

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED 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>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Salaries and wages	\$41,362,968	\$5,511,774	\$46,874,742
16	Operating expenses	31,242,543	6,478,670	37,721,213
17	Capital assets	1,796,393	(326,613)	1,469,780
18	Grants	55,812,575	15,857,570	71,670,145
19	Tobacco prevention	13,410,022	850,459	14,260,481
20	Women, infants, and children food	19,900,000	0	19,900,000
21	payments			
22	COVID-19	4,459,766	93,353,091	97,812,857
23	Public health laboratory capital project	<u>0</u>	<u>55,120,000</u>	<u>55,120,000</u>
24	Total all funds	\$167,984,267	\$176,844,951	\$344,829,218

1	Less estimated income	<u>129,409,112</u>	<u>170,213,282</u>	<u>299,622,394</u>
2	Total general fund	\$38,575,155	\$6,631,669	\$45,206,824
3	Full-time equivalent positions	210.50	5.00	215.50

4 **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding
5 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
6 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

7	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
8	Vital records system technology upgrades	\$275,000	\$0
9	Statewide health strategies initiative	3,000,000	0
10	COVID-19 response	9,262,341	0
11	Forensic examiner upgrades	910,000	0
12	COVID-19 response - House Bill No. 1395	87,290,597	0
13	Public health laboratory capital project	<u>15,000,000</u>	<u>55,120,000</u>
14	Total all funds	\$115,737,938	\$55,120,000
15	Less estimated income	<u>110,209,662</u>	<u>55,120,000</u>
16	Total general fund	\$5,528,276	\$0

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

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

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

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

2 Notwithstanding section 54-16-04, the director of the office of management and budget shall
3 transfer appropriation authority from line items within section 1 of this Act, subdivisions 1, 2,
4 and 3 of Senate Bill No. 2012, and any other appropriation authority for the department of
5 health and human services approved by the sixty-eighth legislative assembly to subdivision 4 of
6 Senate Bill No. 2012, for the biennium beginning July 1, 2023, and ending June 30, 2025, as
7 requested by the department of health and human services. The department of health and
8 human services shall notify the legislative council of any transfer made pursuant to this section.
9 The department shall report to the budget section after June 30, 2024, any transfer made in
10 excess of \$50,000 and to the appropriations committees of the sixty-ninth legislative assembly
11 regarding any transfers made pursuant to this section.

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

21 **SECTION 6. 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 7. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The estimated
25 income line item in section 1 of this Act includes the sum of \$20,837,620 from the community
26 health trust fund for the following programs:

27 Behavioral risk factor survey	\$200,000
28 Behavioral health loan repayment	234,500
29 Domestic violence offender treatment	1,000,000
30 Domestic violence prevention	1,000,000
31 Women's way	329,500

1	Dentists' loan repayment	360,000
2	Local public health state aid	3,275,000
3	Cancer programs	580,324
4	Forensic examiner contract	1,000,000
5	Tobacco cessation grants	500,000
6	Youth vaping prevention grants	300,000
7	Tobacco prevention and control	5,043,000
8	Tobacco prevention and control grants to local public health units	<u>6,250,000</u>
9	Total community health trust fund	\$20,072,324

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

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

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

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

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

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

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

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

31 health and human services shall establish a laboratory building steering committee to oversee

1 the design and construction of the laboratory building project for the biennium beginning July 1,
2 2023, and ending June 30, 2025. The committee must include representation from the
3 department of health and human services, department of environmental quality, office of
4 management and budget, the governor's office, and the legislative assembly. The legislative
5 assembly representation must include one member of the senate appointed by the senate
6 majority leader, one member of the house appointed by the house majority leader, and one
7 member of the minority party from either the senate or the house appointed by the minority
8 leaders of the senate and the house.

9 **SECTION 12. EXEMPTION - 2021-23 BIENNIUM APPROPRIATION - STATEWIDE**

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

18 **SECTION 13. EXEMPTION - 2021-23 BIENNIUM APPROPRIATION - PUBLIC HEALTH**

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