

**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 legislative intent; to allow the acceptance and expenditure of certain moneys; to provide
6 for a demonstration project; to provide for a legislative council study; to provide a continuing
7 appropriation; to provide for a report to the legislative council; and to provide an expiration date.

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

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

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

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

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1	Salaries and wages	\$5,405,392
2	Operating expenses	20,082,693
3	Capital assets	302,914
4	Grants	14,875,610
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	45,696,674
17	Capital assets	1,817,383
18	Grants	56,707,776
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. ENVIRONMENT AND RANGELAND PROTECTION FUND.** The
25 estimated income line item included in section 3 of this Act includes \$266,119, or so much of
26 the sum as may be necessary, to be made available to the state department of health from the
27 environment and rangeland protection fund, for the biennium beginning July 1, 2007, and
28 ending June 30, 2009. This amount includes \$50,000 for a grant to the North Dakota
29 stockmen's association environmental services program.

1 **SECTION 5. INTENT - INDIRECT COST RECOVERIES.** Notwithstanding section
2 54-44.1-14, the state department of health may deposit indirect cost recoveries in its operating
3 account.

4 **SECTION 6. AMENDMENT.** Section 23-01-05.3 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-01-05.3. Immunization data.**

- 7 1. The state department of health may establish an immunization information system
8 and may require the childhood immunizations specified in subsection 1 of section
9 23-07-17.1 and other information be reported to the department. The state
10 department of health may only require the reporting of childhood immunizations
11 and other data upon completion of the immunization information reporting system.
12 A health care provider who administers a childhood immunization shall report the
13 patient's identifying information, the immunization that is administered, and other
14 required information to the department. The report must be submitted using
15 electronic media, and must contain the data content and use the format and codes
16 specified by the department.
- 17 2. Notwithstanding any other provision of law, a health care provider, elementary or
18 secondary school, early childhood facility, public or private postsecondary
19 educational institution, city or county board of health, district health unit, and the
20 state health officer may exchange immunization data in any manner with one
21 another. Immunization data that may be exchanged under this section is limited to
22 the date and type of immunization administered to a patient and may be
23 exchanged regardless of the date of the immunization.

24 **SECTION 7.** A new section to chapter 23-39 of the North Dakota Century Code is
25 created and enacted as follows:

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

1 safety survey process for basic care facilities and long-term care facilities to
2 access voluntarily during and at the conclusion of a construction project,
3 renovation project, or construction and renovation project that costs more than
4 three million dollars.

5 2. The department may charge a reasonable fee for a life safety survey performed
6 under this section to cover the food, lodging, and transportation expenses of
7 surveyors performing the surveys. Revenues derived from the fees collected
8 under this subsection must be deposited in the state department of health's
9 operating fund in the state treasury and are appropriated as a continuing
10 appropriation to the state department of health for the purpose of funding the
11 demonstration project under this section.

12 3. The department shall design and perform the demonstration project in a manner
13 that will provide the surveyor who performs a life safety survey under this section
14 does not violate the federal requirements associated with medicare certified life
15 safety surveys. The department shall perform the demonstration project within the
16 department's 2007-09 appropriation and staffing levels.

17 4. Before August 1, 2008, the department shall provide a report to the legislative
18 council regarding the status of the demonstration project, including the feasibility
19 and desirability of making the program permanent and whether the department will
20 be recommending any legislation to make the program permanent.

21 **SECTION 13. EXPIRATION DATE.** Section 12 of this Act is effective through June 30,
22 2009, and after that date is ineffective.