

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED HOUSE BILL NO. 1004

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 and a new section to
3 chapter 23-09.3 of the North Dakota Century Code, relating to the state department of health
4 combining purchasing with or on behalf of local public health units and to basic care facility
5 license fees; to amend and reenact section 23-16-03 of the North Dakota Century Code,
6 relating to health facilities licensing fees; to provide a continuing appropriation; to provide
7 legislative intent; and to provide for a legislative council study.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
10 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
11 treasury, not otherwise appropriated, and from special funds derived from federal funds and
12 other income, to the state department of health for the purpose of defraying the expenses of its
13 various divisions, for the biennium beginning July 1, 2003, and ending June 30, 2005, as
14 follows:

15 Salaries and wages	\$29,972,929
16 Operating expenses	24,151,257
17 Capital assets	1,629,972
18 Grants	36,190,628
19 Tobacco program	7,783,097
20 WIC food payments	<u>17,680,000</u>
21 Total all funds	\$117,407,883
22 Less estimated income	<u>104,306,791</u>
23 Total general fund appropriation	\$13,101,092

1 **SECTION 2. ABANDONED MOTOR VEHICLE DISPOSAL FUND.** The estimated
2 income line item included in section 1 of this Act includes \$250,000, 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, 2003,
5 and ending June 30, 2005.

6 **SECTION 3. ENVIRONMENT AND RANGELAND PROTECTION FUND.** The
7 estimated income line item included in section 1 of this Act includes \$250,000, 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, 2003, and
10 ending June 30, 2005.

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, 2003, and ending June 30, 2005.

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, 2003, and ending June 30, 2005.

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, 2003, and ending June 30, 2005.

24 **SECTION 7. COMMUNITY HEALTH TRUST FUND.** The estimated income line item
25 included in section 1 of this Act includes \$5,760,000, 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, 2003, and ending June 30, 2005.

28 **SECTION 8. ESTIMATED INCOME - HEALTH CARE COOPERATIVE AGREEMENT**
29 **FUND.** The estimated income line item included in section 1 of this Act includes \$100,000, or
30 so much of the sum as may be necessary, is to be made available to the state department of
31 health from the health care cooperative agreement fund for the purpose of defraying the

1 expenses of the certificate of public advantage program for the biennium beginning July 1,
2 2003, and ending June 30, 2005.

3 **SECTION 9. INTENT - INDIRECT COST RECOVERIES.** Notwithstanding section
4 54-44.1-14, the state department of health may deposit indirect cost recoveries in its operating
5 account.

6 **SECTION 10.** A new section to chapter 23-01 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Combined purchasing with local public health units - Continuing appropriation.**

9 The state department of health may make combined or joint purchases with or on behalf of
10 local public health units for items or services. Payments received by the state department of
11 health from local public health units pursuant to a combined or joint purchase must be
12 deposited in the operating fund and are appropriated as a standing and continuing
13 appropriation to the department of health for the purpose of this section.

14 **SECTION 11.** A new section to chapter 23-09.3 of the North Dakota Century Code is
15 created and enacted as follows:

16 **Application for license - License fee.** Applicants for a license shall file applications
17 under oath with the state department of health upon forms prescribed. An application for a
18 license for facilities not owned by the state or its political subdivisions must be accompanied by
19 a fee of ten dollars per bed. License fees collected pursuant to this section must be deposited
20 in the state department of health services operating fund in the state treasury and any
21 expenditure from the fund is subject to appropriation by the legislative assembly.

22 **SECTION 12. AMENDMENT.** Section 23-16-03 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **23-16-03. Application for license - License fee.** Applicants for license shall file
25 applications under oath with the state department of health upon forms prescribed.
26 Applications must be signed by the owner, or in the case of a corporation by two of its officers,
27 or in the case of a county or municipal unit by the head of the governmental department having
28 jurisdiction over it. Applications must set forth the full name and address of the owner of the
29 institution for which license is sought, the names of the persons in control thereof, and such
30 additional information as the state department of health may require, including affirmative
31 evidence of ability to comply with such minimum standards, rules, and regulations as may be

1 lawfully prescribed pursuant to this section. An application for a license for facilities not owned
2 by the state or its political subdivisions must be accompanied by the following fees:

- 3 1. For each licensed acute care bed, ten dollars.
- 4 2. For each licensed skill care bed, ~~seven~~ ten dollars.
- 5 ~~3. For each licensed intermediate care bed, five dollars.~~

6 License fees collected pursuant to this section must be deposited in the state department of
7 health services operating fund in the state treasury and any expenditure from the fund is
8 subject to appropriation by the legislative assembly.

9 **SECTION 13. LEGISLATIVE INTENT - EMPLOYEE OUTSOURCING - REPORT TO**
10 **BUDGET SECTION.** It is the intent of the legislative assembly that the state department of
11 health consider the option of outsourcing employee positions whenever reasonable and report
12 to the budget section during the 2003-04 interim on the status of outsourcing employees.

13 **SECTION 14. LEGISLATIVE COUNCIL STUDY - NURSING HOME SURVEY**
14 **PROCESS.** The legislative council shall consider studying, during the 2003-04 interim, the
15 nursing home survey process, including a review of federal, state, and local agency procedures
16 and requirements that result in additional costs, duplicated procedures, and added regulations
17 for nursing homes. The study must also explore the potential for mitigating the impact of new
18 mandated federal rules through additional collaboration between the state department of health
19 and the department of human services and the submission of waiver requests. The legislative
20 council shall report its findings and recommendations, including the potential for federal waivers
21 and collaboration between agencies that may result in efficiencies, together with any legislation
22 required to implement the recommendations, to the fifty-ninth legislative assembly.