

# STATE INSTITUTIONS

## CHAPTER 263

S. B. No. 155—(Morgan of Walsh and Fowler)

### MAINTENANCE EXPENSES OF STATE INSTITUTIONS

An Act Authorizing the Bank of North Dakota to transfer funds for necessary operation and maintenance expenses of the Grafton State School, the State Hospital for the Insane and the State Tuberculosis Sanatorium, subject to the supervision of the Industrial Commission; and declaring an emergency.

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

§ 1. The Bank of North Dakota is hereby authorized to transfer to the Board of Administration of the State of North Dakota for the use and benefit of the Grafton State School, the State Hospital for the Insane and the State Tuberculosis Sanatorium, on or before June 30th, 1943, such sums of money as may be needed, not to exceed in the aggregate \$500,000.00 to pay the necessary operation and maintenance expenses of such Institutions, provided that all transfers of funds shall be made subject to the approval of the North Dakota Industrial Commission; and provided further that the said Institutions and the Board of Administration of the State of North Dakota shall pledge to the said Bank for the repayment of such funds as may be transferred, with interest, all available warrants, judgments and claims accruing to said Institutions. Provided further, that this transfer is made pursuant to the provisions of Section 5192a15 Supplement to the Compiled Laws of North Dakota.

§ 2. EMERGENCY.] Inadequate collections for the County Care and Institutional Collection Funds of the said Institutions having resulted in exhaustion of a substantial part of the monies heretofore appropriated from the State Treasury for the operation and maintenance expenses of said Institutions, and the remainder of such monies being inadequate, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1941.

**CHAPTER 264****H. B. No. 191—(Committee on Judiciary)****RECOVERY OF MONIES BY INMATES AND PATIENTS  
OF STATE INSTITUTIONS**

**An Act to Provide a Limitation of Time Within Which Claims may be made or Proceedings brought to Recover Monies in Personal Accounts of Inmates and Patients in State Charitable Institutions; and Providing the Transfer of Such Monies.**

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

§ 1. DEMAND FOR OR PROCEEDINGS TO RECOVER MONIES IN INMATES OR PATIENTS FUND; LIMITATION.] No claim for or proceeding to recover any monies credited to the personal account in any institution herein designated of any person who has been a patient in the State Hospital for the Insane or the Grafton State School or an inmate or patient of any charitable institution of this state, shall be made or commenced after the expiration of six years from the date of death or discharge of such inmate or patient.

§ 2. TRANSFER OF MONIES.] Any monies which remain in such personal account of any inmate or patient described in this act after six years have elapsed from the date of the death or discharge of such inmate or patient shall be transferred to the fund maintained in the institution for the general welfare of the inmates or patients thereof. No probate or other proceedings shall be required for the making of such transfer.

Approved March 17, 1941.

## CHAPTER 265

S. B. No. 166—(Wog, Flatt, Guenther, Brunsdale, Lavik and Brant)

## SPECIAL AUDITS OF INSTITUTIONS AND OFFICES

An Act Providing for special audits and investigations of the North Dakota Mill and Elevator Association, the Bank of North Dakota, the State Highway Department and the Office of State Highway Commissioner, the Board of Administration, the Board of University and School Lands, the Industrial Commission and the State Securities Commission, and such other offices, departments, institutions and commissions of the State as the Governor shall designate; providing for the appointment of a Special Examining Commissioner and for the prosecution of any action or proceeding which may be deemed warranted as a result of such audit, investigation or check up; providing for an appropriation to carry out the purposes of this Act.

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

§ 1. The Governor is hereby authorized, directed and empowered without compensation, to make a special audit, investigation and check up of any or all of the following, viz: The North Dakota Mill and Elevator Association, the Bank of North Dakota, The State Highway Department and the Office of State Highway Commissioner, the Board of Administration, the Board of University and School Lands, The Industrial Commission and The State Securities Commission, and such other offices, departments, institutions and commissions of the State as the Governor shall designate.

§ 2. In order to carry out the foregoing objects and purposes, the Governor is hereby given and granted the following specific power and authority, viz:

(A) To appoint a citizen of the State of North Dakota to carry out such special audits and investigations as the Governor shall direct, which appointee shall be officially known and designated as the Special Examining Commissioner and to fix the compensation of such commissioner and to remove him at pleasure and appoint another commissioner in his place.

(B) To authorize and empower said commissioner to employ and to discharge and replace such assistants, employees, auditors, accountants, attorneys and investigators and other persons as the Governor may deem advisable and necessary and; with the consent and approval of the Governor, to fix their compensation.

(C) To authorize and empower said commissioner from time to time to expend such sums of money in carrying out the provisions of this Act as the Governor may deem advisable and necessary.

(D) To direct, authorize and empower said commissioner in the name of the State of North Dakota to commence, prosecute and

carry on such actions, suits or proceedings as the Governor may deem justified and advisable by reason of or growing out of any disclosures which may result from proceedings under the Act.

(E) To authorize and direct said commissioner to hold hearings, take testimony and to subpoena witnesses to appear before said commissioner either within or without this State, and to designate and direct the manner in which and the person by whom such subpoena shall be served and in the event that any witness shall fail or refuse to appear at the time and place designated in said subpoena, the Governor shall have the power and authority to direct and authorize said commissioner to apply to a Judge of the District Court in and for such County within the State of North Dakota in which such witness may reside for an Order citing said witness to appear before such Court at such time and place as said Court may direct to show cause why said witness should not be punished for contempt and said District Court is hereby given the same power, authority and jurisdiction to hear, try, determine and punish such witness for failure to obey such subpoena as said Court now has to hear, try, determine and punish a witness who fails to obey a subpoena issued by said Court itself.

(F) To call upon any elective or appointive officer or employee of the State of North Dakota or any department or board thereof or of any political subdivision to furnish information with respect to any transactions had with any of the State Departments, Commissions, or Boards referred to in this Act, and it is hereby made the duty of any such official or employee to furnish any information demanded and failure so to do shall constitute malfeasance in office.

§ 3. If, during the course of any hearing, action, trial or proceedings had under this Act, any witness refuses to testify upon the ground that such testimony would incriminate or tend to incriminate such witness, the Governor is hereby given the power and authority to enter into an agreement with such witness providing that if said witness shall testify fully, he shall be granted full immunity from any prosecution for any crime which may arise from or be involved in the matters and things so testified about.

§ 4. The State Examiner and the Board of Auditors are hereby directed to aid and assist the Governor and the Special Examining Commissioner in carrying out the purposes and provisions of this Act.

§ 5. The Governor shall within fifteen days after the completion of an audit and investigation of any official, agency, department, institution, industry, and of commission, prepare and file in the office of the Secretary of State a complete report of such audit and investigation who shall make such reports, and each of them, available to the citizens of the State of North Dakota for inspection; and

the Governor shall cause copies of such reports to be prepared and sent to each member of the Twenty-seventh Legislative Assembly.

§ 6. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$15,000.00 for the purpose of carrying out the provisions of this Act which money shall be paid out and expended by the State Treasurer upon warrants drawn by the Governor.

Approved March 20, 1941.

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## CHAPTER 266

H. B. No. 127—(Shure, Beede and Aker. Special Committee on Code Revision.)

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### TRANSPORTATION OF PERSONS TO STATE INSTITUTIONS

An Act to provide for the transportation of Prisoners and Persons Committed to the State Penitentiary and State Training School, and of Patients Committed to the State Hospital; Providing Fees and Mileage Therefor and Repealing Chapter 173, Session Laws for the year 1917 (being ss. 3526a1 to 3526a5, both inclusive) of the 1925 Supplement to the 1913 Compiled Laws) as Amended by Chapter 275 of the Session Laws for the Year 1931; and Declaring an Emergency.

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

§ 1. TRANSPORTATION OF PRISONERS AND PATIENTS.] The sheriff of each county shall conduct to the Penitentiary all persons convicted in his county and sentenced to be confined in said Penitentiary and all persons committed to the State Hospital for the Insane, as soon as may be after such conviction or commission shall have been had.

§ 2. TRANSPORTATION OF PERSONS COMMITTED TO STATE TRAINING SCHOOL.] The juvenile commissioner, or other officer or person designated by the court at the time commitment is ordered, shall conduct to the State Training School all persons committed thereto.

§ 3. FEES FOR TRANSPORTING PERSONS COMMITTED TO PENITENTIARY, STATE TRAINING SCHOOL, OR STATE HOSPITAL FOR THE INSANE.] Sheriffs and their deputies for transporting persons committed to the State Penitentiary, or the State Hospital for the Insane, and juvenile commissioners or other officers designated by the court to transport persons committed to the State Training School shall receive the same mileage as is provided in Chapter 123 of the Session Laws for the year 1939. The sheriff, his deputy, a

juvenile commissioner, or other officer shall utilize the least expensive method of transportation, and the mileage allowed to him shall be based only upon the use of such least expensive method of transportation. Such mileage shall be paid only after the filing with the county auditor of an itemized statement verified by affidavit showing the mileage traveled, the manner in which traveled, the days traveled, and the purpose of the travel and showing that the method of travel was the least expensive method of transportation. Such statement and affidavit shall be submitted to the board of county commissioners and such claims shall be approved by such board before the same shall be allowed or paid.

§ 4. REPEAL.] That Chapter 173 of the Session Laws of 1917 (ss. 3526a1 to 3526a5, both inclusive, of the 1925 Supplement to the 1913 Compiled Laws) as amended by chapter 275 of the Session Laws for the year 1931 is hereby repealed.

§ 5. 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 14, 1941.

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## TAXATION

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### CHAPTER 267

S. B. No. 145—(Committee on Tax and Tax Laws)

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#### ASSESSMENT OF CAR LINE COMPANIES, EXPRESS AND AIR TRANSPORTATION COMPANIES

An Act to amend and re-enact Chapter 236 of the Session Laws of 1937.

An Act to provide for the assessment of car line companies, express companies, and air transportation companies. Providing for the allocation of the Tax to the State of North Dakota; and repealing all acts and parts of acts in conflict herewith and declaring an emergency.

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

§ 1. All of the provisions of Chapter 291, Laws of 1931, are hereby made applicable in so far as the same may be consistent with the provisions of this Act, to the assessment of car line companies, express companies, and air transportation companies subject to the provisions as follows:

(a) The State Tax Commissioner shall, after all of the pro-