

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 subdivision b of subsection 1 of section  
3 14-02.1-02.1 and section 23-01-05 of the North Dakota Century Code, relating to information  
4 regarding fetal development and to the qualifications of the state health officer; and to provide  
5 statements of legislative intent.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
8 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in  
9 the state treasury, not otherwise appropriated, and from special funds derived from federal  
10 funds and other income, to the state department of health for the purpose of defraying the  
11 expenses of its various divisions, for the biennium beginning July 1, 2001, and ending June 30,  
12 2003, as follows:

13 Salaries and wages	\$28,496,668
14 Operating expenses	15,647,794
15 Equipment	1,265,451
16 Capital improvements	41,704
17 Grants	23,352,670
18 Centers for disease control tobacco funds	2,369,934
19 Tobacco prevention and control	4,700,000
20 WIC food payments	<u>17,000,000</u>
21 Total all funds	\$92,874,221
22 Less estimated income	<u>78,118,102</u>
23 Total general fund appropriation	\$14,756,119

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, 2001,  
5 and ending June 30, 2003.

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, 2001, and  
10 ending June 30, 2003.

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

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 \$2,000, 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, 2001, and ending June 30, 2003.

20           **SECTION 6. WASTEWATER OPERATORS CERTIFICATION FUND.** The estimated  
21 income line item included in section 1 of this Act includes \$21,000, 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, 2001, and ending June 30, 2003.

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

28           **SECTION 8. WATER DEVELOPMENT TRUST FUND.** The estimated income line  
29 item included in section 1 of this Act includes \$99,756, or so much of the sum as may be  
30 necessary, to be made available to the state department of health from the water development  
31 trust fund for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 9. GRANTS - NORTH DAKOTA STOCKMEN'S ASSOCIATION - REFUND**

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

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

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

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

**23-01-05. Health officer - Qualifications, salary, term, duties - Advisory committee.** The governor shall appoint the state health officer who must have had ~~postgraduate training or experience in public health administration~~ substantive private or public administrative experience and demonstrated experience in the management of people. The state health officer is entitled to receive a salary commensurate with that person's training and experience. The governor shall set the salary of the state health officer within the limits of

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

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

- 1 council and consultation service to communities planning the construction of new
- 2 hospitals and related institutions.
- 3 10. Comply with the state merit system policies of personnel administration.
- 4 11. Establish a program to provide information to the surviving family of a child whose
- 5 cause of death is suspected to have been the sudden infant death syndrome.
- 6 12. Issue any orders relating to disease control measures deemed necessary to
- 7 prevent the spread of communicable disease. Disease control measures may
- 8 include special immunization activities and decontamination measures. The state
- 9 health officer may apply to the district court in a judicial district where a
- 10 communicable disease is present for an injunction canceling public events or
- 11 closing places of business. On application of the state health officer showing the
- 12 necessity of such cancellation, the court may issue an ex parte preliminary
- 13 injunction, pending a full hearing.
- 14 13. Make bacteriological examination of bodily secretions and excretions and of waters
- 15 and foods.
- 16 14. Make preparations and examinations of pathological tissues submitted by the state
- 17 health officer, by any county superintendent of public health, or by any physician
- 18 who has been regularly licensed to practice in this state.
- 19 15. Make all required analyses and preparations, and furnish the results thereof, as
- 20 expeditiously and promptly as possible.
- 21 16. Cause sanitary statistics to be collected and tabulated, and cause to be
- 22 ascertained by research work such methods as will lead to the improvement of the
- 23 sanitation of the various parts of the state.
- 24 17. From time to time, cause to be issued bulletins and reports setting forth the results
- 25 of the sanitary and pathological work done in the laboratories embodying all useful
- 26 and important information resulting from the work carried on in the laboratories
- 27 during the year, the substance of such bulletins and reports to be incorporated in
- 28 the annual report of the state health officer.
- 29 18. Establish by rule a schedule of reasonable fees that may be charged for laboratory
- 30 analysis. No charge may be made for any analysis conducted in connection with
- 31 any public health incident affecting an entire region, community, or neighborhood.

1           **SECTION 12. 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 13. LEGISLATIVE INTENT - STATE AID TO LOCAL HEALTH DISTRICTS.**  
5 It is the intent of the legislative assembly that the state department of health provide aid to local  
6 health districts grants during the biennium beginning July 1, 2001, and ending June 30, 2003,  
7 totaling \$1,100,000 and that the additional \$100,000 necessary to fund that level be found by  
8 the department within its appropriation.

9           **SECTION 14. LEGISLATIVE INTENT - CENTERS FOR DISEASE CONTROL AND**  
10 **PREVENTION FUNDS.** It is the intent of the legislative assembly that the state department of  
11 health use the grant funds from the centers for disease control and prevention, as allowed, to  
12 fund tobacco counter-marketing and public education campaigns and local tobacco prevention  
13 coordinators and that local public health administrators supervise the local tobacco prevention  
14 coordinators.