

**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 a continuing appropriation; to provide for a report to the legislative  
7 council; and to provide an expiration date.

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

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

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

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

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1	Salaries and wages	\$5,405,392
2	Operating expenses	19,982,693
3	Capital assets	302,914
4	Grants	14,875,610
5	Tobacco prevention and control	233,351
6	WIC food payments	<u>1,800,000</u>
7	Total all funds - Adjustments/enhancements	\$42,599,960
8	Less estimated income - Adjustments/enhancements	<u>36,941,901</u>
9	Total general fund - Adjustments/enhancements	\$5,658,059

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	45,596,674
17	Capital assets	1,817,383
18	Grants	56,707,776
19	Tobacco prevention and control	8,919,346
20	WIC food payments	<u>17,550,000</u>
21	Total all funds	\$168,339,084
22	Less estimated income	<u>149,212,121</u>
23	Total general fund appropriation	\$19,126,963

24           **SECTION 4. ENVIRONMENT AND RANGELAND PROTECTION FUND.** The  
25 estimated income line item included in section 3 of this Act includes \$266,119, or so much of  
26 the sum as may be necessary, to be made available to the state department of health from the  
27 environment and rangeland protection fund, for the biennium beginning July 1, 2007, and  
28 ending June 30, 2009. This amount includes \$50,000 for a grant to the North Dakota  
29 stockmen's association environmental services program.

1           **SECTION 5. 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 6. AMENDMENT.** Section 23-01-05.3 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **23-01-05.3. Immunization data.**

- 7           1. The state department of health may establish an immunization information system  
8           and may require the childhood immunizations specified in subsection 1 of section  
9           23-07-17.1 and other information be reported to the department. The state  
10           department of health may only require the reporting of childhood immunizations  
11           and other data upon completion of the immunization information reporting system.  
12           A health care provider who administers a childhood immunization shall report the  
13           patient's identifying information, the immunization that is administered, and other  
14           required information to the department. The report must be submitted using  
15           electronic media, and must contain the data content and use the format and codes  
16           specified by the department.
- 17           2. Notwithstanding any other provision of law, a health care provider, elementary or  
18 secondary school, early childhood facility, public or private postsecondary  
19 educational institution, city or county board of health, district health unit, and the  
20 state health officer may exchange immunization data in any manner with one  
21 another. Immunization data that may be exchanged under this section is limited to  
22 the date and type of immunization administered to a patient and may be  
23 exchanged regardless of the date of the immunization.

24           **SECTION 7.** A new section to chapter 23-39 of the North Dakota Century Code is  
25 created and enacted as follows:

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



- 1           2.    The department may charge a reasonable fee for a life safety survey performed  
2                    under this section to cover the food, lodging, and transportation expenses of  
3                    surveyors performing the surveys. Revenues derived from the fees collected  
4                    under this subsection must be deposited in the state department of health's  
5                    operating fund in the state treasury and are appropriated as a continuing  
6                    appropriation to the state department of health for the purpose of funding the  
7                    demonstration project under this section.
- 8           3.    The department shall design and perform the demonstration project in a manner  
9                    that will provide the surveyor who performs a life safety survey under this section  
10                   does not violate the federal requirements associated with medicare certified life  
11                   safety surveys. The department shall perform the demonstration project within the  
12                   department's 2007-09 appropriation and staffing levels.
- 13           4.    Before August 1, 2008, the department shall provide a report to the legislative  
14                   council regarding the status of the demonstration project, including the feasibility  
15                   and desirability of making the program permanent and whether the department will  
16                   be recommending any legislation to make the program permanent.

17           **SECTION 12. EXPIRATION DATE.** Section 11 of this Act is effective through June 30,  
18 2009, and after that date is ineffective.