

HEALTH AND SAFETY

CHAPTER 214

HOUSE BILL NO. 1363
(Miedema)

STATE HEALTH COUNCIL

AN ACT to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to membership and composition of the state health council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 23-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-01-02. HEALTH COUNCIL - MEMBERS, TERMS OF OFFICE, VACANCIES, COMPENSATION, OFFICERS, MEETINGS.) The health council shall consist of eleven members appointed by the governor in the following manner: Two persons shall be appointed from a list of four submitted by the state hospital association, two persons shall be appointed from a list of four submitted by the state medical association, one shall be appointed from a list of two submitted by the state dental association, one shall be appointed from a list of two submitted by the state optometric association, one shall be appointed from a list of two submitted by the state nurses association, one shall be appointed from a list of two submitted by the state pharmaceutical association and there shall be appointed three lay persons with broad civic interests representing varied segments of the population. On the expiration of the term of any member, the governor, in the manner hereinbefore provided, shall appoint for a term of three years, persons to take the place of members whose terms on said council are about to expire. The officers of said council shall be elected annually. The following persons shall serve in an advisory capacity to the health council: the state health officer, the attorney general, the director of institutions, the state fire marshal, the executive secretary of the state board of nurse examiners, the executive director of the state social service board and such other persons as the governor may designate. The council shall meet at least twice each year and at such other times as the council or its chairman may direct. The council shall have as standing committees a health committee and a hospital committee and such other committees as said council may find necessary. The health committee shall consist of one of the representatives of the state medical association, one of the representatives of the state hospital association, the representative of the state dental

association, the representative of the state optometric association, the representative of the state nurses association, and two of the representatives of civic interests. The hospital committee shall consist of the representatives of the state hospital association, one of the representatives of the state medical association, the representative of the state nurses association, and two of the representatives of civic interests. The members of these committees shall be selected by the chairman of the health council from its own membership. The chairman shall have the responsibility of assigning to the special committees problems relating to the respective fields. The members of the council shall receive fifteen dollars per day, not to exceed thirty days in any one year, and their necessary travel and subsistence expenses while attending council meetings, or in the performance of such special duties as the council may direct. Such per diem and expenses shall be audited and paid in the manner in which the expenses of state officers are audited and paid. The compensation provided for in this section shall not be paid to any member of the council who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state.

SECTION 2. ADDITIONAL MEMBERS.) The two additional members provided by this Act shall be appointed within thirty days after the effective date of this Act.

Approved March 14, 1973

CHAPTER 215

HOUSE BILL NO. 1533
(Committee on Delayed Bills)
(Atkinson)

PARTICIPATION IN ABORTIONS

AN ACT to provide that participation in the performance of an abortion is not mandatory, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. PARTICIPATION IN ABORTION - NOT MANDATORY.)
No hospital, physician, nurse, hospital employee, nor any other person, shall be under any duty, by law or contract, nor shall such hospital or person in any circumstances be required to participate in the performance of an abortion, if such hospital or person objects to such abortion. No such person or institution shall be discriminated against because he or they so object.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 21, 1973

CHAPTER 216

SENATE BILL NO. 2267
(Melland, Tweten)

CERTIFICATES OF NEED

AN ACT to amend and reenact section 23-17.2-06 of the North Dakota Century Code, relating to authority of the North Dakota state health council regarding certificates of need.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 23-17.2-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17.2-06. ROLE OF NORTH DAKOTA STATE HEALTH COUNCIL - POWERS AND DUTIES OF THE NORTH DAKOTA STATE HEALTH COUNCIL.) The state health council shall:

1. Establish minimum guidelines for use by the state comprehensive health planning advisory council and the areawide health planning councils to be used for their review and comment of proposals.
2. Refer to the state comprehensive health planning advisory council all applications for certificates of need and notify all designated areawide health planning councils in the state of North Dakota of such application.
3. Assist the areawide comprehensive health planning councils in their review of proposals by supplying information and data, coordinating decisions where area boundaries are adjacent to one another, and commenting on those proposals which have statewide implications.
4. Assist the North Dakota state comprehensive health planning advisory council in their review and comment of proposals which come from those areas not served by areawide comprehensive health planning councils.
5. Perform all functions necessary to carry out the intent of this chapter, including, but not limited

to, authority to determine exceptions to the requirement of a certificate of need for those projects that would not significantly alter the bed complement or services to be offered by any institution subject to this Act.

6. Give notice of all hearings provided for in this chapter to all persons who have filed an appearance in the particular application.
7. From time to time, review progress on any project covered by an issued certificate of need, and may require a showing by the holder of such certificate of substantial and timely progress to implement the project, and, if, in the opinion of the council, such progress is lacking may revoke the certificate of need.

Approved March 28, 1973

CHAPTER 217

SENATE BILL NO. 2303
(Lips)

PERPETUAL CARE CEMETERIES

AN ACT to provide for bonding of each person charged with the responsibility of setting aside and depositing funds in a perpetual care fund; to create and enact sections 23-21.1-02.1 and 23-21.1-02.2 of the North Dakota Century Code, relating to licensing of perpetual care cemeteries; to amend and reenact sections 23-06-04, 23-06-10, 23-06-21, 23-21.1-02, 23-21.1-03, 23-21.1-05, and 23-21.1-09 of the North Dakota Century Code, relating to the time within which burial must be made, contents of burial-transit permits, duties of sextons, regulation of cemeteries, definition of cemeteries, creation of perpetual care funds, and nonperpetual care cemeteries; and providing a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. BOND.) Each person charged by an organization with the statutory responsibility of setting aside and depositing funds in a perpetual care fund, before entering upon the discharge of his duties and annually thereafter, shall furnish a bond in the penal sum of an amount to be determined by the district court of the county wherein the organization is located. The size of the bond shall be at least as large as the amount of money the person or his predecessor deposited in the perpetual care fund during the organization's previous fiscal year.

SECTION 2. AMENDMENT.) Section 23-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-04. TIME WITHIN WHICH BURIAL OR CREMATION MUST BE MADE - EXCEPTIONS.) The dead body of a human being must be buried or cremated by the person charged with that duty 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 purpose of burial or cremation in some other state;

4. A permit is obtained from the local health officer or the state health department allowing a longer time during which the body need not be buried or cremated. The permit shall state the additional length of time during which the body need not be buried or cremated; or
5. The body is being stored for an extended period of time in a vault determined suitable by the state department of health.

The date of burial or cremation shall be the date of the committal service.

SECTION 3. AMENDMENT.) Section 23-06-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-10. SEXTONS TO ENDORSE AND RETURN BURIAL-TRANSIT PERMIT - RECORD OF BURIALS.) Each sexton or person in charge of any burial ground shall endorse the date of interment upon the burial-transit permit over his signature. He shall return all permits, so endorsed, to the local registrar of his district within ten days after the date of interment or within the time prescribed by the local board of health.

The sexton shall keep a record of all interments made in the premises under his charge, stating the name of the deceased person, the place of death, the date of burial, and the name and address of the undertaker or funeral director. The sexton shall not be required to record the cause of death or the color of the deceased. Such record at all times shall be open to public inspection.

In the absence of a sexton, the funeral director making the burial shall endorse and return the burial-transit permit to the local registrar.

SECTION 4. AMENDMENT.) Section 23-06-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-21. REGULATION OF CEMETERIES.) All persons, corporations, municipalities, associations, and organizations owning, conducting, or maintaining a cemetery or plot for the burial of dead human bodies shall:

1. Provide for a sexton or secretary;
2. Cause the lot or parcel of ground used and designated as a cemetery to be platted into orderly blocks and lots, alleys and streets or driveways, giving to each a distinctive name or number that shall be a permanent designation of its location;
3. File the original plat with the register of deeds of the county in which the cemetery or place of

burial is located and the copy or blueprint thereof with the sexton or secretary;

4. Register with the state department of health the name and location of the cemetery or place of burial, the name and address of the sexton, and the name and address of other officers of the cemetery association, corporation, or organization;
5. Furnish such information and reports as the state health department may require including but not limited to the submission of plans and specifications for review and approval before constructing, erecting, or placing on the burial site for the burial or disposition of any human remains any interment structure or device constructed or placed wholly or partially above the natural surface of the ground;
6. Keep a local register of all burials showing as to each burial the name of the deceased, the date and location of burial, the date of death, and the name and address of the undertaker; and
7. Comply with the provisions of section 37-16-02, relating to transmittal of information to the adjutant general regarding the interment of persons who served in the military or naval forces of the United States in time of war.

SECTION 5. AMENDMENT.) Section 23-21.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-21.1-02. DEFINITIONS.) As used in this chapter:

1. "Perpetual care cemetery" means any cemetery, mausoleum, columbarium, or other organization provided for in this chapter which has deposited in its perpetual care fund an initial minimum amount required by law and thereafter deposits in its perpetual care fund not less than the amounts set forth in section 23-21.1-03.
2. "Nonperpetual care cemetery" means all other cemeteries, mausoleums, columbariums, or other organizations subject to the provisions of this chapter.

SECTION 6.) Section 23-21.1-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

23-21.1-02.1. LICENSE TO OPERATE A PERPETUAL CARE CEMETERY - FEE.) No organization shall operate as a perpetual care cemetery unless licensed by the clerk of court of the county within which the cemetery is located on forms provided by the state department of health. The license must be renewed

by or before July first of each year. Prior to issuance or renewal of a license, the county clerk of court shall determine if the applicant is in full compliance with the provisions of this chapter. When applying for a license renewal, the applicant shall report to the county clerk of court the number of spaces sold, the gross amount of receipts from the sale of spaces, and the amount of money transferred to the perpetual care trust fund during the organization's previous fiscal year. The license fee shall be five dollars per year, except that any perpetual care cemetery which has sold less than ten spaces during the previous fiscal year shall not be required to pay a license fee.

SECTION 7.) Section 23-21.1-02.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

23-21.1-02.2. WHEN COUNTY CLERK OF COURT SHALL REVOKE OR REFUSE TO RENEW LICENSE TO OPERATE A PERPETUAL CARE CEMETERY.) The county clerk of court shall revoke or refuse to renew a license to operate a perpetual care cemetery if such organization fails to comply with the provisions of this chapter. When the county clerk of court revokes or refuses to renew a license to operate a perpetual care cemetery, he shall publish notice of such action in the official county newspaper of the county wherein the cemetery is located. When an organization's license to operate a perpetual care cemetery is not current or has been revoked, the organization shall cease to make sales or transfers of burial spaces.

SECTION 8. AMENDMENT.) Section 23-21.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-21.1-03. CREATION OF PERPETUAL CARE FUND.) Any organization subject to the provisions of this chapter which is organized or commences business in the state of North Dakota and desires to operate as a perpetual care cemetery shall, before selling or disposing of any interment space or lots, establish a minimum perpetual care and maintenance guarantee fund of twenty-five thousand dollars in cash, except that the minimum perpetual care and maintenance guarantee fund for organizations in operation on the effective date of this chapter shall be five thousand dollars. The perpetual care and maintenance guarantee fund shall be permanently set aside in trust to be administered under the jurisdiction of the district court of the county wherein the cemetery is located. The district court shall have jurisdiction over the approval of trustees, reports and accounting of trustees, amount of surety bond required, and investment of funds as provided by chapter 59-04 as amended relating to the administration of trust estates. Only the income from such fund shall be used for the care and maintenance of the cemetery for which it was established. All such organizations shall submit at least annually, to the district court, such reports as are required. The clerks of each of the district courts shall transmit copies of all reports, and rules and regulations enacted by the organization, to the state department of health and the state bank examiner.

To continue to operate as a perpetual care cemetery, any such organization shall set aside and deposit in the perpetual care fund not less than the following amounts for lots of interment space thereafter sold or disposed of:

1. A minimum of twenty percent of the gross selling price with a minimum of twenty dollars for each adult space, whichever is the greater.
2. A minimum of twenty percent of the gross selling price for each child's space with a minimum of five dollars for each space up to forty-two inches in length or ten dollars for each space up to sixty inches in length, whichever is the greater.
3. A minimum of twenty percent of the gross selling price with a minimum of one hundred dollars for each space or crypt in a mausoleum, whichever is the greater.
4. A minimum of twenty percent of the gross selling price with a minimum of ten dollars for each inurnment niche in a columbarium.
5. A minimum of twenty percent of the gross selling price with a minimum of one hundred dollars, whichever is the greater, for each interment space in crypt gardens or any other structure or device by whatever name, established or constructed wholly or partially above the natural surface of the ground, for the interment of any dead human body.

There is no required perpetual care fund deposit on spaces provided without charge for paupers and infants.

The initial perpetual care fund established for any perpetual care cemetery shall remain in an irrevocable trust fund until such time as this fund has reached fifty thousand dollars. When the perpetual irrevocable trust fund equals fifty thousand dollars, an additional special trust fund shall be established into which fifty percent of the deposits required to be made into the irrevocable trust fund shall be made until the amount deposited into such special trust fund shall equal twenty-five thousand dollars. Thereafter, one hundred percent of the required deposit shall again be deposited in the perpetual irrevocable trust fund. The funds in the special trust fund may be used for the purpose of repaying or recouping the initial twenty-five thousand dollar deposit, if such deposit were made. The administration of, and payments out of, the special trust fund shall be under the jurisdiction of the district court. Under special, unusual, or compelling circumstances and upon proper application to a district court, said court may in its discretion order withdrawals to be used only for permanent improvements.

SECTION 9. AMENDMENT.) Section 23-21.1-05 of the North

Dakota Century Code is hereby amended and reenacted to read as follows:

23-21.1-05. NONPERPETUAL CARE CEMETERIES.) Each nonperpetual care cemetery shall post in a conspicuous place in the office or offices where sales are conducted a legible sign stating: "This is a nonperpetual care cemetery". The lettering of this sign shall be of suitable size so it is easily read at a distance of fifty feet.

Each nonperpetual care cemetery shall also have printed or stamped at the head of all of its contracts, deeds, statements, letterheads, and advertising material, the legend: "This is a nonperpetual care cemetery" and shall not sell any lot or interment space therein unless the purchaser thereof is informed in writing that the cemetery is a nonperpetual care cemetery.

SECTION 10. AMENDMENT.) Section 23-21.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-21.1-09. PENALTIES.) Any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction, be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

Approved March 28, 1973

CHAPTER 218

SENATE BILL NO. 2097
(Ringsak, Roen)

AMBULANCE SERVICES

AN ACT to provide for the licensing of operators of surface ambulance services; to provide a fee therefor; to provide standards for qualifying as licensed operators of ambulance services; to provide for a penalty; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) No surface ambulance services, as hereinafter defined, shall be advertised or offered for hire unless the operator of such service shall be licensed by the state health council, or is licensed in another state. A license for operators of ambulance service shall be nontransferable and the operator shall be separately licensed for each ambulance service which he operates. Each ambulance service which is headquartered or dispatched from a separate location shall be considered a separate ambulance service operation.

SECTION 2.) For the purpose of this Act, surface ambulance services shall mean the transportation of a person for hire, who is incapacitated to an extent as to require medical attention of an emergency or routine nature during such transportation.

SECTION 3.) The fee for a license to operate and perform ambulance services shall be set by the state health council at a sum of not more than fifteen dollars annually, as may be required to defray the costs of administration of the licensing program. All license fees shall be paid to the state health department and deposited with the state treasurer and credited to the state general fund.

SECTION 4.) No surface ambulance service operators shall be licensed unless the applicant shall meet the following standards:

1. The ambulance service shall be available twenty-four hours per day and seven days per week.
2. All drivers of ambulance service vehicles have a valid North Dakota driver's license.

3. The operator of the ambulance service shall provide, in addition to the driver of the ambulance service vehicle, an attendant on every trip, who shall have a current certificate indicating completion of the advance course in first aid given by the American Red Cross or by the United States Bureau of Mines, or the equivalent thereof.
4. Surface vehicles used in performing ambulance services shall be equipped as specified by regulations promulgated by the state health council. Such equipment specifications shall conform, as far as possible, to the published recommendations of the committee on trauma of the American College of Surgeons.

SECTION 5.) It shall be a misdemeanor to violate the provisions of this Act and the license of an ambulance service operator shall be suspended by the state health council after a hearing, upon proof that the operator does not provide services that meet the standards required by this Act or does not meet the equipment specifications adopted by the state health council pursuant to this Act. A suspension order by the state health council may be reviewed by appeal to the district court pursuant to the administrative practice act. A suspended license shall be restored upon a showing that the basis for the suspension no longer exists.

SECTION 6. EFFECTIVE DATE.) This Act shall be effective on and after January 1, 1974.

Approved March 15, 1973

CHAPTER 219

HOUSE BILL NO. 1276
(Winkjer)

UNIFORM DUTIES TO
DISABLED PERSONS ACT

AN ACT to provide for the use of identifying devices and to provide for the duty owed disabled persons; and providing a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS.) In this Act:

1. "Disabled condition" means the condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate;
2. "Disabled person" means a person in a disabled condition;
3. "The emergency symbol" means the caduceus inscribed within a six-barred cross used by the American medical association to denote emergency information;
4. "Identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency; and
5. "Medical practitioner" means a person licensed or authorized to practice medicine.

SECTION 2. IDENTIFYING DEVICES FOR PERSONS HAVING CERTAIN CONDITIONS.)

1. A person who suffers from epilepsy, diabetes, a cardiac condition, or any other type of illness that causes temporary blackouts, semiconscious periods, or complete unconsciousness, or who suffers from a condition requiring specific medication or medical treatment, is allergic to certain medications or items used in medical treatment, wears contact lenses, or is unable to communicate coherently or effectively in the English language, is authorized and encouraged to wear an identifying device.
2. Any person may carry an identification card bearing his

name, type of medical condition, physician's name, and other medical information.

3. By wearing an identifying device a person gives his consent for any law enforcement officer or medical practitioner who finds him in a disabled condition to make a reasonable search of his clothing or other effects for an identification card of the type described in subsection 2.

SECTION 3. DUTY OF LAW ENFORCEMENT OFFICER.)

1. A law enforcement officer shall make a diligent effort to determine whether any disabled person he finds is an epileptic or a diabetic, or suffers from some other type of illness that would cause the condition. Whenever feasible, this effort shall be made before the person is charged with a crime or taken to a place of detention.
2. In seeking to determine whether a disabled person suffers from an illness, a law enforcement officer shall make a reasonable search for an identifying device and an identification card of the type described in subsection 2 of section 2 and examine them for emergency information. The law enforcement officer may not search for an identifying device or an identification card in a manner or to an extent that would appear to a reasonable person in the circumstances to cause an unreasonable risk of worsening the disabled person's condition.
3. A law enforcement officer who finds a disabled person without an identifying device or identification card is not relieved of his duty to that person to make a diligent effort to ascertain the existence of any illness causing the disabled condition.
4. A cause of action against a law enforcement officer does not arise from his making a reasonable search of the disabled person to locate an identifying device or identification card, even though the person is not wearing an identifying device or carrying an identification card.
5. A law enforcement officer who determines or has reason to believe that a disabled person is suffering from an illness causing his condition shall promptly notify the person's physician, if practicable. If the officer is unable to ascertain the physician's identity or to communicate with him, the officer shall make a reasonable effort to cause the disabled person to be transported immediately to a medical practitioner or to a facility where medical treatment is available. If the officer believes it unduly dangerous to move the disabled person, he shall make a reasonable effort to obtain the assistance of a medical practitioner.

SECTION 4. DUTY OF MEDICAL PRACTITIONERS.)

1. A medical practitioner, in discharging his duty to a disabled person whom he has undertaken to examine or treat, shall make a reasonable search for an identifying device or identification card of the type described in subsection 2 of section 2 and examine them for emergency information.
2. A cause of action against a medical practitioner does not arise from his making a reasonable search of a disabled person to locate an identifying device or identification card, even though the person is not wearing an identifying device or carrying an identification card.

SECTION 5. DUTY OF OTHERS.)

1. A person, other than a law enforcement officer or medical practitioner, who finds a disabled person shall make a reasonable effort to notify a law enforcement officer. If a law enforcement officer or medical practitioner is not present, a person who finds a disabled person may make a reasonable search for an identifying device, and if the identifying device is found may make a reasonable search for an identification card of the type described in subsection 2 of section 2. If a device or card is located, the person making the search shall attempt promptly to bring its contents to the attention of a law enforcement officer or medical practitioner.
2. A cause of action does not arise from a reasonable search to locate an identifying device or identification card as authorized by subsection 1.

SECTION 6. FALSIFYING IDENTIFICATION OR MISREPRESENTING CONDITION.) A person who, with intent to deceive, provides, wears, uses, or possesses a false identifying device or identification card of the type described in subsection 2 of section 2 is guilty of a misdemeanor and upon conviction may be fined not more than three hundred dollars or imprisoned for not more than ninety days, or both.

SECTION 7. OTHER DUTIES.) The duties imposed by this Act are in addition to, and not in limitation of, other duties existing under the law of this state.

SECTION 8. UNIFORMITY OF APPLICATION AND CONSTRUCTION.) This Act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this Act among those states which enact it.

SECTION 9. SEVERABILITY.) If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 10. SHORT TITLE.) This Act may be cited as the
"Uniform Duties to Disabled Persons Act".

Approved March 12, 1973

CHAPTER 220

SENATE BILL NO. 2258
(Melland, Nething)

SALE OF STATE HOSPITAL LAND

AN ACT to authorize the state health officer of the state department of health to sell and convey certain land owned by the state of North Dakota and used by the North Dakota state hospital.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) The state health officer of the state department of health, under conditions hereafter stated, is authorized to sell to the city of Jamestown, at the price of not less than two hundred dollars per acre, certain land owned by the state of North Dakota, which land consists of and is described as:

A tract of land in the northwest quarter of section one, township one hundred thirty-nine north, range sixty-four west, Stutsman County, North Dakota, more particularly described as follows: the south seven hundred seventy-five and five-tenths feet of the east six hundred sixty feet of the northwest quarter of said section, except the south one hundred fifteen and five-tenths feet thereof. This tract contains ten acres more or less.

Prior to execution of the sale herein authorized, the purchaser shall arrange for a survey of said tract and agreement between the purchaser and the state health officer shall be reached as to said tract's precise location, boundaries, and legal description in accordance with the express intent of this Act. The description thereby agreed upon shall be contained in the terms of the contract.

Such conveyance shall reserve to the state all mineral rights in and under the premises conveyed. Upon the sale of such land, the proceeds shall be deposited in the general fund in the state treasury.

The real property shall be conveyed by quitclaim deed executed in the name of the state of North Dakota by the governor and attested by the secretary of state.

SECTION 2.) The state shall not be responsible for the payment of any special assessments levied and assessed by any taxing district against property subject to sale and conveyance pursuant to this Act.

Approved March 27, 1973

CHAPTER 221

SENATE BILL NO. 2345
(Nething, Melland)

SALE OF JAMESTOWN HOSPITAL LANDS

AN ACT to authorize the director of the North Dakota mental health and retardation division of the state health department to sell and convey certain lands, owned by the state of North Dakota and used by the state hospital, at public auction or by sealed bids, the proceeds of which will be used for the benefit of the state hospital, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) The director of the mental health and retardation division of the state department of health is hereby authorized to sell and convey certain lands owned by the state of North Dakota, under conditions hereinafter stated, at public sale or by sealed bids. Before advertising the sale of such lands, an appraisal of such property shall be obtained from a duly qualified appraiser. The property shall be sold to the highest bidder for cash, which, in no event, shall be less than the appraised value. The land consists of and is described as follows: the northwest quarter of the northeast quarter and the south half of the northeast quarter of section nineteen, township one hundred fifty-seven north, range sixty-two west, Ramsey County, North Dakota, excepting all highwayout-of-way.

Such conveyance shall reserve to the state all mineral rights in and under the premises conveyed.

Upon the sale of such land, the proceeds of the sale are hereby appropriated to the use and benefit of the state hospital.

The said real property shall be conveyed by quitclaim deed executed in the name of the state of North Dakota by the governor and attested to by the secretary of state.

SECTION 2.) The state shall not be responsible for the payment of any special assessments levied and assessed by any taxing district against property subject to sale and conveyance pursuant to this Act.

SECTION 3. 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 13, 1973