

**FIRST ENGROSSMENT
with House 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 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.

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

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

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

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

26 **23-01-05. Health officer - Qualifications, salary, term, duties - Advisory**
27 **committee.** The governor shall appoint the state health officer who must have had
28 ~~postgraduate training or experience in public health administration~~ substantive private or public
29 administrative experience and demonstrated experience in the management of people. The
30 state health officer is entitled to receive a salary commensurate with that person's training and
31 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.