
MOTHERS' PENSION

CHAPTER 165

(H. B. No. 163—Loudenbeck.)

MOTHERS PENSION

An Act To Amend and Re-enact Section 185 of the Session Laws of North Dakota for 1915 as Amended and Re-enacted by Chapter 156 of the Session Laws of North Dakota of 1923; Relating to the Support of Needy Women who are the Mothers of and who are Compelled to Support one or More Children.

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

§ 1. Chapter 185 of the Session Laws of North Dakota for 1915 as amended and re-enacted by Chapter 156 of the Session Laws of North Dakota for 1923 is hereby amended and re-enacted to read as follows:

§ 1. ALLOWANCE TO MOTHERS.] In every county in the State of North Dakota any mother who has one or more children under the age of fifteen years, who are dependent upon her for support, shall receive an allowance not to exceed fifteen dollars a month for each such child, or such portion of it as becomes necessary for the support of each such child, such sum to be paid out of the county treasury as hereinafter provided. Said dependency of child or children must be due to death of father or his inability or unfitness to support them by reason of physical or mental ailment or to his confinement in a penal institution, when such inability extends over a period of at least six months.

§ 2. CONDITIONS OF ALLOWANCE.] Such allowances shall be made by the County Commissioners and only upon the following conditions:

(1) The child or children for whose benefit the allowance is made must be living with the mother;

(2) The allowance shall be made only when in its absence the mother would be unable to maintain a suitable home for her children;

(3) The mother must in the judgment of the County Commissioners be a proper person morally, physically and mentally for the bringing up of her children;

(4) When the allowance shall be necessary in the judgment of the County Commissioners to save the child or children from neglect;

(5) When the mother has been a resident of the county in which the application is made at least one year previous to the making of such application;

(6) When the mother is a citizen of the United States, or has legally declared her intention to become a citizen;

(7) When it appears that any mother, whose children are dependent by reason of the non-support, abandonment or desertion of her husband for six months or longer, has made criminal complaint against such husband, or father of the children, and has assisted and will continue to assist in all reasonable efforts to locate and to prosecute him;

(8) When it appears that the father of the dependent children is physically or mentally unable or unfit to support them, he must be under proper and reasonable treatment for the possible removal of such defect.

(9) Each applicant under this act shall make a full disclosure of all of her real and personal property, if any, and shall not be eligible for an allowance when in the opinion of the Commissioners she has sufficient real and personal property to provide for the needs of her children.

(10) If the County Commissioners find that the funds allowed under this act are not judiciously used it may order the allowance made in supplies and provisions in which case it shall be administered by the county child welfare board, if there be one, or by some proper person appointed by the Commissioners.

§ 3. WHEN ALLOWANCE SHALL CEASE.] When any child shall reach the age of fifteen years any allowance made to such mother for the benefit of such child shall cease.

§ 4. INVESTIGATION.] Before making any order of allowance under this act it shall be the duty of the Commissioners to make inquiry as to all the points necessary to establish the right to such allowance, and particularly to inquire whether the surroundings of the household, including its members, are such as to make for the good character of children growing up therein, to ascertain all the financial resources of the family, including the ability of its members of working age to contribute to its support, and if need be to urge upon such members, their proper contributions; to take all lawful means to secure support for the family from relatives under legal obligation to render such support; to ascertain the ability of

other relatives to assist the family, and to interview individual societies and other agencies which may be deemed appropriate sources of such assistance. Every family to which an allowance has been made shall be visited at its home by a representative of the Commissioners at least once in three months, and after each visit the person making the same shall make and keep on file as a part of the official record of the case a detailed statement of the condition of the home and family, and all other data which may assist in determining the wisdom of the allowance granted and the advisability of its continuance.

§ 5. DUTIES OF COUNTY OFFICERS.] In each case where an allowance is made under the provisions of this act an entry to that effect shall be made upon the records of the County Commissioners making such allowance, and the County Commissioners shall notify the county auditor and county treasurer that such allowance will be made, and it shall be the duty of such officers to make provisions for paying such allowance monthly until notified by the Commissioners that it shall be discontinued.

§ 6. APPLICATION—HEARING.] Applications shall be made in writing to the County Commissioners by a person desiring aid or by some citizen in her behalf, stating her residence, whether the applicant is a citizen or has declared her intention to become a citizen, the number of dependent children, their ages, and a detailed statement of her real and personal property, if any, and her income, if any, together with an estimate of her probable needs in order to maintain her home. The Commissioners shall set a day for a hearing, giving notice in writing to the county child welfare board, if there be one. The hearing shall not be less than fifteen days from the date of such notice. Any interested taxpayer, may file a statement with the Commissioners, or may appear in person on the day set for the hearing, in support of, or protest against, the granting of such application, and may appeal to the district court for reversal or modification of the action of the Board of County Commissioners on such application.

§ 7. DUTIES OF BOARD OF ADMINISTRATION.] It shall be the duty of the board of administration to promote efficiency and uniformity in the administration of this act.

§ 8. PURPOSE OF ACT.] The purpose of this act is hereby declared to be to enable the state and its several counties to co-operate with the responsible mothers in rearing future citizens. The Commissioners may at any time alter, modify or discontinue any allowance granted whenever it shall appear that such purpose is not being fulfilled. It is the further purpose of this act to provide permanent aid to such mothers and their children as come within its provisions. All temporary aid shall be granted under such laws as exist for that purpose.

§ 9. All mothers' pensions granted prior to the time of the taking effect of this article, under the laws now enforced, are by this act cancelled and no further payments shall be made thereunder.

§ 10. PENALTY FOR VIOLATION.] Any person fraudulently procuring or attempting to procure an allowance under this act shall be guilty of a misdemeanor, unless the fraudulent act constitute a felony under the laws of the state.

Approved March 4, 1925.

MOTOR FUEL

CHAPTER 166

(S. B. No. 185—Ployhar.)

SALE OF MIXED OR COMPOUNDED MOTOR FUEL

An Act Making It Unlawful to Sell or Offer for Sale in This State Motor Fuel Which Has Been Mixed or Compounded. Unless the Compound Shall be Colored to Distinguish the Same from Ordinary Motor Fuel; Making Such Prohibited Sale a Misdemeanor and Providing the Penalty Therefor.

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

§ 1. It shall be unlawful to sell or offer for sale in the State of North Dakota any gasoline or motor fuel which has been mixed or compounded with any other chemical, substance or solution calculated or intended to improve such motor fuel, unless the compound so made shall be colored by the addition of harmless coloring matter, so as to distinguish the same from ordinary gasoline or motor fuel.

§ 2. Any person selling or offering such motor fuel without distinctive coloring matter as provided in the foregoing section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00).

§ 3. Nothing in this Act shall be construed to prevent or interfere with the inspection and approval of such compounds as described in Section 1 of this Act, by the State Chemist, or with the enforcement of Chapter 223 of the Session Laws of North Dakota for 1923.