

**Sixty-sixth Legislative Assembly of North Dakota  
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1004  
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact section 23-02.1-29 of the North Dakota Century Code, relating to vital records fees; to provide a statement of legislative intent; to provide a report; and to declare an emergency.

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

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state department of health for the purpose of defraying the expenses of the state department of health, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$36,371,434	\$1,348,140	\$37,719,574
Operating expenses	27,714,187	5,038,893	32,753,080
Capital assets	2,188,491	1,679,322	3,867,813
Grants	46,441,941	6,815,351	53,257,292
Tobacco prevention	13,646,704	(744,640)	12,902,064
Women, infants, and children food payments	20,200,000	(420,000)	19,780,000
Medical marijuana	<u>1,465,704</u>	<u>(1,465,704)</u>	<u>0</u>
Total all funds	\$148,028,461	\$12,251,362	\$160,279,823
Less estimated income	<u>115,278,152</u>	<u>8,641,081</u>	<u>123,919,233</u>
Total general fund	\$32,750,309	\$3,610,281	\$36,360,590
Full-time equivalent positions	211.50	(7.50)	204.00

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Medical marijuana	\$95,066	\$0
Women, infants, and children system upgrade	1,739,220	354,554
Law enforcement support	1,420,000	0
Microbiology laboratory technology upgrades	0	483,000
Microbiology laboratory capital improvements	<u>0</u>	<u>1,220,000</u>
Total all funds	\$3,254,286	\$2,057,554
Less estimated income	<u>3,254,286</u>	<u>1,967,554</u>
Total general fund	\$0	\$90,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The state department of health shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 3. INSURANCE TAX DISTRIBUTION FUND.** The estimated income line item included in section 1 of this Act includes \$1,125,000 from the insurance tax distribution fund for rural emergency medical services grants.

**SECTION 4. TOBACCO PREVENTION AND CONTROL TRUST FUND.** The estimated income line item in section 1 of this Act includes \$2,625,324 from the tobacco prevention and control trust fund. Of this amount, \$300,000 is for domestic violence offender treatment grants, \$580,324 is for cancer programs, \$525,000 is for grants to local public health units, and \$1,220,000 is for microbiology laboratory capital improvements.

**SECTION 5. AMENDMENT.** Section 23-02.1-29 of the North Dakota Century Code is amended and reenacted as follows:

**23-02.1-29. Fees.**

1. The state department of health shall prescribe the fees, if any, not to exceed ~~five~~fifteen dollars, to be paid for the following:
  - a. Each certified copy of a record.
  - b. Each certified statement of the facts of birth other than a copy of the original birth record.
  - c. Each filing of a new record of birth or fetal death following adoption, ~~legitimation, or determination of paternity.~~
  - d. Each filing of a delayed record of birth or death except as provided for in subsection 4 of section 23-02.1-18.
  - e. Each filing of an amendment to a birth or death record.
  - f. A search of the files or records when no copy is made.
  - g. A noncertified informational copy of a death or marriage record.

The fee for each additional copy of ~~the same document,~~a death or fetal death record, requested at the same time, may not exceed ~~two~~ten dollars.

2. Except as otherwise provided in subsection 3, fees collected under this section by the state registrar must be deposited in the ~~general fund of this state~~operating fund of the state department of health, according to procedures established by the state treasurer.
3. The state department of health shall ~~charge a fee~~quarterly pay fees in the amount of two dollars for the issuance of each certified copy of a birth record, in addition to those fees authorized by subsection 1, in the amount of two dollars for the issuance of each certified copy of a birth record. This additional fee must be paid to the state registrar prior to the issuance of each certified copy of a birth record. The state registrar shall quarterly pay the additional fees collected pursuant to this subsection into the children's trust fund created by section 50-27-01.
4. All fees collected in excess of the fees appropriated must be transferred to the general fund of this state at the end of each biennium.

**SECTION 6. LEGISLATIVE INTENT - LIFE SAFETY PLAN REVIEW FEES.** It is the intent of the sixty-sixth legislative assembly that the state department of health reduce the minimum fee charged for life safety construction or renovation plans review of small projects for facilities from \$750 to \$500.

**SECTION 7. LEGISLATIVE INTENT - ELECTRONIC ACCESS TO VITAL RECORDS - REPORT TO LEGISLATIVE MANAGEMENT.** It is the intent of the sixty-sixth legislative assembly that the state department of health implement a program of electronic access to vital records through web access or kiosk in cooperation with other state agencies in at least eight locations around the state. The state

department of health shall report to the legislative management before July 1, 2020, regarding the implementation of electronic access to vital records.

**SECTION 8. EMERGENCY.** The sum of \$483,000, of which \$90,000 is from the general fund, \$360,000 is from federal funds, and \$33,000 is from special funds from fee revenue, for microbiology laboratory technology upgrades appropriated in section 1 of this Act is declared to be an emergency measure.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1004 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 70                      Nays 22                      Absent 2

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 44                      Nays 2                      Absent 1

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State