

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

**ENGROSSED HOUSE BILL NO. 1004**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state  
2 department of health; to create and enact a new section to chapter 23-39 of the North Dakota  
3 Century Code, relating to collecting fees for tanning facility inspections; to amend and reenact  
4 section 23-01-05.3 of the North Dakota Century Code, relating to tracking immunizations; to  
5 provide for a demonstration project; to provide for a legislative council study; and to provide an  
6 expiration date.

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

8 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
9 section represent the base level funding component appropriated to the state department of  
10 health in section 3 of this Act as follows:

11 Salaries and wages	\$32,342,513
12 Operating expenses	25,613,981
13 Capital assets	1,514,469
14 Grants	41,832,166
15 Tobacco prevention and control	8,685,995
16 WIC food payments	<u>15,750,000</u>
17 Total all funds - Base level	\$125,739,124
18 Less estimated income - Base level	<u>112,270,220</u>
19 Total general fund - Base level	\$13,468,904

20 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The  
21 amounts identified in this section represent the funding adjustments or enhancements to the  
22 base funding level for the state department of health which are included in the appropriation in  
23 section 3 of this Act as follows:

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1	Salaries and wages	\$5,405,392
2	Operating expenses	19,982,693
3	Capital assets	302,914
4	Grants	14,975,610
5	Tobacco prevention and control	233,351
6	WIC food payments	<u>1,800,000</u>
7	Total all funds - Adjustments/enhancements	\$42,699,960
8	Less estimated income - Adjustments/enhancements	<u>36,941,901</u>
9	Total general fund - Adjustments/enhancements	\$5,758,059

10           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
11 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
12 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
13 other income, to the state department of health for the purpose of defraying the expenses of  
14 that agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

15	Salaries and wages	\$37,747,905
16	Operating expenses	45,596,674
17	Capital assets	1,817,383
18	Grants	56,807,776
19	Tobacco prevention and control	8,919,346
20	WIC food payments	<u>17,550,000</u>
21	Total all funds	\$168,439,084
22	Less estimated income	<u>149,212,121</u>
23	Total general fund appropriation	\$19,226,963

24           **SECTION 4. APPROPRIATION - MORGUE BRANCH LOCATION.** There is  
25 appropriated out of special funds in the permanent oil tax trust fund the sum of \$1,500,000, or  
26 so much of the sum as may be necessary, to the state department of health to construct a  
27 facility to be used as a branch of the state morgue at the university of North Dakota school of  
28 medicine and health sciences, for the biennium beginning July 1, 2007, and ending June 30,  
29 2009. The state department of health may use up to \$75,000 of this amount for its expenses in  
30 providing oversight of the project and to provide funding for coroner-requested autopsies at the  
31 new morgue during the remainder of the biennium. The project may be augmented with

1 additional federal funding, grants, and other funding sources from the university of North  
2 Dakota or the state department of health. The morgue branch facility is to be under the control  
3 of the university of North Dakota school of medicine and health sciences. The university of  
4 North Dakota and the state department of health shall jointly sign all requests for proposal,  
5 construction contracts, and change orders relating to the project. The state department of  
6 health shall reimburse the university of North Dakota for the project based on final expenditure  
7 reports of actual project costs. To facilitate addressing public health issues related to death  
8 investigations, state forensic examiner services must continue to be provided by the state  
9 department of health, and the department must be the central repository for all coroner reports  
10 and autopsy reports for the coroner death investigations.

11 **SECTION 5. ENVIRONMENT AND RANGELAND PROTECTION FUND.** The  
12 estimated income line item included in section 3 of this Act includes \$266,119, or so much of  
13 the sum as may be necessary, to be made available to the state department of health from the  
14 environment and rangeland protection fund, for the biennium beginning July 1, 2007, and  
15 ending June 30, 2009. This amount includes \$50,000 for a grant to the North Dakota  
16 stockmen's association environmental services program.

17 **SECTION 6. INTENT - INDIRECT COST RECOVERIES.** Notwithstanding section  
18 54-44.1-14, the state department of health may deposit indirect cost recoveries in its operating  
19 account.

20 **SECTION 7. AMENDMENT.** Section 23-01-05.3 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **23-01-05.3. Immunization data.**

23 1. The state department of health may establish an immunization information system  
24 and may require the childhood immunizations specified in subsection 1 of section  
25 23-07-17.1 and other information be reported to the department. The state  
26 department of health may only require the reporting of childhood immunizations  
27 and other data upon completion of the immunization information reporting system.  
28 A health care provider who administers a childhood immunization shall report the  
29 patient's identifying information, the immunization that is administered, and other  
30 required information to the department. The report must be submitted using

1           electronic media, and must contain the data content and use the format and codes  
2           specified by the department.

3           2. Notwithstanding any other provision of law, a health care provider, elementary or  
4           secondary school, early childhood facility, public or private postsecondary  
5           educational institution, city or county board of health, district health unit, and the  
6           state health officer may exchange immunization data in any manner with one  
7           another. Immunization data that may be exchanged under this section is limited to  
8           the date and type of immunization administered to a patient and may be  
9           exchanged regardless of the date of the immunization.

10           **SECTION 8.** A new section to chapter 23-39 of the North Dakota Century Code is  
11           created and enacted as follows:

12           **License fees.** The fees established by the department must be based on the cost of  
13           conducting routine and complaint inspections, enforcement action, and preparing and sending  
14           license renewals. License fees collected pursuant to this chapter must be deposited in the  
15           department's operating fund in the state treasury and any expenditure from the fund is subject  
16           to appropriation by the legislative assembly. The department shall waive all or a portion of the  
17           license fee for any tanning facility that is subject to local jurisdiction.

18           The department shall accept city or county enforcement of this chapter if the  
19           department determines the city or county requirements meet or exceed the requirements of this  
20           chapter and any rules promulgated under this chapter.

21           **SECTION 9. LEGISLATIVE COUNCIL STUDY - EMERGENCY MEDICAL**

22           **SERVICES.** The legislative council shall consider studying, during the 2007-08 interim, the  
23           emergency medical services system within the state, including the funding, demographics, and  
24           impact on rural areas. The legislative council shall report its findings and recommendations,  
25           together with any legislation required to implement the recommendations, to the sixty-first  
26           legislative assembly.

27           **SECTION 10. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

28           **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total line item appropriation in sections 3 and 4  
29           of this Act includes \$2,010,135 from the general fund and \$1,500,000 from the permanent oil  
30           tax trust fund for the one-time funding items identified in these sections. This amount is not a  
31           part of the agency's base budget to be used in preparing the 2009-11 executive budget. The

1 state department of health shall report to the appropriations committees of the sixty-first  
2 legislative assembly on the use of this one-time funding for the biennium beginning July 1,  
3 2007, and ending June 30, 2009.

4 An antiviral stockpile in case of severe influenza outbreak	\$2,010,135
5 State morgue - University of North Dakota branch facility	<u>1,500,000</u>
6 Total	\$3,510,135

7 **SECTION 11. DEMONSTRATION PROJECT FOR VOLUNTARY SURVEYS DURING**  
8 **MAJOR CONSTRUCTION OR RENOVATION OF BASIC CARE AND LONG-TERM CARE**  
9 **FACILITIES - CONTINUING APPROPRIATION - REPORT TO LEGISLATIVE COUNCIL.**

- 10 1. During the 2007-09 biennium, the state department of health shall design and  
11 implement a demonstration project through which the department offers a life  
12 safety survey process for basic care facilities and long-term care facilities to  
13 access voluntarily during and at the conclusion of a construction project,  
14 renovation project, or construction and renovation project that costs more than  
15 three million dollars.
- 16 2. The department may charge a reasonable fee for a life safety survey performed  
17 under this section to cover the food, lodging, and transportation expenses of  
18 surveyors performing the surveys. Revenues derived from the fees collected  
19 under this subsection must be deposited in the state department of health's  
20 operating fund in the state treasury and are appropriated as a continuing  
21 appropriation to the state department of health for the purpose of funding the  
22 demonstration project under this section.
- 23 3. The department shall design and perform the demonstration project in a manner  
24 that will provide the surveyor who performs a life safety survey under this section  
25 does not violate the federal requirements associated with medicare certified life  
26 safety surveys. The department shall perform the demonstration project within the  
27 department's 2007-09 appropriation and staffing levels.
- 28 4. Before August 1, 2008, the department shall provide a report to the legislative  
29 council regarding the status of the demonstration project, including the feasibility  
30 and desirability of making the program permanent and whether the department will  
31 be recommending any legislation to make the program permanent.

1           **SECTION 12. EXPIRATION DATE.** Section 11 of this Act is effective through June 30,  
2 2009, and after that date is ineffective.