

HEALTH AND SAFETY

CHAPTER 287

HOUSE BILL NO. 1130
(Unhjem)

HOSPITAL QUALITY REVIEW INFORMATION CONFIDENTIALITY

AN ACT to amend and reenact section 23-01-02.1 of the North Dakota Century Code, relating to confidential information received by hospital utilization committees and internal hospital quality assurance review committees.

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

SECTION 1. AMENDMENT. Section 23-01-02.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-01-02.1. Hospital utilization committees - Internal quality assurance review committees - Reports - Immunity. Any information, data, reports, or records made available to a mandatory hospital committee or extended care facility committee as required by state or federal law or by the joint commission on accreditation of hospitals by a hospital or extended care facility in this state shall be or to an internal quality assurance review committee of any hospital or extended care facility in this state are confidential and shall may be used by such committee committees and the members thereof only in the exercise of the proper functions of the committee committees. The proceedings and records of such a committee are not subject to subpoena or discovery or introduction into evidence in any civil action arising out of any matter which is the subject of consideration by the committee. Information, documents, or records otherwise available from original sources are not immune from discovery or use in any civil action merely because they were presented during the proceedings of such a committee, nor may any person who testified before such a committee or who is a member of it be prevented from testifying as to matters within that person's knowledge, but a witness cannot be asked about that witness' testimony before the committee. This section does not relieve any person of any liability which the person has incurred or may incur to a patient as a result of furnishing health care to the patient. No physician, hospital, or institution furnishing information, data, reports, or records to any such committee with respect to any patient examined or treated by such physician or

confined in such hospital or institution ~~shall~~ is, by reason of furnishing such information, ~~be~~ liable in damages to any person, or ~~be held to answer~~ answerable for willful violation of a privileged communication. No member of such a committee ~~of a hospital or extended care facility shall be~~ is liable in damages to any person for any action taken or recommendation made within the scope of the functions of ~~such the~~ committee if ~~such the~~ committee member acts without malice and in the reasonable belief that such action or recommendation is warranted by the facts known to him.

Approved April 11, 1983

CHAPTER 288

SENATE BILL NO. 2129
(Committee on Social Services and Veterans Affairs)
(At the request of the Department of Health)

BIRTH AND DEATH CERTIFICATE FEES

AN ACT to amend and reenact section 23-02.1-29 of the North Dakota Century Code, relating to fees for certification and correction of birth and death certificates.

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

SECTION 1. AMENDMENT. Section 23-02.1-29 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-02.1-29. Fees.

1. The state department of health shall prescribe the fees, if any, not to exceed ~~two~~ five dollars, to be paid for the following:
 - a. Each certified copy of a certificate or record.
 - b. Each certified statement of the facts of birth other than a copy of the original birth certificate.
 - c. Each filing of a new certificate of birth or fetal death following adoption, legitimation, or determination of paternity.
 - d. Each filing of a delayed certificate of birth or death except as provided for in subsection 3 of section 23-02.1-18.
 - e. Each filing of an amendment to a birth or death certificate.
 - f. A search of the files or records when no copy is made.
 - g. The fee for each additional copy of the same document, requested at the same time, may not exceed two dollars.

2. Fees collected under this section by the state registrar shall be deposited in the general fund of this state, according to procedures established by the state treasurer. When a local registrar of any county in the state shall have been duly authorized, by the state registrar, to prepare and issue certified copies of death certificates or fetal death certificates, said local registrar shall be entitled to charge a fee, not to exceed two five dollars, for each certified copy the first certified copy, and not to exceed two dollars for each additional certified copy of the same document requested at the same time. Fees collected under this section by local registrars shall be deposited to the general fund of the respective counties.

Approved March 10, 1983

CHAPTER 289

SENATE BILL NO. 2396
(Olson)

PRE-NEED FUNERAL CONTRACTS

AN ACT to amend and reenact section 23-06-03.1 of the North Dakota Century Code, relating to pre-need funeral contracts; and to provide a penalty.

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

SECTION 1. AMENDMENT. Section 23-06-03.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-03.1. Payments on pre-need funeral contracts to be deposited in a bank or trust company - Bank shall keep record of deposit - Penalty. Whenever payments are made to any person upon pre-need funeral service contracts, one hundred percent of the funds collected under such contracts for the sale of professional service or personal property to be used in funeral services and fifty percent of the funds collected under such contracts for the sale of cemetery merchandise shall be deposited within thirty days in a bank or trust company carrying federal deposit insurance and located within the state of North Dakota. Payments received from any sale of professional service or personal property to be used in funeral services or cemetery merchandise which cannot or would not be serviced by any licensed funeral establishment or cemetery association in the area where the service or property was sold are specifically included, whether or not such sales might otherwise be considered pre-need funeral service contracts, within the payments to be deposited under this section. Such funds may be released by the bank or trust company to the depositor upon the death of the person for whose benefit the funds were paid. A certified copy of the certificate of death shall be furnished to the bank or trust company as prima facie evidence of death. Such funds may be released by the bank or trust company to the person making such payment, prior to the death of the person for whose benefit the funds are paid, upon a five-day written notice by registered or certified mail made by the bank or trust company to the depositor at the request of the person making such payment.

Any bank or trust company receiving such a deposit shall keep a complete record thereof, showing the name of the depositor, name of the person making payment, name of the person for whose benefit payment is made, and any other pertinent information.

Any person who willfully violates this section or any rule or order of the commissioner pursuant hereto is guilty of a class C felony. Each violative act constitutes a separate offense and a prosecution or conviction of any one offense shall not bar a prosecution or conviction for any other offense.

Approved March 15, 1983

CHAPTER 290

SENATE BILL NO. 2291
(Senator Grotberg)
(Representative Horgan)

BURIAL DATE

AN ACT to amend and reenact section 23-06-04 of the North Dakota Century Code, relating to the date of burial.

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

SECTION 1. 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 any of the following occur:

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.
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 or date of placement in a storage vault.

Approved April 8, 1983

CHAPTER 291

SENATE BILL NO. 2195
 (Committee on Social Services and Veterans Affairs)
 (At the request of the Historical Board)

UNLAWFUL OPENING OF BURIALS

AN ACT to amend and reenact section 23-06-27 of the North Dakota Century Code, relating to the unlawful opening of burials; and to provide a penalty.

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

SECTION 1. AMENDMENT. Section 23-06-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-27. Unlawfully opening place of burial - Penalty - Exceptions. ~~Every~~ A person is guilty of a class C felony who, without authority of law, opens any grave or any place of burial, temporary or otherwise, or who breaks open any building wherein any dead body of a human being is deposited while awaiting burial, with intent, either:

1. To remove the dead body of a human being, or any part thereof; or
2. To steal the coffin, or any part thereof, or anything attached thereto or connected therewith, or the vestments or other articles buried with the same, ~~is guilty of a class C felony.~~

This section does not apply to the inadvertent opening of burial mounds, prehistoric graves, or prehistoric cemeteries when such remains would not appear to a reasonable person to be human, or when the state department of health and the state historical board have been notified of such discovery and such unregistered human remains shall be studied and reinterred pursuant to rules adopted by the state department of health and the state historical board. This section also does not apply to situations in which the state department of health and the state historical board are notified of the need to disinter and move prehistoric human remains which are recorded with the state historical board in order to prevent the destruction of such graves by actions including, but not limited to, the construction of highways, dams, reservoirs, coal mines, power generation and transmission facilities, pipelines, farming practices and other developments. Where feasible, such developments should avoid disturbance of prehistoric graves. In these situations such recorded human remains must be studied and reinterred pursuant to rules adopted by the state department of health and the state historical board.

Approved March 10, 1983

CHAPTER 292

HOUSE BILL NO. 1591
(A. Olson, Olafson)

ABANDONED CEMETERY IDENTIFICATION AND MAINTENANCE

AN ACT to amend and reenact section 23-06-30 of the North Dakota Century Code, relating to the identification and maintenance of abandoned cemeteries.

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

SECTION 1. AMENDMENT. Section 23-06-30 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-30. Abandoned cemeteries to be maintained by counties. The board of county commissioners of each county ~~shall~~ may provide for the identification, cataloguing, recording, and shall provide for the general maintenance and upkeep of each abandoned cemetery located within such county. The board shall, 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 and appearance of the grounds. For the purposes of this section, a cemetery means any tract of land used as a burial plot and which is filed with the register of deeds of the county as a public burying place. The board of county commissioners of each county shall provide for the registration, with the state department of health, of each abandoned cemetery within such county unless such cemetery shall have been previously registered. Such registration shall take place within one year of notification being made to the board, by any interested party of the existence of such abandoned cemetery. Expenditures shall not exceed levy limitations as provided in section 57-15-27.2.

Approved March 10, 1983

CHAPTER 293

HOUSE BILL NO. 1427
(Martinson)

SELF-SERVICE FUEL DISPENSING ASSISTANCE

AN ACT to amend and reenact subsection 2 of section 23-13-02.3 of the North Dakota Century Code, relating to assistance for handicapped persons using self-service motor fuel dispensing facilities at filling stations where pump island service is otherwise available; and to declare an emergency.

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

SECTION 1. AMENDMENT. Subsection 2 of section 23-13-02.3 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. At all times during the operation of a self-service motor fuel dispensing facility the owner, operator, ~~or his or~~ ~~its~~ employee, or authorized attendant shall be on the premises and shall supervise the operation thereof ~~and such attendant~~. The person attending the operation shall refuse service to anyone who appears for any reason to be unable to dispense such motor fuel safely. If, however, the filling station provides pump island service to its customers, the attendant must provide refueling services to any handicapped person stopped at a self-service motor fuel dispensing unit who requests assistance and whose vehicle displays a certificate or insignia issued pursuant to section 39-01-15. No additional cost may be charged to a handicapped person because of the service. This subsection shall not apply to any self-service motor fuel dispensing unit equipped with a card-operated or key-operated dispensing device, provided that all persons possessing the card or keys required to operate the device have been instructed in the proper and safe operation of the device.

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

Approved March 10, 1983

CHAPTER 294

HOUSE BILL NO. 1319
(Rued)

LIQUEFIED PETROLEUM GAS CONTAINERS

AN ACT relating to the marking of containers used for liquefied petroleum gas, and regulating the filling, transferring, and possession of marked containers; making an exemption; and to provide a penalty.

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

SECTION 1. Definitions. As used in this Act, unless the context clearly requires otherwise:

1. "Liquefied petroleum gas" means any material which is composed predominately of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butane and isobutane) and the butylenes.
2. "Liquefied petroleum gas containers" means any pressurized containers which are designed to hold more than one hundred fifty gallons of liquefied petroleum gas.
3. "Owner" means any person who holds a written bill of sale under which title to a container was transferred or any manufacturer of a container who has not sold or transferred ownership of the container by a written bill of sale.

SECTION 2. Unauthorized filling, transfer, or covering of identification marks prohibited. It is unlawful for any person except the owner or the owner's authorized agent to fill or refill a container with liquefied petroleum gas, or any other gas or compounds; or buy, sell, offer for sale, give, take, loan, deliver, or permit to be delivered, or otherwise use a container if the container bears upon its surface, in plainly legible characters, the name, initials, mark, or other identifying device of the owner; nor may any person other than the owner of a container or a person so authorized by the owner, deface, erase, obliterate, cover up, or otherwise remove or conceal any name, mark, initial, or identifying device on the container.

SECTION 3. Unauthorized possession - Presumptive evidence. The use of a container by any person other than an authorized agent of the person whose name, mark, initial, or identifying device is or was on the container without written consent or purchase of the marked and distinguished container for the sale of liquefied petroleum gas or filling or refilling with liquefied petroleum gas, or the possession of a container by any person other than an authorized agent of the person whose name, mark, initial, or other identifying device is stamped on the container without the written consent of the owner, is presumptive evidence of the unlawful use or filling of the container.

SECTION 4. Exemption. Contractors engaged in construction projects for the building, replacement or repair of roads, streets, alleys or parking lots are exempt from the provisions of this Act.

SECTION 5. Penalty. Any person who violates any provision of this Act is guilty of a class B misdemeanor for each separate offense.

Approved April 5, 1983

CHAPTER 295

SENATE BILL NO. 2081
(Fritzell)

METAL PULLTAB CONTAINERS

AN ACT to prohibit the sale of metal beverage containers with detachable parts; to provide a penalty; and to provide an effective date.

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

SECTION 1. Sale of metal beverage containers having detachable parts prohibited - Penalty. No person may sell or offer for sale in this state a carbonated or noncarbonated soft drink, beer, other malt beverage, tea, or fruit or vegetable drink in liquid form and intended for human consumption contained in an individual sealed metal container designed and constructed so that a metal pull tab is detached in the process of opening the container. This section does not prohibit the use of adhesively attached aluminized polyester film pull top seals. Violation of this section is a class B misdemeanor and each day of violation is a separate offense.

SECTION 2. EFFECTIVE DATE. This Act is effective on January 1, 1984.

Approved March 15, 1983

CHAPTER 296

HOUSE BILL NO. 1661
(Thompson, Whalen, Lloyd)

DISTRICT BOARD OF HEALTH COMPENSATION

AN ACT to amend and reenact section 23-14-04 of the North Dakota Century Code, relating to compensation for members of a district board of health.

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

SECTION 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~~ person, one a farmer, and one a ~~woman~~ additional person, 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. In no instance shall the board be either all male or all female. 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 Members of the board may be compensated at the rate not to exceed forty-five dollars per day and not to exceed twenty-five days in any one year. They shall be reimbursed for ~~actual~~ expenses incurred ~~in attending official board meetings~~ in the manner and to the extent provided for state officers.

Approved April 13, 1983

CHAPTER 297

HOUSE BILL NO. 1069
(Legislative Council)
(Interim Social Services Committee)

CHOICE OF PHARMACIST IN LONG-TERM CARE FACILITIES

AN ACT to create and enact a new section to chapter 23-16 and a new section to chapter 50-18 of the North Dakota Century Code to allow residents of long-term care facilities to choose their pharmacist.

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

SECTION 1. A new section to chapter 23-16 of the North Dakota Century Code is hereby created and enacted to read as follows:

Access to pharmacist. Irrespective of the type of distribution system used, no person shall refuse to allow a resident of a nursing home, as defined in subsection 3 of section 43-34-01, to choose a pharmacist of the resident's choice for the compounding and dispensing of drugs pursuant to chapter 43-15.

SECTION 2. A new section to chapter 50-18 of the North Dakota Century Code is hereby created and enacted to read as follows:

Access to pharmacist. Irrespective of the type of distribution system used, no person shall refuse to allow a resident of a boarding home for the aged and infirm to choose a pharmacist of the resident's choice for the compounding and dispensing of drugs pursuant to chapter 43-15.

Approved March 3, 1983

CHAPTER 298

HOUSE BILL NO. 1624
(Representatives Serenus Hoffner, DeMers)
(Senator Lashkowitz)

ADDICTION HOSPITAL LICENSURE

AN ACT to amend and reenact sections 23-17.1-01, 23-17.1-02, 23-17.1-03, 23-17.1-04, 23-17.1-05, 23-17.1-06, and 23-17.1-07 of the North Dakota Century Code, relating to licensing addiction hospitals.

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

SECTION 1. AMENDMENT. Section 23-17.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17.1-01. License required. No person, partnership, association, or corporation shall establish, conduct, or maintain in the state of North Dakota a hospital, sanitarium, or ~~related institution~~ addiction treatment program for the care of persons addicted to alcohol or other drugs without first obtaining a license in the manner provided in this chapter, unless a license has already been issued for such care under the provisions of this title.

SECTION 2. AMENDMENT. Section 23-17.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17.1-02. Application - Contents. Any person, partnership, association, or corporation desiring a license hereunder shall file with the ~~North Dakota state~~ department of ~~health~~ human services 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 state~~ department of ~~health~~ may require.

SECTION 3. AMENDMENT. Section 23-17.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17.1-03. Inspection of licensed premises. Every building, institution, or establishment for which a license has been issued

under this chapter shall, at the request of the department of human services, be periodically inspected by a sanitary engineer and firemen who the department of health and the fire marshal department which shall report as to the safety of the institution to the North Dakota state department of health which human services. The department of human services shall also inspect the institution evaluate the hospital, sanitarium, or addiction treatment program under the rules and regulations to be established by said that department. No institution of any kind licensed pursuant to the provisions of this chapter shall be required to be licensed or inspected under the laws of this state relating to hotels, restaurants, or lodginghouses.

SECTION 4. AMENDMENT. Section 23-17.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17.1-04. Issuance, Suspension ~~ex~~, and revocation of certificate or license.

1. The North Dakota state department of health human services is hereby authorized to certify addiction counselors and to issue licenses to operate addiction hospitals ~~ex~~ and other related institutions as herein defined addiction treatment programs, for a period of one year, which, after examination or inspection, are found to comply with the provisions of this chapter, and any regulations adopted by the department.
2. The department is hereby authorized to may suspend or revoke a certificate or license issued hereunder on any of the following grounds:
 - 1- a. Violation of any of the provisions of this chapter or the rules and regulations issued pursuant thereto.
 - 2- b. Permitting, aiding or abetting the commission of any illegal act in such institution.
 - 3- c. Conduct or practices detrimental to the welfare or health of any patient of such institution.
3. Before any certificate or 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 certificate or 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 department by registered or certified mail. If a certificate or license is revoked as herein provided, a new application for a certificate or license may be considered by the department when, and after, the conditions upon which revocation was based have been corrected and evidence of this fact has

been satisfactorily furnished. A new certificate or license may then be granted after proper inspection has been made on all provisions of this chapter and the rules and regulations hereunder have been complied with.

SECTION 5. AMENDMENT. Section 23-17.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17.1-05. Rules and regulations. The North Dakota state department of health human services shall have the power to establish standards under this chapter 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 chapter. The provisions of chapter 28-32 shall apply to regulations and administrative proceedings under this chapter.

SECTION 6. AMENDMENT. Section 23-17.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17.1-06. Information confidential. Information received by the North Dakota state department of health human services through inspections of institutions under this chapter shall be confidential and shall not be disclosed except in a proceeding involving the question of licensure.

SECTION 7. AMENDMENT. Section 23-17.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-17.1-07. Injunction. The department of health human services, in accordance with the laws of the state governing injunctions and other process, may maintain an action in the name of the state against any person, partnership, association, or corporation, for establishing, conducting, managing or operating any addiction hospital within the meaning of the chapter without first having a license therefor or herein provided or without first obtaining from the state department of health human services written approval of plans and specifications for major alterations of, additions to, or construction of addiction facilities.

Approved March 8, 1983

CHAPTER 299

SENATE BILL NO. 2161
(Committee on Social Services and Veterans Affairs)
(At the request of the Department of Health)

HAZARDOUS WASTE MANAGEMENT PERMIT FEE

AN ACT to create and enact section 23-20.3-05.1 of the North Dakota Century Code, relating to hazardous waste management facilities' permit or registration certificate fees.

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

SECTION 1. Section 23-20.3-05.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

23-20.3-05.1. Fees - Deposit in operating fund. The department by rule may prescribe and provide for the payment and collection of reasonable fees for the issuance of permits or registration certificates for registering, licensing, or permitting hazardous waste generators, transporters, and treatment, storage, recycling or disposal facilities. The permit or registration certificate fees must be based on the anticipated cost of filing and processing the application, taking action on the requested permit or registration certificate, and conducting a monitoring and inspection program to determine compliance or noncompliance with the permit or registration certificate. Any moneys collected for permit licensing or registration fees must be deposited in the department operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

Approved March 15, 1983

CHAPTER 300

HOUSE BILL NO. 1261
(Representatives C. Martin, Knudson)

VECTOR CONTROL DISTRICT BOARD OF COMMISSIONERS

AN ACT to amend and reenact section 23-24-05 of the North Dakota Century Code, relating to board of commissioners for vector control districts and per diem compensation for commissioners.

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

SECTION 1. AMENDMENT. Section 23-24-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-24-05. Board of commissioners - Composition - Appointment and number - Term of office - Vacancy - Compensation. 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~~ If the office of a commissioner shall ~~become~~ becomes 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. Each member shall receive the sum of fifteen dollars per day while performing his duties as a member of the board, and an allowance for actual meals and lodging expense in an amount not to exceed twelve dollars per day for each day spent in the performance of his duties, plus mileage expense reimbursement at the rate provided in section 54-06-09. The term of office of a member shall be deemed to have commenced on the date of his appointment to the board whom the new commissioner replaces. 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 city governing body or township supervisors of any county, city, or township whose territory is embraced or included within said district. Each member shall receive the sum of thirty dollars per day while performing duties as a member of the board, or such lesser sum as the board itself shall determine, an allowance for meals and lodging as provided in section 44-08-04, and mileage expense reimbursement at the rate provided in section 54-06-09.

Approved March 3, 1983

CHAPTER 301

SENATE BILL NO. 2171
(Committee on Social Services and Veterans Affairs)
(At the request of the Department of Health)

SOLID WASTE MANAGEMENT FACILITY PERMIT FEE

AN ACT to create and enact section 23-29-07.1 of the North Dakota Century Code, relating to solid waste management facilities' permit or registration certificate fees.

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

SECTION 1. Section 23-29-07.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

23-29-07.1. Fees - Deposit in operating fund. The department by rule may prescribe and provide for the payment and collection of reasonable fees for the issuance of permits or registration certificates for registering, licensing, or permitting solid waste generators, transporters, and treatment, storage, recycling or disposal facilities. The permit or registration certificate fees must be based on the anticipated cost of filing and processing the application, taking action on the requested permit or registration certificate, and conducting a monitoring and inspection program to determine compliance or noncompliance with the permit or registration certificate. Any moneys collected for permit licensing or registration fees must be deposited in the department operating fund in the state treasury and any expenditures from the fund are subject to appropriation by the legislative assembly.

Approved March 15, 1983