



North Dakota House of Representatives

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House Bill 1252 House Human Services Committee Testimony of Rep. Gretchen Dobervich, Bill Sponsor January 22, 2025

Good Morning Mr. Chairman and Members of the House Human Services Committee. For the record my name is Representative Gretchen Dobervich. I work for the people of District 11 in Fargo. I come before you today with a bill to amend section 50-24.1-40 of North Dakota Century Code.

In this section of code, the North Dakota Department of Health and Human Services is directed to deposit 80% of the State's regular share of Federal Medical Assistance funding which is the result of a care coordination agreement between a health care provider and a tribal health organization into the State Treasury Tribal Care Coordination Fund and 20% into the General Fund.

Under current law there is a sunset clause which limits use of these funds by Tribal Nations to no more than 50% for capital construction projects through June 30, 2025, and no more than 35% after. Due to the time required to establish administrative rules, care coordination agreements to be approved by the legal departments of all parties involved, and the initial funds to be collected and distributed, there was not adequate time for capital construction projects to be considered in the time set in the legislation.

There are two bills that address the sunset clause, HB 1252, which we are hearing today, and HB 1461 which has not yet been scheduled. HB 1252 which we have before us today was intended to be an amendment to HB 1461. However, it came out as a bill.

HB 1252 seeks to provide Tribal Nations with the opportunity to utilize these funds for capital construction projects by extending the window for another biennium at the amount of 50%. HB 1461 removes both sunset and cap on the amount that may be utilized for capital construction.

In accordance with existing law, passage of HB 1252 or HB 1461 would still require any capital construction projects to meet the condition that they are directly associated with the ten essentials of public health. Participating Tribal Nations would continue to be required to complete and submit an annual report to the NDDHHS, as would NDDHHS be required to provide an annual report and audit report to Legislative Management before August of even-numbered years.

I am not personally aware of any capital construction projects that were being considered and am submitting this bill to amend the sunset clause based on knowledge of the implementation process and timeline that shortened the time in which funds became available and the construction clause would sunset. In good faith, North Dakota should in good faith uphold Tribal Nations

receiving funds from the State Treasury Tribal Care Coordination Fund to fully utilize these funds as intended.

A representative from the NDDHS will be presenting information with financial specifics in it. Therefore, I ask you consider deferring any questions regarding specific dollar amounts to this presenter.

Mr. Chairman, I am unsure procedurally how to move forward with the amendment coming out as a bill and being heard before the bill as was intended. Per discussion yesterday regarding pulling the bill I was advised to proceed with HB 1252 as the hearing was scheduled. The intention is to remove the sunset clause and cap, as HB 1461 reads. If the committee is not agreeable to language in HB 1461 I offer HB 1252 as an amendment to allow participating Tribal Nations the ability to apply NDCC 50-24.1-40 as was intended.

A copy of my testimony, HB 1252, HB 1461, and a copy of the 10 Essentials of Public Health have been uploaded to LAWS. This concludes my testimony, and I stand for any questions.

Thank you Chairman Ruby and members of the Committee.