

Introduced by

Senator Heitkamp

Representative Magrum

1 A BILL for an Act to amend and reenact sections 16.1-11-08, 23-01-05, 50-06-01.1, and
2 50-06-01.3 and subsection 2 of section 54-06-01 of the North Dakota Century Code, relating to
3 election of the state health officer and human services commissioner.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-11-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-11-08. Reference to party affiliation in petition and affidavit prohibited for certain**
8 **offices.**

9 No reference may be made to a party ballot or to the party affiliation of a candidate in a
10 petition and affidavit filed by or on behalf of a candidate for nomination in the primary election to
11 an elective county office, the office of judge of the supreme court, judge of the district court,
12 state health officer, human services commissioner, or superintendent of public instruction.

13 **SECTION 2. AMENDMENT.** Section 23-01-05 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **23-01-05. ~~Health~~State health officer - Qualifications, salary, term, duties - Advisory**
16 **committee.**

17 The qualified electors of this state shall elect a state health officer for a four-year term at the
18 appropriate general election, beginning in 2022. The state health officer must be elected in the
19 same manner as provided for no-party candidates under title 16.1. The term of the state health
20 officer commences on the same day following the state health officer's election as the terms for
21 other elected state officials. The governor shall appoint the state health officer who must have
22 had substantive private or public administrative experience and demonstrated experience in the
23 management of people. The state health officer is entitled to receive a salary commensurate
24 with that ~~person's~~individual's training and experience. The ~~governor~~health council shall set the

1 salary of the state health officer within the limits of legislative appropriations to the department.
2 The state health officer is entitled to receive all necessary traveling expenses incurred in the
3 performance of official business. The state health officer may not engage in any other
4 occupation or business that may conflict with the statutory duties of the state health officer ~~and~~
5 ~~holds office for a term of four years beginning January 1, 1993.~~ The state health officer is the
6 administrative officer of the state department of health. If the ~~governor does not appoint as state~~
7 ~~health officer~~ is not a physician licensed in this state, the ~~governor~~health council shall appoint at
8 least three licensed physicians recommended by the state medical association to serve as an
9 advisory committee to the state health officer. Each member of the advisory committee is
10 entitled to receive reimbursement of expenses in performing official duties in amounts provided
11 by law for other state officers. The term of the advisory committee coincides with the term of the
12 state health officer. A committee member serves at the pleasure of the ~~governor~~health council.
13 The duties of the state health officer are as follows:

- 14 1. Enforce all rules and regulations as promulgated by the health council.
- 15 2. Hold public health unit boards of health responsible for enforcement of state rules,
16 serve in an advisory capacity to public health unit boards of health, and provide for
17 coordination of health activities.
- 18 3. Establish and enforce minimum standards of performance of the work of the local
19 department of health.
- 20 4. Study health problems and plan for their solution as may be necessary.
- 21 5. Collect, tabulate, and publish vital statistics for each important political or health
22 administrative unit of the state and for the state as a whole.
- 23 6. Promote the development of local health services and recommend the allocation of
24 health funds to local jurisdictions subject to the approval of the health council.
- 25 7. Collect and distribute health education material.
- 26 8. Maintain a central public health laboratory and where necessary, branch laboratories
27 for the standard function of diagnostic, sanitary and chemical examinations, and
28 production and procurement of therapeutic and biological preparations for the
29 prevention of disease and their distribution for public health purposes.
- 30 9. Establish a service for medical hospitals and related institutions to include licensing of
31 such institutions according to the standards promulgated by the health council and

- 1 consultation service to communities planning the construction of new hospitals and
2 related institutions.
- 3 10. Comply with the state merit system policies of personnel administration.
- 4 11. Establish a program to provide information to the surviving family of a child whose
5 cause of death is suspected to have been the sudden infant death syndrome.
- 6 12. Issue any orders relating to disease control measures deemed necessary to prevent
7 the spread of communicable disease. Disease control measures may include special
8 immunization activities and decontamination measures. Written orders issued under
9 this section shall have the same effect as a physician's standing medical order. The
10 state health officer may apply to the district court in a judicial district where a
11 communicable disease is present for an injunction canceling public events or closing
12 places of business. On application of the state health officer showing the necessity of
13 such cancellation, the court may issue an ex parte preliminary injunction, pending a
14 full hearing.
- 15 13. Make bacteriological examination of bodily secretions and excretions and of waters
16 and foods.
- 17 14. Make preparations and examinations of pathological tissues submitted by the state
18 health officer, by any county superintendent of public health, or by any physician who
19 has been regularly licensed to practice in this state.
- 20 15. Make all required analyses and preparations, and furnish the results thereof, as
21 expeditiously and promptly as possible.
- 22 16. Cause sanitary statistics to be collected and tabulated, and cause to be ascertained by
23 research work such methods as will lead to the improvement of the sanitation of the
24 various parts of the state.
- 25 17. From time to time, cause to be issued bulletins and reports setting forth the results of
26 the sanitary and pathological work done in the laboratories embodying all useful and
27 important information resulting from the work carried on in the laboratories during the
28 year, the substance of such bulletins and reports to be incorporated in the annual
29 report of the state health officer.

- 1 18. Establish by rule a schedule of reasonable fees that may be charged for laboratory
2 analysis. No charge may be made for any analysis conducted in connection with any
3 public health incident affecting an entire region, community, or neighborhood.
- 4 19. a. Establish a review process for instances in which the department is requested to
5 conduct an epidemiological assessment of a commercial building. The
6 epidemiological assessment must include:
- 7 (1) A statement of whether there are known environmental causes;
8 (2) If there are known environmental causes identified, a recommendation of
9 how they can be remediated or mitigated; and
10 (3) If there are no known environmental causes identified, a statement that no
11 known causes exist.
- 12 b. Costs for remediation, mitigation, and consultant services are the responsibility of
13 the building owner. Proof of remediation of any identified environmental concern
14 related to the epidemiological assessment is the burden of the building owner.

15 **SECTION 3. AMENDMENT.** Section 50-06-01.1 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **50-06-01.1. Department of human services to be substituted for public welfare board**
18 **of North Dakota and social service board of North Dakota, members of board, and**
19 **executive director, and human services commissioner.**

- 20 1. When the terms "public welfare board of North Dakota", "social service board of North
21 Dakota", "executive director of the public welfare board", "executive director of the
22 social service board", "member of the public welfare board", or "member of the social
23 service board", or any derivative of those terms which, when used in context indicates
24 an intention to refer to those persons or that board, appear in the North Dakota
25 Century Code, the term "department of human services", or the term "executive
26 director of the department of human services", as the case may be, must be
27 substituted therefor. It is the intent of the legislative assembly that the department of
28 human services must be substituted for, shall take any action previously to be taken
29 by, and shall perform any duties previously to be performed by the public welfare
30 board of North Dakota or by the social service board of North Dakota.

1 2. When the term "executive director of the department of human services" or any
2 derivative of this term appears in the North Dakota Century code, the term "human
3 services commissioner" must be substituted for that term. It is the intent of the
4 legislative assembly that the human services commissioner shall take any action
5 previously taken by and shall perform the duties previously performed by the executive
6 director of the department of human services.

7 **SECTION 4. AMENDMENT.** Section 50-06-01.3 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **50-06-01.3. Appointment of executive directorCommissioner of human services -**
10 **Compensation.**

11 The governor shall appoint the executive director of the department who shall serve at the
12 pleasure of the governor. The executive director shall take the oath of office required of civil
13 officers by section 44-01-05. The executive director is entitled to receive compensation in the
14 amount established by the governor within the limits of legislative appropriationsdepartment
15 must be administered by a human services commissioner who must be elected for a four-year
16 term at the appropriate general election, beginning in 2022. The human services commissioner
17 must be elected in the same manner as provided for no-party candidates under title 16.1. The
18 term of the human services commissioner commences on the same day following the
19 commissioner's election as the terms for other elected state officials. The human services
20 commissioner shall possess the same qualifications for office as the insurance commissioner.
21 The annual salary of the human services commissioner is one hundred ten thousand five
22 hundred eighty-two dollars.

23 **SECTION 5. AMENDMENT.** Subsection 2 of section 54-06-01 of the North Dakota Century
24 Code is amended and reenacted as follows:

25 2. "Elected and elective state officers" includes the governor, the lieutenant governor, the
26 attorney general, the secretary of state, the state auditor, the state treasurer, the
27 superintendent of public instruction, the agriculture commissioner, the insurance
28 commissioner, the tax commissioner, the state health officer, the human services
29 commissioner, and three public service commissioners.