

# **INSANE, FEEBLE MINDED, TUBERCULAR, BLIND AND DEAF**

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## **CHAPTER 205**

H. B. No. 340—(Committee on Delayed Bills)

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### **COMMITMENT AND TRANSFER OF VETERANS TO VETERANS ADMINISTRATION OR OTHER U. S. AGENCY**

#### **AN ACT**

To amend and reenact Section 25-0333 of the North Dakota Revised Code of 1943, relating to the commitment of veterans, and authorizing the transfer of veterans to the Veterans Administration or other agency of the United States for care and treatment.

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

§ 1. AMENDMENT.] That Section 25-0333 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**25-0333. COMMITMENT TO VETERANS ADMINISTRATION OR OTHER AGENCY OF THE UNITED STATES; STATE HOSPITAL FOR THE INSANE; TRANSFER.]**

(1) Whenever, in any proceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined, as provided in Chapter 25-03 of the North Dakota Revised Code of 1943, that commitment to a hospital for mental disease or other institution is necessary for safekeeping or treatment, and it appears that such person is eligible for care or treatment by the Veterans Administration or other agency of the United States Government, the insanity board of the county of which such person is a resident, upon receipt of a certificate from the Veterans Administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may direct the commitment of such person to said Veterans Administration or other agency, in the same manner as non-veteran insane may be committed to the state hospital for the insane. The person whose commitment is sought shall be personally served with notice of the pending commitment proceeding in

the manner as provided by the law of this state; and nothing in this Act shall affect his right to appear and be heard in the proceedings. Upon commitment, such person when admitted to any facility operated by any such agency within or without this state, shall be subject to the applicable rules and regulations of the Veterans Administration or other agency. The chief officer of any facility of the Veterans Administration or institution operated by any other agency of the United States to which the person is so committed, shall with respect to such person be vested with the same powers exercised by the superintendent of the state hospital for the insane with reference to retention of custody, transfer, parole or discharge. Jurisdiction is retained in the county judge, as provided in Sections 25-0324, 25-0325 and 25-0326 of the North Dakota Revised Code of 1943, at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint; and, in addition, the right to a writ of habeas corpus, as provided in Section 25-0328 of the North Dakota Revised Code of 1943, is preserved; and all commitments pursuant to this Act are so conditioned.

(2) The judgment or order of commitment by a court or other proper authority of competent jurisdiction of another state or of the District of Columbia, committing a person to the Veterans Administration or other agency of the United States for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint as is provided in Subsection (1) of this section with respect to persons committed by an insanity board of this state. Consent is hereby given to the application of the law of the committing state or District of Columbia in respect to the authority of the chief officer of any facility of the Veterans Administration or of any institution operated in this state by any other agency of the United States to retain custody, or transfer, parole or discharge the committed person.

(3) Upon receipt of a certificate of the Veterans Administration or such other agency of the United States that facilities are available for the care or treatment of any person heretofore committed to the state hospital for the insane for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of the state hospital may cause the transfer of such

person to the Veterans Administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the chairman of the insanity board which committed the person shall be notified thereof by the superintendent of the state hospital. No person shall be transferred to the Veterans Administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of Insanity, unless, prior to the transfer, the insanity board, or the court, if any, pursuant to the order or sentence of which confinement exists, shall enter an order for such transfer after appropriate motion and hearing.

Any person transferred as provided in this section shall be deemed to be committed to the Veterans Administration or other agency of the United States pursuant to the original commitment.

Approved March 15, 1947.

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## CHAPTER 206

S. B. No. 153—(Committee on Veterans and Military Affairs)

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### DUTIES OF SHERIFF, ETC. IN COMMITMENT AND TRANSFER TO STATE HOSPITAL OR VETERANS ADMINISTRATION HOSPITAL

#### AN ACT

To amend and reenact Section 25-0313 of the North Dakota Revised Code of 1943, relating to commitment of a person to state hospital or Veterans' Administration hospital within or without the state of North Dakota; duties of sheriff and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 25-0313 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0313. COMMITMENT OF PERSON TO STATE HOSPITAL OR VETERANS' ADMINISTRATION HOSPITAL: DUTY OF SHERIFF; WHO MAY ACCOMPANY SHERIFF.] The sheriff shall execute the warrant of the insanity board by conveying the person named in such warrant to the state hospital or to a veterans' administration hospital or government institution within or without the state of North Dakota and delivering him, together with the findings and certificate of the physician and

the findings of the insanity board and the duplicate of the warrant, to the superintendent of such hospital or government institution. The superintendent, over his official signature, shall acknowledge such delivery on the original warrant, and the sheriff shall return the same to the county judge. If any relative or intimate friend of the patient, who is a suitable person, shall so request, he shall have the privilege of accompanying the sheriff when he transports the patient to the hospital.

§ 2. 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 20, 1947.

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## CHAPTER 207

S. B. No. 274—(Committee on Appropriations)

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### CARE OF INMATES AT GRAFTON STATE SCHOOL COUNTY EXPENSE AN ACT

To amend and reenact Section 25-0409 of the North Dakota Revised Code of 1943, relating to the expense of care of inmates at the Grafton State School.

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

§1. AMENDMENT.] That Section 25-0409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

25-0409. EXPENSE FOR CARE OF INMATES TO BE CHARGE UPON COUNTY; COUNTY TO REMIT TO STATE TREASURER.] The expense of the care, board, and treatment of each inmate in the state school shall be a charge upon the county from which the inmate is sent. A county shall pay to the state treasurer the sum of twenty dollars per month for the care and treatment of each inmate sent from the county to the state school.

Approved March 21, 1947.

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**CHAPTER 208**

H. B. No. 135—(Sellens, Saumur, Fleck)

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**RECIPROCAL EXCHANGE OF INSANE, FEEBLE-MINDED,  
OR EPILEPTIC PERSONS**

**AN ACT**

Authorizing the Board of Administration to enter into reciprocal agreements with other states for the exchange, return, and transportation of insane, feeble-minded, or epileptic persons.

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

§ 1. (RECIPROCAL EXCHANGE OF INSANE, FEEBLE-MINDED OR EPILEPTIC PERSONS.) The Board of Administration is hereby authorized and empowered to enter into reciprocal agreements with any other state or states, through the duly authorized authorities thereof, regarding the mutual exchange, return, and transportation of insane, feeble-minded, or epileptic persons who are within the confines of one state but have legal residence or legal settlement in another state. Such agreements shall contain no provision conflicting with any laws of this state.

Approved February 20, 1947.

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**CHAPTER 209**

S. B. No. 275—(Committee on Appropriations)

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**MAINTENANCE PUBLIC CHARGE PATIENTS AT TUBERCULOSIS  
SANATORIUM BY COUNTY OR STATE AT LARGE**

**AN ACT**

To amend and reenact Section 25-0510 of the North Dakota Revised Code of 1943, relating to the amount of charge for maintenance of patients in the Tuberculosis Sanatorium.

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

§ 1. AMENDMENT.] That Section 25-0510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**25-0510. RESPONSIBILITY FOR MAINTENANCE OF PATIENT WHO IS PUBLIC CHARGE; AMOUNT OF CHARGE.]** The charge for maintenance at the State Sanatorium of a patient who is a public charge shall be Twelve Dollars and Fifty Cents per week during all of the time that he remains at the sanatorium as a patient, and such charge shall be paid by:

1. The county from which the patient was certified if the patient was determined to be a resident of such county; or
2. The state at large if it has been determined that a patient does not have a residence in any county in this state.

Such charge shall be collected in the manner specified in Chapter 8 of this title.

Approved March 21, 1947.

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## INSURANCE

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### CHAPTER 210

S. B. No. 23

Brant for Legislative Research Committee at the  
request of State Insurance Department)

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#### BOND PREMIUM ELIMINATION OF PUBLIC EMPLOYEE

##### AN ACT

Amending Section 26-2306 of the North Dakota Revised Code of 1943 and providing for the elimination of premiums on bonds of all public employees of the state of North Dakota and each political subdivision thereof, until the reserve fund of the state bonding fund shall have been depleted below the sum of one million dollars and providing for the resumption of the collection of such bond premiums whenever the said reserve fund shall have been depleted below the sum of one million dollars and repealing all acts or parts of acts in conflict herewith.

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

§ 1. **AMENDMENT.]** That Section 26-2306 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows: