

PUBLIC WELFARE

CHAPTER 191

S. B. No. 99—(Committee on Public Welfare)

NEEDY BLIND, ELIGIBILITY FOR ASSISTANCE

An act to amend and re-enact Section 2 of Chapter 210 of the Session Laws of 1937, known as the Aid to the Blind Act, and providing for eligibility for assistance to the needy blind, declaring an emergency.

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

§ 1. AMENDMENT.] Section 2 of Chapter 210 of the Session Laws of 1937 is hereby amended and re-enacted to read as follows:

§ 2. ELIGIBILITY FOR ASSISTANCE TO THE NEEDY BLIND.] Assistance shall be given under this act to any person who:

- (a) Is a citizen of the United States;
- (b) Has attained the age of 18 years;
- (c) Has resided in the State for not less than one year continuously immediately preceding application for assistance.
- (d) Has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eyesight is essential;
- (e) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
- (f) Is not an inmate of or being maintained by any municipal, State or National institution at the time of receiving assistance. An inmate of such institution may, however, make application for such assistance but the assistance, if granted, shall not begin until after he ceases to be an inmate.
- (g) Has no child or other relative of sufficient financial ability to support the applicant and responsible under the law for the support of the applicant;
- (h) Has not made an assignment or transfer of property so as to render himself eligible for assistance under this act;
- (i) Is not a recipient of old age assistance under the North Dakota Act for Old Age Assistance; except that persons, whose ordinary subsistence needs are being provided for through a grant of old age assistance, may be considered eligible under this act for treatment to prevent blindness or to restore vision, as provided in Section 13 of this act, if, upon suitable investigation and consideration, such treatment is approved by the State agency.

§ 2. EMERGENCY.] This act is hereby declared to be an emer-

agency measure and shall be in full force and effect from and after the time of its passage and approval.

Approved March 14, 1939.

CHAPTER 192

S. B. No. 195—(Morgan)

VALIDATING CHAPTER 86—S. L. 1937

An act clarifying, confirming and validating Chapter 86 of the Session Laws of 1937, which is an act making an appropriation to be expending in providing public assistance to the needy aged, the needy blind, and to dependent children, and for providing child welfare services and services to crippled children in coordination with and supplementary to funds made available for like purposes in North Dakota by the Federal Government; and declaring an emergency.

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

§ 1. WHEREAS, there exists a question as to the validity of the appropriation made by Chapter 86 of the Session Laws of 1937, a part of Section 1 of which reads as follows: "There is hereby appropriated from the State Public Welfare Fund created and established by House Bill No. 199 pending in this Legislative Assembly, the sum of \$2,600,000 or so much thereof as may be necessary to be expended by the Public Welfare Board in providing public assistance for the needy aged, the needy blind and to dependent children, and for child welfare services and services to crippled children"; and, because of the use of the following words: "there is hereby appropriated from the State Public Welfare Fund," in Section 1 of Chapter 86 of the Session Laws of 1937, the State Treasurer and the State Auditor have been in doubt as to their authority to pay money from the General Fund of the State of North Dakota to meet such appropriation;

NOW, THEREFORE, it is declared by this Legislative Assembly:

(1) That it was the intention of the 1937 Legislative Assembly, by Chapter 86 of the Session Laws of 1937, to make such appropriation out of any moneys in the State Treasury not otherwise appropriated;

(2) That the words "there is hereby appropriated from the State Public Welfare Fund" were intended to and are hereby construed to mean the same as though the words "there is hereby appropriated from any funds in the State Treasury not otherwise appropriated" had been used; and

(3) That any payments heretofore made or which hereafter

shall be made of the sum of \$2,600,000, or so much thereof as may be necessary, which has been or may be expended by the Public Welfare Board under the provisions of Chapter 86 of the Session Laws of 1937 in providing public assistance for the needy aged, the needy blind, and to dependent children, and for child welfare services and services to crippled children are hereby validated and confirmed.

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

Approved March 6, 1939.

CHAPTER 193

S. B. No. 100—(Committee on Public Welfare)

REGULATION, CHILDREN'S HOMES

An act amending and re-enacting Sections 1 and 9 of Chapter 161 of the Session Laws of 1923, being Sections 5099b1 and 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota; and declaring an emergency.

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

§ 1. AMENDMENT.] Section 1 of Chapter 161 of the 1923 Session Laws, being Section 5099b1 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, is hereby amended and re-enacted to read as follows:

§ 1. LICENSE REQUIRED.] Any person, partnership, voluntary association or corporation, which owns or operates a home or institution receiving, during the calendar year, one or more children under the age of eighteen years, shall procure annually from the Division of Child Welfare of the Public Welfare Board a license so to do; provided, however, that this act shall not apply when the children received by such person are related to him by blood or marriage; and provided, further, that this act shall not apply to any home or institution under the management and control of the State.

§ 2. AMENDMENT.] That Section 9 of Chapter 161 of the 1923 Session Laws, being Section 5099b9 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, is hereby amended and re-enacted to read as follows:

§ 9. PENALTY.] Any person, whether owner or manager or representative of any owner or manager who violates any of the

provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after the time of its passage and approval.

Approved March 15, 1939.

CHAPTER 194

S. B. No. 101—(Committee on Public Welfare)

AID DEPENDENT CHILDREN, DEFINED

An act amending and re-enacting Sections 1, 6, and 16 of Chapter 209 of the Session Laws of 1937, being those parts of the Aid to Dependent Children Act defining a dependent child; naming relatives; providing the amount of assistance; and method of disbursement of Aid to Dependent Children Fund.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 209 of the Session Laws of 1937 is hereby amended and re-enacted to read as follows:

§ 1. DEFINITION.] The term "State board" as used in this act shall mean the State Public Welfare Board, created by Chapter 221 of the Session Laws of 1935; the term "county board" as used in this act shall mean the county welfare board in each of the counties of the State as created by Chapter 123 of the Session Laws of 1935. The word "assistance" means money payments with respect to dependent children; and "applicant" shall mean a person or agency having the custody of a dependent child or children who is making application for aid for such child or children under the provisions of this act; a "dependent" child means a needy child under the age of eighteen years 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 a parent, or a child who is either neglected or delinquent or in danger of becoming delinquent or who is in need of special physical care, and whose relatives liable under the law for his support are not able to provide adequate care and support for such child without public assistance, and who is living with his father, adoptive father, mother, adoptive mother, grandfather, grandfather-in-law (including the husband by a second marriage of one of the child's natural grandmothers),

great-grandfather, grandmother, grandmother-in-law (including the wife by a second marriage of one of the child's natural grandfathers), great-grandmother, step-father, step-mother (but not their parents), brother, brother of the half-blood, brother-in-law, adoptive brother, sister, sister of the half-blood, sister-in-law, adoptive sister, step-brother, step-sister, uncle and aunt (of the whole or half blood), uncle-in-law, aunt-in-law, great-uncle, and great-aunt in the place of residence maintained by one or more of such relatives as his or their own home or who is living in a licensed boarding home or in a home maintained or provided by any child-caring or child-placing agency duly authorized under the laws of North Dakota to carry on such work or in a foster home other than that of a relative approved and selected by such agency and approved by the State board. As used in this act "child placement" shall mean the placing of a dependent child in an approved family home for care or adoption.

§ 2. AMENDMENT.] That Section 6 of Chapter 209 of the Session Laws of 1937 is hereby amended and re-enacted to read as follows:

§ 6. AMOUNT OF ASSISTANCE.] The amount of assistance which shall be granted for any dependent child shall be determined with due regard to the resources and the necessary expenditures of the family and the conditions existing in such case and in accordance with the rules and regulations made by the State board, and shall be sufficient, when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health.

§ 3. AMENDMENT.] That Section 16 of Chapter 209 of the Session Laws of 1937 is hereby amended and re-enacted to read as follows:

§ 16. DISBURSEMENTS OF AID TO DEPENDENT CHILDREN FUND.] (a) All payments for aid to dependent children and for expenses incident to the administration of aid to dependent children in North Dakota shall be made by checks or warrants drawn on the Aid to Dependent Children Fund. Such checks or warrants shall be drawn only by persons who are duly authorized so to do by resolution of the Public Welfare Board of North Dakota.

(b) The treasurer of the State board and all persons having any control over or who handle any money of the Aid to Dependent Children Fund shall be bonded in such sum as the State board by resolution shall require.

Approved March 14, 1939.

CHAPTER 195

S. B. No. 103—(Committee on Public Welfare)

VALIDATING OLD AGE ASSISTANCE PAYMENTS

An act amending and re-enacting Sections 2 and 11 of Chapter 211 of the Session Laws of 1937 and validating payments heretofore made to certain non-citizen old age assistance clients, declaring an emergency.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 211 of the Session Laws of 1937 is hereby amended and re-enacted to read as follows:

§ 2. ELIGIBILITY FOR ASSISTANCE TO THE NEEDY AGED.] Assistance shall be granted under this act to any person who:

(a) Is a citizen of the United States, or has resided thirty years in the United States, five years of which shall be continuous and immediately preceding the date of such application:

(b) Has attained the age of sixty-five years, provided, however, that if at any time the laws of the United States shall authorize funds for old age assistance granted by the United States to the State to be paid to a person less than sixty-five years of age, then the State agency shall have authority to reduce the age of an applicant for old age assistance to such lesser age;

(c) Has resided in North Dakota for at least five years during the nine years immediately preceding the application for old age assistance, and has resided therein continuously for one year immediately preceding application;

(d) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

(e) Is not an inmate of, or being maintained by, any municipal, State or National institution at the time of receiving assistance;

(f) Has no child or other relative of sufficient financial ability to support the applicant and responsible under the law for the support of the applicant;

(g) Has not at any time before or after making application for old age assistance made an assignment or transfer of property for the purpose of rendering himself or herself eligible for old age assistance under this plan;

§ 2. That Section 11 of Chapter 211 of the 1937 Session Laws is hereby amended and re-enacted to read as follows:

§ 11. 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 pro-

visions of this act, 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.

If the financial condition of any county is such that it cannot make an appropriation or levy a tax for old age assistance or cannot legally issue warrants in an amount sufficient to provide the necessary funds to comply with the provisions of this act, the board of county commissioners shall report such fact to the State board. The State board shall make, or cause to be made, a complete investigation of the financial condition of such county and if such investigation shows that any 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 old age assistance in that county, the State board may provide either as a grant or as a loan that county's share of funds for old age assistance or so much thereof as may be necessary, from State funds appropriated to the Public Welfare Board for old age assistance.

It is further provided that any county in which an Indian reservation is located may make application to the Public Welfare Board for payment, out of State funds, of the entire amount of old age assistance grants paid to ward Indians residing in the county and on the Indian reservation.

When such application is made the State board shall make, or cause to be made, a complete investigation of the financial condition of such county and if such investigation shows that the financial condition of the county is such that it would be inequitable to ask the county to contribute its share of the amount necessary to provide old age assistance to ward Indians that the State agency may use funds appropriated to the Public Welfare Fund for old age assistance to pay such part of the costs of old age assistance to such ward Indians as is not paid by the Federal Government. And it is further provided that the State agency may use funds appropriated to the Public Welfare Fund for old age assistance to pay the entire costs of old age assistance, not paid by the Federal Government, in payment of old age assistance grants to those persons who meet the following requirements:

- (1) Who were formerly cared for by the Federal Transient Bureau;
- (2) Whose residence cannot be determined to be in any county in North Dakota or in any other State in the United States;
- (3) Who have resided in North Dakota for five years and who meet all the other State requirements for old age assistance.

§ 3. That all payments of old age assistance grants heretofore made by the Public Welfare Board of North Dakota to persons whose citizenship could not be verified, but who had resided in the United States for thirty years, five years of which were continuous and immediately preceding the date of their approval for old age assistance, and who were otherwise eligible under the Old Age Assistance Act of this State, are hereby validated and confirmed.

§ 4. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after the time of its passage and approval.

Approved March 14, 1939.

CHAPTER 196

H. B. No. 250—(Bergesen)

AUTHORIZING RECIPROCAL AGREEMENTS BY PUBLIC WELFARE BOARD

An act authorizing the Public Welfare Board of North Dakota, with the approval of the Attorney General, to enter into reciprocal agreements with other States having like authority relative to residence, care and transportation of indigent persons; and declaring an emergency.

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

§ 1. The Public Welfare Board of the State of North Dakota shall have the power and is hereby authorized, subject to the approval of the Attorney General, to enter into reciprocal agreements with corresponding State agencies of other States, having like statutory authority, regarding the interstate residence, care and transportation of indigent persons, and to arrange with the proper officials in this State for the acceptance, transfer and support of persons receiving any form of public aid or relief or likely to become a public charge in other States, and for the acceptance, transfer and support of persons from other States receiving any form of public aid or relief or likely to become a public charge in this State in accordance with the terms of such reciprocal agreement; provided that this State shall not, nor shall any county department of public welfare in this State, be committed to the support of persons who the Public Welfare Board determine are not entitled to public support under the laws of this State; and further provided, that any agreement made by the Public Welfare Board for the acceptance, transfer and support of persons from other States shall be binding on the county or county department of public welfare where such person is residing. This section shall be so interpreted and con-

strued as to effectuate its general purpose and to make uniform the laws of such States as enact similar legislation.

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

Approved March 7, 1939.

RAILROAD COMMISSION

CHAPTER 197

H. B. No. 85—(Committee on Ways & Means)

EXTENDING POWERS OF BOARD OF RAILROAD COMMISSIONERS

An act to amend and re-enact Section 591 of North Dakota Compiled Laws of 1913, relative to the powers of the Board of Railroad Commissioners, and extending such powers to include common carrier pipe lines; and declaring an emergency.

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

§ 1. That Section 591 of the Compiled Laws of 1913 for the State of North Dakota be amended and re-enacted to read as follows:

§591. INVESTIGATION OF INTERSTATE RATES.] It is hereby made the duty of the Board of Railroad Commissioners to exercise constant diligence in informing themselves of the rates, charges, rules and practices of common carriers engaged in the transportation of freight, express and passengers, or the transportation by pipe line of crude petroleum or gas or other petroleum products or in the transmission of messages or intelligence, from points in this State to points beyond its limits, and from points in other States to points in this State, also in territory wholly outside of this State, and whenever it shall come to the knowledge of the Board of Railroad Commissioners either from their own investigation or by complaint made to them in any manner whatsoever that the rates charged by any common carrier on interstate business are unjust or unreasonable or that such rates, rules or practices discriminate unjustly against the citizens, industries or interests of this State or place any of the citizens, industries or interests of this State, at an unreasonable disadvantage, as compared with those of other States, or are levied or laid in violation of the act to regulate commerce, or in conflict with the rulings, orders or regu-