FIRST ENGROSSMENT

58004.0200

Fifty-ninth
Legislative Assembly
of North Dakota

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 subsection 1 of section 19-02.1-24, section
- 3 19-08-04, subsections 5 and 8 of section 23-09-01, and sections 23-09-16, 23-09-24,
- 4 23-09.1-02.2, and 23-10-03 of the North Dakota Century Code, relating to licensure of food
- 5 vending machines, beverage sales, food and lodging establishments, assisted living facilities,
- 6 pushcarts, mobile food units, salvaged food distributors, bed and breakfasts, mobile home
- 7 parks, trailer parks, and campgrounds; to repeal sections 19-08-05, 23-09-17, 23-09.1-03, and
- 8 23-10-05 of the North Dakota Century Code, relating to license fee amounts for beverage
- 9 sales, food and lodging establishments, mobile food units, pushcarts, bed and breakfasts,
- 10 mobile home parks, trailer parks, and campgrounds; and to provide for a legislative council
- 11 study.

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12 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

13 SECTION 1. BASE LEVEL FUNDING INFORMATION. The amounts identified in this

section represent the base level funding component appropriated to the state department of

15 health in section 3 of this Act as follows:

16	Salaries and wages	\$29,972,929
17	Operating expenses	24,151,257
18	Capital assets	3,204,837
19	Grants	36,690,628
20	Tobacco prevention and control	7,783,097
21	WIC food payments	17,680,000
22	Community health advisory	100,000
23	Total all funds - Base level	\$119,582,748

SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION. The amounts identified in this section represent the funding adjustments or enhancements to the base funding level for the state department of health which are included in the appropriation in section 3 of this Act as follows: Salaries and wages \$2,712,149 Operating expenses 1,288,653 Capital assets (1,690,368) Grants Sequential assets (1,690,368) Capital assets (1,690,368) Capital assets (1,690,368) Capital assets (1,690,368) Capital assets (1,930,000) Community health advisory (100,000) Community health advisory (100,000) Community health advisory (100,000) Community health advisory Community healt	1	Less estimated income - Base level	106,481,656	
amounts identified in this section represent the funding adjustments or enhancements to the base funding level for the state department of health which are included in the appropriation in section 3 of this Act as follows: Salaries and wages \$2,712,149 Operating expenses 1,288,653 Capital assets (1,690,368) Grants 5,901,038 Tobacco prevention and control 903,645 WIC food payments (1,930,000) Total all funds - Adjustments/enhancements 7,085,117 Less estimated income - Adjustments/enhancements 7,085,117 SECTION 3. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state department of health for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows: Salaries and wages Salaries and wages Salaries and wages Salaries and wages Capital assets Tobacco prevention and control 8,686,742 WIC food payments Total all funds S126,667,865 Total all funds S126,667,865 Less estimated income	2	Total general fund - Base level	\$13,101,092	
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10 Grants 5,901,038 11 Tobacco prevention and control 903,645 12 WIC food payments (1,930,000) 13 Community health advisory (100,000) 14 Total all funds - Adjustments/enhancements \$7,085,117 15 Less estimated income - Adjustments/enhancements 6,826,931 16 Total general fund - Adjustments/enhancements \$258,186 17 SECTION 3. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state department of health for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows: 22 Salaries and wages \$32,685,078 23 Operating expenses 25,439,910 24 Capital assets 1,514,469 25 Grants 42,591,666 26 Tobacco prevention and control 8,686,742 27 WIC food payments 15,750,000 28 Total all funds \$126,667,865 29 Less estimated income 113,308,587	8	Operating expenses	1,288,653	
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SECTION 3. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state department of health for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows: Salaries and wages \$32,685,078 Operating expenses 25,439,910 Capital assets 1,514,469 Grants 42,591,666 Tobacco prevention and control 8,686,742 WIC food payments 15,750,000 Total all funds \$126,667,865 Less estimated income 113,308,587	15	Less estimated income - Adjustments/enhancements	<u>6,826,931</u>	
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22 Salaries and wages \$32,685,078 23 Operating expenses 25,439,910 24 Capital assets 1,514,469 25 Grants 42,591,666 26 Tobacco prevention and control 8,686,742 27 WIC food payments 15,750,000 28 Total all funds \$126,667,865 29 Less estimated income 113,308,587	20	other income, to the state department of health for the purpose of d	efraying the expenses of	
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24 Capital assets 1,514,469 25 Grants 42,591,666 26 Tobacco prevention and control 8,686,742 27 WIC food payments 15,750,000 28 Total all funds \$126,667,865 29 Less estimated income 113,308,587	22	Salaries and wages	\$32,685,078	
25 Grants 42,591,666 26 Tobacco prevention and control 8,686,742 27 WIC food payments 15,750,000 28 Total all funds \$126,667,865 29 Less estimated income 113,308,587	23	Operating expenses	25,439,910	
26 Tobacco prevention and control 8,686,742 27 WIC food payments 15,750,000 28 Total all funds \$126,667,865 29 Less estimated income 113,308,587	24	Capital assets	1,514,469	
27 WIC food payments 15,750,000 28 Total all funds \$126,667,865 29 Less estimated income 113,308,587	25	Grants	42,591,666	
28 Total all funds \$126,667,865 29 Less estimated income <u>113,308,587</u>	26	Tobacco prevention and control	8,686,742	
29 Less estimated income <u>113,308,587</u>	27	WIC food payments	<u>15,750,000</u>	
	28	Total all funds	\$126,667,865	
20. Total general fund appropriation	29	Less estimated income	113,308,587	
30 Total general fund appropriation \$13,359,278	30	Total general fund appropriation	\$13,359,278	

account.

1 SECTION 4. ABANDONED MOTOR VEHICLE DISPOSAL FUND. The estimated 2 income line item included in section 3 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, 2005, 5 and ending June 30, 2007. 6 SECTION 5. ENVIRONMENT AND RANGELAND PROTECTION FUND. The 7 estimated income line item included in section 3 of this Act includes \$252,808, 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, 2005, and 10 ending June 30, 2007. This amount includes \$50,000 for a grant to the North Dakota 11 stockmen's association environmental services program. 12 SECTION 6. DOMESTIC VIOLENCE PREVENTION FUND. The estimated income 13 line item included in section 3 of this Act includes \$280,000, or so much of the sum as may be 14 necessary, to be made available to the state department of health from the domestic violence 15 prevention fund, for the biennium beginning July 1, 2005, and ending June 30, 2007. 16 SECTION 7. ENVIRONMENTAL HEALTH PRACTITIONER LICENSURE FEE 17 **ADMINISTRATIVE FUND.** The estimated income line item included in section 3 of this Act 18 includes \$1,000, or so much of the sum as may be necessary, to be made available to the state 19 department of health from the environmental health practitioner licensure fee administrative 20 fund, for the biennium beginning July 1, 2005, and ending June 30, 2007. 21 SECTION 8. WASTEWATER OPERATORS CERTIFICATION FUND. The estimated 22 income line item included in section 3 of this Act includes \$21,214, or so much of the sum as 23 may be necessary, to be made available to the state department of health from the wastewater 24 operators certification fund, for the biennium beginning July 1, 2005, and ending June 30, 2007. 25 SECTION 9. COMMUNITY HEALTH TRUST FUND. The estimated income line item 26 included in section 3 of this Act includes \$6,610,000, or so much of the sum as may be 27 necessary, to be made available to the state department of health from the community health 28 trust fund, for the biennium beginning July 1, 2005, and ending June 30, 2007. 29 SECTION 10. INTENT - INDIRECT COST RECOVERIES. Notwithstanding section 30 54-44.1-14, the state department of health may deposit indirect cost recoveries in its operating

- **SECTION 11. AMENDMENT.** Subsection 1 of section 19-02.1-24 of the North Dakota Century Code is amended and reenacted as follows:
 - 1. No An establishment may not sell any type of prepackaged food from a food vending machine without first obtaining a license from the department. A license may be issued upon payment of a fee of fifteen dollars annually. The license expires on June thirtieth of each year. The department may adopt rules establishing the amount and the procedures for the collection of license fees.

 License fees collected pursuant to this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

SECTION 12. AMENDMENT. Section 19-08-04 of the North Dakota Century Code is amended and reenacted as follows:

19-08-04. License required. The department may, in its discretion, require manufacturers, importers, jobbers, or other retailers to furnish suitable samples to the department for inspection and chemical analysis. If any beverage does not meet all requirements of law, the department shall refuse to license it the beverage and shall prevent its sale of the beverage. The license fee must be paid annually during the month of December or prior to before placing the beverage on the market. The license expires December thirty-first next following its issuance. If the manufacturer or jobber secures a license for a product, subsequent sellers, including retailers and dispensers, need not again secure a license for the same product, and no dispenser may be required to secure a license for a product prepared for the dispenser's own use from a product already licensed. The department may adopt rules establishing the amount and the procedures for the collection of annual license fees. License fees collected pursuant to this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

SECTION 13. AMENDMENT. Subsections 5 and 8 of section 23-09-01 of the North Dakota Century Code are amended and reenacted as follows:

5. "Food establishment" means any fixed restaurant, limited restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, catering kitchen, delicatessen, bakery, grocery store, meat

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- market, food processing plant, school, child care, or similar place in which food or drink is prepared for sale or service to the public on the premises or elsewhere with or without charge.
 - 8. "Lodging establishment" includes every building or structure, or any part thereof, which is kept, used, maintained, or held out to the public as a place where sleeping accommodations are furnished for pay to four or more transient guests. The term does not include a facility providing personal care services directly or through contract services as defined in section 23-09.3-01 or 50-32-01.

SECTION 14. AMENDMENT. Section 23-09-16 of the North Dakota Century Code is amended and reenacted as follows:

23-09-16. License - Application. Before any food establishment, lodging establishment, pushcart, mobile food unit, or assisted living facility may be operated in this state, it must be licensed by the department. The department shall waive the license requirement for any food establishment, lodging establishment, or assisted living facility licensed by a city or district health unit if the local health unit's sanitation, safety, and inspection rules are approved by the department. Application for license must be made to the department during December of every year, or before the operating of the food establishment, lodging establishment, pushcart, mobile food unit, or assisted living facility, as the case may be. The application must be in writing on forms furnished by the department and must be accompanied by the required fee. An additional amount of fifty percent of the license fee must be imposed upon renewal if the license was not renewed before February first following the expiration date. A reduced license fee in the amount of one-half the applicable license fee must be charged for a new food establishment, lodging establishment, pushcart, mobile food unit, or assisted living facility beginning operations after July first of each year and for changes in ownership and location of such existing establishments after July first of each year. The department may adopt rules establishing the amount and the procedures for the collection of annual license fees. The fees must be based on the cost of reviewing construction plans, conducting routine and complaint inspections, and necessary enforcement action. License fees collected pursuant to this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

2 amended and reenacted as follows: 3 23-09-24. Salvaged food - License required. It is unlawful for a person to claim to be 4 a salvaged food distributor or to engage in the activity of selling, distributing, or otherwise 5 trafficking in distressed or salvaged food, or both, at wholesale, without a license issued under 6 section 23-09-17 this chapter authorizing that person to operate as a salvaged food distributor. 7 A salvaged food distributor license may not be issued absent compliance with this section and 8 any rules adopted to implement this section. The department may adopt rules establishing the 9 amount and the procedures for the collection of annual license fees under this section. License 10 fees collected under this section must be deposited in the department's operating fund in the 11 state treasury and any expenditure from the fund is subject to appropriation by the legislative 12 assembly. 13 **SECTION 16. AMENDMENT.** Section 23-09.1-02.2 of the North Dakota Century Code 14 is amended and reenacted as follows: 15 23-09.1-02.2. License required - Application - Issuance. Before any bed and 16 breakfast facility may operate in this state it, the facility must be licensed by the department. 17 Licenses expire on December thirty-first following the date of issuance unless canceled by 18 failure to comply with this chapter or with any of the rules adopted under to implement this 19 chapter. Renewal application for license must be made to the department during December of 20 every year. A license must be issued upon compliance by the applicant with provisions of this 21 chapter and any rules adopted under to implement this chapter. The application must be in 22 writing on forms furnished by the department and must be accompanied by the required fee. 23 Licenses issued by the department are not transferable nor applicable to any premises other 24 than those for which the license was issued. The department may adopt rules establishing the 25 amount of and the procedures for the collection of annual license fees. License fees collected 26 pursuant to this section must be deposited in the department's operating fund in the state 27 treasury and any expenditure from the fund is subject to appropriation by the legislative 28 assembly. 29 SECTION 17. AMENDMENT. Section 23-10-03 of the North Dakota Century Code is 30 amended and reenacted as follows:

SECTION 15. AMENDMENT. Section 23-09-24 of the North Dakota Century Code is

1	23-10-03. License required - Application. No A person may not establish, maintain,	
2	or enlarge a mobile home park, trailer park, or campground in this state without first obtaining a	
3	license from the department. The application for the license must be made in writing to the	
4	department and must state the location and type of the mobile home park, trailer park, or	
5	campground, the proposed water supply, the proposed method of sewerage and garbage	
6	disposal, and such other information as may be required by the department. Application forms	
7	must be prepared by the department and distributed upon request. The department shall waive	
8	the license fee for any mobile home park, trailer park, or campground owned by the state, a	
9	municipality, or a nonprofit organization. The department shall waive all or a portion of the	
10	license fee for any mobile home park, trailer park, or campground that is subject to local	
11	sanitation, safety, and inspection requirements accepted by the department under section	
12	23-10-02.1. A prorated annual license fee may be charged for new mobile home parks, trailer	
13	parks, and campgrounds. The department may adopt rules establishing the amount and the	
14	procedures for the collection of annual license fees. License fees collected pursuant to this	
15	section must be deposited in the department's operating fund in the state treasury and any	
16	expenditure from the fund is subject to appropriation by the legislative assembly.	
17	SECTION 18. REPEAL. Sections 19-08-05, 23-09-17, 23-09.1-03, and 23-10-05 of the	
18	North Dakota Century Code are repealed.	
19	SECTION 19. LEGISLATIVE COUNCIL STUDY - HEALTHY NORTH DAKOTA	
20	PROGRAM. The legislative council shall consider studying, during the 2005-06 interim, the	
21	costs and benefits of adopting a comprehensive healthy North Dakota and workplace wellness	
22	program funded by grants, fees, and increases in tobacco taxes in collaboration with the state	
23	department of health, health insurers and other third-party payers, workforce safety and	
24	insurance, interested nonprofit health-related agencies, and others who have an interest in	
25	stablishing accident and disease prevention programs. The legislative council shall report its	
26	ndings and recommendations, together with any legislation required to implement the	
27	recommendations, to the sixtieth legislative assembly.	