

**THIRD ENGROSSMENT  
with Conference Committee Amendments**

Sixty-first  
Legislative Assembly  
of North Dakota

**REENGROSSED SENATE BILL NO. 2004**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the state  
2 department of health; to provide for a grant from the state water commission; to provide  
3 legislative intent; to provide for a legislative council study; to provide for an exemption; to  
4 provide for a report to the legislative council; to provide for a contingent transfer; and to declare  
5 an emergency.

**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  
8 funds 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 state department of health for the purpose of defraying the expenses of the  
11 state department of health, for the biennium beginning July 1, 2009, and ending June 30, 2011,  
12 as follows:

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
13				
14				
15	Salaries and wages	\$37,709,131	\$7,152,737	\$44,861,868
16	Operating expenses	44,036,539	599,255	44,635,794
17	Capital assets	1,817,383	(4,115)	1,813,268
18	Grants	58,017,776	2,396,934	60,414,710
19	Tobacco prevention	8,919,346	160,339	9,079,685
20	WIC food payments	<u>17,550,000</u>	<u>7,513,375</u>	<u>25,063,375</u>
21	Total all funds	\$168,050,175	\$17,818,525	\$185,868,700
22	Less estimated income	<u>150,595,277</u>	<u>13,946,429</u>	<u>164,541,706</u>
23	Total general fund	\$17,454,898	\$3,872,096	\$21,326,994
24	Full-time equivalent positions	331.50	12.00	343.50

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

**SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Antiviral stockpile	\$2,010,135	\$0
Vaccines to public health	2,000,000	0
Legend prescription health	22,000	0
Emergency medical services assessment	<u>30,000</u>	<u>0</u>
Total general fund	\$4,062,135	\$0

**SECTION 3. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS -**

**ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the state department of health, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Water quality grants	\$194,300
Superfund arsenic trioxide project grants	7,000,000
Clean diesel grants (provided to the department of public instruction)	1,730,000
Clean water state revolving loan fund administration	769,564
Drinking water state revolving loan fund administration	780,000
Stop violence against women	511,661
Women, infants, and children	<u>61,800</u>
Total federal funds	\$11,047,325

The state department of health may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

**SECTION 4. CONTINGENT APPROPRIATION - TRANSFER - COMMUNITY**

**HEALTH TRUST FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,405,371, or so much of the sum as may be necessary, which the office of management and budget shall transfer to the community health trust fund if moneys in the community health trust fund are not sufficient to provide for legislative appropriations, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 5. ENVIRONMENT AND RANGELAND PROTECTION FUND.** The estimated income line item included in section 1 of this Act includes \$272,310, or so much of the sum as may be necessary, to be made available to the state department of health from the environment and rangeland protection fund, for the biennium beginning July 1, 2009, and ending June 30, 2011. This amount includes \$50,000 for a grant to the North Dakota stockmen's association environmental services program.

**SECTION 6. EMERGENCY MEDICAL SERVICES OPERATIONS - FUNDING FROM INSURANCE TAX DISTRIBUTION FUND - REPORT TO LEGISLATIVE COUNCIL.** The estimated income line item in section 1 of this Act includes \$2,750,000 from the insurance tax distribution fund for the biennium beginning July 1, 2009, and ending June 30, 2011. Of this amount, \$2,250,000 is for grants to emergency medical services operations as provided in chapter 23-40 and \$500,000 is for a grant to contract with an organization to:

- Develop, implement, and provide an access critical ambulance service operations assessment process for the purpose of improving emergency medical services delivery;
- Develop, implement, and provide leadership development training;
- Develop, implement, and provide a biennial emergency medical services recruitment drive; and
- Provide regional assistance to ambulance services to develop a quality review process for emergency medical services personnel and a mechanism to report to medical directors.

The state department of health shall report to the legislative council on the use of the funding provided under this section. The department shall require recipients of grants under this

1 section to provide information on the use of funds received as necessary to provide the report  
2 to the legislative council.

3 **SECTION 7. FEDERAL 319 NONPOINT PROGRAM MATCHING FUNDS - STATE**  
4 **WATER COMMISSION GRANT TO THE STATE DEPARTMENT OF HEALTH.** The state  
5 water commission shall provide a grant of \$200,000 from its 2009-11 biennium appropriation  
6 approved by the sixty-first legislative assembly to the state department of health to be used as  
7 matching funds for the federal 319 nonpoint program, for the biennium beginning July 1, 2009,  
8 and ending June 30, 2011.

9 **SECTION 8. INTENT - INDIRECT COST RECOVERIES.** Notwithstanding section  
10 54-44.1-14, the state department of health may deposit indirect cost recoveries in its operating  
11 account.

12 **SECTION 9. EXEMPTION.** The \$200,000, of which \$150,000 is from the community  
13 health trust fund and \$50,000 is from the general fund, appropriated for colorectal screening  
14 grants, as contained in section 3 of chapter 4 of the 2007 Session Laws, is not subject to the  
15 provisions of section 54-44.1-11, and any unexpended funds from these appropriations are  
16 available and may be expended during the biennium beginning July 1, 2009, and ending  
17 June 30, 2011.

18 **SECTION 10. LEGISLATIVE COUNCIL STUDY - IMMUNIZATION PROGRAM.**  
19 During the 2009-10 interim, the legislative council shall consider studying the state  
20 immunization program. The study, if conducted, must identify pharmacists' or other providers'  
21 ability and interest in immunizing children and include a review of the effect of the program on  
22 public health units, including billing, billing services, fee collections, and uncollectible accounts.  
23 The legislative council shall report its findings and recommendations, together with any  
24 legislation required to implement the recommendations, to the sixty-second legislative  
25 assembly.

26 **SECTION 11. EMERGENCY.** Section 3 of this Act is declared to be an emergency  
27 measure.