, the human service zone in which the person lives shall provide county general assistance until that person's residence is determined.