

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED 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 a statement of legislative intent; to  
4 provide for a report; and to provide for a 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>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 <del>Salaries and wages</del>	<del>\$37,719,574</del>	<del>\$3,523,648</del>	<del>\$41,243,222</del>
15 <del>Operating expenses</del>	<del>32,398,526</del>	<del>(2,063,983)</del>	<del>30,334,543</del>
16 <del>Capital assets</del>	<del>2,164,813</del>	<del>481,580</del>	<del>2,646,393</del>
17 <del>Grants</del>	<del>53,257,292</del>	<del>1,991,853</del>	<del>55,249,145</del>
18 <del>Tobacco prevention</del>	<del>12,902,064</del>	<del>508,177</del>	<del>13,410,241</del>
19 <del>Women, infants, and children food</del>	<del>19,780,000</del>	<del>120,000</del>	<del>19,900,000</del>
20 <del>—payments</del>			
21 <del>COVID-19</del>	<del>0</del>	<del>106,813,177</del>	<del>106,813,177</del>
22 <del>Total all funds</del>	<del>\$158,222,269</del>	<del>\$111,374,452</del>	<del>\$269,596,721</del>
23 <del>Less estimated income</del>	<del>121,951,679</del>	<del>103,577,792</del>	<del>225,529,471</del>
24 <del>Total general fund</del>	<del>\$36,270,590</del>	<del>\$7,796,660</del>	<del>\$44,067,250</del>

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1	<del>Full-time equivalent positions</del>	<del>204.00</del>	<del>8.50</del>	<del>212.50</del>
2	Salaries and wages	\$37,719,574	\$3,643,394	\$41,362,968
3	Operating expenses	32,398,526	(820,983)	31,577,543
4	Capital assets	2,164,813	481,580	2,646,393
5	Grants	53,257,292	1,991,853	55,249,145
6	Tobacco prevention	12,902,064	507,958	13,410,022
7	Women, infants, and children food	19,780,000	120,000	19,900,000
8	__payments			
9	Statewide health strategies	0	3,000,000	3,000,000
10	COVID-19	0	13,446,460	13,446,460
11	Total all funds	\$158,222,269	\$22,370,262	\$180,592,531
12	Less estimated income	121,951,679	15,047,816	136,999,495
13	Total general fund	\$36,270,590	\$7,322,446	\$43,593,036
14	Full-time equivalent positions	204.00	3.50	207.50

**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:

19	One-Time Funding Description	2019-21	2021-23
20	Microbiology laboratory capital improvements	\$1,220,000	\$0
21	Microbiology laboratory technology upgrades	483,000	0
22	Women, infants, and children system upgrade	354,554	0
23	<del>COVID-19 response</del>	<del>0</del>	<del>84,232,061</del>
24	<del>COVID-19 increased effort</del>	<del>0</del>	<del>11,644,708</del>
25	Vital records system technology updates	0	275,000
26	Statewide health strategies initiative	0	3,000,000
27	COVID-19 response	0	9,262,341
28	Forensic examiner upgrades	0	910,000
29	<del>Total all funds</del>	<del>\$2,057,554</del>	<del>\$96,786,769</del>
30	<del>Less estimated income</del>	<del>1,967,554</del>	<del>91,129,724</del>
31	<del>Total general fund</del>	<del>\$90,000</del>	<del>\$5,657,045</del>

1	<u>Total all funds</u>	<u>\$2,057,554</u>	<u>\$13,447,341</u>
2	<u>Less estimated income</u>	<u>1,967,554</u>	<u>7,919,065</u>
3	<u>Total general fund</u>	<u>\$90,000</u>	<u>\$5,528,276</u>

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

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

19 **SECTION 4. CONTINGENT APPROPRIATION - STATEWIDE HEALTH STRATEGIES.**  
20 One-time funding of \$1,500,000 appropriated from the community health trust fund for statewide  
21 health strategies in section 1 of this Act is contingent on the state department of health securing  
22 dollar-for-dollar matching funds.

23 **SECTION 5. ESTIMATED INCOME - INSURANCE TAX DISTRIBUTION FUND.** The  
24 estimated income line item in section 1 of this Act includes the sum of \$1,125,000 from the  
25 insurance tax distribution fund for rural emergency medical services grants.

26 **SECTION 6. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The estimated  
27 income line item in section 1 of this Act includes the sum of ~~\$18,337,620~~\$20,837,620 from the  
28 community health trust fund for the following programs:

29	Behavioral risk factor survey	\$200,000
30	Behavioral health loan repayment	234,500
31	Domestic violence prevention	300,000

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1	Women's way	329,500
2	Dentists' loan repayment	360,000
3	Local public health state aid	525,000
4	Cancer programs	580,324
5	<u>Forensic examiner contract</u>	<u>1,000,000</u>
6	<u>Statewide health strategies initiative</u>	<u>1,500,000</u>
7	Local public health pandemic response grants	4,515,296
8	Tobacco prevention and control	5,043,000
9	Tobacco prevention and control grants to local public health units	<u>6,250,000</u>
10	<del>Total community health trust fund</del>	<del>\$18,337,620</del>
11	<u>Total community health trust fund</u>	<u>\$20,837,620</u>

12       **SECTION 7. AMENDMENT.** Section 23-01-02 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14       **23-01-02. Health council - Members, terms of office, vacancies, compensation,**  
15 **officers, meetings.**

16       The health council consists of nine members appointed by the governor including four  
17 persons from the health care field, and five persons representing consumer interests. The  
18 governor may select members to the council from recommendations submitted by trade,  
19 professional, and consumer organizations. On the expiration of the term of any member, the  
20 governor, in the manner provided by this section, shall appoint for a term of three years,  
21 persons to take the place of members whose terms on the council are about to expire. The  
22 officers of the council must be elected annually. Any state agency may serve in an advisory  
23 capacity to the health council at the discretion of the council. The council shall meet at least  
24 twice each year and at other times as the council or its chairman may direct. The health council  
25 shall have as standing committees any committees the council may find necessary. The  
26 chairman of the council shall select the members of these committees. The members of the  
27 council are entitled to receive ~~sixty-two dollars and fifty cents as compensation per day at the~~  
28 rate set for a member of the legislative assembly under subsection 1 of section 54-03-20 and  
29 their necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09  
30 while attending council meetings or in the performance of any special duties as the council may  
31 direct. The per diem and expenses must be audited and paid in the manner in which the

1 expenses of state officers are audited and paid. The compensation provided for in this section  
2 may not be paid to any member of the council who received salary or other compensation as a  
3 regular employee of the state, or any of its political subdivisions, or any institution or industry  
4 operated by the state.

5 **SECTION 8. LEGISLATIVE INTENT - FUNDING FOR COVID-19 RESPONSE.** It is the  
6 intent of the sixty-seventh legislative assembly that the state department of health use federal  
7 COVID-19 funds or other available funds for defraying expenses related to local public health  
8 pandemic response grants before accessing \$4,515,296 appropriated from the community  
9 health trust fund in section 1 of this Act.

10 **SECTION 9. LEGISLATIVE MANAGEMENT STUDY - STATE DEPARTMENT OF**  
11 **HEALTH.** During the 2021-22 interim, the legislative management shall consider studying the  
12 roles of the state health officer, health council, medical advisory board, and governor as they  
13 relate to the administration of the state department of health. The study must include  
14 consideration of the role of the health council if the governor seeks to terminate the appointment  
15 of the state health officer or to adjust the salary of or take punitive action against the state  
16 health officer. Additionally, the study must include whether the orders of the state health officer  
17 regarding public health directives have primacy over orders issued by the governor. The  
18 legislative management shall report its findings and recommendations, together with any  
19 legislation required to implement the recommendations, to the sixty-eighth legislative assembly.