

HOUSE BILL NO. 1004

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the public health
2 division of the department of health and human services; to create and enact a new section to
3 chapter 54-27 of the North Dakota Century Code, relating to the deposit of judgment funds; to
4 provide for a legislative management report; to provide for a transfer; and to provide for an
5 exemption.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the department of health and human services for the purpose of defraying the
11 expenses of the public health division of the department, for the biennium beginning July 1,
12 2023, and ending June 30, 2025, as follows:

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
15 <u>Salaries and wages</u>	<u>\$41,362,968</u>	<u>\$47,481,742</u>	<u>\$41,362,968</u>
16 <u>Operating expenses</u>	<u>31,242,543</u>	<u>37,721,213</u>	<u>31,242,543</u>
17 <u>Capital assets</u>	<u>1,796,393</u>	<u>1,469,780</u>	<u>1,796,393</u>
18 <u>Grants</u>	<u>55,812,575</u>	<u>70,739,703</u>	<u>55,812,575</u>
19 <u>Tobacco prevention</u>	<u>13,410,022</u>	<u>14,274,295</u>	<u>13,410,022</u>
20 <u>Women, infants, and children food</u>	<u>19,900,000</u>	<u>19,900,000</u>	<u>19,900,000</u>
21 <u>—payments</u>			
22 <u>COVID-19</u>	<u>4,459,766</u>	<u>97,840,525</u>	<u>4,459,766</u>
23 <u>American Rescue Plan Act</u>	<u>0</u>	<u>55,120,000</u>	<u>0</u>
24 <u>Total all funds</u>	<u>\$167,984,267</u>	<u>\$344,547,258</u>	<u>\$167,984,267</u>

Sixty-eighth
Legislative Assembly

1	Less estimated income	129,409,112	299,109,091	129,409,112
2	Total general fund	\$38,575,155	\$45,438,167	\$38,575,155
3	Full-time equivalent positions	210.50	215.50	210.50
4		<u>Adjustments or</u>		
5		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
6	<u>Salaries and wages</u>	<u>\$41,362,968</u>	<u>\$5,511,774</u>	<u>\$46,874,742</u>
7	<u>Operating expenses</u>	<u>31,242,543</u>	<u>6,478,670</u>	<u>37,721,213</u>
8	<u>Capital assets</u>	<u>1,796,393</u>	<u>(326,613)</u>	<u>1,469,780</u>
9	<u>Grants</u>	<u>55,812,575</u>	<u>15,857,570</u>	<u>71,670,145</u>
10	<u>Tobacco prevention</u>	<u>13,410,022</u>	<u>850,459</u>	<u>14,260,481</u>
11	<u>Women, infants, and children food</u>	<u>19,900,000</u>	<u>0</u>	<u>19,900,000</u>
12	<u>payments</u>			
13	<u>COVID-19</u>	<u>4,459,766</u>	<u>93,353,091</u>	<u>97,812,857</u>
14	<u>Public health laboratory capital project</u>	<u>0</u>	<u>55,120,000</u>	<u>55,120,000</u>
15	<u>Total all funds</u>	<u>\$167,984,267</u>	<u>\$176,844,951</u>	<u>\$344,829,218</u>
16	<u>Less estimated income</u>	<u>129,409,112</u>	<u>170,213,282</u>	<u>299,622,394</u>
17	<u>Total general fund</u>	<u>\$38,575,155</u>	<u>\$6,631,669</u>	<u>\$45,206,824</u>
18	<u>Full-time equivalent positions</u>	<u>210.50</u>	<u>5.00</u>	<u>215.50</u>

19 **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding
 20 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
 21 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

22	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
23	Vital records system technology upgrades	\$275,000	\$0
24	Statewide health strategies initiative	3,000,000	0
25	COVID-19 response	9,262,341	0
26	Forensic examiner upgrades	910,000	0
27	COVID-19 response – House Bill No. 1395	87,290,597	0
28	Public health laboratory capital project	15,000,000	0
29	Total all funds	\$115,737,938	\$0
30	Less estimated income	110,209,662	0
31	Total general fund	\$5,528,276	\$0

1	<u>Vital records system technology upgrades</u>	<u>\$275,000</u>	<u>\$0</u>
2	<u>Statewide health strategies initiative</u>	<u>3,000,000</u>	<u>0</u>
3	<u>COVID-19 response</u>	<u>9,262,341</u>	<u>0</u>
4	<u>Forensic examiner upgrades</u>	<u>910,000</u>	<u>0</u>
5	<u>COVID-19 response - House Bill No. 1395</u>	<u>87,290,597</u>	<u>0</u>
6	<u>Public health laboratory capital project</u>	<u>15,000,000</u>	<u>55,120,000</u>
7	<u>Total all funds</u>	<u>\$115,737,938</u>	<u>\$55,120,000</u>
8	<u>Less estimated income</u>	<u>110,209,662</u>	<u>55,120,000</u>
9	<u>Total general fund</u>	<u>\$5,528,276</u>	<u>\$0</u>

10 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget
11 for the 2025-27 biennium. The department of health and human services shall report to the
12 appropriations committees of the sixty-ninth legislative assembly on the use of this one-time
13 funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

14 **SECTION 3. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT.**

15 Notwithstanding section 54-16-04, the director of the office of management and budget shall
16 transfer appropriation authority between line items within section 1 of this Act, subdivisions 1, 2,
17 and 3 of section 1 of Senate Bill No. 2012, and any other appropriation authority for the
18 department of health and human services approved by the sixty-eighth legislative assembly for
19 the biennium beginning July 1, 2023, and ending June 30, 2025, as requested by the
20 department of health and human services. The department of health and human services shall
21 notify the legislative council of any transfer made pursuant to this section. The department shall
22 report to the budget section after June 30, 2024, any transfer made in excess of \$50,000 and to
23 the appropriations committees of the sixty-ninth legislative assembly regarding any transfers
24 made pursuant to this section.

25 **SECTION 4. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT.**

26 Notwithstanding section 54-16-04, the director of the office of management and budget shall
27 transfer appropriation authority from line items within section 1 of this Act, subdivisions 1, 2,
28 and 3 of Senate Bill No. 2012, and any other appropriation authority for the department of
29 health and human services approved by the sixty-eighth legislative assembly to subdivision 4 of
30 Senate Bill No. 2012, for the biennium beginning July 1, 2023, and ending June 30, 2025, as
31 requested by the department of health and human services. The department of health and

1 human services shall notify the legislative council of any transfer made pursuant to this section.
2 The department shall report to the budget section after June 30, 2024, any transfer made in
3 excess of \$50,000 and to the appropriations committees of the sixty-ninth legislative assembly
4 regarding any transfers made pursuant to this section.

5 **SECTION 5. TRANSFER OF APPROPRIATION AUTHORITY.** Section 1 of this Act and
6 section 1 of Senate Bill No. 2012 includes appropriation authority for the department of health
7 and human services for the biennium beginning July 1, 2023, and ending June 30, 2025. On
8 July 1, 2023, the office of management and budget shall combine the appropriation authority
9 contained in section 1 of this Act and section 1 of Senate Bill No. 2012, and any other
10 appropriation authority for the department of health and human services in other bills approved
11 by the sixty-eighth legislative assembly, into one budget for the department of health and human
12 services. The department of health and human services shall submit one budget request for the
13 biennium beginning July 1, 2025, and ending June 30, 2027.

14 **SECTION 6. ESTIMATED INCOME - INSURANCE TAX DISTRIBUTION FUND.** The
15 estimated income line item in section 1 of this Act includes the sum of \$1,125,000 from the
16 insurance tax distribution fund for rural emergency medical services grants.

17 **SECTION 7. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The estimated
18 income line item in section 1 of this Act includes the sum of \$20,837,620 from the community
19 health trust fund for the following programs:

20	Behavioral risk factor survey	\$200,000
21	Behavioral health loan repayment	234,500
22	Domestic violence prevention	300,000
23	<u>Domestic violence offender treatment</u>	<u>1,000,000</u>
24	<u>Domestic violence prevention</u>	<u>1,000,000</u>
25	Women's way	329,500
26	Dentists' loan repayment	360,000
27	Local public health state aid	525,000
28	<u>Local public health state aid</u>	<u>3,275,000</u>
29	Cancer programs	580,324
30	Forensic examiner contract	1,000,000
31	Statewide health strategies initiative	1,500,000

1	Local public health pandemic response grants	4,515,296
2	<u>Tobacco cessation grants</u>	<u>500,000</u>
3	<u>Youth vaping prevention grants</u>	<u>300,000</u>
4	Tobacco prevention and control	5,043,000
5	Tobacco prevention and control grants to local public health units	<u>6,250,000</u>
6	Total community health trust fund	\$20,837,620
7	<u>Total community health trust fund</u>	<u>\$20,072,324</u>

8 **SECTION 8.** A new section to chapter 54-27 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Deposit of JUUL Labs, Inc., judgment funds.**

11 Eighty percent of any funds received by the state under the consent judgment adopted by
12 the south central judicial district court in its consent judgment entered December 8, 2022, [Civil
13 No. 08-2022-CV-02972] in State of North Dakota, ex rel. Drew H. Wrigley v. JUUL Labs, Inc.,
14 must be deposited in the community health trust fund.

15 **SECTION 9. TRANSFER - ATTORNEY GENERAL REFUND FUND TO COMMUNITY**

16 **HEALTH TRUST FUND.** The attorney general shall transfer eighty percent of any funds
17 deposited in the attorney general refund fund during the biennium beginning July 1, 2021, and
18 ending June 30, 2023, relating to the consent judgment entered December 8, 2022, [Civil No.
19 08-2022-CV-02972] in State of North Dakota, ex rel. Drew H. Wrigley v. JUUL Labs, Inc., to the
20 community health trust fund on July 1, 2023.

21 **SECTION 10. USE OF PUBLIC HEALTH CRISIS RESPONSE GRANT FUNDS.** The public

22 health division of the department of health and human services shall use \$870,000 of funding
23 made available through the federal COVID-19 public health crisis response grant for public
24 health workforce to provide grants to local public health units. To be eligible to receive a grant,
25 local public health units must apply for this grant funding by December 31, 2023. Any public
26 health workforce funds not awarded to local public health units may be used by the department
27 of health and human services for workforce efforts pursuant to federal grant guidance.

28 **SECTION 11. LABORATORY BUILDING STEERING COMMITTEE.** The department of

29 health and human services shall establish a laboratory building steering committee to oversee
30 the design and construction of the laboratory building project for the biennium beginning July 1,
31 2023, and ending June 30, 2025. The committee must include representation from the

1 department of health and human services, department of environmental quality, office of
2 management and budget, the governor's office, and the legislative assembly. The legislative
3 assembly representation must include one member of the senate appointed by the senate
4 majority leader, one member of the house appointed by the house majority leader, and one
5 member of the minority party from either the senate or the house appointed by the minority
6 leaders of the senate and the house.

7 **SECTION 12. EXEMPTION - 2021-23 BIENNIUM APPROPRIATION - STATEWIDE**
8 **HEALTH STRATEGIES.** The sum of \$3,000,000, of which \$1,500,000 is from the community
9 health trust fund and \$1,500,000 is from other income derived from matching funds,
10 appropriated for statewide health strategies in section 1 of chapter 32 of the 2021 Session
11 Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this
12 appropriation are available for statewide health strategies initiatives during the biennium
13 beginning July 1, 2023, and ending June 30, 2025. The amount appropriated from the
14 community health trust fund is contingent on the department of health and human services
15 securing dollar-for-dollar matching funds.

16 **SECTION 13. EXEMPTION - 2021-23 BIENNIUM APPROPRIATION - PUBLIC HEALTH**
17 **LABORATORY CAPITAL PROJECT.** The sum of \$15,000,000 of federal funds, derived from
18 the state fiscal recovery fund, appropriated for a public health laboratory capital project in
19 subdivision 7 of section 1 of chapter 550 of the 2021 Special Session Session Laws, is not
20 subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation
21 are available for the public health laboratory capital project during the biennium beginning
22 July 1, 2023, and ending June 30, 2025.