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Sixtieth Legislative Assembly of North Dakota

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	112,270,220
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:

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 t	he 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 de	fraying the expenses of
14	that agency, for the biennium beginning July 1, 2007, and ending July	ne 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	149,212,121
23	Total general fund appropriation	\$19,126,963
24	SECTION 4. ENVIRONMENT AND RANGELAND PROTEC	CTION 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 dep	artment of health from the
27	environment and rangeland protection fund, for the biennium beginn	ing 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.	

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

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

23-01-05.3. Immunization data.

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

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

License fees. The fees established by the department must be based on the cost of conducting routine and complaint inspections, enforcement action, and preparing and sending license renewals. License fees collected pursuant to this chapter 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. The department shall waive all or a portion of the license fee for any tanning facility that is subject to local jurisdiction.

1	The department shall accept city or county enforcement of this chapter if the
2	department determines the city or county requirements meet or exceed the requirements of this
3	chapter and any rules promulgated under this chapter.
4	SECTION 8. LEGISLATIVE COUNCIL STUDY - EMERGENCY MEDICAL
5	SERVICES. The legislative council shall consider studying, during the 2007-08 interim, the
6	emergency medical services system within the state, including the funding, demographics, and
7	impact on rural areas. The legislative council shall report its findings and recommendations,
8	together with any legislation required to implement the recommendations, to the sixty-first
9	legislative assembly.
10	SECTION 9. LEGISLATIVE INTENT - CHILDHOOD IMMUNIZATION PROGRAM
11	FUNDING. It is the intent of the sixtieth legislative assembly that the funding appropriated in
12	House Bill No. 1435 be used only for a childhood immunization program and is limited to the
13	lesser of the total appropriation or the amount necessary for the childhood immunization
14	program.
15	SECTION 10. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO
16	SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in
17	section 3 of this Act includes \$2,010,135 for the one-time funding items identified in this
18	section. This amount is not a part of the agency's base budget to be used in preparing the
19	2009-11 executive budget. The state department of health shall report to the appropriations
20	committees of the sixty-first legislative assembly on the use of this one-time funding for the
21	biennium beginning July 1, 2007, and ending June 30, 2009.
22	An antiviral stockpile in case of severe influenza outbreak \$2,010,135
23	SECTION 11. DEMONSTRATION PROJECT FOR VOLUNTARY SURVEYS DURING
24	MAJOR CONSTRUCTION OR RENOVATION OF BASIC CARE AND LONG-TERM CARE
25	FACILITIES - CONTINUING APPROPRIATION - REPORT TO LEGISLATIVE COUNCIL.
26	1. During the 2007-09 biennium, the state department of health shall design and
27	implement a demonstration project through which the department offers a life
28	safety survey process for basic care facilities and long-term care facilities to
29	access voluntarily during and at the conclusion of a construction project,
30	renovation project, or construction and renovation project that costs more than
31	three million dollars.

- 2. The department may charge a reasonable fee for a life safety survey performed under this section to cover the food, lodging, and transportation expenses of surveyors performing the surveys. Revenues derived from the fees collected under this subsection must be deposited in the state department of health's operating fund in the state treasury and are appropriated as a continuing appropriation to the state department of health for the purpose of funding the demonstration project under this section.
- 3. The department shall design and perform the demonstration project in a manner that will provide the surveyor who performs a life safety survey under this section does not violate the federal requirements associated with medicare certified life safety surveys. The department shall perform the demonstration project within the department's 2007-09 appropriation and staffing levels.
- 4. Before August 1, 2008, the department shall provide a report to the legislative council regarding the status of the demonstration project, including the feasibility and desirability of making the program permanent and whether the department will be recommending any legislation to make the program permanent.
- SECTION 12. EXPIRATION DATE. Section 11 of this Act is effective through June 30, 2009, and after that date is ineffective.