

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>
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	0	55,120,000	55,120,000
24 Total all funds	\$167,984,267	\$176,844,951	\$344,829,218

Sixty-eighth
Legislative Assembly

1	Less estimated income	129,409,112	170,213,282	299,622,394
2	Total general fund	\$38,575,155	\$6,631,669	\$45,206,824
3	Salaries and wages	\$41,362,968	\$3,830,044	\$45,193,012
4	Operating expenses	31,242,543	6,478,670	37,721,213
5	Capital assets	1,796,393	(326,613)	1,469,780
6	Grants	55,812,575	15,857,570	71,670,145
7	Tobacco prevention	13,410,022	814,235	14,224,257
8	Women, infants, and children food	19,900,000	0	19,900,000
9	<u>payments</u>			
10	COVID-19	4,459,766	93,280,500	97,740,266
11	Public health laboratory capital project	0	55,120,000	55,120,000
12	Total all funds	\$167,984,267	\$175,054,406	\$343,038,673
13	Less estimated income	129,409,112	168,895,106	298,304,218
14	Total general fund	\$38,575,155	\$6,159,300	\$44,734,455
15	Full-time equivalent positions	210.50	5.00	215.50

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

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

30 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget
31 for the 2025-27 biennium. The department of health and human services shall report to the

1 appropriations committees of the sixty-ninth legislative assembly on the use of this one-time
2 funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

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

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

14 **SECTION 4. 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 from line items within section 1 of this Act, subdivisions 1, 2,
17 and 3 of Senate Bill No. 2012, and any other appropriation authority for the department of
18 health and human services approved by the sixty-eighth legislative assembly to subdivision 4 of
19 Senate Bill No. 2012, for the biennium beginning July 1, 2023, and ending June 30, 2025, as
20 requested by the department of health and human services. The department of health and
21 human services shall notify the legislative council of any transfer made pursuant to this section.
22 The department shall report to the budget section after June 30, 2024, any transfer made in
23 excess of \$50,000 and to the appropriations committees of the sixty-ninth legislative assembly
24 regarding any transfers made pursuant to this section.

25 **SECTION 5. TRANSFER OF APPROPRIATION AUTHORITY.** Section 1 of this Act and
26 section 1 of Senate Bill No. 2012 includes appropriation authority for the department of health
27 and human services for the biennium beginning July 1, 2023, and ending June 30, 2025. On
28 July 1, 2023, the office of management and budget shall combine the appropriation authority
29 contained in section 1 of this Act and section 1 of Senate Bill No. 2012, and any other
30 appropriation authority for the department of health and human services in other bills approved
31 by the sixty-eighth legislative assembly, into one budget for the department of health and human

1 services. The department of health and human services shall submit one budget request for the
2 biennium beginning July 1, 2025, and ending June 30, 2027.

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

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

9 Behavioral risk factor survey	\$200,000
10 Behavioral health loan repayment	234,500
11 Domestic violence offender treatment	1,000,000
12 Domestic violence prevention	1,000,000
13 Women's way	329,500
14 Dentists' loan repayment	360,000
15 Local public health state aid	3,275,000
16 Cancer programs	580,324
17 Forensic examiner contract	1,000,000
18 Tobacco cessation grants	500,000
19 Youth vaping prevention grants	300,000
20 Tobacco prevention and control	5,043,000
21 Tobacco prevention and control grants to local public health units	<u>6,250,000</u>
22 Total community health trust fund	\$20,072,324

23 **SECTION 8. ESTIMATED INCOME - FEDERAL STATE FISCAL RECOVERY FUND.** The
24 estimated income line item in section 1 of this Act includes the sum of \$55,120,000 from federal
25 funds derived from the state fiscal recovery fund for a public health laboratory capital project.

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

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

29 Eighty percent of any funds received by the state under the consent judgment adopted by
30 the south central judicial district court in its consent judgment entered December 8, 2022, [Civil

1 No. 08-2022-CV-02972] in State of North Dakota, ex rel. Drew H. Wrigley v. JUUL Labs, Inc.,
2 must be deposited in the community health trust fund.

3 **SECTION 10. TRANSFER - ATTORNEY GENERAL REFUND FUND TO COMMUNITY**

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

9 **SECTION 11. USE OF PUBLIC HEALTH CRISIS RESPONSE GRANT FUNDS.** The public

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

16 **SECTION 12. LABORATORY BUILDING STEERING COMMITTEE.** The department of
17 health and human services shall establish a laboratory building steering committee to oversee
18 the design and construction of the laboratory building project for the biennium beginning July 1,
19 2023, and ending June 30, 2025. The committee must include representation from the
20 department of health and human services, department of environmental quality, office of
21 management and budget, the governor's office, and the legislative assembly. The legislative
22 assembly representation must include one member of the senate appointed by the senate
23 majority leader, one member of the house appointed by the house majority leader, and one
24 member of the minority party from either the senate or the house appointed by the minority
25 leaders of the senate and the house.

26 **SECTION 13. EXEMPTION - 2021-23 BIENNIUM APPROPRIATION - STATEWIDE**

27 **HEALTH STRATEGIES.** The sum of \$3,000,000, of which \$1,500,000 is from the community
28 health trust fund and \$1,500,000 is from other income derived from matching funds,
29 appropriated for statewide health strategies in section 1 of chapter 32 of the 2021 Session
30 Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this
31 appropriation are available for statewide health strategies initiatives during the biennium

1 beginning July 1, 2023, and ending June 30, 2025. The amount appropriated from the
2 community health trust fund is contingent on the department of health and human services
3 securing dollar-for-dollar matching funds.

4 **SECTION 14. EXEMPTION - 2021-23 BIENNIUM APPROPRIATION - PUBLIC HEALTH**
5 **LABORATORY CAPITAL PROJECT.** The sum of \$15,000,000 of federal funds, derived from
6 the state fiscal recovery fund, appropriated for a public health laboratory capital project in
7 subdivision 7 of section 1 of chapter 550 of the 2021 Special Session Session Laws, is not
8 subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation
9 are available for the public health laboratory capital project during the biennium beginning
10 July 1, 2023, and ending June 30, 2025.