

# HEALTH AND SAFETY

## CHAPTER 188

H. B. No. 739

(Stockman, Haugland, Powers (Cass), Bier, Lang)

### DUTIES OF LOCAL REGISTRAR

#### AN ACT

To amend and reenact section 23-02-09 of the North Dakota Century Code, relating to the duties of local registrars.

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

§ 1. **Amendment.)** Section 23-02-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-02-09. Local Registrars—Duties.)** Each local registrar shall:

1. Supply blank forms of certificates to such persons as require them;
2. Examine carefully each certificate of birth or death when presented for record to see that it has been made out in accordance with the provisions of this chapter and the instructions of the state registrar;
3. Issue burial-transit permits as provided in this title;
4. If a certificate of death is incomplete or unsatisfactory, call attention to the defects in the return and withhold issuing the burial-transit permit until the certificate is correct;
5. If a certificate of birth is incomplete, notify the informant immediately and require him to supply the missing items if they can be obtained;
6. Number the certificates of birth and of death in separate series and sign his name as registrar in attest of the date of filing in his office;
7. Make a copy of each birth and death certificate registered by him in such manner as is directed by the state registrar; and
8. On such dates during each month as directed by the state

registrar of vital statistics transmit to the state registrar all original certificates registered by him. If no births and no deaths have occurred in his district in any month, he shall report that fact on the first day of the following month to the state registrar in the manner directed by him.

Approved February 24, 1965.

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## CHAPTER 189

H. B. No. 538

(Haugland, Aamoth, Anderson, Wagner, Powers (Cass), Gietzen)  
(From LRC Study)

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### AVAILABILITY OF STATE RECORDS

#### AN ACT

To amend and reenact section 23-02-23 of the North Dakota Century Code, relating to the availability of state records by the division of vital statistics and relating to the destruction of welfare records.

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

§ 1. **Amendment.)** Section 23-02-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-02-23. Certificates and Other Records Are Confidential.)** All certificates, applications, affidavits, proofs, or other records filed with the state registrar of vital statistics relative to birth shall be deemed confidential and shall not be open to inspection by any person except the person whose birth has been recorded, if such person is an adult, and, if such person is a minor, by the legal parents or general guardian thereof. Such records, however, may be inspected by and information divulged to the veterans service commissioner upon his certificate that the person whose birth record is inspected or concerning which information is sought is either a veteran of the armed forces of the United States or a dependent of such veteran. In other cases, access to such records or certified copies thereof may be obtained only upon an order of the district court, and such court shall issue such order only when it has been shown to the satisfaction of the court that the information contained in the original records on file in the office of the state registrar of vital statistics is material and necessary to litigation pending in any court, and that the ends of justice will be best served by the production of such

original records. This section shall not preclude the state registrar of vital statistics from furnishing such records, or reports from such records, to the federal government, or any department or agency thereof, when such records are required for statistical purposes, nor shall it preclude the state registrar from furnishing information contained in records to state's attorneys, county welfare boards, the state public welfare board, and the attorney general when such information is to be used for official business in carrying out their duties. The state registrar of vital statistics may permit the inspection of such records when in the opinion of such registrar such inspection will facilitate the correction of the records in his office. Information obtained from such records may be furnished without charge to any state department upon the order of the attorney general made upon the written application of the executive head of the department showing the name of the individual relative to whom such information is required, and stating that such information is required in the proper administration of the work of such department. Any information so furnished to any department shall be deemed confidential.

**§ 2. Rules for Destruction of Certain State and County Welfare Records—Secretary of State to Promulgate.)** The secretary of state, in his capacity as state records administrator, shall promulgate rules and regulations for the destruction or disposal of state and county welfare case files pertaining to work relief and public assistance programs after such files have been closed for a minimum period of six years and shall also promulgate rules and regulations for the destruction or disposal of other state and county welfare records which are obsolete or have been duplicated. The secretary of state, prior to the promulgation of rules and regulations for the destruction of state and county welfare files and records, shall consult with the director of the state welfare board in regard to the destruction of such files and records. The secretary of state may, from time to time, revise such rules and regulations after further consultation with the director of the state welfare board.

Approved March 15, 1965.

## CHAPTER 190

S. B. No. 201  
(Mahoney, Sinner, Weber)

## DISPOSAL OF DEAD BODIES

## AN ACT

To amend and reenact section 23-06-01 of the North Dakota Century Code, relating to the right to dispose of one's own body and to provide and regulate the manner of disposition of one's own body and to provide certain immunities in the procedures of such disposition.

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

§ 1. **Amendment.)** Section 23-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-06-01. Right to Dispose of One's Own Body.)** Subject to the health regulations contained in this chapter, every person, over the age of 18 years, and every person under the age of 18 years with the written consent of one parent or guardian has the rights:

1. To direct the manner in which his body shall be disposed of after his death;
2. To direct, in writing executed before one subscribing witness, the manner and the organization to which his body or any organ, member, or part thereof shall be disposed of after his death for the purposes of medical-surgical research or the development of reconstructive medicine and surgery or for replacement or rehabilitation of diseased or worn out parts or organs of other humans, and;
3. To direct the manner in which any part of his body which becomes separated therefrom during his lifetime shall be disposed of.

Any disposition of his own body, organ, member or parts thereof, effective after death, may be revoked by the person at any time prior to his death by the execution of a written instrument in the same manner as the original grant. If the deceased person has left no known written instruction regarding the disposal of his body as provided in this section, the person charged with the duty of burying the body of a deceased person may likewise, in the same manner, consent to

the use of the body or any organ, member or parts thereof for the same purposes or any of them.

**§ 2. Immunity From Liability.)** A physician licensed in or authorized to practice medicine in this state who in good faith and when authorized as provided in this Act removes any organ, member or part thereof from the body of a deceased person for the purposes of this Act shall not be liable in any civil action arising out of his reliance on the terms of the written authorization.

**§ 3. Application of Other Laws.)** The provisions of sections 03, 05, 08, 09, 10, 11, 12, 16, 17, and 19, of chapter 6, title 23, North Dakota Century Code as amended, shall not apply to any body or organs or members or parts thereof disposed of after death pursuant to the written authorization provided in this Act and for the purposes of this Act.

**§ 4. Statement of Policy.)** This Act shall have for its purposes the promoting of the public interest in aiding the development of medicine by facilitating antemortem and post-mortem authorizations for donations of tissue in order to encourage and aid the development of reconstructive medicine and surgery and development of medical-surgical research in the fields of tissue preservation, tissue transplantation and tissue culture.

Approved March 1, 1965.

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## CHAPTER 191

S. B. No. 194

(Weber, Ecker, Thompson, Van Horn)

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### ABANDONED CEMETERIES

#### AN ACT

To provide for the upkeep of abandoned cemeteries by the various counties.

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

**§ 1. Abandoned Cemeteries To Be Kept Up by Counties.)** The board of county commissioners or county park board of each county may provide for the general upkeep for all abandoned cemeteries located within such county. Such board may at least once each year proceed to have the weeds and grass cut, restore gravestones to their original placement,

and perform any other general maintenance necessary to maintain the dignity of the grounds. For the purpose of this Act a cemetery shall mean a tract of land where eight or more persons are buried and which was not used as a private burial plot.

Approved March 15, 1965.

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## CHAPTER 192

H. B. No. 669

(Erickson (Mountrail), Skaar)

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### DEFINITION OF CITY

#### AN ACT

To amend and reenact subsection 2 of section 23-11-01 of the North Dakota Century Code, relating to the definition of "city" under housing authorities law.

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

**§ 1. Amendment.)** Subsection 2 of section 23-11-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. "City" shall mean any city having a population of more than one thousand inhabitants according to the last federal census and "the city" shall mean the particular city for which a particular housing authority is created, except that it shall not mean a city having a population under five thousand persons and located in a county which at the effective date of this Act has an activated housing authority, nor shall it mean any city which has agreed to or will so elect to participate in a county housing authority pursuant to section 54-40-08;

Approved March 5, 1965.

## CHAPTER 193

S. B. No. 182

(Larson, Weber, Tuff, Trenbeath)

## STATE SAFETY COMMITTEE MEMBERSHIP

## AN ACT

To amend and reenact section 23-13-09 of the 1963 Supplement to the North Dakota Century Code, relating to the membership of the state safety committee and to add the state health officer as a member.

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

**§ 1. Amendment.)** Section 23-13-09 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-13-09. North Dakota State Safety Committee — Members.)** The North Dakota state safety committee shall be composed of the governor, who shall be honorary chairman; the state highway commissioner, who shall be the executive director; the state health officer, the superintendent of the state highway patrol, the motor vehicle registrar, the chairman of the public service commission, the superintendent of public instruction and the attorney general. The governor may appoint a representative to serve in his stead at such meetings as he may be unable to attend. The members of the safety committee shall receive no additional compensation for service on said committee. Said committee shall have no authority, power or duties now vested in any other department or departments of state government.

Approved March 15, 1965.

## CHAPTER 194

S. B. No. 176

(Mahoney, Jurgensen, Kautzmann, Kisse, Lashkowitz, Roen, Ecker)

## HEALTH DISTRICT ORGANIZATION

## AN ACT

To amend and reenact sections 23-14-04, 23-14-05, 23-14-08, 23-14-10, and 23-14-11 of the North Dakota Century Code, relating to health districts including organization of district board of health, appointment of district health officer and his assistants, their compensation, and providing and disbursing of health district funds.

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

§ 1. **Amendment.)** Section 23-14-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-14-04. District Board of Health.)** A district health unit shall be organized by the appointment of a district board of health to consist of not less than five members, one of whom shall be a physician, one a dentist, one a business or professional man, one a farmer, and one a woman, who shall be appointed for terms as follows: One for one year, one for two years, one for three years, one for four years, and one for five years. All subsequent appointments shall be for a term of five years. Each appointee shall serve without compensation and until his successor is appointed and qualified, and if a vacancy occurs, the vacancy shall be filled by appointing for the remainder of the unexpired term. Each appointee shall qualify by filing the constitutional oath of office, and in case of a district health unit, such oath shall be filed in the office of the county auditor of the county having the larger population according to the most recent state or federal census. Each county in the district shall have at least one representative on the district board of health and counties of over fifteen thousand population shall have an additional representative for each fifteen thousand population or fraction thereof. In district units of less than five counties, each county shall have at least one representative on the district board of health and the additional representatives selected to constitute the minimum five member board shall be equitably apportioned among the counties on a population basis. In a city-county health district comprised of only one county and having a city or cities of fifteen thousand population or more, each city having a population of fifteen thousand or more shall have a representative on the district board of health for each fifteen

thousand population or fraction thereof and the remaining population of the county, exclusive of the populations of cities with fifteen thousand population or more each, shall have a representative on the district board of health for each fifteen thousand population or fraction thereof. The members of the district board of health shall be reimbursed for actual expenses incurred in attending official board meetings in the manner and to the extent provided for state officers.

**§ 2. Amendment.)** Section 23-14-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-14-05. District Health Officer.)** The district board of health shall appoint for a term of five years a full time district health officer, or a part time district health officer, subject to removal for cause by the district board of health. He shall be a physician and surgeon regularly licensed to practice medicine and surgery in the state of North Dakota, and shall have the qualifications prescribed by the conference of state and territorial health officers of the United States, or shall have the recommendation of the state health officer, and he need not be, when appointed, a resident of the county or district. He shall qualify by filing the constitutional oath of office in the manner provided for the members of the district board of health. The district health officer shall, consistent with the terms of his appointment, devote his full time or his part time to the duties of his office, and shall maintain an office within the jurisdiction of the district health unit, at the place to be designated by the district board of health, such office, with necessary equipment, to be furnished by the district board of health.

**§ 3. Amendment.)** Section 23-14-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-14-08. Assistants to Health Officer.)** The district board of health shall provide for such technical and clerical assistants to the district health officer as it may deem necessary. The district health officer shall have the right to select and discharge such assistants. When the health district is served by a part time health officer, the district board of health may appoint an executive officer.

**§ 4. Amendment.)** Section 23-14-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-14-10. Salary and Compensation.)** The salary of the district health officer shall be fixed by the district board of

health. The district board of health shall determine the compensation of such technical and clerical help as may be allowed by the district board of health to the district health officer, and the district board of health also shall determine the amount of mileage to be paid for the necessary travel of the district health officer and his assistants, not to exceed the per diem and mileage rates established for state officers.

§ 5. **Amendment.)** Section 23-14-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-14-11. Health Fund—How Provided.)** All salaries, mileage, compensation, and expenses provided for herein shall be paid as the salaries, mileage, compensation, and expenses of other county officers now are paid, out of a health district fund as follows:

1. The district board of health, as provided in this chapter, shall prepare a budget for the next fiscal year at the time at which and in the manner in which a county budget is adopted and it shall be submitted to the joint board of county commissioners for approval. The amount budgeted and approved shall be prorated, in health districts composed of more than one county, among the various counties in the health district according to the assessed valuation of the respective counties comprising the said health district, and shall be certified by the district health board to the respective county auditors of such counties within ten days thereafter, and shall be included in the levies of such counties. The amount called for in the budget shall not exceed the amount which can be raised by a levy of one mill on the assessed valuation. Such levy shall not be subject to the limitation on county tax levy for general and special county purposes, and the amount derived therefrom shall be placed in a special health fund. The health fund shall be deposited with and disbursed by the treasurer of the district board of health, and all counties comprising the health district shall remit and make settlements with such treasurer quarterly. Any funds remaining at the end of any fiscal year may be carried over to the next fiscal year;
2. All claims against the district health fund shall be audited by the district board of health or by the president and secretary of the board when authorized or delegated by the board, and shall be paid from the district health fund by the treasurer and approved or ratified by the district board of health at its quarterly meetings.

Approved March 6, 1965.

## CHAPTER 195

S. B. No. 279

(Lips)

## LICENSING ADDICTION HOSPITALS

## AN ACT

To provide for licensing and operation of a clinic for addictions.

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

§ 1.) No person, partnership, association, or corporation, shall establish, conduct, or maintain in the state of North Dakota, a clinic, hospital, sanitarium, or related institution for the care of persons addicted to alcohol or narcotics without first obtaining a license in the manner provided in this Act, unless a license has already been issued for such care under the provisions of Title 23.

§ 2.) Any person, partnership, association, or corporation desiring a license hereunder shall file with the North Dakota commission on alcoholism a verified application containing the name of the applicant; the type of institution to be operated; the location thereof; the name of the person or persons in charge thereof; and such other information as the North Dakota commission on alcoholism may require.

§ 3.) Every building, institution, or establishment for which a license has been issued under this Act shall be periodically inspected by a sanitary engineer and firemen who shall report as to the safety of the institution to the North Dakota commission on alcoholism, which commission shall also inspect the institution under the rules and regulations to be established by said commission. No institution of any kind licensed pursuant to the provisions of this Act shall be required to be licensed or inspected under the laws of this state relating to hotels, restaurants, or lodging houses.

§ 4.) The North Dakota commission on alcoholism is hereby authorized to issue licenses to operate addiction clinics or other related institutions as herein defined, for a period of one year, which, after inspection, are to comply with the provisions of this Act, and any regulations adopted by the commission. The commission is hereby authorized to suspend or revoke a license issued hereunder on any of the following grounds:

1. Violation of any of the provisions of this Act or the rules and regulations issued pursuant thereto;

2. Permitting, aiding or abetting the commission of any illegal act in such institution;
3. Conduct practices detrimental to the welfare or health of any patient of such institution.

Before any license issued hereunder is suspended or revoked, thirty days' written notice shall be given the holder thereof of the date set for the hearing of the complaint. The holder of such license shall be furnished with a copy of the complaint and be entitled to be represented by legal counsel at such hearing. Such notice shall be given by the commission by registered or certified mail. If a license is revoked as herein provided, a new application for license may be considered by the commission when, and after, the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made on all provisions of this Act and the rules and regulations hereunder have been complied with.

§ 5.) The North Dakota commission on alcoholism shall have the power to establish standards under this Act which it finds necessary and in the public interest, and it may rescind, amend, or modify such regulations and standards from time to time as may be in the public interest, insofar as such action is not in conflict with any of the provisions of this Act. The provisions of chapter 28-32 shall apply to regulations and administrative proceedings under this Act.

§ 6.) Information received by the North Dakota commission on alcoholism through inspection and supervision of institutions under this Act shall be confidential and shall not be disclosed except in a proceeding involving the question of licensure.

§ 7.) The North Dakota commission on alcoholism is hereby authorized and empowered, for and on behalf of the licensees hereunder and their patients in the state of North Dakota, to accept any funds or grants, through appropriate channels of the state of North Dakota or any of its subdivisions or of the United States, and any supplies or equipment which may be made available to this state or any political subdivision thereof for hospital or educational facilities, goods, or services.

Approved March 3, 1965.

## CHAPTER 196

S. B. No. 202  
(Mahoney, Hernet)

## IONIZING RADIATION DEVELOPMENT

## AN ACT

Instituting a program to permit development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public; authorizing the governor of the state of North Dakota to enter into agreements with the United States atomic energy commission transferring certain federal regulatory powers to North Dakota; providing for the licensing of radioactive materials; designating the North Dakota state department of health as the agency to administer the licensing and regulatory radiation program; and prescribing the functions, powers, and duties of the state department of health with respect thereto.

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

§ 1. **Definitions.)** For the purposes of this Act, the following words and phrases are defined:

1. "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high speed electrons, protons, neutrons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.
2. "Radioactive material" means any solid, liquid or gas that emits ionizing radiation spontaneously.
3. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the commission, or any successor thereto and other than federal government agencies licensed by the commission or any successor thereto.
4. "Department" means North Dakota state department of health.
5. "Commission" means United States atomic energy commission.
6. "Byproduct material" means any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

7. "Source material" means uranium, thorium, or any other material which the department declares by rule to be source material after the commission, or any successor thereto, has determined the material to be such; or ores containing one or more of the foregoing materials, in such concentration as the department declares by rule to be source material after the commission or any successor thereto has determined the material in such concentration to be source material.
8. "Special nuclear material" means:
  - a. Plutonium, uranium-233, uranium enriched in the isotope-233 or in the isotope-235, and any other material which the department declares by rule to be special nuclear material after the commission, or any successor thereto, has determined the material to be such, but does not include source material; or
  - b. Any material artificially enriched by any of the foregoing but does not include source material.
9. "General license" means a license effective pursuant to regulations promulgated by the department without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.
10. "Specific license" means a license issued after application, to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of, or devices or equipment utilizing byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.
11. "Registration" means the notification of the department of possession of a source of radiation and the furnishing of information with respect thereto, in accordance with sections 23-20-02 through 23-20-06 of chapter 23 of the North Dakota Century Code.

**§ 2. State Radiation Control Agency.)** The North Dakota state department of health, hereinafter referred to as the department, is hereby designated to administer the statewide licensing and regulatory radiation program, consistent with the provisions of this Act.

**§ 3. Powers and Duties of the Department.)** For the protection of the public health and safety, the department is empowered to:

1. Evaluate hazards associated with the use of sources of ionizing radiation by inspection and other means;
2. Conduct programs with due regard for compatibility with federal programs for the licensing and regulation of byproduct, source, special nuclear materials, and other radioactive materials;
3. Advise, consult, and cooperate with other public agencies and with affected groups and industries; and
4. Administer the statewide licensing and regulatory radiation program.

**§ 4. Licensing and Registration of Sources of Ionizing Radiation.)**

1. The department shall provide by rule or regulation for general or specific licensing of persons to use, manufacture, produce, acquire, own, receive, possess, or transfer byproduct, source, special nuclear material and other radioactive materials or devices or equipment utilizing such materials. Such rule or regulation shall provide for amendment, suspension, or revocation of licenses.
2. The department may exempt certain sources of ionizing radiation or kinds of uses or users from the licensing or registration requirements set forth in this section and in section 23-20-02 through 23-20-06 of chapter 23 of the North Dakota Century Code when the department makes a finding that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

**§ 5. Federal-State Agreements.)**

1. The governor, on behalf of this state, is authorized to enter into agreements with the federal government providing for discontinuance of certain of the responsibilities of the federal government with respect to sources of ionizing radiation and the assumption thereof by the state.
2. Any person who, on the effective date of an agreement under subsection above, possesses a license issued by the federal government shall be deemed to possess the same pursuant to a license issued under this Act, which shall expire either ninety days after receipt from the department of a notice of expiration of such license, or on the date of expiration specified in the federal license whichever is earlier.

**§ 6. Administrative Procedures and Judicial Review.)** Any proceeding under this Act for:

1. The issuance or modification of rules and regulations including emergency orders relating to control of sources of ionizing radiation;
2. Granting, suspending, revoking, or amending any license; or
3. Determining compliance with rules and regulations of the department, shall be conducted in accordance with the provisions of chapter 28-32 of the title, "Administrative Agencies Practice Act", of the North Dakota Century Code. Where an emergency exists requiring immediate action to protect the public health and safety, the department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet this emergency. Notwithstanding any provision of this Act, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but on application to the department shall be afforded a hearing before the state health council within ten days. On the basis of such hearing the emergency order shall be continued, modified or revoked within thirty days after such hearing.

**§ 7. Injunction Proceedings.)** Whenever, in the judgment of the department, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or any rule, regulation or order issued thereunder, the department, in accordance with the laws of the state governing injunctions and other process may maintain an action in the name of the state enjoining such acts or practices, or for an order directing compliance, and upon a showing by the department that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

**§ 8. Prohibited Uses.)** It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own or possess any source of ionizing radiation unless registered with or licensed by the department in accordance with the provisions of this Act.

**§ 9. Impounding of Materials.)** The department shall have the authority in the event of an emergency to impound or order the impounding of sources of ionizing radiation, in the possession of any person who is not equipped to observe or

fails to observe the provisions of this Act or any rules or regulations issued thereunder.

**§ 10. Penalties.)** Any person who violates any of the provisions of this Act, or rules, regulations or orders in effect pursuant thereto of the department shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law.

**§ 11. Effective Date.)** The provisions of this Act relating to the control of byproduct, source, and special nuclear materials shall become effective on the effective date of the agreement between the federal government and this state as provided in section five of this Act. The provisions of this Act relating to other sources of ionizing radiation shall take effect on July 1, 1965.

Approved March 6, 1965.

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## CHAPTER 197

H. B. No. 596  
(Wagner, Brown)

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### CANCER CURE TREATMENTS

#### AN ACT

To amend and reenact section 23-23-02 of the 1963 Supplement to the North Dakota Century Code, relating to cancer cures.

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

**§ 1. Amendment.)** Section 23-23-02 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**23-23-02. Prohibition Against Prescription, Treatment, Sale or Distribution of Cancer Cure.)** No person other than a licensed physician, or licensed dentist shall in any manner hold himself out to any other person as being able to prescribe treatment for, or cure the disease of cancer, nor in any manner undertake to treat, or prescribe for the treatment of the disease of cancer. No person shall sell or offer to sell, or give away or offer to give away, except upon the prescription of a licensed physician or licensed dentist, any drug, medicine, compound, nostrum or device which is represented by the manufacturer or seller thereof to have curative powers when used in the treatment of the disease of cancer.

Approved March 3, 1965.

## CHAPTER 198

S. B. No. 163

(Lashkowitz, Jurgensen, Mahoney, Larson, Longmire, Lips)

## VECTOR CONTROL DISTRICTS

## AN ACT

To provide for the organization and operation of vector control districts.

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

§ 1. **Definitions.**) As used in this Act unless the context or subject matter otherwise provides:

1. "Board" means the board of commissioners of a vector control district.
2. "District" means a vector control district established for the control of public health vectors.
3. "Health officer" means the state health officer.
4. "Public health vectors" means mosquitoes and flies existing in such numbers as to be detrimental to human health and well being.

§ 2. **Petition for Establishment of Vector Control Districts—Hearing Thereon and Investigation—District When Created.**) Whenever there is filed with the state health council a petition signed by the governing body of a county, city, village or township or by twenty percent or more of the freeholders within the limits of a proposed vector control district, the state health council shall fix a time and place for a public hearing on such petition. The place of hearing shall be convenient and accessible for a majority of the freeholders of the proposed district. Not less than ten days prior to the date of hearing, notice thereof shall be published in at least one newspaper of general circulation in the proposed district. Prior to such hearing the state health officer shall make or cause to be made an investigation of the need for the establishment of the proposed vector control district and shall submit his report to the council. If the state health council finds that it is not feasible, desirable or practical to establish the proposed district, it shall make an order denying the petition and state therein the reasons for its action. If, however, the council shall find the problems of vector control or other reasons make the establishment of the proposed district desirable, proper and necessary, it shall grant

the petition and create such district and establish the boundaries thereof.

**§ 3. State Health Council at the Hearing Shall Hear All Relevant and Competent Testimony Offered in Support of or Against the Formation of the District—Area To Be Included Within District—How Determined.)** The area or areas to be included in the district shall embrace the territory described in the petition for the creation thereof. The council, however, shall consider and may include within the boundaries of the district areas which may be benefited by being included therein.

**§ 4. Order Establishing District.)** A certified copy of the order establishing a vector control district shall be filed with the county auditor of each county within which any portion of the district lies and like copy of the order shall be filed in the office of the secretary of state. The secretary of state shall make and issue to the council his certificate bearing the seal of the state of the due organization of such district and shall record such certificate and the order of the council establishing the district. Such certificate of the secretary of state or a copy thereof authenticated by him shall be prima facie evidence of the organization of such vector control district. Such district shall be and is hereby declared to be a governmental agency, body politic and corporate, with the authority to exercise the powers specified in this Act or which may be reasonably implied in order to exercise such powers. The order of the council shall specify the name or number by which such vector control district shall be known.

**§ 5. Board of Commissioners—Appointment and Number.)** When an order of the council creating a vector control district has been filed in the office of the county auditor of a county in which such district or a part of such district is situated a board of commissioners of such vector control district shall be appointed as provided herein, consisting of three members. Any resident freeholder in the district shall be eligible for appointment to the board of commissioners thereof. The term of commissioners first appointed shall be determined by lot. One commissioner shall hold office for a term of two years, one shall serve for a term of three years and one shall serve for a term of five years. The term of a commissioner shall commence on the date of his appointment. In case the office of a commissioner shall become vacant, the commissioner appointed to fill the vacancy shall serve the unexpired term of the member of the board of commissioners and shall receive the same per diem as members of the board. Members shall receive the same per diem as members of the board of county commissioners and shall

be reimbursed for expenses incurred in the performance of their duties on a like basis. The term of office of a member shall be deemed to have commenced on the date of his appointment to the board. Appointments to the board of commissioners shall be made by the state health council with the approval of the board of county commissioners, the board of city commissioners, township supervisors or village trustees of any county, city, village or township whose territory is embraced or included within said district.

**§ 6. Oath of Office—Organization of Board of Commissioners—Appointment of Employees—Meetings.)** Upon receiving notice of his appointment as a member of the board of commissioners of a vector control district, such appointee shall take the oath of office prescribed for civil officers. Such oath shall be filed with the secretary of the board after organization thereof as herein provided. Notice of the appointment of a member or members of a board of commissioners shall be mailed to the governing body of the county, city, village, or township included within said district. Such notice shall state the name and postoffice address of each appointee and the date of his appointment and shall request approval of the same. The commissioners appointed after their approval shall meet to organize at a time and place designated by the state health council and shall organize by selecting a chairman of the board and naming a temporary secretary pending appointment of a permanent secretary. A majority of the commissioners shall constitute a quorum for the transaction of business as may come before the board but any number may adjourn a meeting for want of a quorum. The board shall appoint a secretary and treasurer and such other employees as may be deemed needed for efficient conduct of the district's business and shall fix their compensation. The office of secretary and treasurer may be held by the same person. Officers and employees shall hold office during the pleasure of the board. The board shall provide an office suitable for its use as a meeting place and for conducting the affairs of the district. It shall adopt such rules or regulations for transacting the business of the district as it may deem necessary, including the time and place of holding regular meetings of the board. Special meetings may be called by the secretary on order of the chairman of the board or on written request of two members of the board. Notice of the special meeting shall be mailed to each member of the board at least five days before any such meeting, provided that a special meeting may be held whenever all members of the board are present or consent thereto in writing.

**§ 7. Bonds.)** The treasurer of the district shall be bonded in such amount as shall be required by the board of com-

missioners but such bond shall not be less than one thousand dollars. Other district employees shall be bonded in such amount as the board may prescribe. Every officer or employee of whom a bond shall be required shall be deemed bonded with the state bonding fund upon notice of his appointment given to the state commissioner of insurance by the secretary of the district. Upon notification of the state bonding fund of the premium required the treasurer shall remit the same.

**§ 8. Powers and Duties of the Board of Commissioners.)**  
The board of commissioners of a vector control district may:

1. Take all necessary and proper steps and measures for the eradication of public health vectors within the district. Prior to taking such measures the board shall consider technical information available to it for the purpose of determining the need for control measures and the need for specific action.
2. Enter upon any land, public or private, within the district at any reasonable time to inspect for or to control public health vectors and their breeding places.
3. Purchase all needed equipment, supplies and materials.
4. Employ such labor and service as may be necessary or proper in the furtherance of its powers herein.
5. Employ labor and services and fix the compensations and prescribe the duties of all employees, agents, and servants.
6. Acquire by gift or purchase, hold, manage and dispose of, real or personal property in the name of the district in the furtherance of the purposes for which the district is established.
7. Work cooperatively with irrigation and drainage districts, municipal corporations or other public agencies and use funds of the district to assist such other agencies for the construction, improvement, repair and maintenance of ditches and for the purpose of assisting such other agencies in abatement practices for the control of public health vectors.
8. To contract with the United States Government or any department thereof or with any other corporations, public or private and state government of this or other states to carry out the provisions of this Act.
9. Generally to do all things necessary or incident to the powers granted and to carry out the objects specified in this Act.

10. After organization and on or before July 1 in each year thereafter, to adopt a budget showing estimated expenses for the ensuing fiscal year commencing July 1 and by resolution submit such budget to the board of county commissioners in each county in which the district is located. The board of county commissioners shall consider such budget and by resolution levy a tax of not to exceed one mill on each dollar of taxable valuation in the district or part thereof and direct the county auditor to file such budget and spread the levy on his tax roll.

**§ 9. District Budget—Tax Levy.)** When a vector control district has been created and a board of commissioners thereof has been organized, the board shall estimate the expenses of the district from the date of its establishment until the end of the ensuing fiscal year and before July 1 in each year and thereafter shall estimate district expenses for the fiscal year ensuing. Estimates of district expenses may include all outlays necessary to carry out the powers of the board herein provided for. Upon completion and adoption of a budget covering necessary expenses the board of commissioners shall send a copy of such budget to the county auditor of each county in the district. If a district is situated in more than one county the estimate shall be apportioned to the counties affected. Such county auditor shall transmit the same to the board of commissioners of his county. The board of county commissioners of each county in which the district is situated shall by resolution levy, authorize and direct their county auditor to extend and spread upon the tax roll of his county a tax of not to exceed one mill on each dollar of taxable valuation in the district or part of district situated in the county in the same manner and with the same effect as general property taxes are extended and spread. Funds produced each year by such tax levy shall be available until expended and if such tax levy in any year will not produce sufficient revenue to cover district expenses a fund sufficient to pay the same may be accumulated.

**§ 10. District May Issue Warrants in Anticipation of Taxes Levied to Pay Current Expenses.)** After a vector control district has been established and a board of commissioners has been appointed and organized the board of commissioners may, in order to pay current district expenses including per diem compensation and expenses of commissioners and wages and salaries of officers or employees, by resolution authorize and issue district warrants in anticipation of impending collection and receipt of taxes levied. Such warrants shall bear such rate of interest as the board may determine not exceeding, however, seven percent per annum. The district treasurer

shall keep a register in which to enter each warrant issued showing the date and amount of each warrant, the date of payment and the amount paid in redemption thereof. All warrants shall be paid in order of their presentation for payment to the district treasurer. Such warrants shall be drawn to the claimant or bearer in the same manner as a county warrant and shall be signed by the chairman of the board of commissioners and countersigned by the treasurer of the district. The total amount of such warrants issued in any year to pay current district expenses shall not exceed eighty percent of the district's tax levy for such year.

**§ 11. County Treasurer to Collect and Remit Taxes to District Treasurer—Deposit of District Funds.)** The treasurer of each county in which a vector control district or a part of such district is situated shall collect all district taxes, together with penalty and interest thereon, if any, in the same manner as county taxes are collected and shall within twenty days after the close of each month pay to the treasurer of the district taxes collected by him during the preceding month and shall notify the secretary of the district of such payment. The district treasurer shall on or before the twentieth day of each month report to the chairman of the board the amount of money in the district treasury, the amount of receipts in the preceding month and items and amounts of expenditures. At each meeting of the board the treasurer shall submit to the board a statement of the district's finances. All collections received by the treasurer of the district shall be deposited by him in the Bank of North Dakota or such other state or national bank in the state as the board shall direct, to the credit of the district. No claim shall be paid by the treasurer until approved by the board of commissioners and then only upon warrants signed by the chairman and countersigned by the treasurer of the board. All claims against the district shall be verified in the same manner as claims against a county.

Approved March 19, 1965.