

**FIRST ENGROSSMENT  
with Conference Committee Amendments****ENGROSSED SENATE BILL NO. 2004**

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 amend and reenact sections 23-09-01, 23-09-02.1, 23-09-03,  
3 23-09-05, 23-09-06, 23-09-07, 23-09-08, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16,  
4 23-09-17, 23-09-18, 23-09-20.1, 23-09-21, and 23-09-22 of the North Dakota Century Code,  
5 relating to the requirements for the operation of a food and lodging establishment; to repeal  
6 section 23-09-12 of the North Dakota Century Code, relating to certificates of inspection; to  
7 provide an effective date; to provide an expiration date; to provide legislative intent; and to  
8 provide for a legislative council study.

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

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
11 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in  
12 the state treasury, not otherwise appropriated, and from special funds derived from federal  
13 funds and other income, to the state department of health for the purpose of defraying the  
14 expenses of its various divisions, for the biennium beginning July 1, 1997, and ending June 30,  
15 1999, as follows:

16 Salaries and wages	\$24,851,601
17 Operating expenses	31,307,181
18 Equipment	1,230,440
19 Capital improvements	28,143
20 Grants	<u>19,537,146</u>
21 Total all funds	\$76,954,511
22 Less estimated income	<u>62,020,071</u>
23 Total general fund appropriation	\$14,934,440

1           **SECTION 2. ABANDONED MOTOR VEHICLE DISPOSAL FUND.** The estimated  
2 income line item included in section 1 of this Act includes \$300,000, or so much of the sum as  
3 may be necessary, to be made available to the state department of health from the abandoned  
4 motor vehicle disposal fund under section 39-26-11 for the biennium beginning July 1, 1997,  
5 and ending June 30, 1999.

6           **SECTION 3. ENVIRONMENT AND RANGELAND PROTECTION FUND.** The  
7 estimated income line item included in section 1 of this Act includes \$200,000, or so much of  
8 the sum as may be necessary, to be made available to the state department of health from the  
9 environment and rangeland protection fund for the biennium beginning July 1, 1997, and  
10 ending June 30, 1999.

11           **SECTION 4. DOMESTIC VIOLENCE FUND.** The estimated income line item included  
12 in section 1 of this Act includes \$300,000, or so much of the sum as may be necessary, to be  
13 made available to the state department of health from the domestic violence fund for the  
14 biennium beginning July 1, 1997, and ending June 30, 1999.

15           **SECTION 5. ENVIRONMENTAL HEALTH PRACTITIONER LICENSURE FEE**  
16 **ADMINISTRATIVE FUND.** The estimated income line item included in section 1 of this Act  
17 includes \$1,000, or so much of the sum as may be necessary, to be made available to the state  
18 department of health from the environmental health practitioner licensure fee administrative  
19 fund for the biennium beginning July 1, 1997, and ending June 30, 1999.

20           **SECTION 6. WASTEWATER OPERATORS CERTIFICATION FUND.** The estimated  
21 income line item included in section 1 of this Act includes \$17,800, or so much of the sum as  
22 may be necessary, to be made available to the state department of health from the wastewater  
23 operators certification fund for the biennium beginning July 1, 1997, and ending June 30, 1999.

24           **SECTION 7. AMENDMENT.** Section 23-09-01 of the 1995 Supplement to the North  
25 Dakota Century Code is amended and reenacted as follows:

26           **23-09-01. Definitions.** In this chapter, unless the context ~~or subject matter~~ otherwise  
27 requires:

- 28           1. "Bakery" means an establishment or any part of an establishment ~~which~~ that  
29 manufactures or prepares bread or bread products, pies, cakes, cookies, crackers,  
30 doughnuts, or other similar products, or candy, whether plain; chocolate or  
31 chocolate coated; mixed with nuts, fruits, or other fillers; covered with chocolate or

other coating; and shaped, molded, or formed in various shapes. The term does not include food service establishments nor home cake decorators.

2. "Boardinghouse" includes every building or structure, or any part thereof, with accommodations for four or more boarders, which is kept, used, maintained, advertised, or held out to the public as a place where food is furnished to regular boarders for periods of one week or more. ~~A boardinghouse~~ The term does not include a facility providing personal care directly or through contract as defined in section 23-09.3-01 or 50-24.5-01.

3. "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored, including a service center or base of operations directly from which mobile food units are supplied or serviced. The term does not include an area or conveyance at a vending machine location used for the temporary storage of packaged food or beverages.

4. "Department" means the state department of health.

5. ~~"Hotel" or "motel" includes every building or structure, or any part thereof, kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are furnished to the public for periods of less than one week, whether such accommodations are furnished with or without meals. A hotel or motel does not include a facility providing personal care directly or through contract services as defined in section 23-09.3-01 or 50-24.5-01.~~ "Food establishment" means any fixed restaurant, limited restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, catering kitchen, delicatessen, bakery, grocery store, meat market, food processing plant, or similar place in which food or drink is prepared for sale or service to the public on the premises or elsewhere with or without charge.

6. "Food processing plant" means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.

7. "Limited restaurant" means a food service establishment that is restricted to a specific menu as determined by the department or an establishment serving only

prepackaged foods, such as frozen pizza and sandwiches, which receive no more than heat treatment and are served directly in the package or on single-serve articles.

~~7. 8. "Lodginghouse"~~ "Lodging establishment" includes every building or structure, or any part thereof, ~~with accommodations for four or more persons,~~ which is kept, used, maintained, or held out to the public as a place where sleeping accommodations are furnished ~~to regular roomers for one week or more~~ for pay to four or more transient guests. ~~A lodginghouse~~ The term does not include a facility providing personal care services directly or through contract services as defined in section 23-09.3-01 or 50-24.5-01.

~~8. 9.~~ "Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

~~9. 10.~~ "Proprietor" includes the person in charge of a ~~restaurant, hotel, boardinghouse, or lodginghouse~~ food or lodging establishment, ~~as the case may be,~~ whether as owner, lessee, manager, or agent.

~~10. 11.~~ "Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous food or commissary-wrapped food maintained at proper temperatures.

~~11. 12.~~ "Restaurant" includes every building or other structure, or any part thereof, and all buildings in connection therewith, that are permanently kept, used, maintained, advertised, or held out to the public as a place where meals or lunches are served, but where sleeping accommodations are not furnished ~~and.~~ The term includes a limited restaurant restricted to a specified menu.

~~12. 13.~~ "Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for offpremise consumption. The term includes a delicatessen that offers prepared food in bulk quantities only. The term does not include an establishment that handles only prepackaged nonpotentially hazardous foods, roadside market that offers only fresh fruits and vegetables for sale, food service establishment, or food and beverage vending machine.

~~13. 14.~~ "Retail meat market" means a commercial establishment and buildings or structures connected with it, used to process, store, or display meat or meat

products for retail sale to the public for human consumption. The term does not include a meat establishment operating under the federal or state meat inspection program.

44. 15. "Salvage processing facility" means an establishment engaged in the business of reconditioning or by other means salvaging distressed merchandise for human consumption or use.

45. 16. "Temporary food service establishment" means any food service establishment that operates at a fixed location for not more than fourteen consecutive days. The term does not include a nonprofit public-spirited organization or person providing a limited type of food service as defined in chapter 23-09.2.

**SECTION 8. AMENDMENT.** Section 23-09-02.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-02.1. Smoke detection devices or other approved alarm systems -**

**Administrative procedure and judicial review.** Each ~~hotel, motel, and lodginghouse~~ lodging establishment shall install smoke detection devices or other approved alarm systems of a type and in the number approved by the department, in cooperation with the state fire marshal. The department, in cooperation with the state fire marshal, shall adopt reasonable rules ~~and regulations pursuant to chapter 28-32~~ governing the spacing and minimum specifications for approved smoke detection devices or other approved alarm systems. The department and state fire marshal shall provide all reasonable assistance required in complying with the provisions of this section. ~~Any proceeding under this section for issuing or modifying rules and regulations and determining compliance with rules and regulations of the department must be conducted in accordance with chapter 28-32 and appeals may be taken as provided in chapter 28-32.~~

**SECTION 9. AMENDMENT.** Section 23-09-03 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-03. Exiting requirements.** Every ~~hotel, motel, lodginghouse, or roominghouse~~ lodging establishment constructed in the state shall have adequate exiting as defined by the state building code in chapter 54-21.3 with the following exceptions:

1. All ~~hotels, motels, roominghouses, and lodginghouses~~ lodging establishments in existence at the time of implementation of this section are required to continue with

fire escapes previously provided for within this section providing that they are deemed adequate by the local fire authority having approval, or by the state fire marshal's office.

2. If the ~~hotel, motel, roominghouse, or lodginghouse~~ lodging establishment is provided with exterior access balconies connecting the main entrance door of each unit to two stairways remote from each other.

**SECTION 10. AMENDMENT.** Section 23-09-05 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-05. Fire escapes to be kept clear - Notice of location and use of fire escapes required.** Access to fire escapes required under ~~the provisions of~~ this chapter must be kept free and clear at all times of all obstructions of any ~~and every~~ nature. The proprietor of the ~~hotel, motel, lodginghouse, or roominghouse~~ lodging establishment shall provide for adequate exit lighting and exit signs as defined in the state building code, chapter 54-21.3.

**SECTION 11. AMENDMENT.** Section 23-09-06 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-06. Chemical fire extinguishers - Standpipes.** Each ~~hotel, motel, roominghouse, and lodginghouse~~ lodging establishment must be provided with fire extinguishers as defined by the national fire protection association standard number ten in quantities as defined by the state building code and the state fire code. Standpipe and sprinkler systems must be installed as required by the state building code and state fire code. Fire extinguishers, sprinkler systems, and standpipe systems must conform with ~~the adopted~~ rules of adopted by the state fire marshal. A contract for sale or a sale of a fire extinguisher installation in a public building is not enforceable, if the fire extinguisher or extinguishing system is of a type not approved by the state fire marshal for such installation. No fire extinguisher of a type not approved by the state fire marshal may be sold or offered for sale within the state.

**SECTION 12. AMENDMENT.** Section 23-09-07 of the North Dakota Century Code is amended and reenacted as follows:

~~**23-09-07. Elevator shafts to be protected**~~ **Lodging establishments with elevators - Protection to prevent spread of fire.** ~~Every hotel which is equipped with a passenger or freight elevator shall cause the shaftway thereof to be enclosed with an iron sheeting as nearly airtight as is practicable and shall provide automatic floor traps at each door in the shaft. Such~~

~~appliances must be built in the most approved manner for the prevention or spread of fire by means of such shaft. All~~ After July 1, 1997, all new construction of, remodeling of, or additions to ~~hotels, motels, roominghouses, and lodginghouses~~ lodging establishments equipped with passenger or freight elevators must comply with state building code fire protection requirements.

**SECTION 13. AMENDMENT.** Section 23-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-08. Bolts or locks to be supplied on doors of sleeping rooms.** The doors of all rooms used for sleeping purposes in any ~~hotel, roominghouse, or lodginghouse~~ lodging establishment within this state must be equipped with proper bolts or locks to permit the occupants of such rooms to lock or bolt ~~such the~~ the doors securely from within the rooms. ~~Such~~ The locks or bolts must be constructed in a manner ~~which that~~ renders it impossible to unbolt or unlock the door from the outside with a ~~skeleton~~ key or otherwise, or to remove the key therefrom from the outside, while ~~such the~~ the room is bolted or locked from within. Any ~~hotel, roominghouse, or lodginghouse~~ lodging establishment proprietor who fails to comply with ~~the provisions of~~ this section is guilty of a class B misdemeanor.

**SECTION 14. AMENDMENT.** Section 23-09-09 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-09. Sanitation and safety.** Every ~~hotel, lodginghouse, boardinghouse, and restaurant~~ food and lodging establishment must be operated with strict regard for the health, safety, and comfort of its patrons. The following sanitary and safety regulations must be followed:

1. ~~Construction, drainage, plumbing.~~ Every ~~hotel, lodginghouse, boardinghouse, and restaurant~~ food and lodging establishment must be well constructed, drained, and provided with plumbing equipment according to established sanitary principles and must be kept free from effluvia arising from any sewerage, drain, privy, or other source within the control of the proprietor.
2. ~~Lavatories, baths, sinks, drains connected with sewerage.~~ In municipalities in which a system of public water supply and sewerage is maintained, every ~~hotel, lodginghouse, and restaurant~~ food and lodging establishment must be equipped with suitable toilets for the accommodation of its guests, and such toilets must be

ventilated and connected by proper means of flushing with the water of said system. All lavatories, bathtubs, sinks, drains, and toilets must be connected with such sewerage system and installed according to all applicable plumbing codes.

~~Separate toilets must be furnished for each sex, each being properly designated.~~

3. ~~Open toilets.~~ When a sewerage system is not available, open toilets must be located not less than forty feet [12.19 meters] from all kitchens, dining rooms, and pantry openings and must be properly cleaned, screened, and disinfected as often as may be necessary to keep them in a sanitary condition. ~~Separate open toilets must be furnished for each sex, each being properly designated.~~

4. ~~Garbage and kitchen refuse.~~ All garbage and kitchen refuse must be kept in watertight containers with tight-fitting covers to prevent decomposition. No dishwater or other substance which is or may become foul or offensive may be thrown upon the ground near any ~~hotel or restaurant building~~ food or lodging establishment.

5. ~~Bedrooms and bedding.~~ All bedrooms must be kept free from ~~vermin~~ insects and rodents, and the bedding in use must be clean and sufficient in quantity and quality. ~~All sheets must be at least eight feet [2.44 meters] in length. In hotels or lodginghouses in which fifty cents or more per night is charged for lodging, the sheets and pillowcases must be changed after the departure of each guest, and it is unlawful to have upon a bed of any such hotel or lodginghouse a mattress of a lower grade than that commonly known to the trade as cotton felt combination.~~ Each mattress must weigh at least thirty five pounds [15.88 kilograms] unless it is a hair mattress, in which case it must weigh thirty pounds [13.61 kilograms] or more.

6. ~~Towels.~~ Each guest in a hotel or lodginghouse must be furnished with at least two towels.

7. ~~Towels in public washroom.~~ Each ~~hotel or restaurant~~ food or lodging establishment shall keep in its main public washroom and available at all hours individual ~~towels or~~ disposable paper towels, a continuous towel system that supplies the user with a clean towel, or a heated air hand drying device for the use of its guests.



8. ~~Cleaning carpets. If bedrooms in a hotel or lodginghouse are carpeted, the  
carpets must be thoroughly cleaned at least once each year.~~

9. ~~Fumigation when guest has infectious or contagious disease. In all cases where a  
patient having an infectious or contagious disease has been confined in a hotel  
room, the room, upon removal of such patient, must be closed and disinfected.  
Upon the completion of the disinfection, the certificate of a reputable physician to  
that fact must be forwarded to the department.~~

10. 7. ~~Ventilation. Each room in a hotel or lodginghouse must be properly ventilated by  
at least one window and by a doorway leading into the hall. Every hotel and  
lodginghouse must be equipped during the winter months with storm windows  
installed in such a way that the same may be opened and closed at will. If storm  
windows having slides thereon are used, such slides must open and close over an  
opening of not less than ten inches [254 millimeters] by ten inches [254  
millimeters]. Bathrooms, toilet rooms, and laundry rooms must be provided with  
either natural or mechanical ventilation connect directly to the outside.~~

11. 8. ~~Screens during the summer months. All hotels, restaurants, lodginghouses, and  
boardinghouses food or lodging establishments shall equip their operable windows  
during the summer months with screens adequate to keep out flies and  
mosquitoes insects.~~

12. 9. ~~Hotel kitchen or dining room not used for sleeping room. Neither the dining room  
nor kitchen of any hotel or restaurant food or lodging establishment may be used  
as a sleeping or dressing room by any employee of the hotel or restaurant or by  
any other person.~~

13. ~~Disposition of ashes. A metal container must be provided to hold ashes when any  
ashes are stored in or around a hotel building.~~

14. ~~Cooking utensils, sanitation of foodstuffs. No rusted tin or iron vessel or utensil  
may be used in cooking food, and all foodstuffs must be kept in a clean and  
suitable place, free from dampness and contact with dirty water.~~

15. ~~Dishes. No dishes that are badly cracked or chipped on the top or side, nor any  
chipped glasses, may be used in any restaurant or boardinghouse.~~

1        16.    ~~Sanitation of kitchen. The floors, closets, cupboards, and walls of all kitchens must~~  
2            ~~be kept free from dirt at all times and no dust or grease may be allowed to collect~~  
3            ~~thereon.~~

4        17.    ~~Common drinking cup prohibited. The use of the common drinking cup in hotels,~~  
5            ~~lodginghouses, dining rooms, or restaurants is prohibited. Water supplies for~~  
6            ~~common drinking use must be kept covered or protected at all times to avoid~~  
7            ~~contamination from dust, dirt, and flies.~~

8            **SECTION 15. AMENDMENT.** Section 23-09-10 of the 1995 Supplement to the North  
9 Dakota Century Code is amended and reenacted as follows:

10          **23-09-10. Drinking water standards.** Every person operating a ~~hotel, restaurant,~~  
11 ~~lodginghouse, or boardinghouse~~ food or lodging establishment shall see that the drinking water  
12 supplied therein is ~~pure and free from disease germs. The source of supply of such water must~~  
13 ~~be far enough removed from open toilet vaults, barns, hogpens, chicken yards, manure piles, or~~  
14 ~~other means of contamination to prevent drainage therefrom to the wells or other sources of~~  
15 ~~supply. The water supply may not contain bacteriological, chemical, or physical impurities~~  
16 ~~which affect, or tend to affect, public health, must meet the bacteriological standards of the~~  
17 ~~United States public health service for waters used upon public or interstate common carriers,~~  
18 ~~and is subject to examination by the department. If it is unfit for drinking under these~~  
19 ~~requirements, it either must be improved to fulfill the standards or the use thereof must be~~  
20 ~~discontinued~~ obtained from an approved source that is a public water system or a nonpublic  
21 water system that is constructed, maintained, and operated according to law.

22          **SECTION 16. AMENDMENT.** Section 23-09-11 of the 1995 Supplement to the North  
23 Dakota Century Code is amended and reenacted as follows:

24          **23-09-11. Inspection - Reports.** Every ~~hotel, restaurant, lodginghouse, and~~  
25 ~~boardinghouse~~ lodging establishment must be inspected at least once every two years by the  
26 department. Food establishments must be inspected based on a system of risk categorization  
27 which involves types of foods served, the preparation steps these foods require, volume of  
28 food, population served, and previous compliance history. Every food establishment must be  
29 inspected at least once every two years. The department and its inspectors may enter any  
30 such establishment at reasonable hours to determine compliance with this chapter.

1           **SECTION 17. AMENDMENT.** Section 23-09-14 of the 1995 Supplement to the North  
2 Dakota Century Code is amended and reenacted as follows:

3           **23-09-14. ~~State department of health and its inspectors~~ Department to report to**  
4 **~~state fire marshal.~~ Each inspector of the state** ~~The department of health, on or before the fifth~~  
5 ~~sixth~~ day of each month, shall report to the state fire marshal on all ~~hotels, restaurants,~~  
6 ~~boardinghouses, and lodginghouses~~ food and lodging establishments inspected by the  
7 ~~inspector~~ department during the preceding month, paying particular attention in ~~such~~ the report  
8 to the violation of any provision of this chapter relating to fire escapes and the installation and  
9 maintenance of automatic or other fire alarms and fire extinguishing equipment and to any  
10 other condition ~~which~~ that might constitute a fire hazard in the premises so inspected. If no  
11 such violation or condition is found, the report must so state.

12           **SECTION 18. AMENDMENT.** Section 23-09-16 of the 1995 Supplement to the North  
13 Dakota Century Code is amended and reenacted as follows:

14           **23-09-16. License - Application.** Before any ~~hotel, lodginghouse, restaurant, or~~  
15 ~~boardinghouse~~ food or lodging establishment may be operated in this state, it must be licensed  
16 by the department. ~~A limited restaurant license may be issued by the department to a licensee~~  
17 ~~and a limited restaurant is restricted to a specified menu. The department may adopt rules~~  
18 ~~relating to limited restaurants.~~ The department shall waive the license requirement for any food  
19 and lodging establishment licensed by a city or district health unit. Application for license must  
20 be made to the department during December of every year, or ~~prior to~~ before the operating of  
21 the ~~hotel, restaurant, lodginghouse, or boardinghouse~~ food or lodging establishment, as the  
22 case may be. ~~Such~~ The application must be in writing on forms furnished by the department  
23 and must be accompanied by the required fee. An additional amount of fifty percent of the  
24 license fee must be imposed upon renewal if the license was not renewed before February first  
25 following the expiration date.

26           **SECTION 19. AMENDMENT.** Section 23-09-17 of the 1995 Supplement to the North  
27 Dakota Century Code is amended and reenacted as follows:

28           **23-09-17. License fees.** The following annual license fees must be paid to the  
29 department by proprietors of ~~hotels, restaurants, boardinghouses, lodginghouses, and other~~  
30 ~~food and food service~~ food and lodging establishments:

- 1           1.   For a ~~hotel or lodginghouse~~ lodging establishment containing not more than three
- 2               sleeping rooms, twenty dollars.
- 3           2.   For a ~~hotel or lodginghouse~~ lodging establishment containing at least four but not
- 4               more than ten sleeping rooms, thirty dollars.
- 5           3.   For a ~~hotel or lodginghouse~~ lodging establishment containing more than ten
- 6               sleeping rooms and not more than twenty sleeping rooms, forty-five dollars.
- 7           4.   For a ~~hotel or lodginghouse~~ lodging establishment containing more than twenty
- 8               sleeping rooms and not more than fifty sleeping rooms, sixty dollars.
- 9           5.   For a ~~hotel or lodginghouse~~ lodging establishment containing fifty-one sleeping
- 10              rooms or more, eighty dollars.
- 11           6.   For a restaurant or boardinghouse with a seating capacity of less than
- 12              seventy-five, ~~thirty-five~~ fifty dollars.
- 13           7.   For a restaurant or boardinghouse with a seating capacity of seventy-five to not
- 14              more than one hundred fifty, ~~forty-five~~ sixty-five dollars.
- 15           8.   For a restaurant or boardinghouse with a seating capacity of more than one
- 16              hundred fifty, ~~fifty-five~~ seventy dollars.
- 17           9.   For a limited restaurant, ~~twenty-five~~ forty dollars.
- 18           10.   For a retail food store, retail meat market, or bakery with not more than five
- 19              thousand square feet [464.52 square meters], ~~twenty-five~~ forty dollars.
- 20           11.   For a retail food store, retail meat market, or bakery with more than five thousand
- 21              square feet [464.52 square meters], ~~forty~~ fifty dollars.
- 22           12.   For a bar or tavern dispensing beer, liquor, or alcoholic beverages, ~~twenty~~ thirty
- 23              dollars.
- 24           13.   For an establishment operating one or more mobile food units or pushcarts,
- 25              ~~twenty-five~~ forty dollars.
- 26           14.   For a salvaged food distributor, ~~twenty-five~~ forty dollars.
- 27           15.   For a food processing plant, not licensed and inspected by any other federal or
- 28              local health unit, twenty-five dollars.

29 If a business operates more than one type of establishment on the same premises and under  
30 the same management, the department shall issue a single license ~~must be issued by the~~  
31 ~~department~~ stating the types of establishments the business is licensed for and the maximum

license fee charged may not exceed seventy-five dollars for an establishment with not more than five thousand square feet [464.52 square meters] and one hundred fifty dollars for an establishment over five thousand square feet [464.52 square meters]. The department shall waive all or a portion of the license fee for any ~~restaurant, limited restaurant, boardinghouse, or other food or food-service~~ lodging establishment that is subject to a license fee by a city or district health unit if the local unit's sanitation, safety, and inspection rules are approved by the department. A reduced license fee in the amount of one-half the applicable license fee must be charged for a new food and lodging establishment beginning operations after July first of each year and for changes in ownership and location of such existing establishments after July first of each year.

**SECTION 20. AMENDMENT.** Section 23-09-17 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-17. License fees.** The following annual license fees must be paid to the department by proprietors of ~~hotels, restaurants, boardinghouses, lodginghouses, and other food and food-service~~ food and lodging establishments:

1. For a ~~hotel or lodginghouse~~ lodging establishment containing not more than three sleeping rooms, twenty dollars.
2. For a ~~hotel or lodginghouse~~ lodging establishment containing at least four but not more than ten sleeping rooms, thirty dollars.
3. For a ~~hotel or lodginghouse~~ lodging establishment containing more than ten sleeping rooms and not more than twenty sleeping rooms, forty-five dollars.
4. For a ~~hotel or lodginghouse~~ lodging establishment containing more than twenty sleeping rooms and not more than fifty sleeping rooms, sixty dollars.
5. For a ~~hotel or lodginghouse~~ lodging establishment containing fifty-one sleeping rooms or more, eighty dollars.
6. For a restaurant or boardinghouse with a seating capacity of less than seventy-five, ~~thirty-five~~ sixty dollars.
7. For a restaurant or boardinghouse with a seating capacity of seventy-five to not more than one hundred fifty, ~~forty-five~~ eighty dollars.
8. For a restaurant or boardinghouse with a seating capacity of more than one hundred fifty, ~~fifty-five~~ eighty-five dollars.

- 1           9.    For a limited restaurant, ~~twenty-five~~ fifty dollars.
- 2           10.   For a retail food store, retail meat market, or bakery with not more than five
- 3               thousand square feet [464.52 square meters], ~~twenty-five~~ fifty dollars.
- 4           11.   For a retail food store, retail meat market, or bakery with more than five thousand
- 5               square feet [464.52 square meters], ~~forty~~ sixty dollars.
- 6           12.   For a bar or tavern dispensing beer, liquor, or alcoholic beverages, ~~twenty~~ forty
- 7               dollars.
- 8           13.   For an establishment operating one or more mobile food units or pushcarts,
- 9               ~~twenty-five~~ fifty dollars.
- 10          14.   For a salvaged food distributor, ~~twenty-five~~ fifty dollars.
- 11          15.   For a food processing plant, not licensed and inspected by any other federal or
- 12               local health unit, twenty-five dollars.

13 If a business operates more than one type of establishment on the same premises and under

14 the same management, the department shall issue a single license ~~must be issued by the~~

15 ~~department~~ stating the types of establishments the business is licensed for and the maximum

16 license fee charged may not exceed seventy-five dollars for an establishment with not more

17 than five thousand square feet [464.52 square meters] and one hundred fifty dollars for an

18 establishment over five thousand square feet [464.52 square meters]. The department shall

19 waive all or a portion of the license fee for any ~~restaurant, limited restaurant, boardinghouse, or~~

20 ~~other food or food service~~ lodging establishment that is subject to a license fee by a city or

21 district health unit if the local unit's sanitation, safety, and inspection rules are approved by the

22 department. A reduced license fee in the amount of one-half the applicable license fee must be

23 charged for a new food and lodging establishment beginning operations after July first of each

24 year and for changes in ownership and location of such existing establishments after July first

25 of each year.

26           **SECTION 21. AMENDMENT.** Section 23-09-18 of the 1995 Supplement to the North

27 Dakota Century Code is amended and reenacted as follows:

28           **23-09-18. Failure to comply with ~~provisions of chapter - Notice - How served.~~**

29 Whenever the proprietor of any ~~hotel, restaurant, lodginghouse, or boardinghouse~~ food or

30 lodging establishment fails to comply with this chapter, the proprietor must be given notice of

1 the time within which the proprietor must meet the requirements. The notice must be in writing  
2 and delivered personally by an inspector of the department or sent by registered mail.

3 **SECTION 22. AMENDMENT.** Section 23-09-20.1 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **23-09-20.1. Guest record.** A record must be kept in each ~~hotel or lodginghouse~~  
6 lodging establishment in which every individual patronizing ~~such hotel or lodginghouse~~ the  
7 lodging establishment shall write ~~his or her~~ that individual's name and address and the number  
8 of members in ~~his or her~~ the party who will occupy a room or rooms therein.

9 **SECTION 23. AMENDMENT.** Section 23-09-21 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **23-09-21. Penalty - General.** Any person operating a ~~hotel, restaurant, lodginghouse,~~  
12 ~~or boardinghouse~~ food or lodging establishment in this state, or letting a building used for such  
13 business, without first having complied with ~~the provisions of~~ this chapter, is guilty of a class B  
14 misdemeanor.

15 **SECTION 24. AMENDMENT.** Section 23-09-22 of the 1995 Supplement to the North  
16 Dakota Century Code is amended and reenacted as follows:

17 **23-09-22. License canceled.** Whenever the proprietor of a ~~hotel, restaurant,~~  
18 ~~lodginghouse, or boardinghouse~~ food or lodging establishment has been convicted of a  
19 violation of ~~any provision of~~ this chapter and for a period of ten days after the conviction fails to  
20 comply with any provision ~~thereof~~ of this chapter, the department may cancel the proprietor's  
21 license.

22 **SECTION 25. REPEAL.** Section 23-09-12 of the North Dakota Century Code is  
23 repealed.

24 **SECTION 26. EFFECTIVE DATE - EXPIRATION DATE.** Section 19 of this Act  
25 becomes effective on January 1, 1998, and expires as of January 1, 1999. Section 20 of this  
26 Act becomes effective on January 1, 1999.

27 **SECTION 27. LEGISLATIVE COUNCIL STUDY - EMERGENCY MEDICAL**  
28 **SERVICES.** The legislative council shall consider studying emergency medical services during  
29 the 1997-98 interim. If conducted, the study should include a review of the emergency medical  
30 services system, the training and equipment funding needs of emergency medical providers,  
31 and the role of emergency medical services in trauma care coordination.

1           **SECTION 28. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that  
2 women, infants, and children food payments be budgeted as a separate line item in the  
3 department of health's 1999-2001 budget request.

4           **SECTION 29. LEGISLATIVE COUNCIL STUDY - RELOCATION OF THE STATE**  
5 **CRIME LABORATORY.** If the legislative council studies the criminal justice system pursuant  
6 to Senate Concurrent Resolution No. 4020 during the 1997-98 interim, the study should include  
7 a review of the feasibility of placing the administrative responsibility for the state crime  
8 laboratory with the office of the attorney general.