

shall not be in excess of four mills on the dollar of assessed valuation in the county, of which not more than three mills shall be for maintenance, and all such taxes shall be levied and collected in the manner now provided by law. Any county so adjoining now or hereafter having a population of not less than 13,000 nor more than 16,000 and having an assessed valuation exclusive of money and credits of not less than \$2,500,000 nor more than \$3,700,000 and containing not less than 54 nor more than 56 full and fractional congressional townships, may annually levy for such tubercular sanatorium purposes a tax not to exceed six mills on the dollar of the assessed valuation in such county, of which not more than five mills shall be for maintenance, and all such taxes shall be levied and collected in the manner now provided for by law.

Approved April 7, 1951.

CHAPTER 314—H. F. No. 71

[Sections 1, 2, 3, 4, 5 Coded as Section 144.422]

An act to provide for the control of tuberculosis; making certain acts misdemeanors, providing for punishment and place of confinement; repealing Minnesota Statutes 1949, Sections 144.423, 144.424, Subdivisions 1 to 7 inclusive, and Section 144.426; and amending Minnesota Statutes 1949, Section 144.424, Subdivision 8, and Section 144.425.

Be it enacted by the Legislature of the State of Minnesota:

[144.422] **Tuberculosis suspects.** Section 1. *Subdivision 1. Patient defined. The word "patient" as used in sections 1, 2 and 3 of this act, means any person suspected of being afflicted with tuberculosis in the infectious stage.*

Subd. 2. Reports of suspects. Any health officer who has information that a patient does by his conduct or mode of living, endanger the health and well-being of his family or other persons, may make a report thereof to the county board of the county in which such patient resides or is found. The report shall state the name and address of the patient and a summary of the health officer's information. If upon the examination of said report the county board shall have reasonable cause to believe that the patient is infected with tubercu-

losis in the infectious stage and does by his conduct or mode of living, endanger the health and well-being of his family or other persons it shall so find, and may by resolution direct that the patient be committed to the tuberculosis sanatorium or public hospital designated in the resolution where he shall remain until discharged by the superintendent or chief medical officer of the institution. A copy of said resolution shall be served upon the patient in the manner of service of a summons in a civil action. If the patient refuses to enter such institution, a copy of said resolution with such findings and with proof of the service aforesaid, certified to by the county auditor, shall be filed with the clerk of the district court of the county in which such proceedings were had, and upon presentation thereof to a judge of said court, such judge shall order the sheriff or other person to apprehend the patient and deliver him to the superintendent or chief medical officer of the institution designated in the resolution.

[Subd. 3] **Health officer party to proceedings; appeals.**

Sec. 2. Subdivision 1. The health officer making the report referred to in section 1 of this act, and his successor in office, shall be deemed a party to all proceedings had in connection therewith. Any party aggrieved by the resolution of the county board in committing or refusing to commit the patient, may appeal therefrom to said district court. If an appeal is taken by the health officer, the notice of appeal shall be served upon the patient and filed with the county auditor with proof of such service, within 20 days after the adoption of said resolution. If an appeal is taken by the patient, the notice of appeal shall be filed with the county auditor within 20 days after the service of a copy of said resolution as provided for in section 1 of this act, but such appeal shall not stay the commitment unless a stay is granted by order of court.

[Subd. 4] **Papers filed with clerk of district court.**

Subd. 2. Within five days after receipt of the notice of appeal, the county auditor shall certify and file with the clerk of said court a copy of the health officer's report, a transcript of the proceedings had by the county board thereon, and a copy of the notice of appeal showing the date of the filing of same in his office, together with the required proofs of service.

[Subd. 5] **Hearing appeal; determination. Subd. 3.**

Upon three days' notice to the adverse party the court shall set a date for hearing the appeal, which hearing may be had at any general or special term of court, or by the court in chambers; and the court may, if it deems advisable, appoint three duly licensed doctors of medicine as a board to examine the patient to determine whether or not he is afflicted with tuberculosis in the infectious stage. The patient shall be entitled to have his physician present at the time of the examination. The board so appointed shall examine the patient at the time and place designated by the court and shall make a written report of its findings. If said findings are positive, at least one of such examiners shall appear at the hearing and give testimony. The court shall summarily hear and determine said appeal, and at the trial thereof all technicalities and matters of form not affecting substantial merits shall be disregarded.

[Subd. 6] **Findings; commitment.** *Subd. 4. If the patient be found to be afflicted with tuberculosis in the infectious stage and the court shall find that the patient does by his conduct or mode of living, endanger the health and well-being of his family of [or] other persons, and finds and determines it to be for the best interests of the patient, his family or the public, the court shall issue to the sheriff a warrant, in duplicate, committing the patient to the custody of the superintendent of the tuberculosis sanatorium or public hospital named in its findings and determination, where the patient shall remain until discharged therefrom by said superintendent or chief medical officer when his discharge will not endanger the health of any other person, or by the court upon petition of the patient.*

[Subd. 7] **Health officer may petition for commitment.** *Sec. 3. Any health officer who has the information referred to in section 1, subdivision 2 of this act, may, in the first instance, file in the district court of the county in which the patient resides or is found a petition for commitment of the patient to a tuberculosis sanatorium or public hospital, setting forth the name and address of the patient and the reasons for the petition. Upon filing such petition proceedings shall be had thereon as provided for in section 2, subdivisions 3 and 4 of this act. In such cases reference in those subdivisions to "adverse party" shall be understood as referring to the patient, and reference to "appeal" as referring to the petition.*

[Subd. 8] **County attorney as attorney for health officer.**

Sec. 4. In all proceedings had under the provisions of sections 2 and 3 of this act, the county attorney shall be the attorney for the health officer.

[Subd. 9] **Expenses and cost, payment.** *Sec. 5. Subdivision 1. The expense of the proceedings had under the provisions of sections 1, 2 or 3 of this act, and the cost of the care, treatment and maintenance furnished to such committed person, is a charge against the county of his residence. If such person did not reside in any county continuously for one year next preceding his commitment under the provisions of said sections 1, 2 or 3, the cost of his care, treatment and maintenance shall be paid by the director of social welfare from funds appropriated for maintenance of county sanatoriums; and said director shall also pay out of said funds, as and for aid in the maintenance of each committed patient treated in any public sanatorium at the expense of any county and as aid for surgery to effect treatment of tuberculosis of a committed patient who is a non-resident of the county or group of counties maintaining the sanatorium, the amounts authorized by provisions of Minnesota Statutes 1949, Section 376.31 and Section 376.33. Any question arising between counties as to the place of residence of a committed person shall be determined in accord with the provisions of Minnesota Statutes 1949, Section 376.18.*

[Subd. 10] **Liability of patient for expenses and cost.** *Subd. 2. Any patient committed under the provisions of sections 1, 2, or 3 of this act, who at the time of his commitment has financial ability to pay, or who prior to his discharge shall become financially able to pay, shall be liable for the cost of his care, treatment and maintenance to the county paying the same, or to the director of social welfare, as the case may be.*

Sec. 6. Minnesota Statutes 1949, Section 144.424, Subdivision 8, is amended to read:

144.424 Subdivision 1. [Subd. 8] Any person entering any public sanatorium or hospital for tuberculous care and treatment under the provisions of any law of this state, shall observe all regulations of the sanatorium or hospital. When any person fails to obey such regulations, he may be placed and confined in quarters apart from the other patients. Any person admitted upon application to the state sanatorium or to any county sanatorium or hospital under the provisions

of Minnesota Statutes 1949, Section 251.02 or Sections 376.33 and 376.34, who is afflicted with tuberculosis in the infectious stage, and who repeatedly violates such regulations or attempts or threatens to leave the institution without the consent of the superintendent or chief medical officer thereof, may be restrained by reasonable force, if necessary, and thereupon, said superintendent or chief medical officer may institute proceedings to commit such person as a public health menace under the provisions of sections 1, 2 or 3 of this act. In such cases the said superintendent and the said chief medical officer shall have all the powers by this act vested in health officers.

Subd. 2 [Subd. 9] Any person who is confined to any sanatorium or hospital for tuberculous care and treatment, whether committed under the provisions of sections 1, 2 or 3 of this act, or entering the same voluntarily, and who is refused discharge upon written demand therefor to superintendent or chief medical officer thereof, may petition the district court of the county in which such institution is located for an order directing his release, and if it shall appear to the court after a trial on the merits that said patient is not afflicted with tuberculosis in the infectious stage and has progressed in the cure of the disease with which he is afflicted to a point where if he is released he will not endanger the health and well-being of his family or other persons, the court may direct his release. Such petition shall not be renewed oftener than once every six months.

Subd. 3. [Subd. 10] The county sanatorium commission or other governing body in charge of such sanatorium shall adopt regulations governing the conduct of patients in the institution under its control. Such regulations shall be approved by the director of social welfare and permanently posted in the main corridor on each floor of such institution, and a printed copy furnished to each patient. The director of social welfare shall adopt, and likewise promulgate, regulations governing the conduct of the patients at the state sanatorium. Wilful violation of any of such regulations and the act of leaving the institution without consent of the superintendent or officer in charge thereof, shall constitute the offense of disorderly conduct, which offense shall be a misdemeanor.

Subd. 4. [Subd. 11] If any person committed under the provisions of section 1, 2 or 3 of this act, commits any act

made an offense under the provisions of subdivision 3 of this section, he may be taken before a court of competent jurisdiction by order of the superintendent of the sanatorium or the chief medical officer of the hospital, who may file a complaint against such person charging him with disorderly conduct. Upon conviction of such offense, the court may sentence such person to be confined in the disciplinary quarters made available at the state sanatorium or at any other state institution under the provisions of Minnesota Statutes 1949, Section 144.425, as amended by this act, and issue its commitment accordingly.

Sec. 7. Minnesota Statutes 1949, Section 144.425, is amended to read:

144.425 Patients; facilities provided; transfer. The directors of state agencies responsible for the supervision of the operation and maintenance of the state sanatorium and other state institutions are hereby authorized and directed to provide adequate facilities at the state sanatorium and one or more state institutions where proper care can be provided and where proper precautions can be taken to detain and safely keep any person committed thereto under the provisions of section 144.424, as amended by section 6 of this act. When it is deemed necessary or desirable, the directors of such state agencies may transfer any such person from one institution to any other providing such facilities. Upon the expiration of the term of his sentence such person shall be returned to the sanatorium or hospital in which he was a patient at the time of his conviction.

Sec. 8. Minnesota Statutes 1949, Sections 144.423, 144.426 and 144.424, subdivisions 1 to 7 inclusive, are hereby repealed.

Approved April 12, 1951.

CHAPTER 315—H. F. No. 102

[Coded as Section 347.22]

An act to establish liability of owners of dogs which attack or injure a person.