CHAPTER 23-24
VECTOR CONTROL DISTRICTS

23-24-01. Definitions.

As used in this chapter 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. "Potential or emergency health hazard" means a potential or existing infestation by public health vectors that is detrimental to human health and well-being.
5. "Public health vectors" means all species of mosquitoes and flies.

23-24-02. 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, 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 must 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 must 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 finds 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.

23-24-02.1. Petition for withdrawing from a vector control district - Hearing and investigation - Boundary modification.

Any county, city, or township or portion of a county, city, or township may withdraw from a vector control district whenever a petition signed by the governing body of the county, city, or township or at least twenty percent of the residents of the county, city, or township, or portion thereof, desiring to withdraw from the district, is approved by the state health council. Prior to approving a petition to withdraw from the district, the state health council shall fix a time and place for a public hearing on the petition. The place of the hearing must be convenient and accessible for a majority of the residents of the district. At least ten days prior to the date of the hearing, the state health council shall publish a notice of the hearing in at least one newspaper of general circulation in the district. Prior to the hearing the state health officer shall investigate the petition to withdraw and shall submit a report to the council. If the state health council finds that it is not feasible, desirable, or practical to allow the petitioning entity to withdraw from the district, it shall make an order denying the petition and state the reasons for its action. If the council finds that the petitioning entity is no longer benefited by being included within the boundaries of the district or if other reasons make the withdrawal of the petitioning entity desirable, proper, and necessary, it shall grant the petition and modify the boundaries of the district. No person may be a member of the board of commissioners if that person is no longer a resident of the vector control district after the boundaries have been modified. A new member must be appointed to replace any such member in the manner provided for original appointments.

23-24-03. Area to be included within district - How determined.

The area or areas to be included in the district must contain the territory described in the petition for the creation or modification thereof. However, the council, upon its own motion or

upon the request of the board of commissioners, shall consider and may include within the boundaries of the district areas which may be benefited by being included therein. Upon a request by the board of commissioners to expand an existing district, the council shall hold a hearing and investigation and file any order expanding a district in a manner similar to that provided in sections 23-24-02 and 23-24-04.

23-24-04. Order establishing or modifying district.

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

23-24-05. Board of commissioners - Composition - Appointment - 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 the district or a part of the district is situated, a three-member board of commissioners of the vector control district must be appointed as provided by this section. Any resident freeholder in the district is eligible for appointment to the board of commissioners thereof. The term of commissioners first appointed must 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 commences on the date of appointment. If the office of a commissioner becomes vacant, the commissioner appointed to fill the vacancy shall serve the unexpired term of the member of the board of commissioners whom the new commissioner replaces. Any vacancy must be filled in the manner provided for original appointments. Appointments to the board of commissioners must be made by the board of county commissioners of the county containing the largest area of the vector control district. Any member of the board of commissioners may be removed upon a majority vote of the board of county commissioners that appoints members for the board of commissioners and the board of commissioners may be dissolved upon a majority vote of the board of county commissioners that appoints the members for the board. The appointing authority shall establish the rate of compensation for commissioners and actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority.

23-24-06. Oath of office - Organization of board of commissioners - Appointment of employees - Meetings.

Upon receiving notice of 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 must 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 must be mailed to the governing body of the county, city, or township included within said district. Such notice must state the name and post-office address of each appointee and the date of the appointment and must 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 constitutes 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 must 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.

23-24-07. Bonds of officers and employees.

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

23-24-08. Powers and duties of the board of commissioners.

The board of commissioners of a vector control district may:

1. Declare, by resolution, that a potential or emergency health hazard exists and take all necessary and proper steps and measures for the eradication of public health vectors causing a potential or emergency health hazard within the district. Prior to taking these 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. 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 chapter.
9. Generally do all things necessary or incident to the powers granted and carry out the objects specified in this chapter.
10. After organization and on or before July first in each year thereafter, adopt a budget showing estimated expenses for the ensuing fiscal year commencing July first and by resolution submit the budget to the board of county commissioners in each county in which the district is located. The board of county commissioners shall consider the budget and by resolution levy a tax not exceeding the limitation in section 57-15-26.2 and direct the county auditor to file the budget and spread the levy on the tax roll.

23-24-09. Vector control district budget - Financial report - Tax levy by county.

When a vector control district has been created and a board of commissioners 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 first 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 adoption of a budget, 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 must be apportioned to the counties affected. Such county auditor shall transmit the same to the board of commissioners of the auditor's county. In the year for which the levy is sought, a vector control district seeking approval of a property tax levy under this chapter must file with the county auditor of each county within the vector control district, at a time and in a format prescribed by the county auditors, a financial report for the preceding calendar year showing the ending balances of each fund held by the vector control district during that year. The board of county commissioners of each county in which the district is situated may by resolution levy, authorize, and direct their county auditor to extend and spread upon the tax roll of the county a tax not exceeding the limitation in section 57-15-26.2. Funds produced each year by such tax levy must 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.

23-24-10. 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. The warrants must bear such rate of interest as the board may determine, not to exceed twelve percent per annum. There is no interest rate ceiling on warrant issues sold to the state of North Dakota or any of its agencies or instrumentalities. 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 must be paid in order of their presentation for payment to the district treasurer. The warrants must be drawn to the claimant or bearer in the same manner as a county warrant and must be signed by the chairman of the board of commissioners and countersigned by the treasurer of the district. The total amount of warrants issued in any year to pay current district expenses may not exceed eighty percent of the district's tax levy for such year.

23-24-11. 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 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 must be deposited 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 may 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 must be verified in the same manner as claims against a county.