

**SENATE BILL NO. 2004**

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state department  
2 of health; to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to  
3 compensation of members of the health council; to provide for a report; and to provide for a  
4 legislative management study.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
7 as may be necessary, are appropriated out of any moneys in the general fund in the state  
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
9 other income, to the state department of health for the purpose of defraying the expenses of the  
10 state department of health, for the biennium beginning July 1, 2021, and ending June 30, 2023,  
11 as follows:

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
12			
13			
14	<u>Salaries and wages</u>	<u>\$37,719,574</u>	<u>\$41,256,942</u>
15	<u>Operating expenses</u>	<u>32,398,526</u>	<u>30,836,700</u>
16	<u>Capital assets</u>	<u>2,164,813</u>	<u>2,646,393</u>
17	<u>Grants</u>	<u>53,257,292</u>	<u>54,313,687</u>
18	<u>Tobacco prevention</u>	<u>12,902,064</u>	<u>13,019,077</u>
19	<u>Women, infants, and children food</u>	<u>19,780,000</u>	<u>19,900,000</u>
20	<u>—payments</u>		
21	<u>COVID-19</u>	<u>0</u>	<u>95,187,577</u>
22	<u>Statewide health strategies</u>	<u>0</u>	<u>3,000,000</u>
23	<u>Total all funds</u>	<u>\$158,222,269</u>	<u>\$260,160,376</u>
24	<u>Less estimated income</u>	<u>121,951,679</u>	<u>121,951,679</u>

Sixty-seventh  
Legislative Assembly

1	Total general fund	<del>\$36,270,590</del>	<del>\$88,879,743</del>	<del>\$36,270,590</del>
2	Full-time equivalent positions	<del>204.00</del>	<del>221.50</del>	<del>204.00</del>
3			Adjustments or	
4		Base Level	Enhancements	Appropriation
5	Salaries and wages	\$37,719,574	\$3,523,648	\$41,243,222
6	Operating expenses	32,398,526	(2,063,983)	30,334,543
7	Capital assets	2,164,813	481,580	2,646,393
8	Grants	53,257,292	1,991,853	55,249,145
9	Tobacco prevention	12,902,064	508,177	13,410,241
10	Women, infants, and children food	19,780,000	120,000	19,900,000
11	__payments			
12	COVID-19	0	106,813,177	106,813,177
13	Total all funds	\$158,222,269	\$111,374,452	\$269,596,721
14	Less estimated income	121,951,679	103,577,792	225,529,471
15	Total general fund	\$36,270,590	\$7,796,660	\$44,067,250
16	Full-time equivalent positions	204.00	8.50	212.50

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

**SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
22	Microbiology laboratory capital improvements	<del>\$1,220,000</del>	<del>\$0</del>
23	Microbiology laboratory technology upgrades	<del>483,000</del>	<del>0</del>
24	Women, infants, and children system upgrade	<del>354,554</del>	<del>0</del>
25	Total all funds	<del>\$2,057,554</del>	<del>\$0</del>
26	Less estimated income	<del>1,967,554</del>	<del>0</del>
27	Total general fund	<del>\$90,000</del>	<del>\$0</del>
28	Microbiology laboratory capital improvements	\$1,220,000	\$0
29	Microbiology laboratory technology upgrades	483,000	0
30	Women, infants, and children system upgrade	354,554	0
31	COVID-19 response	0	84,232,061

1	<u>COVID-19 increased effort</u>	<u>0</u>	<u>11,644,708</u>
2	<u>Forensic examiner upgrades</u>	<u>0</u>	<u>910,000</u>
3	<u>Total all funds</u>	<u>\$2,057,554</u>	<u>\$96,786,769</u>
4	<u>Less estimated income</u>	<u>1,967,554</u>	<u>91,129,724</u>
5	<u>Total general fund</u>	<u>\$90,000</u>	<u>\$5,657,045</u>

6 The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget  
7 for the 2023-25 biennium. The state department of health shall report to the appropriations  
8 committees of the sixty-eighth legislative assembly on the use of this one-time funding for the  
9 biennium beginning July 1, 2021, and ending June 30, 2023.

10 **SECTION 3. COVID-19 BORROWING AUTHORITY - APPROPRIATION.** The state  
11 department of health, subject to the approval of the emergency commission, may borrow up to  
12 \$25,000,000 from the Bank of North Dakota for the purposes of responding to the COVID-19  
13 public health emergency. Any moneys borrowed from the Bank of North Dakota pursuant to this  
14 section are appropriated and may be spent by the state department of health for testing, contact  
15 tracing, and other costs related to responding and mitigating the COVID-19 public health  
16 emergency for the biennium beginning July 1, 2021, and ending June 30, 2023. If the state  
17 department of health does not have sufficient funds to repay the Bank of North Dakota, the  
18 department shall request a deficiency appropriation from the sixty-eighth legislative assembly  
19 sufficient for repayment of the amount borrowed plus interest. The funding in this section is  
20 considered one-time funding.

21 **SECTION 4. ESTIMATED INCOME - INSURANCE TAX DISTRIBUTION FUND.** The  
22 estimated income line item in section 1 of this Act includes the sum of \$1,125,000 from the  
23 insurance tax distribution fund for rural emergency medical services grants.

24 ~~**SECTION 4. ESTIMATED INCOME - TOBACCO PREVENTION AND CONTROL TRUST**~~  
25 ~~**FUND.** The estimated income line item in section 1 of this Act includes the sum of \$1,405,324~~  
26 ~~from the tobacco prevention and control trust fund. Of this amount, \$300,000 is for domestic~~  
27 ~~violence offender treatment grants, \$580,324 is for cancer programs, and \$525,000 is for grants~~  
28 ~~to local public health units.~~

29 **SECTION 5. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The estimated  
30 income line item in section 1 of this Act includes the sum of ~~\$10,824,000~~ \$18,337,620 from the  
31 community health trust fund. ~~Of this amount, \$200,000 is for the behavioral health loan~~

1 ~~repayment program, \$324,000 is for the dentists' loan repayment program, \$270,500 is for a~~  
2 ~~behavioral risk factor state survey, \$329,500 is for the women's way program, \$3,200,000 is for~~  
3 ~~tobacco prevention and control, and \$6,500,000 is for tobacco prevention and control grants to~~  
4 ~~local public health units.~~ for the following programs:

5	<u>Behavioral risk factor survey</u>	<u>\$200,000</u>
6	<u>Behavioral health loan repayment</u>	<u>234,500</u>
7	<u>Domestic violence prevention</u>	<u>300,000</u>
8	<u>Women's way</u>	<u>329,500</u>
9	<u>Dentists' loan repayment</u>	<u>360,000</u>
10	<u>Local public health state aid</u>	<u>525,000</u>
11	<u>Cancer programs</u>	<u>580,324</u>
12	<u>Local public health pandemic response grants</u>	<u>4,515,296</u>
13	<u>Tobacco prevention and control</u>	<u>5,043,000</u>
14	<u>Tobacco prevention and control grants to local public health units</u>	<u>6,250,000</u>
15	<u>Total community health trust fund</u>	<u>\$18,337,620</u>

16 **SECTION 6. AMENDMENT.** Section 23-01-02 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **23-01-02. Health council - Members, terms of office, vacancies, compensation,**  
19 **officers, meetings.**

20 The health council consists of nine members appointed by the governor including four  
21 persons from the health care field, and five persons representing consumer interests. The  
22 governor may select members to the council from recommendations submitted by trade,  
23 professional, and consumer organizations. On the expiration of the term of any member, the  
24 governor, in the manner provided by this section, shall appoint for a term of three years,  
25 persons to take the place of members whose terms on the council are about to expire. The  
26 officers of the council must be elected annually. Any state agency may serve in an advisory  
27 capacity to the health council at the discretion of the council. The council shall meet at least  
28 twice each year and at other times as the council or its chairman may direct. The health council  
29 shall have as standing committees any committees the council may find necessary. The  
30 chairman of the council shall select the members of these committees. The members of the  
31 council are entitled to receive ~~sixty-two dollars and fifty cents as~~ compensation per day at the

1 [rate set for a member of the legislative assembly under subsection 1 of section 54-03-20](#) and  
2 their necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09  
3 while attending council meetings or in the performance of any special duties as the council may  
4 direct. The per diem and expenses must be audited and paid in the manner in which the  
5 expenses of state officers are audited and paid. The compensation provided for in this section  
6 may not be paid to any member of the council who received salary or other compensation as a  
7 regular employee of the state, or any of its political subdivisions, or any institution or industry  
8 operated by the state.

9 **SECTION 7. LEGISLATIVE MANAGEMENT STUDY - STATE DEPARTMENT OF**

10 **HEALTH.** During the 2021-22 interim, the legislative management shall consider studying the  
11 roles of the state health officer, health council, medical advisory board, and governor as they  
12 relate to the administration of the state department of health. The study must include  
13 consideration of the role of the health council if the governor seeks to terminate the appointment  
14 of the state health officer or to adjust the salary of or take punitive action against the state  
15 health officer. Additionally, the study must include whether the orders of the state health officer  
16 regarding public health directives have primacy over orders issued by the governor. The  
17 legislative management shall report its findings and recommendations, together with any  
18 legislation required to implement the recommendations, to the sixty-eighth legislative assembly.