

an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1949.

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## HEALTH AND SAFETY

### CHAPTER 188

House Bill No. 279

(Langseth, Lillehaugen, Anderson, Joseph Stevens)

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#### BURIAL DECEASED PERSONS, DUTY OF COUNTIES

##### AN ACT

To amend and reenact subsection 5 of section 23-0603 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to the duty of counties to bury deceased persons.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 23-0603 of the 1947 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

23-0603. DUTY OF BURIAL.) The duty of burying the body of a deceased person devolves upon the following persons:

5. If the deceased left no husband, wife, or kindred answering the foregoing description and did not leave means sufficiently to defray his funeral expenses, including the cost of a casket, upon the county welfare board of the county in which the deceased had residence for poor relief purposes and if such residence cannot be established, then in the county in which the death occurs, and such board shall employ some person to arrange for and supervise the burial. The necessary and reasonable expense thereof, not exceeding one hundred dollars, shall be borne by the county. The county also shall pay reasonable costs of transporting the body to the place of burial when burial is made in a cemetery out of the county in which death occurred, but not exceeding one hundred dollars.

Approved March 10, 1949.

## CHAPTER 189

House Bill No. 8

(Legislative Research Committee)

(at the request of the State Department of Health)

TIME WITHIN WHICH BURIAL MUST BE MADE; EXCEPTIONS  
AN ACT

To amend and reenact section 23-0604 of the North Dakota Revised Code of 1943, relating to the time within which burial must be made.

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

SECTION 1. AMENDMENT.) Section 23-0604 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-0604. TIME WITHIN WHICH BURIAL MUST BE MADE; EXCEPTIONS.) The dead body of a human being must be buried by the person charged with the duty of such burial within eight days after the death of such person except when:

1. The right to dissect the body is expressly conferred by law;
2. The body is being carried through this state;
3. The body is being removed from this state for the purposes of burial in some other state; or
4. A permit is obtained from the local health officer or the state health department allowing a longer time during which the body may remain unburied.

A permit obtained under the provisions of subsection 4 shall show the length of time allowed during which the body may remain unburied.

Approved February 8, 1949.

## CHAPTER 190

Senate Bill No. 28

(Legislative Research Committee)

(by request of State Department of Health)

## SYPHILLIS PREVENTION

## AN ACT

Relating to prevention of congenital syphilis; providing for the taking of a sample of blood of pregnant women for submission to an approved laboratory for a standard serological test for syphilis; defining approved laboratory and standard serological test; defining duties of all physicians and non-licensed practitioners in attendance of such women; requiring report and certificate of every birth and stillbirth by physician or others, providing penalties for violation and making an appropriation for the state department of health to enable it to comply with the provisions hereof.

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

SECTION 1. BLOOD SAMPLE OF PREGNANT WOMEN MUST BE SUBMITTED FOR SEROLOGICAL TEST FOR SYPHILLIS.) Every physician or other person authorized by law to practice obstetrics who attends a pregnant woman in North Dakota for conditions relating to pregnancy during the period of gestation or at delivery, shall with the consent of the patient take or cause to be taken a sample of blood of such woman at the time of the first professional visit or within ten days thereafter, and shall submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend pregnant women in the state, but not permitted by law to take blood samples, shall with the consent of the patient cause a sample of blood of such pregnant women to be taken by a physician duly licensed to practice medicine and surgery, obstetrics, or other person authorized by law to take such sample of blood and may have such sample submitted to an approved laboratory for a standard serological test for syphilis. Such laboratory tests as are required by this Act shall be made on request without charge of by the state department of health.

SECTION 2. DEFINITIONS.) A standard serological test shall be a laboratory test for syphilis approved by the state health officer. The term "approved laboratory" shall mean the North Dakota state public health laboratories or any other laboratory approved by the state health officer.

SECTION 3. CERTIFICATES REPORTING BIRTHS AND STILLBIRTHS TO STATE WHETHER BLOOD TEST MADE.) In reporting every birth and stillbirth, physicians, and others required to make such reports, shall state on the certificate whether a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and the approximate date when the specimen was taken, provided that no birth or stillbirth certificate shall show the result of such test. If no test was made the reason shall be stated.

SECTION 4. PENALTY.) Any physician or other person engaged in attendance upon a pregnant woman during the period of gestation or at delivery or any representative of a laboratory who violates the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five dollars, provided that any physician or other person, engaged in attendance upon a pregnant woman, who requests a sample of blood in accordance with the provisions of section 1 of this act, whose request is refused, shall not be guilty of violation for the provisions of said Act.

SECTION 5. APPROPRIATION.) The sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the state department of health, to cover expenses in carrying out the provisions of this Act for the biennium ending June 30, 1951.

Approved March 12, 1949.

## CHAPTER 191

House Bill No. 247

(Committee on Veterans and Military Affairs)

HOUSING AUTHORITIES PROJECTS, COOPERATION WITH  
FEDERAL GOVERNMENT

## AN ACT

To amend and reenact sections 23-1131, 23-1132, 23-1133, 23-1134 and 23-1135 of the North Dakota Revised Code of 1943, to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and veterans of World War I and World War II; to authorize housing authorities to cooperate with or act as agent of the federal government in the development and administration of such projects of the federal government, to acquire or lease such projects and to sell certain projects to the federal government; to authorize public bodies to assist such projects of housing authorities and of the federal government; defining "veteran," and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 23-1131 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1131. HOURS FOR WORKERS IN NATIONAL DEFENSE AND VETERANS OF WORLD WAR I AND VETERANS OF WORLD WAR II.) Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities who, it is determined by the housing authority, would not otherwise be able to secure safe and sanitary dwelling within the vicinity thereof. In the ownership, development, or administration of such projects a housing authority shall have all the rights, powers, privileges, and immunities that such authority has under any provisions of law relating to the ownership, development, or administration of slum clearance and housing projects for persons of low income, and shall exercise such rights, powers, and privileges as though all the provisions of law applicable to slum clearance and housing projects for persons of low income were applicable to projects developed or administered to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities as provided in this section, and housing projects developed or administered hereunder shall constitute housing projects under the provisions of this chapter. During the

existence of this Act, in which a housing authority finds, and such finding shall be conclusive in any suit, action, or proceeding, that within its area of operation, or any part thereof, there is an acute shortage of safe and sanitary dwellings which impedes the national-defense program or the general welfare of veterans of World War I and veterans of World War II in this state and that necessary and safe and sanitary dwellings would not otherwise be provided when needed for such person, any project developed or administered by such housing authority, or by any housing authority cooperating with it, in such area pursuant to this section, with the financial aid of the federal government, or as agent for the federal government as hereinafter provided, shall not be subject to the limitations provided in sections 23-1113 and 23-1114. During the existence of this Act a housing authority may make payments in such amounts as it finds necessary or desirable for any services, facilities, works, privileges, or improvements furnished for or in connection with any such projects. After the national-defense period any such projects owned and administered by a housing authority shall be administered in accordance with the preceding sections of this chapter save that as to veterans of World War I and veterans of World War II this section shall not be subject to the limitations in section 23-1114.

SECTION 2. AMENDMENT.) Section 23-1132 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1132. COOPERATION WITH FEDERAL GOVERNMENT.) A housing authority may exercise any or all of its powers for the purpose of cooperating with, or acting as agent for, the federal government in the development or administration of projects by the federal government to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities or veterans of World War I and veterans of World War II and may undertake the development or administration of any such projects for the federal government. In order to assure the availability of safe and sanitary housing for persons engaged in national-defense activities, or for veterans of World War I and veterans of World War II, a housing authority may sell, in whole or in part, to the federal government any housing project developed for such persons but not yet occupied by such persons; such sale shall be at such price and upon such terms as the housing authority shall prescribe and shall include provision for the satisfaction of all debts and liabilities of the authority relating to such project.

SECTION 3. AMENDMENT.) Section 23-1133 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1133. MUNICIPALITIES MAY COOPERATE.) Any city, county, or other public body shall have the right and power to cooperate with housing authorities, or with the federal government, with respect to the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and veterans of World War I and veterans of World War II which such city, county, or other public body has for the purpose of assisting the development or administration of slum clearance or housing projects for such persons.

SECTION 4. AMENDMENT.) Section 23-1134 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1134. POWERS OF HOUSING AUTHORITY.) This chapter shall constitute an independent authorization for a housing authority to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and veterans of World War I and veterans of World War II as provided in this chapter and for a housing authority to cooperate with, or act as agent for, the federal government in the development or administration of similar projects by the federal government. In acting under this authorization, a housing authority shall not be subject to any limitations, restrictions, or requirements of other laws, except those relating to land acquisition, prescribing the procedure or action to be taken in the development or administration of any public works, including slum clearance and housing projects for such persons or undertakings or projects of municipal or public corporations or political subdivisions or agencies of the state. A housing authority may do any and all things necessary or desirable to cooperate with, or act as agent for, the federal government, or to secure financial aid, in the expeditious development or in the administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities and veterans of World War I and veterans of World War II and to effectuate the purposes of this chapter.

SECTION 5. AMENDMENT.) Section 23-1135 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

23-1135. DEFINITIONS.) As used in sections 23-1131 to 23-1136, inclusive:

1. "Persons engaged in national-defense activities" shall include enlisted men in the military and naval services of the United States, employees of the war and navy

- departments assigned to duty at military or naval reservations, posts, or bases, and workers engaged or to be engaged in industries connected with and essential to the national-defense program, and shall include the families of the aforesaid persons who are living with them;
2. "Persons of low income" shall mean persons or families who lack the amount of income which is necessary, as determined by the housing authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without over-crowding;
  3. "Development" shall mean any and all undertakings necessary for the planning, land acquisition, demolition, financing, construction, or equipment in connection with a project, including the negotiation or award of contracts therefor, and shall include the acquisition of any project, in whole or in part, from the federal government;
  4. "Administration" shall mean any and all undertakings necessary for management, operation, or maintenance, in connection with any project, and shall include the leasing of any project, in whole or in part, from the federal government;
  5. "Federal government" shall mean the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America;
  6. The development of a project shall be deemed to be initiated if a housing authority has issued any bonds, notes, or other obligations with respect to financing the development of such project of the authority, or has contracted with the federal government with respect to the exercise of powers hereunder in the development of such project of the federal government for which an allocation of funds has been made during the existence of this act.
  7. "Housing authority" shall mean any housing authority established or hereafter established pursuant to the provisions of this chapter; and
  8. "Veteran" means a man or woman who served honorably and faithfully for more than sixty days in active service in the military, naval, marine, woman's army auxiliary corps, or coast guard forces of the United States, or any of the governments allied with the United States in World War I and World War II.

SECTION 6. 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 11, 1949.



## CHAPTER 192

## House Bill No. 162

(Fugelstad, Kjelgaard, Bymers, Haugland, Moe, Moerke, Seibel, Holand,  
Nygaard, Klefstad, Sellens and Maher)

## CREATING COUNTY HOSPITAL ASSOCIATIONS

## AN ACT

Authorizing the county commissioners in any county in this state, upon application by a duly organized county hospital association, to make a levy for not more than five years and not to exceed eight mills in any one year upon the assessed valuation of the property in the county for the construction, and equipment of a county or community hospital, providing for an election to be held; also providing for special fund derived from such tax levy and disbursements thereof, providing for donations to said hospital or community association, and providing for the disposition of said county or community hospital and limiting the number of hospitals or community associations in each county provided for in this Act.

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

SECTION 1.) A county or community hospital association may be established in any county in this state. The executive officers and directors shall be residents of the county. The association may apply to the board of county commissioners of the county for a grant to aid in the erection of a nonsectarian county hospital. The application for the grant shall be in writing and shall state the incorporation of the association, the names and places of residence of all of its executive officers, and the assets of the association, and shall specify the mill rate of levy applied for, which shall not be in excess of eight mills upon the assessed valuation of the taxable property in the county. If the board of county commissioners shall be satisfied that the statements in the applications are true and that the association intends in good faith to establish a non-sectarian county or community hospital, it shall submit to the electors of the county the question of levying a tax in aid of such non-sectarian county or community hospital, for not more than five years at the mill rate as specified in the application, but not in excess of eight mills in any one year. The county auditor shall give notice of such election within the time and in the manner prescribed by law for the holding of county elections.

SECTION 2.) The ballot to be used in such election as provided for in this act shall be in the following form:

Shall the county commissioners be authorized to levy a tax in aid of a non-sectarian county or community hospital of ..... mills upon the assessed valuation of all taxable property in ..... county, for a period of ..... years?

Yes . . . . . ☐

No . . . . . ☐

SECTION 3.) If two-thirds of the ballots cast at such election are in favor of the authorization of the levy, the board of county commissioners shall make an annual levy for a period of not more than five years at the mill rate approved at such election upon the assessed valuation of the taxable property in the county, which tax shall be spread and collected in the same manner as other taxes are collected. Such levy shall not be subject to the county levy limitations.

SECTION 4.) The proceeds of the tax provided for by this act shall be placed in a separate fund by the county treasurer and shall be used exclusively for the construction and equipment of a non-sectarian county or community hospital and shall be kept separate and apart from the other moneys of the county.

SECTION 5.) Proper vouchers may be presented by the hospital association to the board of county commissioners and with the approval of the board the county auditor shall draw warrants on the separate fund in payment of such vouchers.

SECTION 6.) All persons desirous of making donations of money, personal property, or real estate for the benefit of the hospital may vest the same in the board of directors of the hospital association. The board of directors shall hold and control all property accepted for the use of the hospital as a special trustee.

SECTION 7.) The board of directors of any county or community hospital shall not lease, sell or otherwise dispose of a county or community hospital without the unanimous consent of the county commissioners unless all tax money received by the hospital association has been repaid to the county without interest.

SECTION 8.) The aid provided for in this act shall not be granted to more than one county or community hospital association in any one county or to any association organized for profit.

Approved March 11, 1949.