

PUBLIC WELFARE

CHAPTER 220

S. B. No. 77—(Committee on Public Welfare)

DISTRICT HEALTH UNITS

An Act Relating to the Public Health and the control of Preventable Diseases; and to Authorize and Permit the Formation of District Health Units in the Several Counties of the State of North Dakota, either separately or in Conjunction and Cooperation with one or more Contiguous Counties, in lieu of Local Health Units; to establish and maintain a District Board of Health to operate in cooperation with and under the Direction of the State Department of Health; providing for the Appointment of a District Board of Health, a full time District Health Officer and the necessary personnel of the District Health Unit; and, providing for their compensation; and authorizing a levy for the Maintenance of the District Board of Health; providing for the method of disbursing funds; and fixing the procedure for dissolution.

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

§ 1. FORMATION OF HEALTH DISTRICTS.] When in the opinion of the State Health Officer, on information obtained in cooperation with local officers and boards, the health needs of any given area may be better served by the formation of a health district, as hereinafter provided, the State Health Officer shall so notify the County Auditor of the county or counties involved and the City Auditor of all cities having a population in excess of 15,000 persons. Each County Auditor and City Auditor must place the matter before the governing board of the county and/or city at their next regular meeting, and the governing board must by resolution either adopt or reject the plan at the same or the first subsequent meeting. If resolutions are adopted by the governing boards of the cities and counties as hereinbefore provided, adopting the health district plan, all laws and parts of laws in conflict therewith shall automatically become inoperative throughout the territory embraced within the district, and particularly the laws relative to city, village, township and county boards of health; provided, that if the board or boards of county commissioners, or the city council or city commission of any city, reject the plan, it may submit the question of adoption of the provisions of this act to the electors of the county or city at the next ensuing general or special election to be held in said county or city. In all elections held under the provisions of this act the vote cast in cities having a population in excess of 15,000 inhabitants shall be considered separate and apart from the vote cast in the balance of the county, and the partici-

pation in the health district by cities shall be governed by the votes cast in the city as distinguished from the vote cast in the balance of the county. If a majority of the electors vote in favor of the adoption of the provisions hereof, the board of county commissioners shall, within ten (10) days after the canvass of said election, adopt such resolution, and, upon the adoption of such resolution such county or counties, together with the cities voting in favor of the plan, shall be considered a district health unit or health district. On a petition filed with the County Auditor containing names of electors of the county equal to ten percent of the votes cast for Governor at the last general election, an election on the question of forming a health district shall be held as heretofore provided. The health districts shall follow county lines, and in case the districts as outlined by the state health officer includes more than one county, and the plan is adopted in any of said counties or cities, and rejected in any one or more of the other counties or cities, it shall become effective in the county or counties and city or cities adopting the plan, if in the exercise of his discretion the State Health Officer deems the same operative, provided, however, that district or state health officers shall not resort to or be allowed to resort to compulsory vaccination or inoculation.

§ 2. ORGANIZED — BY WHAT OFFICERS.] Upon the adoption of the plan by a single county, or by two or more contiguous counties, as hereinbefore provided, the County Commissioners of the county or counties concerned shall proceed to organize such District Health Unit by the appointment of a District Board of Health as hereinafter provided, and in all cases where two or more counties constitute one health district, the term "Board of County Commissioners", shall be taken to mean the Boards of County Commissioners of the several counties concerned acting together in joint session unless the context requires a different meaning. The original meeting for the appointment of the District Board of Health, as well as all other meetings held for the purpose of filling vacancies on said Board, shall be held in the County seat of the county having the larger population, upon notice given to the Board of County Commissioners by the State Health Officer.

§ 3. DISTRICT BOARD OF HEALTH.] A District Health Unit shall be organized by the appointment of a District Board of Health to consist of five (5) members, one of whom shall be a physician, one a dentist, one a business or professional man, one a farmer and one a woman, who shall be appointed for terms as follows: One for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years; provided that all subsequent appointments shall be for a term of five (5) years. Each appointee shall serve without compensation and until his successor is appointed and qualified, and if a vacancy occurs, the vacancy shall be filled by appointing for the remainder

of the unexpired term. Each appointee shall qualify by filing the constitutional oath of office, and in case of a District Health Unit, such oath shall be filed in the office of the County Auditor of the county having the larger population according to the most recent state or Federal Census. The members of the district Board of Health shall receive their actual expenses incurred in attending such meetings.

§ 4. DISTRICT HEALTH OFFICER.] The district Board of Health shall appoint for a term of five (5) years a full time District Health Officer, subject to removal for cause by the District Board of Health, and who shall be a physician and surgeon regularly licensed to practice medicine and surgery in the State of North Dakota, and shall have the qualifications as prescribed by the Conference of State and Territorial Health Officers of the United States, or has the recommendation of the State Health Officer, and he need not be, when appointed, a resident of the county or district; and he shall qualify by filing the constitutional oath of office in the manner provided for the members of the District Board of Health. The District Health Officer shall devote his full time to the duties of his office, and shall maintain an office within the jurisdiction of the District Health Unit, at the place to be designated by the District Board of Health, such office with necessary equipment to be furnished by the District Board of Health.

§ 5. POWERS OF THE DISTRICT BOARDS OF HEALTH.] Each District Board of Health shall have and exercise all the powers and duties which may now or hereafter be given to local boards of health by the laws of the State insofar as the same are not inconsistent herewith.

§ 6. DUTIES OF HEALTH OFFICER.] The District Health Officer shall perform all the duties, and be guided by the same limitations as are now provided by law relative to County, City, Village and Township health officers, and he shall make such reports to the State Department of Health as may be required by it.

§ 7. ASSISTANTS TO HEALTH OFFICER.] The District Board of Health shall provide for such technical and clerical assistance to the District full time Health Officer as it may deem necessary, providing that the District full time Health Officer shall have the right to select and discharge such assistants.

§ 8. MEETINGS OF BOARD OF HEALTH.] The district board of health shall meet at least quarterly at the court house in the county seat of the county, and if two or more counties constitute the local health district the first meeting shall be held at the court house in the county seat of the larger county as determined by the most recent State or Federal Census. Subsequent quarterly meetings and special meetings shall be held at a place to be determined by the

board, with the thought of rotating the meeting place among the various counties of the district. At the first meeting after their appointment, and annually thereafter, the board shall organize by electing a president and such other officers as they deem necessary, provided that upon his appointment and qualification the District Health Officer shall be ex-officio, the Secretary of the Board and shall keep such records and make such reports as may be required by the board and by the State Department of Health.

§ 9. SALARY AND COMPENSATION.] The salary of the District Health Officer shall be fixed by the District Board of Health, provided that such compensation shall not be reduced during the term for which he is appointed. The District Board of Health shall determine the compensation of such technical and clerical help as may be allowed by the District Board of Health to the District full time Health Officer; and the District Board of Health shall also determine the amount of mileage to be paid for the necessary travel of the District full time Health Officer and his assistants, not to exceed 5 cents a mile.

§ 10. HEALTH FUND — HOW PROVIDED.] All salaries, mileage, compensation and expense provided for herein shall be paid, as those of other county officers are now paid, out of a Health District Fund to be created as follows:

The District Board of Health as herein provided shall at the same time, and in the same manner in which county budgets are adopted, prepare a budget for the next fiscal year. The amount budgeted shall then be pro-rated, in health districts composed of more than one county, among the various counties in the health district according to the assessed valuation of the various counties comprising the said health district, and certified by the district health board to the county auditors of the various counties within ten days thereafter, and shall be included in the county levy. Provided, however, that the amount called for in the budget shall not exceed the amount which can be raised by a levy of $\frac{1}{2}$ mill on assessed valuation, which levy shall not be subject to ten mill limitation for general and special county purposes, and the amount derived therefrom shall be placed in a special health fund. Provided, that when a health district is composed of more than one county the health fund shall be created as hereinbefore provided and shall be deposited with and disbursed by the treasurer of the county wherein the District Health Officer maintains his office as provided in Section 4, and all other counties comprising the health district shall remit and make settlement with such treasurer quarterly.

All claims against the District Health Fund shall be audited by the District Board of Health at its quarterly meetings, and shall be paid from the District Health Fund upon warrant issued by the County Auditor. All expenses actually and necessarily incurred by

the District Board of Health in carrying out the provisions of this act, shall be audited and approved by the President and Secretary of the Board and certified to the County Commissioners of the County in which such fund is retained, and shall be paid the same as other county expenses are paid.

§ 11. CONTRIBUTIONS MAY BE ACCEPTED AND RECEIVED.] Any local health unit or district may accept and receive any and all contributions offered to aid in the work of the unit or district and the same shall become a part of its health fund.

§ 12. DISSOLUTION.] After a District Health Unit as provided in this act has been in operation for two years the same may be dissolved in the following manner:

On a petition filed with the County Auditor containing names of electors of the County equal to ten percent of the votes cast for Governor at the last general election, an election on the question of dissolution shall be presented to the people at the next general or special election held in the county. If a majority of the votes cast favor dissolution, the health unit shall be dissolved on July 1st following the election. If a majority of the votes cast are against dissolution, no other election shall be held until a period of two years have again expired.

Approved March 19, 1943.

CHAPTER 221

S. B. No. 176—(Drew and Brunsdale)

DEPENDENT CHILDREN, AID TO—AMENDMENT

An Act to Amend and Re-enact Sections 1, 5, 7, 9, and 15 of Chapter 243 of the Session Laws of 1941 and Pertaining to Definitions, Eligibility for Assistance, Application for Assistance, Award of Assistance, and Disbursements of Aid to Dependent Children Fund.

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

§ 1. AMENDMENT.] That Section 1, Chapter 243 of the Session Laws of 1941 be hereby amended and re-enacted to read as follows:

§ 1. DEFINITIONS.] When used in this Act, the masculine pronoun in all cases includes the feminine, and the following terms shall have the following meanings, respectively:

(a) "State Agency" shall mean the State Public Welfare Board, created by Chapter 221 of the Session Laws for 1935.

(b) "County Agency" shall mean the county welfare boards in each of the counties of the state as created by Chapter 97, Session Laws for 1933, as amended by Chapter 123, Session Laws for 1935.

(c) "Private Agency" shall mean a private child-caring or child-placing agency duly licensed under the laws of North Dakota; or a private maternity home providing special care exclusively for unmarried expectant mothers or mothers and their infants, and duly licensed under the laws of North Dakota.

(d) "Assistance" shall mean money payments with respect to dependent children, including payments for the care of unmarried expectant mothers or mothers and their unborn infant (infants) or infants; except that, in any Federal program for providing medical care for persons eligible for Aid to Dependent Children, assistance shall include payments made in such manner as will conform to the requirements of such Federal program.

(e) "Applicant" shall mean a person or agency having the custody of a dependent child or children who is making application for aid for such children under the provisions of this act.

(f) "Dependent Child" shall mean any needy child under the age of eighteen years:

(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 a parent; or

(2) who is abandoned by his parent, guardian, or custodian; or

(3) whose parent, guardian, or custodian 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.

(4) who is in need of special care as provided by a private agency for which his parent, guardian, or custodian neglects, refuses, or is unable to provide.

§ 2. AMENDMENT.] That Section 5, Chapter 243 of the Session Laws of 1941 be hereby amended and re-enacted to read as follows:

§ 5. ELIGIBILITY FOR ASSISTANCE.] Aid to Dependent Children shall be granted under this Act with respect to any needy dependent child, as defined in Section 1 of this Act, who:

(a) Is living with a relative, by birth, marriage, or adoption, in a place of residence maintained by one or more of such relatives as his or their own home; has resided in the State for one year immediately preceding the application for such assistance, or was

born within the year immediately preceding application but has resided in the State from the time of birth and whose mother had resided in the State for so many months immediately preceding his birth as, added to the age of the child, aggregates one year immediately preceding the date of application; or

(b) Is living in a boarding home licensed under the laws of North Dakota; or in a home or institution maintained and operated by, or selected by, a private agency.

§ 3. AMENDMENT.] That Section 7, Chapter 243 of the Session Laws of 1941 be hereby amended and re-enacted to read as follows:

§ 7. APPLICATION FOR ASSISTANCE.] Application for aid to dependent children under this act shall be made to the county agency in the manner and form prescribed by the State Agency and the application shall contain such information as the State Agency may require, except that application for aid to dependent children living in a home maintained and operated by, or selected by, a private agency may be made direct to the State Agency, and the action of the State Agency in approving and granting assistance in such cases shall be final and binding on the county agency.

§ 4. AMENDMENT.] That Section 9, Chapter 243 of the Session Laws of 1941 be hereby amended and re-enacted to read as follows:

§ 9. AWARD OF ASSISTANCE.] Upon the completion of the investigation the county agency or the private agency shall determine in accordance with the rules and regulations of the State Agency whether the applicant is eligible for assistance under the provisions of this Act, the amount of assistance he shall receive and the date upon which such assistance shall begin. In all cases, a statement of the findings of the county agency or the private agency shall forthwith be transmitted to the State Agency.

§ 5. AMENDMENT.] That Section 15, Chapter 243 of the Session Laws of 1941 be hereby amended and re-enacted to read as follows:

§ 15. DISBURSEMENTS OF AID TO DEPENDENT CHILDREN FUND.]

(a) All payments for aid to dependent children and all payments for expenses of the State Agency 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) 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 Public Welfare Board by resolution may require.

(c) All bills for the care of dependent children maintained in a licensed boarding home or under the custody of a private agency, and for the care of unmarried expectant mothers or mothers and their infants by a private agency shall be submitted to the State Agency by the person or agency in whose care the child has been placed. Such bills shall be subject to the audit and approval of the State Agency.

§ 6. Provided that the provision of this act shall terminate on June 30, 1945.

Approved March 20, 1943.

CHAPTER 222

H. B. No. 121—(Fitch, Anderson, Drovdal and Aker)

HOURS OF LABOR, FEMALES

An Act to regulate and fix the hours of the labor of females, during the existence of the present war; providing for overtime pay; defining terms used, providing a penalty and declaring an emergency.

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

§ 1. DEFINITIONS.]

(1) The term "executive, administrative or supervisory capacity", shall mean any female employee whose primary duty is the management of the establishment, or a recognized department thereof, in which she is employed, and who customarily and regularly directs the work of other employees therein, and who has the authority to hire and fire other employees or whose suggestions and recommendations as to the hiring and/or firing, advancement and/or promotion, or any other change of status of other employees will be given particular weight, and who does no substantial amount of work of the same nature as that performed by non-exempt employees of the employer.

(2) The term "professional capacities" shall mean any female employee who is customarily and regularly engaged in work:

(a) predominantly intellectual and varied in character as opposed to routine menial, manual, mechanical or physical work, and

(b) requiring the consistent exercise of discretion and judgment both as to manner and time of performance, as opposed to work subject to active and supervision, and

(c) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

(d) based upon educational training in a specially organized body of knowledge as distinguished from a general academic education and from an apprenticeship and from training in the performance of routine mental, manual, mechanical, or physical processes in accordance with a previously indicated or standardized formula, plan or procedure, and

(e) who does no substantial amount of work of the same nature as that performed by non-exempt employees of the employer.

(3) The term "Duration of the present war" shall mean the termination date as fixed by act of congress or executive proclamation.

§ 2. EMPLOYMENT OF FEMALES.] For the duration of the present war no law applicable to the employment of females shall be applicable to women employed in an executive, administrative or supervisory capacity, or those employed in professional capacities. All other female employees may be employed not to exceed ten hours in any one day, and fifty-four hours in any one week for the duration of the war, provided that a forty-eight hour week shall be the basis for computing the weekly wage of any such employee, provided that no employer shall employ any female employee for a work week longer than forty-eight hours unless such employee is compensated for each hour in excess of forty-eight hours at a rate of one and a half times the wage paid per hour for a forty-eight hour week.

§ 3: TO WHOM. NOT APPLICABLE.] This section, however, shall not apply to:

1. Females working in any municipality having a population of less than five hundred inhabitants;

2. Females working in rural telephone exchanges;

3. Females working in small telephone exchanges or in telegraph offices where the commissioner has determined after a hearing that the condition of work is so light that it does not justify the application of the provisions of this section;

4. Females who are required to work in cases of emergency, and in cases arising under this subsection, females may be employed for ten hours in any one day and seven days in one week but shall not be employed for more than forty-eight hours in any one week.

An emergency is deemed to exist under the provisions of this subsection:

a. In the case of the sickness of more than one female employee in which case a doctor's certificate must be furnished showing that it will not be dangerous to human life to continue employment in the establishment involved;

b. When such employment is required in connection with a banquet, convention, or celebration or because a session of the legislative assembly is in progress;

c. In the case of the employment of a female as a reporter in any of the courts of this state.

§ 4. PENALTY.] Any person who shall violate the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than ten (10) days, nor more than three (3) months, or by both such fine and imprisonment.

§ 5. EMERGENCY.] An emergency is hereby declared to exist, and this act is declared to be in full force and effect from and after its passage and approval.

Approved March 11, 1943.

CHAPTER 223

H. B. No. 240—(Bubel, by Request)

NEEDY BLIND ACT AMENDMENT

An Act to amend and re-enact Section 1 of Chapter 210 of the Session Laws of 1937 and Section 2 of the Session Laws of 1937 as amended by Chapter 191 of the Session Laws of 1939 and Chapter 241 of the Session Laws of 1941 pertaining to definitions and eligibility for assistance to the needy blind and repeal of Sections 15 and 19 of Chapter 210 of the Session Laws of 1937, and declaring an emergency.

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

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

§ 1. DEFINITIONS.] As used in this Act the masculine pronoun in all cases includes the feminine:

"State Agency" means the Public Welfare Board of North Dakota;

"County Agency" means the County Welfare Board in each of the several counties of the State;

"Applicant" means a person who has applied for aid to the blind;

"Recipient" means a person who has received assistance under the terms of the Act;

"Assistance" means money payments to blind persons in need as provided in this Act; except that in any Federal program for providing medical care for the needy blind, assistance shall include payments made in such manner as will conform to the requirements of such Federal program;

"Ophthalmologist" means a physician licensed to practice medicine in this state and who is actively engaged in the treatment of diseases of the human eye.

"Supplementary Services" means service other than money payments to blind persons in need as provided in this Act.

§ 2. AMENDMENT.] That Section 2 of Chapter 210 of the Session Laws of 1937 as amended by Chapter 191 of the Session Laws of 1939 and Chapter 241 of the Session Laws of 1941 be hereby amended and re-enacted to read as follows:

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

(a) Has resided ten years in the United States, or is a citizen of the United States;

(b) Is not less than eighteen (18) nor more than sixty-five (65) years of age, 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;

(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 health and wellbeing;

(f) Is not an inmate of or being maintained by any public 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.

§ 3. REPEAL.] That Section 15 of Chapter 210 of the Session Laws of 1937 of the State of North Dakota be repealed.

§ 4. REPEAL.] That Section 19 of Chapter 210 of the Session Laws of 1937 of the State of North Dakota be repealed.

§ 5. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 12, 1943.

CHAPTER 224

H. B. No. 239—(Bubel, by Request)

OLD AGE ASSISTANCE ACT—AMENDMENT

An Act to amend and re-enact Section 1 of Chapter 211 of the Session Laws of 1937; Section 2 of Chapter 211 of the Session Laws of 1937 as amended by Chapter 195 of the Session Laws of 1939; Section 9 of Chapter 211 of the Session Laws of 1937; Section 12 of Chapter 211 of the Session Laws of 1937; Section 21 of Chapter 211 of the Session Laws of 1937 as amended by Chapter 244 of the Session Laws of 1941, pertaining to definitions, payment for benefit of recipients, eligibility for assistance to the needy aged, Old Age Assistance Fund, and recovery from estate and repeal of Section 15 of Chapter 211 of the Session Laws of 1937, Aid Exclusive of Other Aid; Funeral Expenses and declaring an emergency.

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

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

§ 1. DEFINITIONS AS USED IN THIS ACT.] The masculine pronoun in all cases includes the feminine; the term "State Agency" means the Public Welfare Board of North Dakota; "County Agency"

means County Welfare Board in each of the Several counties of the State; "applicant" means a person who has applied for old age assistance; "recipient" means any person who has received assistance under the terms of this Act; "assistance" means money payments to aged persons in need as provided in this Act except that, in any Federal program for providing medical aid for the needy aged, assistance shall include payments made in such manner as will conform to the requirements of the Federal program.

§ 2. AMENDMENT.] That Section 2 of Chapter 211 of the Session Laws of 1937 as amended by Chapter 195 of the Session Laws of 1939 be 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) Has resided ten years in the United States, or, is a citizen of the United States;

(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; provided however, that the State Agency is hereby authorized to make reciprocal arrangements with a state in which legal residence eligibility is less than that required in North Dakota and under the terms of such reciprocal arrangement may approve assistance for persons from such other state, who do not meet the requirements provided above, on the same basis as the law of the other state will permit that state to accept persons who have moved from North Dakota to such state, except that in any cases such persons shall be required to have resided one year in North Dakota immediately preceding application for assistance; and further provided, that the state residence requirement of this Act shall be reduced to the maximum provided by any amendment to the Social Security Act on the date upon which such amendment becomes effective.

(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.

§ '3. AMENDMENT.] That Section 12 of Chapter 211 of the Session Laws of 1937 is hereby amended and re-enacted to read as follows:

§ 12. OLD AGE ASSISTANCE FUND.] The Public Welfare Board of North Dakota shall establish a fund to be known as the "North Dakota Old Age Assistance Fund"; and all moneys that shall be received by the Public Welfare Board of North Dakota for old age assistance purposes 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 such fund. It shall be and is made the duty of the Treasurer of the Public Welfare Board of North Dakota to receive all such moneys as the same may be paid to him and to deposit the same in such fund; and the Treasurer shall disburse such funds for old age assistance and expenses of administration of the old age assistance plan in North Dakota, and only upon checks or vouchers duly drawn upon him for such purposes pursuant to the directions and authority of the Public Welfare Board of North Dakota.

Assistance checks delivered to a recipient before his death but not endorsed by such recipient, upon approval of the County Agency under rules and procedures adopted by the State Agency, may be endorsed and paid.

The Treasurer shall issue in triplicate receipts for all moneys received by him for the "North Dakota Old Age Assistance Fund" showing the dates upon, and the sources from which the moneys are received and shall deliver forthwith one of such receipts to the person, officer or agency making the payment, one receipt to the Executive Director of the Public Welfare Board of North Dakota, and the other receipt shall be retained by the Treasurer.

§ 4. AMENDMENT.] That Section 21 of Chapter 211 of the Session Laws of 1937 as amended by Chapter 244 of the Session Laws of 1941 is hereby amended and re-enacted to read as follows:

§ 21. RECOVERY FROM THE ESTATE.] On the death of any recipient, the total amount of assistance paid under this Act shall be allowed as a preferred claim against the estate of such person in favor of the state, after funeral expense, not to exceed one hundred twenty-five dollars (\$125.00), such expenses of last illness as are authorized or paid by the county agency, and after the expense of administering the estate has been paid, including the attorney's fees approved by the court. No claim shall be enforced against any real estate of a recipient while it is occupied by the surviving spouse or a

dependent, nor shall any claim be enforced against any personal property, necessary for the support, maintenance or comfort of the surviving spouse or a dependent.

The Federal Government shall be entitled to a share of any amounts collected from any recipient or from his estate. The net amount so recovered shall promptly be deposited in the North Dakota Old Age Assistance Fund and credited respectively to the Federal Government, the State and the county in proportion to the amounts which the assistance payments represented funds contributed by the Federal Government, State and County.

Personal effects, ornaments or keepsakes of the deceased, not exceeding in value two hundred dollars (\$200.00) shall not be subject to the claim against the estate of the recipient, provided for by this section.

§ 5. REPEAL.] That Section 15 of Chapter 211 of the Session Laws of 1937 of the State of North Dakota is hereby repealed.

§ 6. EMERGENCY.] This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1943.

CHAPTER 225

S. B. No. 60—(Young)

PER DIEM OF STATE BOARD OF PUBLIC WELFARE

An Act to amend and re-enact paragraph (a) of Section 3 of Chapter 221 of the Session Laws of North Dakota for 1935 relative to per diem and expenses of the members of the State Board of Public Welfare and repealing all acts in conflict herewith.

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

§ 1. AMENDMENT.] That paragraph (a) of Section 3 of Chapter 221 of the Session Laws of North Dakota for 1935 be amended and re-enacted to read as follows:

(a) The members of the Board shall receive six dollars (\$6.00) per day not to exceed 50 days in any one year and their necessary expenses for travel while attending meetings, or in the performance of such special duties as the board may direct. Such per diem and expense shall be audited and paid in the same manner as the expenses of state officers are audited and paid; provided, how-

ever, that the compensation provided for herein shall not be paid to any member of the State Welfare Board who is now receiving compensation from the state, any of its political subdivisions, or any institution or industry operated by the state whose salary exceeds \$150 a month.

§ 2. REPEAL.] That all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 17, 1943.

CHAPTER 226

H. B. No. 243—(Committee on Delayed Bills)

PUBLIC WELFARE FUND BALANCE TO GENERAL FUND

An Act appropriating the balance remaining in "The State Public Welfare Fund" created by Section 25, Chapter 249, Session Laws of 1937,

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

§ 1. APPROPRIATION.] There is hereby appropriated the unexpended balance of \$6,013.70 in the State Public Welfare Fund in the State Treasury of the State of North Dakota to the General Fund of the State of North Dakota.

Approved March 10, 1943.

CHAPTER 227

S. B. No. 58—(Committee on Public Welfare)

SEROLOGICAL TESTS

An Act to Amend and Re-enact Section 5 of Chapter 162, Session Laws of 1939 defining a standard serological test and providing where such test shall be made, and declaring an emergency.

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

§ 1.] Section 5 of Chapter 162 Session Laws of 1939, be amended and re-enacted to read as follows:

§ 5.] A standard serological test shall be a laboratory test for syphilis approved by the State Health Officer and shall be performed by the State Department of Health, or by any other State Public Health Laboratory approved by the state Health Officer. The County Judge shall collect a fee of not to exceed fifty cents for each serological test performed in this State, which shall by him be paid monthly into the State Treasury. State Public Health Laboratories outside of the State of North Dakota, which have been approved by the State Health Officer, shall make their own arrangements as to the amount and manner of collecting their fee for the service.

§ 2. EMERGENCY.] This 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 10, 1943.

REPEALS

CHAPTER 228

S. B. No. 205—(Senators Streibel and Kehoe)
By permission of the Delayed Bills Committee

CONCILIATION OF CONTROVERSIES

An Act to repeal Chapter 38 of the Session Laws of 1921 and Chapter 217 of the Session Laws of 1931.

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

§ 1. That chapter 38 of the Session Laws of 1921 and chapter 217 of the Session Laws of 1931, be and the same is hereby repealed.

Approved March 12, 1943.