

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 23-35 of the North Dakota  
2 Century Code, relating to tribal health districts; to amend and reenact section 23-35-01,  
3 subsection 2 of section 23-35-03, subsection 1 of section 23-35-04, and sections 23-35-06,  
4 23-35-07, and 23-35-08 of the North Dakota Century Code, relating to health districts; and to  
5 provide an appropriation.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 23-35-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **23-35-01. Definitions.**

10 As used in this chapter, unless the context otherwise requires:

- 11 1. "Board of health" means a district, county, ~~or city,~~ or tribal board of health.
- 12 2. "Department" means the state department of health.
- 13 3. "Governing body" means, as applicable, a city commission, city council, board of  
14 county commissioners, ~~or joint board of county commissioners,~~ or tribal council.
- 15 4. "Health district" means an entity formed under section 23-35-04 or 23-35-05.
- 16 5. "Joint board of county commissioners" means the boards of county commissioners of  
17 two or more counties acting together in joint session.
- 18 6. "Local health officer" means the health officer of a public health unit.
- 19 7. "Public health department" means a city ~~or,~~ county, or tribal health department formed  
20 under this chapter.
- 21 8. "Public health unit" means the local organization formed under this chapter to provide  
22 public health services in a city, county, ~~or designated multicounty or city-county area,~~  
23 or Indian reservation. The term includes a city public health department, county public  
24 health department, and a health district.

1       **SECTION 2.** A new section to chapter 23-35 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Tribal health districts.**

4       An Indian nation that occupies a reservation the external boundaries of which border more  
5 than four counties may form a health district as provided in this chapter.

6       **SECTION 3. AMENDMENT.** Subsection 2 of section 23-35-03 of the North Dakota Century  
7 Code is amended and reenacted as follows:

8       2. A city's ~~or~~, county's, or tribe's governing body may establish a public health unit by  
9 creating and appointing a board of health, which in the case of a city, may be  
10 composed of the city's governing body or in the case of a tribe, may be composed of  
11 the tribal council or governing body. A board of health must have at least five  
12 members.

13       a. In the case of a board of health created by a joint board of county  
14 commissioners, each county in the health district must have at least one  
15 representative on the board; each county of over fifteen thousand population  
16 must have an additional representative for each fifteen thousand population or  
17 major fraction of that number; and in a health district of fewer than five counties,  
18 each county must have at least one representative on the district board of health,  
19 and the additional representatives selected to constitute the minimum  
20 five-member board must be equitably apportioned among the counties on a  
21 population basis.

22       b. In the case of a joint city-county health district composed of only one county and  
23 having at least one city over fifteen thousand population, each city having a  
24 population over fifteen thousand must have a representative on the district board  
25 of health for each fifteen thousand population or major fraction of that number,  
26 and the remaining population of the county, exclusive of the populations of cities  
27 with more than fifteen thousand each, must have a representative on the district  
28 board of health for each fifteen thousand population or major fraction of that  
29 number, or at least one member if the remaining population is less than fifteen  
30 thousand.

1       **SECTION 4. AMENDMENT.** Subsection 1 of section 23-35-04 of the North Dakota Century  
2 Code is amended and reenacted as follows:

- 3       1. Upon the adoption of a resolution, the governing body may form a single county,  
4           multicounty, ~~or a city-county,~~ or a tribal health district.

5       **SECTION 5. AMENDMENT.** Section 23-35-06 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7       **23-35-06. Health districts - Dissolution - Withdrawal.**

- 8       1. ~~Except for a tribal health district,~~ if a health district has been in operation for two  
9           years, the district may be dissolved as provided for under this section. If a petition is  
10          filed with the county auditor of each county of a health district which is signed by  
11          qualified electors of that county equal to ten percent or more of the votes cast in that  
12          county at the last general election, an election on the question of dissolution must be  
13          presented to the qualified electors in each county in the district at the next election  
14          held in each county in the district. If a majority of the votes cast on the question in a  
15          majority of the counties favor dissolution, the health district is dissolved on the second  
16          January first following the election. If a majority of the votes cast on the question in a  
17          majority of the counties are against dissolution, no other election on this issue may be  
18          held for two years.
- 19       2. If a health district has been in operation for two years, any county may withdraw from  
20          the district as provided under this section. If a petition is filed with the withdrawing  
21          county's auditor which is signed by qualified electors of the county equal to ten percent  
22          or more of the votes cast in that county at the last general election, an election on the  
23          question of withdrawal must be presented to the qualified electors in the county at the  
24          next election in the county. If a majority of the votes cast on the question favor  
25          withdrawing from the district, the county is withdrawn from the district on the second  
26          January first following the election. If a majority of the votes cast on the question are  
27          against withdrawal, no other election on this issue may be held for two years.
- 28       3. A tribal health district may be dissolved by the tribal council or governing body at any  
29          time.

30       **SECTION 6. AMENDMENT.** Section 23-35-07 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **23-35-07. Health district funds.**

2       1. ~~A~~Except for a tribal health district, a district board of health shall prepare a budget for  
3       the next fiscal year at the time at which and in the manner in which a county budget is  
4       adopted and shall submit this budget to the joint board of county commissioners for  
5       approval. The amount budgeted and approved must be prorated in health districts  
6       composed of more than one county among the various counties in the health district  
7       according to the taxable valuation of the respective counties in the health district. For  
8       the purpose of this section, "prorated" means that each member county's contribution  
9       must be based on an equalized mill levy throughout the district, except as otherwise  
10      permitted under subsection 3 of section 23-35-05. Within ten days after approval by  
11      the joint board of county commissioners, the district board of health shall certify the  
12      budget to the respective county auditors and the budget must be included in the levies  
13      of the counties. The budget may not exceed the amount that can be raised by a levy of  
14      five mills on the taxable valuation, subject to public hearing in each county in the  
15      health district at least fifteen days before an action taken by the joint board of county  
16      commissioners. Action taken by the joint board of county commissioners must be  
17      based on the record, including comments received at the public hearing. A levy under  
18      this section is not subject to the limitation on the county tax levy for general and  
19      special county purposes. The amount derived by a levy under this section must be  
20      placed in the health district fund. The health district fund must be deposited with and  
21      disbursed by the treasurer of the district board of health. Each county in a health  
22      district quarterly shall remit and make settlements with the treasurer. Any funds  
23      remaining in the fund at the end of any fiscal year may be carried over to the next  
24      fiscal year.

25      2. ~~The~~Except for a tribal health district, the district board of health, or the president and  
26      secretary of the board when authorized or delegated by the board, shall audit all  
27      claims against the health district fund. The treasurer shall pay all claims from the  
28      health district fund. The district board of health shall approve or ratify all claims at the  
29      board's quarterly meetings.

30      **SECTION 7. AMENDMENT.** Section 23-35-08 of the North Dakota Century Code is  
31      amended and reenacted as follows:

1       **23-35-08. Boards of health - Powers and duties.**

2       Except when in conflict with a local ordinance or a civil service rule within a board of  
3 health's jurisdiction, or a tribal code, ordinance, or policy, each board of health:

- 4       1.    Shall keep records and make reports required by the department.
- 5       2.    Shall prepare and submit a public health unit budget.
- 6       3.    Shall audit, allow, and certify for payment expenses incurred by a board of health in  
7       carrying into effect this chapter.
- 8       4.    May accept and receive any contribution offered to aid in the work of the board of  
9       health or public health unit.
- 10      5.    May make rules regarding any nuisance, source of filth, and any cause of sickness  
11      which are necessary for public health and safety.
- 12      6.    May establish by rule a schedule of reasonable fees that may be charged for services  
13      rendered. Services may not be withheld due to an inability to pay any fees established  
14      under this subsection.
- 15      7.    May make rules in a health district or county public health department, as the case  
16      may be, and in the case of a city public health department may recommend to the  
17      city's governing body ordinances for the protection of public health and safety.
- 18      8.    May adopt confinement, decontamination, and sanitary measures in compliance with  
19      chapter 23-07.6 which are necessary when an infectious or contagious disease exists.
- 20      9.    May make and enforce an order in a local matter if an emergency exists.
- 21      10.   May inquire into any nuisance, source of filth, or cause of sickness.
- 22      11.   Except in the case of an emergency, may conduct a search or seize material located  
23      on private property to ascertain the condition of the property as the condition relates to  
24      public health and safety as authorized by an administrative search warrant issued  
25      under chapter 29-29.1.
- 26      12.   May abate or remove any nuisance, source of filth, or cause of sickness when  
27      necessary to protect the public health and safety.
- 28      13.   May supervise any matter relating to preservation of life and health of individuals,  
29      including the supervision of any water supply and sewage system.
- 30      14.   May isolate, kill, or remove any animal affected with a contagious or infectious disease  
31      if the animal poses a material risk to human health and safety.

- 1       15.   Shall appoint a local health officer.
- 2       16.   May employ any person necessary to effectuate board rules and this chapter.
- 3       17.   If a public health unit is served by a part-time local health officer, the board of health
- 4           may appoint an executive director. An executive director is subject to removal for
- 5           cause by the board of health. The board of health may assign to the executive director
- 6           the duties of the local health officer, and the executive director shall perform these
- 7           duties under the direction of the local health officer.
- 8       18.   May contract with any person to provide the services necessary to carry out the
- 9           purposes of the board of health.
- 10      19.   Shall designate the location of a local health officer's office and shall furnish the office
- 11           with necessary equipment.
- 12      20.   May provide for personnel the board of health considers necessary.
- 13      21.   Shall set the salary of the local health officer, the executive director, and any assistant
- 14           local health officer and shall set the compensation of any other public health unit
- 15           personnel.
- 16      22.   Shall pay for necessary travel of the local health officer, the local health officer's
- 17           assistants, and other personnel in the manner and to the extent determined by the
- 18           board.

19       **SECTION 8. APPROPRIATION.** There is appropriated out of any moneys in the general  
20 fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the  
21 sum as may be necessary, to the State Department of Health for the purpose of implementing a  
22 tribal public health unit pilot project, for the biennium beginning July 1, 2013, and ending  
23 June 30, 2015.