

**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 create and enact a new section to chapter 23-01 of the North Dakota
3 Century Code, relating to a donated dental services program; to amend and reenact
4 subdivision b of subsection 1 of section 14-02.1-02.1 and section 23-01-05 of the North Dakota
5 Century Code, relating to information regarding fetal development and to the qualifications of
6 the state health officer; to provide an exception to section 54-44.1-06 of the North Dakota
7 Century Code, relating to the preparation of the state department of health appropriations bill
8 for the 2003-05 biennium; and to provide statements of legislative intent.

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, 2001, and ending June 30,
15 2003, as follows:

16 Salaries and wages	\$28,636,615
17 Operating expenses	15,647,794
18 Equipment	1,265,451
19 Capital improvements	41,704
20 Grants	23,387,670
21 Centers for disease control tobacco funds	2,369,934
22 Tobacco prevention and control	4,700,000
23 WIC food payments	<u>17,000,000</u>
24 Total all funds	\$93,049,168

1	Less estimated income	<u>78,236,232</u>
2	Total general fund appropriation	\$14,812,936

3 **SECTION 2. ABANDONED MOTOR VEHICLE DISPOSAL FUND.** The estimated
4 income line item included in section 1 of this Act includes \$300,000, or so much of the sum as
5 may be necessary, to be made available to the state department of health from the abandoned
6 motor vehicle disposal fund, under section 39-26-11 for the biennium beginning July 1, 2001,
7 and ending June 30, 2003.

8 **SECTION 3. ENVIRONMENT AND RANGELAND PROTECTION FUND.** The
9 estimated income line item included in section 1 of this Act includes \$200,000, or so much of
10 the sum as may be necessary, to be made available to the state department of health from the
11 environment and rangeland protection fund for the biennium beginning July 1, 2001, and
12 ending June 30, 2003.

13 **SECTION 4. DOMESTIC VIOLENCE PREVENTION FUND.** The estimated income
14 line item included in section 1 of this Act includes \$280,000, or so much of the sum as may be
15 necessary, to be made available to the state department of health from the domestic violence
16 prevention fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

17 **SECTION 5. ENVIRONMENTAL HEALTH PRACTITIONER LICENSURE FEE**
18 **ADMINISTRATIVE FUND.** The estimated income line item included in section 1 of this Act
19 includes \$2,000, or so much of the sum as may be necessary, to be made available to the state
20 department of health from the environmental health practitioner licensure fee administrative
21 fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

22 **SECTION 6. WASTEWATER OPERATORS CERTIFICATION FUND.** The estimated
23 income line item included in section 1 of this Act includes \$21,000, or so much of the sum as
24 may be necessary, to be made available to the state department of health from the wastewater
25 operators certification fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

26 **SECTION 7. COMMUNITY HEALTH TRUST FUND.** The estimated income line item
27 included in section 1 of this Act includes \$4,700,000, or so much of the sum as may be
28 necessary, to be made available to the state department of health from the community health
29 trust fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

30 **SECTION 8. WATER DEVELOPMENT TRUST FUND.** The estimated income line
31 item included in section 1 of this Act includes \$99,756, or so much of the sum as may be

1 necessary, to be made available to the state department of health from the water development
2 trust fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

3 **SECTION 9. GRANTS - NORTH DAKOTA STOCKMEN'S ASSOCIATION - REFUND**
4 **FUND TRANSFER.** The grants line item in section 1 of this Act includes \$50,000 from the
5 attorney general refund fund from lawsuit settlement collections, which the state department of
6 health shall distribute to the North Dakota stockmen's association for the purpose of developing
7 and beginning to implement a plan to reduce the potential environmental impact from livestock
8 operations, for the biennium beginning July 1, 2001, and ending June 30, 2003. These funds,
9 and funds of the North Dakota stockmen's association, must be used as matching funds for
10 federal environmental protection agency 319 funds. The funds from the attorney general
11 refund fund must be transferred to the state department of health operating fund as requested
12 by the state health officer.

13 **SECTION 10 AMENDMENT.** Subdivision b of subsection 1 of section 14-02.1-02.1 of
14 the North Dakota Century Code is amended and reenacted as follows:

15 b. Materials, published in a booklet format, designed to inform the woman of the
16 probable anatomical and physiological characteristics of the fetus at two-week
17 gestational increments from the time when a woman can be known to be
18 pregnant to full term, including any relevant information on the possibility of
19 the survival of the fetus and pictures representing the development of a fetus
20 at two-week gestational increments. The majority of the pictures included in
21 the booklet must be full color photograph-style images and the pictures must
22 contain the dimensions of the fetus and must be realistic and appropriate for
23 the stage of pregnancy depicted. The materials must be objective,
24 nonjudgmental, and designed to convey only accurate scientific information
25 about the fetus at the various gestational ages.

26 **SECTION 11. AMENDMENT.** Section 23-01-05 of the 1999 Supplement to the North
27 Dakota Century Code is amended and reenacted as follows:

28 **23-01-05. Health officer - Qualifications, salary, term, duties - Advisory**
29 **committee.** The governor shall appoint the state health officer who must have had
30 ~~postgraduate training or experience in public health administration~~ substantive private or public
31 administrative experience and demonstrated experience in the management of people. The

1 state health officer is entitled to receive a salary commensurate with that person's training and
2 experience. The governor shall set the salary of the state health officer within the limits of
3 legislative appropriations to the department. The state health officer is entitled to receive all
4 necessary traveling expenses incurred in the performance of official business. The state health
5 officer may not engage in any other occupation or business that may conflict with the statutory
6 duties of the state health officer and holds office for a term of four years beginning January 1,
7 1993. The state health officer is the administrative officer of the state department of health. If
8 the governor does not appoint as state health officer a physician licensed in this state, the
9 governor shall appoint at least three licensed physicians recommended by the state medical
10 association to serve as an advisory committee to the state health officer. Each member of the
11 advisory committee is entitled to receive reimbursement of expenses in performing official
12 duties in amounts provided by law for other state officers. The term of the advisory committee
13 coincides with the term of the state health officer. A committee member serves at the pleasure
14 of the governor. The duties of the state health officer are as follows:

- 15 1. Enforce all rules and regulations as promulgated by the health council.
- 16 2. Hold public health unit boards of health responsible for enforcement of state rules,
17 serve in an advisory capacity to public health unit boards of health, and provide for
18 coordination of health activities.
- 19 3. Establish and enforce minimum standards of performance of the work of the local
20 department of health.
- 21 4. Study health problems and plan for their solution as may be necessary.
- 22 5. Collect, tabulate, and publish vital statistics for each important political or health
23 administrative unit of the state and for the state as a whole.
- 24 6. Promote the development of local health services and recommend the allocation of
25 health funds to local jurisdictions subject to the approval of the health council.
- 26 7. Collect and distribute health education material.
- 27 8. Maintain a central public health laboratory and where necessary, branch
28 laboratories for the standard function of diagnostic, sanitary and chemical
29 examinations, and production and procurement of therapeutic and biological
30 preparations for the prevention of disease and their distribution for public health
31 purposes.

- 1 9. Establish a service for medical hospitals and related institutions to include
- 2 licensing of such institutions according to the standards promulgated by the health
- 3 council and consultation service to communities planning the construction of new
- 4 hospitals and related institutions.
- 5 10. Comply with the state merit system policies of personnel administration.
- 6 11. Establish a program to provide information to the surviving family of a child whose
- 7 cause of death is suspected to have been the sudden infant death syndrome.
- 8 12. Issue any orders relating to disease control measures deemed necessary to
- 9 prevent the spread of communicable disease. Disease control measures may
- 10 include special immunization activities and decontamination measures. The state
- 11 health officer may apply to the district court in a judicial district where a
- 12 communicable disease is present for an injunction canceling public events or
- 13 closing places of business. On application of the state health officer showing the
- 14 necessity of such cancellation, the court may issue an ex parte preliminary
- 15 injunction, pending a full hearing.
- 16 13. Make bacteriological examination of bodily secretions and excretions and of waters
- 17 and foods.
- 18 14. Make preparations and examinations of pathological tissues submitted by the state
- 19 health officer, by any county superintendent of public health, or by any physician
- 20 who has been regularly licensed to practice in this state.
- 21 15. Make all required analyses and preparations, and furnish the results thereof, as
- 22 expeditiously and promptly as possible.
- 23 16. Cause sanitary statistics to be collected and tabulated, and cause to be
- 24 ascertained by research work such methods as will lead to the improvement of the
- 25 sanitation of the various parts of the state.
- 26 17. From time to time, cause to be issued bulletins and reports setting forth the results
- 27 of the sanitary and pathological work done in the laboratories embodying all useful
- 28 and important information resulting from the work carried on in the laboratories
- 29 during the year, the substance of such bulletins and reports to be incorporated in
- 30 the annual report of the state health officer.

1 18. Establish by rule a schedule of reasonable fees that may be charged for laboratory
2 analysis. No charge may be made for any analysis conducted in connection with
3 any public health incident affecting an entire region, community, or neighborhood.

4 **SECTION 12.** A new section to chapter 23-01 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Donated dental services program.** The state department of health shall contract with
7 the North Dakota dental association, or other appropriate and qualified organizations, to
8 develop and administer a donated dental services program through which volunteer dentists
9 provide comprehensive dental care for needy, disabled, aged, or medically compromised
10 individuals. The volunteers will treat individuals through the program and, with the exception of
11 certain dental laboratory costs, will fully donate their services and supplies. The contract must
12 specify the responsibilities of the administering organization and include:

- 13 1. Establishment of a network of volunteer dentists, including dental specialists,
14 volunteer dental laboratories, and other appropriate volunteer professionals to
15 donate dental services to eligible individuals;
- 16 2. Establishment of a system to refer eligible individuals to appropriate volunteers;
- 17 3. Development and implementation of a public awareness campaign to educate
18 eligible individuals about the availability of the program;
- 19 4. Provision of appropriate administrative and technical support to the program; and
- 20 5. Submission of an annual report to the state department of health that:
 - 21 a. Accounts for all program funds;
 - 22 b. Reports the number of individuals served by the program and the number of
23 dentists and dental laboratories participating as providers in the program;
 - 24 c. Includes any other information required by the state department of health; and
 - 25 d. Performs, as required by the state department of health, any other duty
26 relating to the program.

27 **SECTION 13. STATE DEPARTMENT OF HEALTH APPROPRIATIONS BILL -**
28 **EXECUTIVE BUDGET RECOMMENDATION.** Notwithstanding North Dakota Century Code
29 section 54-44.1-06, the office of the budget shall submit for introduction to the fifty-eighth
30 legislative assembly the state department of health appropriations bill for the 2003-05 biennium
31 reflecting the same funding levels by line item and employee levels authorized by the

1 fifty-seventh legislative assembly for the 2001-03 biennium. Any budget changes
2 recommended by the office of the budget for the state department of health for the 2003-05
3 biennium must be presented to the appropriations committees of the fifty-eighth legislative
4 assembly as a recommendation for change to the bill as introduced.

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

8 **SECTION 15. LEGISLATIVE INTENT - STATE AID TO LOCAL HEALTH DISTRICTS.**

9 It is the intent of the legislative assembly that the state department of health provide aid to local
10 health districts grants during the biennium beginning July 1, 2001, and ending June 30, 2003,
11 totaling \$1,100,000 and that the additional \$100,000 necessary to fund that level be found by
12 the department within its appropriation.

13 **SECTION 16. LEGISLATIVE INTENT - CENTERS FOR DISEASE CONTROL AND**
14 **PREVENTION FUNDS.** It is the intent of the legislative assembly that the state department of
15 health use the grant funds from the centers for disease control and prevention, as allowed, to
16 fund tobacco counter-marketing and public education campaigns and local tobacco prevention
17 coordinators and that local public health administrators supervise the local tobacco prevention
18 coordinators. Funds may not be used for lobbying purposes.