

**FIRST ENGROSSMENT
with Senate Amendments**

Sixtieth
Legislative Assembly
of North Dakota

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 23-39 of the North Dakota
3 Century Code, relating to collecting fees for tanning facility inspections; to amend and reenact
4 section 23-01-05.3 of the North Dakota Century Code and section 28 of chapter 167 of the
5 2005 Session Laws, relating to tracking immunizations and the contingent distribution of state
6 school aid payments; and to declare an emergency.

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

8 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
9 section represent the base level funding component appropriated to the state department of
10 health in section 3 of this Act as follows:

11	Salaries and wages	\$32,342,513
12	Operating expenses	25,613,981
13	Capital assets	1,514,469
14	Grants	41,832,166
15	Tobacco prevention and control	8,685,995
16	WIC food payments	<u>15,750,000</u>
17	Total all funds - Base level	\$125,739,124
18	Less estimated income - Base level	<u>112,270,220</u>
19	Total general fund - Base level	\$13,468,904

20 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
21 amounts identified in this section represent the funding adjustments or enhancements to the
22 base funding level for the state department of health which are included in the appropriation in
23 section 3 of this Act as follows:

Sixtieth
Legislative Assembly

1	Salaries and wages	\$5,405,392
2	Operating expenses	20,748,893
3	Capital assets	302,914
4	Grants	14,975,610
5	Tobacco prevention and control	233,351
6	WIC food payments	<u>1,800,000</u>
7	Total all funds - Adjustments/enhancements	\$43,466,160
8	Less estimated income - Adjustments/enhancements	<u>36,941,901</u>
9	Total general fund - Adjustments/enhancements	\$6,524,259

10 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
11 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
12 treasury, not otherwise appropriated, and from special funds derived from federal funds and
13 other income, to the state department of health for the purpose of defraying the expenses of
14 that agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

15	Salaries and wages	\$37,747,905
16	Operating expenses	46,362,874
17	Capital assets	1,817,383
18	Grants	56,807,776
19	Tobacco prevention and control	8,919,346
20	WIC food payments	<u>17,550,000</u>
21	Total all funds	\$169,205,284
22	Less estimated income	<u>149,212,121</u>
23	Total general fund appropriation	\$19,993,163

24 **SECTION 4. APPROPRIATION - MORGUE BRANCH LOCATION.** There is
25 appropriated out of special funds in the permanent oil tax trust fund the sum of \$1,500,000, or
26 so much of the sum as may be necessary, to the state department of health to construct a
27 facility to be used as a branch of the state morgue at the university of North Dakota school of
28 medicine and health sciences, for the biennium beginning July 1, 2007, and ending June 30,
29 2009. The state department of health may use up to \$75,000 of this amount for its expenses in
30 providing oversight of the project and to provide funding for coroner-requested autopsies at the
31 new morgue during the remainder of the biennium. The project may be augmented with

1 additional federal funding, grants, and other funding sources from the university of North
2 Dakota or the state department of health. The morgue branch facility is to be under the control
3 of the university of North Dakota school of medicine and health sciences. The university of
4 North Dakota and the state department of health shall jointly sign all requests for proposal,
5 construction contracts, and change orders relating to the project. The state department of
6 health shall reimburse the university of North Dakota for the project based on final expenditure
7 reports of actual project costs. To facilitate addressing public health issues related to death
8 investigations, state forensic examiner services must continue to be provided by the state
9 department of health, and the department must be the central repository for all coroner reports
10 and autopsy reports for the coroner death investigations.

11 **SECTION 5. ENVIRONMENT AND RANGELAND PROTECTION FUND.** The
12 estimated income line item included in section 3 of this Act includes \$266,119, or so much of
13 the sum as may be necessary, to be made available to the state department of health from the
14 environment and rangeland protection fund, for the biennium beginning July 1, 2007, and
15 ending June 30, 2009. This amount includes \$50,000 for a grant to the North Dakota
16 stockmen's association environmental services program.

17 **SECTION 6. INTENT - INDIRECT COST RECOVERIES.** Notwithstanding section
18 54-44.1-14, the state department of health may deposit indirect cost recoveries in its operating
19 account.

20 **SECTION 7. AMENDMENT.** Section 23-01-05.3 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **23-01-05.3. Immunization data.**

23 1. The state department of health may establish an immunization information system
24 and may require the childhood immunizations specified in subsection 1 of section
25 23-07-17.1 and other information be reported to the department. The state
26 department of health may only require the reporting of childhood immunizations
27 and other data upon completion of the immunization information reporting system.
28 A health care provider who administers a childhood immunization shall report the
29 patient's identifying information, the immunization that is administered, and other
30 required information to the department. The report must be submitted using

1 electronic media, and must contain the data content and use the format and codes
2 specified by the department.

3 2. Notwithstanding any other provision of law, a health care provider, elementary or
4 secondary school, early childhood facility, public or private postsecondary
5 educational institution, city or county board of health, district health unit, and the
6 state health officer may exchange immunization data in any manner with one
7 another. Immunization data that may be exchanged under this section is limited to
8 the date and type of immunization administered to a patient and may be
9 exchanged regardless of the date of the immunization.

10 **SECTION 8.** A new section to chapter 23-39 of the North Dakota Century Code is
11 created and enacted as follows:

12 **License fees.** The fees established by the department must be based on the cost of
13 conducting routine and complaint inspections, enforcement action, and preparing and sending
14 license renewals. License fees collected pursuant to this chapter must be deposited in the
15 department's operating fund in the state treasury and any expenditure from the fund is subject
16 to appropriation by the legislative assembly. The department shall waive all or a portion of the
17 license fee for any tanning facility that is subject to local jurisdiction.

18 The department shall accept city or county enforcement of this chapter if the
19 department determines the city or county requirements meet or exceed the requirements of this
20 chapter and any rules promulgated under this chapter.

21 **SECTION 9. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
22 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total appropriation in sections 3 and 4 of this
23 Act includes \$2,010,135 from the general fund and \$1,500,000 from the permanent oil tax trust
24 fund for the one-time funding items identified in those sections. This amount is not a part of the
25 agency's base budget to be used in preparing the 2009-11 executive budget. The state
26 department of health shall report to the appropriations committees of the sixty-first legislative
27 assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and
28 ending June 30, 2009.

29 An antiviral stockpile in case of severe influenza outbreak	\$2,010,135
30 State morgue - University of North Dakota branch facility	<u>1,500,000</u>
31 Total	\$3,510,135

1 **SECTION 10. AMENDMENT.** Section 28 of chapter 167 of the 2005 Session Laws is
2 amended and reenacted as follows:

3 **SECTION 28. CONTINGENCY.** If any moneys appropriated for per student payments
4 and transportation payments in the grants - state school aid line item in House Bill No. 1013, as
5 approved by the fifty-ninth legislative assembly, remain after payment of all statutory obligations
6 for per student and transportation payments during the biennium beginning July 1, 2005, and
7 ending June 30, 2007, and after the superintendent of public instruction has fulfilled any
8 directives contained in section 27 of this Act, the superintendent shall distribute the remaining
9 moneys as follows:

- 10 1. The superintendent of public instruction shall use the first \$450,000, or so much of
11 that amount as may be necessary, to provide additional payments to school
12 districts serving English language learners in accordance with section 15.1-27-12.
- 13 2. The superintendent of public instruction shall use the next \$1,000,000, or so much
14 of that amount as may be necessary, for the purpose of providing additional per
15 student payments to school districts participating in eligible educational
16 associations in accordance with section 32 of this Act.
- 17 3. The superintendent of public instruction shall transfer the next \$1,000,000, or so
18 much of that amount as may be necessary, to the state department of health for
19 the purpose of providing grants to single school districts, multiple school districts,
20 or educational associations governed by joint powers agreements, to initiate or
21 enhance school nursing services. Grants awarded under this subsection are
22 conditioned upon the recipient contributing a matching amount. The state
23 department of health may use up to \$120,000 of the amount provided in this
24 subsection to employ one individual, on a full-time equivalent basis, for the
25 purpose of implementing, overseeing, and evaluating the program.
- 26 4. The superintendent of public instruction shall use the remainder of the moneys to
27 provide additional per student payments on a prorated basis according to the latest
28 available average daily membership of each school district.

29 **SECTION 11. SPECIAL FUNDS APPROPRIATION - SCHOOL NURSES.** There is
30 appropriated \$1,000,000, as made available pursuant to section 10 of this Act, to the state

1 department of health to initiate or enhance school nursing services for the biennium beginning
2 July 1, 2007, and ending June 30, 2009.

3 **SECTION 12. EMERGENCY.** Section 10 this Act is declared to be an emergency
4 measure.