

PUBLIC WELFARE

CHAPTER 278

H. B. No. 215

Introduced by Committee on Public Welfare

AID TO DEPENDENT CHILDREN

An Act To amend and re-enact Sections 50-0901 and 50-0905 of the North Dakota Revised Code of 1943 pertaining to definitions and eligibility for assistance for Aid to Dependent Children, and repealing Section 6 of Chapter 221 of the Session Laws of 1943.

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

§ 1. AMENDMENT.] That Section 50-0901 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0901. DEFINITIONS.] In this chapter, unless the context or subject matter otherwise requires:

1. "State agency" shall mean the public welfare board of North Dakota;
2. "County agency" shall mean the county welfare board in each of the counties of this state;
3. "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;
4. "Assistance" shall mean money payments with respect to, or goods and services provided for dependent children, including payments for the care of unmarried mothers and their infants;
5. "Applicant" shall mean a person or agency having the custody of a dependent child making application for aid for such child under the provisions of this chapter;
6. "Dependent child" shall mean any needy child:
 - a. 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;
 - b. Under the age of twenty-one years, who is abandoned by his parent, guardian, or custodian;
 - c. Under the age of twenty-one years, 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; or

- d. Under the age of twenty-one years, 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 50-0905 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0905. ELIGIBILITY FOR ASSISTANCE.] Aid shall be granted under this chapter to any needy dependent child, as defined in section 50-0901, who:

1. 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 and whose mother had resided in the state for so many months immediately preceding his birth as, added to the age of the child, aggregate one year immediately preceding the date of application; or

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

§ 3. REPEAL.] That Section 6 of Chapter 221 of the Session Laws of North Dakota for 1943, providing that the provisions of said Chapter 221 shall terminate on June 30, 1945, is hereby repealed, it being the intention that said Chapter 221 of the Session Laws of 1943 as incorporated in the North Dakota Revised Code of 1943 shall continue in full force and effect.

Approved March 10, 1945.

CHAPTER 279

H. B. No. 217

Introduced by Committee on Public Welfare

AID TO NEEDY BLIND ACT AMENDED

An Act To amend and re-enact Sections 50-0801 and 50-0803 of the North Dakota Revised Code of 1943 pertaining to definitions and eligibility for assistance for Aid to Needy Blind.

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

§ 1. AMENDMENT.] That Section 50-0801 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0801. DEFINITIONS.] In this chapter unless the context or subject matter otherwise clearly requires:

1. "State agency" means the public welfare board of North Dakota;
2. "County agency" means the county welfare board in each of the several counties of the state;
3. "Applicant" means a person who has applied for aid to the blind;
4. "Recipient" means a person who has received assistance under the terms of this chapter;
5. "Assistance" means money payments to, or goods and services provided for needy blind persons.
6. "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;
7. "Supplementary services" means services other than money payments to blind persons in need as provided in this chapter.

§ 2. AMENDMENT.] That Section 50-0803 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0803. ELIGIBILITY FOR ASSISTANCE.] Assistance shall be given under this chapter to any person who:

1. Has resided ten years in the United States, or is a citizen of the United States;
2. Is not more than sixty-five years of age, except that any person who is sixty-five years of age or more and who, although not in need for ordinary subsistence requirements, is not able to pay the cost of treatment to prevent blindness or to restore vision shall be eligible for treatment as provided in section 50-0820 of this chapter, if approved by the state agency;

3. Has resided in the state for not less than one year continuously immediately preceding application for assistance;
4. 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;
5. Has not sufficient income or other resources to provide a reasonable subsistence compatible with health and well-being;
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 agency shall have the authority to make payments as provided in this chapter to residents of such public institutions as are approved by the state agency;
7. Has not made an assignment or transfer of property so as to render himself eligible for assistance under this chapter.

Approved March 10, 1945.

CHAPTER 280

H. B. No. 221

Introduced by Committee on Public Welfare by Request.

BOARDING HOMES FOR AGED AND INFIRM

An Act Relating to boarding homes for the aged and infirm; to define "boarding home for the aged and infirm"; to provide for the licensing and regulating of such homes by the Public Welfare Board of North Dakota; to provide for establishing such rules as may be necessary to carry out the provisions of this act; to provide for a prescribed record to be kept, according to the prescribed form and manner, by the owner or manager of such home; providing upon request for inspection of premises and report by the State Department of Health and/or State Fire Marshal; making it the duty of the Board to give information concerning minimum requirements and concerning need for such homes in any given community; and providing for a penalty.

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

§ 1. As used in this act, the term "boarding home for the aged and infirm" shall mean any place, not licensed by the State Department of Health, operated by any person, institution, organization or private or public corporation, in which three or more adults who are aged or infirm and not related by blood or marriage to the owner or manager of said place, are received, kept and provided with food, shelter and care for hire or compensation.

§ 2. It shall be the duty of the State Public Welfare Board of North Dakota, hereinafter referred to as the board, to establish rea-

sonable minimum standards for such homes. The board shall grant annual licenses to such boarding homes as conform to the standards established and comply with the rules prescribed, inspect all places, as provided for in section one of this act, and prosecute all violations of this act. Upon request of the board the State Department of Health and/or the State Fire Marshal shall inspect any place for which a license is applied for or issued and shall report these findings to the board.

§ 3. No person, institution, organization or public or private corporation shall keep, operate, conduct or manage a boarding home as defined in section one of this act without holding a valid license issued by such board as herein provided, providing, however, that any such home now operating may have until January 1, 1946 to obtain such license. The license shall not be valid for more than one year. Any license may be revoked by the board for violation of the provisions of this act and the rules which may be prescribed by the board.

§ 4. The license shall show the name of the owner or manager of the boarding home, its location and the maximum number of persons that may be received and kept in the home at any one time.

§ 5. A record of every aged and infirm adult person admitted to any such boarding home shall be kept by the owner or manager in the manner and form prescribed by the board at the place licensed.

§ 6. The board is authorized to make such rules, not inconsistent with the law, as may be necessary to carry out the purposes of this act.

§ 7. It shall be the duty of the board whenever called upon by any person, organization, corporation or community interested in establishing such a boarding home to furnish information concerning the minimum requirements for such home, and concerning the need for such boarding home in any given community.

§ 8. Any person, whether the owner or manager or the representative of any owner or manager, who violates any provision 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 days, or by both such fine and imprisonment.

Approved March 10, 1945.

CHAPTER 281

H. B. No. 214

Introduced by Committee on Public Welfare

OLD AGE ASSISTANCE ACT AMENDED

An Act To amend and re-enact Sections 50-0701, 50-0703, and 50-0715 of the North Dakota Revised Code of 1943 pertaining to definitions, eligibility for assistance, payment of assistance to guardian for benefit of recipient, and providing for authority to compromise and settle claims, for Old Age Assistance.

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

§ 1. AMENDMENT.] That Section 50-0701 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0701. DEFINITIONS.] In this chapter, unless the context or subject matter otherwise requires:

1. "State agency" shall mean the public welfare board of North Dakota;
2. "County agency" shall mean the county welfare board in each of the several counties of the state;
3. "Applicant" shall mean a person who has applied for old age assistance;
4. "Recipient" shall mean any person who has received assistance under the terms of this chapter;
5. "Assistance" means money payments to, or goods and services provided for needy, aged persons.

§ 2. AMENDMENT.] That Section 50-0703 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0703. ELIGIBILITY FOR ASSISTANCE TO THE NEEDY AGED.] Assistance shall be granted under this chapter to any person who:

1. Has resided ten years in the United States, or is a citizen of the United States;
2. Has attained the age of sixty-five years, but 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;
3. Has resided in North Dakota continuously for one year immediately preceding application for old age assistance, except that, in order to establish eligibility for old age assistance in North Dakota,

any person who is eligible for old age assistance in another state shall 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 old age assistance program; provided, however, that absence from the state for purposes related to the prosecution of the present war, which absence existed after December 7, 1941 and for not more than six months after peace is declared, shall not be considered to interrupt or destroy such residence eligibility of an applicant for old age assistance as he may have had at the time such absence was begun unless, during the period of such absence, he has established eligibility for old age assistance in another state;

4. Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

5. 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 agency shall have the authority to make payments as provided in this chapter to residents of such public institutions as are approved by the state agency;

6. 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 refuses or neglects to provide necessary assistance such refusal or neglect shall not make such applicant ineligible for assistance to the needy aged;

7. 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 eligible for old age assistance under this plan.

§ 3. AMENDMENT.] That Section 50-0715 of the North Dakota Revised Code of 1943 be hereby amended and re-enacted to read as follows:

50-0715. PAYMENT TO GUARDIAN FOR BENEFIT OF RECIPIENT.] Whenever a guardian shall have been appointed for any needy aged person by a court of competent jurisdiction in the state of North Dakota, the payment of old age assistance under the provisions of this chapter shall be made to such legal guardian. The legal guardian shall file with the county agency a report at the end of each calendar year, showing the disbursement of the money so received by him as old age assistance payments.

§ 4. AUTHORITY TO COMPROMISE AND SETTLE.] The State Agency 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, 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 contract or stipulation or agreement which the interest of the parties or the circumstances of the case may make advisable.

Approved March 10, 1945.

SALES AND EXCHANGE

CHAPTER 282

H. B. No. 100

Introduced by Representatives Fitch and Wolf of McIntosh

TRANSIENT MERCHANTS, DEFINED

An Act Amending and re-enacting Section 51-0401 of the North Dakota Revised Code of 1943, Defining "Transient Merchant" and "Merchandise."

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

§ 1. AMENDMENT.] That Section 51-0401 of the North Dakota Revised Code of 1943 be amended and re-enacted to read as follows:

51-0401. DEFINITIONS.] In this chapter, unless the context or subject matter otherwise requires:

1. "Transient Merchant" means one who engages in the vending or sale of merchandise at any place temporarily, or one who engages in the manufacturing, making, producing, creating or processing and vending of merchandise at any place temporarily, and who does not intend to become a permanent merchant of such place; and

2. "Merchandise" shall not include any agricultural product.

Approved February 28, 1945.