

**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 23-39 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, relating to tracking immunizations; to
5 provide legislative intent; to provide for a demonstration project; to provide for a legislative
6 council study; to provide for a report to the legislative council; and to provide an expiration date.

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:

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1	Salaries and wages	\$5,405,392
2	Operating expenses	20,232,693
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	\$42,949,960
8	Less estimated income - Adjustments/enhancements	<u>37,191,901</u>
9	Total general fund - Adjustments/enhancements	\$5,758,059

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	45,846,674
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	\$168,689,084
22	Less estimated income	<u>149,462,121</u>
23	Total general fund appropriation	\$19,226,963

24 **SECTION 4. APPROPRIATION - MORGUE BRANCH LOCATION.** There is
25 appropriated from special funds the sum of \$1,500,000, or so much of the sum as may be
26 necessary, \$250,000 of which is from the permanent oil tax trust fund, to the state department
27 of health to construct a facility to be used as a branch of the state morgue at the university of
28 North Dakota school of medicine and health sciences, for the biennium beginning July 1, 2007,
29 and ending June 30, 2009. The state department of health may use up to \$75,000 of this
30 amount for its expenses in providing oversight of the project and to provide funding for
31 coroner-requested autopsies at the new morgue during the remainder of the biennium. The

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

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

20 **SECTION 6. INTENT - INDIRECT COST RECOVERIES.** Notwithstanding section
21 54-44.1-14, the state department of health may deposit indirect cost recoveries in its operating
22 account.

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

25 **23-01-05.3. Immunization data.**

26 1. The state department of health may establish an immunization information system
27 and may require the childhood immunizations specified in subsection 1 of section
28 23-07-17.1 and other information be reported to the department. The state
29 department of health may only require the reporting of childhood immunizations
30 and other data upon completion of the immunization information reporting system.
31 A health care provider who administers a childhood immunization shall report the

1 patient's identifying information, the immunization that is administered, and other
2 required information to the department. The report must be submitted using
3 electronic media, and must contain the data content and use the format and codes
4 specified by the department.

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

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

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

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

23 **SECTION 9. LEGISLATIVE COUNCIL STUDY - EMERGENCY MEDICAL**

24 **SERVICES.** The legislative council shall consider studying, during the 2007-08 interim, the
25 emergency medical services system within the state, including funding, demographics, and
26 impact on rural areas. The legislative council shall report its findings and recommendations,
27 together with any legislation required to implement the recommendations, to the sixty-first
28 legislative assembly.

29 **SECTION 10. LEGISLATIVE INTENT - CHILDHOOD IMMUNIZATION PROGRAM**

30 **FUNDING.** It is the intent of the sixtieth legislative assembly that the funding appropriated in
31 House Bill No. 1435 be used only for a childhood immunization program and is limited to the

1 lesser of the total appropriation or the amount necessary for a childhood immunization
2 program.

3 **SECTION 11. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
4 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total appropriation in sections 3 and 4 of this
5 Act includes \$2,010,135 from the general fund and \$250,000 from the permanent oil tax trust
6 fund for the one-time funding items identified in these sections. This amount is not a part of the
7 agency's base budget to be used in preparing the 2009-11 executive budget. The state
8 department of health shall report to the appropriations committees of the sixty-first legislative
9 assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and
10 ending June 30, 2009.

11 An antiviral stockpile in case of severe influenza outbreak	\$2,010,135
12 State morgue - University of North Dakota branch facility	<u>250,000</u>
13 Total	\$2,260,135

14 **SECTION 12. DEMONSTRATION PROJECT FOR VOLUNTARY SURVEYS DURING**
15 **MAJOR CONSTRUCTION OR RENOVATION OF BASIC CARE AND LONG-TERM CARE**
16 **FACILITIES - CONTINUING APPROPRIATION - REPORT TO LEGISLATIVE COUNCIL.**

- 17 1. During the 2007-09 biennium, the state department of health shall design and
18 implement a demonstration project through which the department offers a life
19 safety survey process for basic care facilities and long-term care facilities to
20 access voluntarily during and at the conclusion of a construction project,
21 renovation project, or construction and renovation project that costs more than
22 three million dollars.
- 23 2. The department may charge a reasonable fee for a life safety survey performed
24 under this section to cover the food, lodging, and transportation expenses of
25 surveyors performing the surveys. Revenues derived from the fees collected
26 under this subsection must be deposited in the state department of health's
27 operating fund in the state treasury and are appropriated as a continuing
28 appropriation to the state department of health for the purpose of funding the
29 demonstration project under this section.
- 30 3. The department shall design and perform the demonstration project in a manner
31 that will provide the surveyor who performs a life safety survey under this section

1 does not violate the federal requirements associated with medicare certified life
2 safety surveys. The department shall perform the demonstration project within the
3 department's 2007-09 appropriation and staffing levels.

4 4. Before August 1, 2008, the department shall provide a report to the legislative
5 council regarding the status of the demonstration project, including the feasibility
6 and desirability of making the program permanent and whether the department will
7 be recommending any legislation to make the program permanent.

8 **SECTION 13. EXPIRATION DATE.** Section 12 of this Act is effective through June 30,
9 2009, and after that date is ineffective.