

INSANE

CHAPTER 137.

[H. B. No. 205—Sinclair]

COUNTIES LIABLE FOR EXPENSES OF INSANE.

AN ACT to Repeal Sections 1195 and 1196 of the North Dakota Revised Codes of 1905, and Sections 1, 2, 3 and 4 of Chapter 76 of the Session Laws of 1905, Being Sections 1910, 1911 and 1912 of the Revised Codes of North Dakota of 1905, and Further to Provide for the Admission to the State Hospital for the Insane of Residents of Other States or Territories, and the Payment For Such Care and Treatment, and to Provide for the Payment by the Proper County or the State at Large for the Care and Treatment of All Inmates of Such State Hospital for the Insane, and to Determine the Legal Residence of All Such Patients, and to Provide for Reimbursing of the County from the Estate of the Patient for Such Care and Treatment, and to Provide Penalties for the Non-Enforcement of this Act.

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

§ 1. AMENDMENT.] Sections 1195 and 1196 of the revised codes of North Dakota of 1905, and sections 1, 2, 3 and 4 of chapter 76 of the session laws of 1905, being sections 1910, 1911 and 1912 of the revised codes of North Dakota of 1905, are hereby repealed.

§ 2. ADMISSION OF NON-RESIDENTS.] The residents of other states or territories may be admitted to the state hospital for the insane upon payment of the first cost of such board and treatment; provided, that no resident of another state or territory shall be received or retained to the exclusion of any resident of this state. If the superintendent shall receive any money or goods for the purpose of furnishing extra attention and comfort to any patient he shall account for the same in an itemized statement to the board of trustees.

§ 3. COST OF TREATMENT, HOW DETERMINED.] The board of trustees of the state hospital for the insane shall from time to time fix the amount to be paid for the board, care and treatment of the patients, which shall not exceed the sum of ten dollars per month for residents of the state; provided, however, that all non-residents shall pay the actual cost of care and treatment, and the amount so fixed shall be the sum the state hospital for the insane shall be entitled to demand for keeping any patient, and the certificate to that effect, subscribed and sworn to by the superintendent, shall be evidence of the amount due as fixed.

§ 4. EACH COUNTY PAYS CHARGES FOR ITS OWN PATIENTS.] The expense for the care, board and treatment of all patients in the state hospital for the insane shall be a charge upon each county sending such patient or patients to the state hospital for the insane, as hereinafter provided for.

§ 5. STATEMENTS SENT COUNTIES.] It shall be the duty of the superintendent to furnish to the county auditor of each county having patients in the state hospital for the insane a quarterly statement giving the number of patients and the names of each patient belonging to such county, and the cost of maintenance of same.

§ 6. LEGAL RESIDENCE DETERMINED.] When the superintendent of the state hospital for the insane has been duly notified that a patient sent to the state hospital for the insane from one county has a legal residence in another county, he shall thereafter hold and keep such patient at the expense of and as from the latter county, and such holding shall apply to the expense already incurred in behalf of such patient and remaining unadjusted.

§ 7. ADJUSTMENT BETWEEN COUNTIES.] Expense incurred by one county on account of insane persons whose legal residence is in another county shall be refunded by the county of such residence and shall be presented to the board of commissioners of the county sought to be charged, allowed and paid the same as other claims.

§ 8. LEVY OF TAX TO PAY CHARGES.] The superintendent shall certify to the state auditor on the first day of January, April, July and October of each year the amount not previously certified to by him that is due the said hospital for the insane from the several counties having patients chargeable thereto, and said state auditor shall pass the same to the credit of the state hospital for the insane. The state auditor shall thereupon notify the county auditor of each county so owing, of the amount thereof, and charge the same to said county, and the board of county commissioners shall levy a tax in said county for said amount, and pay the amount due the state into the state treasury, and should any county fail to levy such tax sufficient to pay the amount then due said state, and shall fail at the time of levying other county taxes, thereafter, to levy the tax aforesaid to an amount sufficient to pay the indebtedness subsequently incurred, it shall be the duty of the attorney general to bring in the name of the state an action against any county so failing as aforesaid, to enforce the levying of said tax.

§ 9. PENALTY FOR FAILURE TO LEVY TAX.] Upon the failure of any county to levy such tax as aforesaid to an amount sufficient to pay the amount then due the state, it shall be the duty of the state auditor to charge such delinquent county with a penalty of three per centum per month upon the amount of indebtedness, then six months due, for each month until payment thereof and penalty thereon be paid.

§ 10. TIME OF PAYMENT.] It shall be the duty of the county treasurer, upon the collection of the taxes herein required to be levied, to pay into the state treasury the amount due and owing from his county, at the time and in the manner required for the payment of state taxes collected, and the state auditor and the state treasurer shall upon the first days of January, April, July and October in each year, transfer the full amount received from counties, under the provisions of this article, to the account of the state hospital for the insane.

§ 11. TAXES NOT DIVERTED.] Taxes levied and collected in any county for the purpose named in this article shall be used only to defray the expenses of the insane which are chargeable to such county, and shall not be diverted to any other purpose nor be transferred to any other fund by the county authorities.

§ 12. IMPROPER CHARGES, HOW DETERMINED.] Whenever the superintendent of the state hospital for the insane has held and treated a patient as from one county and the county commissioners of such county make claim that such patient is not a proper charge against the said county, and such county commissioners shall notify the state auditor that it is claimed by them that such patient is not a proper charge against their county, and shall claim that the said patient is a proper charge against some other county, or that such patient is a proper charge against the state at large on account of being a resident of some portion of the state which is not in an organized county, or having no legal residence in any county of the state, it shall be the duty of the state auditor to give notice to the county auditor of each of said counties to file such proofs as they may have with the state auditor within thirty days from the time of such notification, and thereupon it shall be the duty of the state auditor to investigate the question of the residence of such patient and to determine of what county said patient is a proper charge, and shall thereupon notify each of said counties of such determination, and shall notify the superintendent of the state hospital for the insane of such determination, and the superintendent of the state hospital for the insane, and the state auditor and the counties as aforesaid shall thereafter treat and regard such patient as of the county, according to the determination of the state auditor; and if the state auditor shall find that such patient is not a proper charge against any county in the state, such patient shall thereafter be regarded as a proper charge against the state at large.

§ 13. RIGHT OF APPEAL.] If any county or the state of North Dakota shall be dissatisfied with the determination of the state auditor in regard to the finding aforesaid, such county or the state of North Dakota may appeal from the determination of the state auditor to the district court of the said county by serving a notice of appeal upon the state auditor and upon one of the members of the board of county commissioners of the county adversely

interested, within thirty days from the date of such finding, and thereupon it shall be the duty of the district court to determine the residence of such patient and determine to what county such patient is a proper charge, and such determination shall be conclusive unless an appeal shall be taken therefrom in the same manner as now provided for by law for appeals in civil actions.

§ 14. TO WHOM PROVISIONS APPLY.] The two preceding sections shall apply to all patients now or heretofore in the state hospital for the insane in reference to which a dispute may exist, as well as cases hereafter to arise, and the state auditor shall make his charges against the counties in accordance with the determination made as herein provided.

§ 15. EXPENSE CHARGEABLE AGAINST ESTATE OF INSANE PERSONS.] The amount incurred by any county of this state for treatment and maintenance of any insane person in the state hospital for the insane shall be a charge against the estate of such insane persons; provided, that the insane person has no heirs within the United States dependent on said estate for support; and provided, further, that no real property shall be sold during the life of the insane person; and further, provided, that no personal property shall be sold under five years from the date of the sending of such insane person to the state hospital for the insane, unless by order of the proper court where such property is liable to deteriorate in value during the time above specified, and when sold as above the county court shall order the proceeds thereof to be safely invested for the benefit of such insane person.

§ 16. EMERGENCY.] Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1907.

INSTRUMENTS LEGALIZED

CHAPTER 138.

[S. B. No. 253—Plain]

WRITTEN INSTRUMENTS LEGALIZED.

AN ACT to Legalize the Execution and Acknowledgement of Certain Deeds, Mortgages and Other Instruments in Writing, and the Record Thereof, and Making the Same or Certified Copies thereof, Admissible in Evidence.

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

§ 1. EXECUTION, ACKNOWLEDGEMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgment, filing and recording