

Introduced by

Senators J. Lee, Fischer, Heckaman

Representatives Klein, Pinkerton, Weisz

1 A BILL for an Act to create and enact chapter 23-35.1 of the North Dakota Century Code,
2 relating to the creation of regional public health networks; to provide an appropriation; and to
3 provide a contingent appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Chapter 23-35.1 of the North Dakota Century Code is created and
6 enacted as follows:

7 **23-35.1-01. Definitions.** For purposes of this chapter, unless the context otherwise
8 requires:

- 9 1. The definitions of section 23-35-01 apply; and
10 2. "Regional public health network" means a group of public health units that have
11 entered a joint powers agreement or an existing lead multidistrict health unit
12 identified in the emergency preparedness and response region which has been
13 reviewed by the state health officer and has been verified as meeting the
14 requirements of this chapter and chapter 54-40.3.

15 **23-35.1-02. Regional public health network - Joint powers agreement - Review by**
16 **state health officer - Criteria.** Before a group of public health units may be designated as a
17 regional public health network, the state health officer shall review the joint powers agreement
18 the districts entered and verify that:

- 19 1. The geographical region covered by the regional public health network
20 corresponds to one of the emergency preparedness and response regions
21 established by the state department of health.
22 2. The joint powers agreement requires that the participating public health units:
23 a. Share various administrative functions and public health services in
24 accordance with subsection 3;

- 1 b. Comply with requirements the health council adopts by rule; and
- 2 c. Meet department maintenance of effort funding requirements, which must be
- 3 calculated based on each unit's dollar or mill levy public health unit
- 4 contribution in calendar year 2007.
- 5 3. The joint powers agreement requires:
- 6 a. A regional public health network to share the following public health services:
- 7 (1) Emergency preparedness and response;
- 8 (2) Environmental health services; and
- 9 (3) A regional public health network health officer, although this paragraph
- 10 does not prohibit a public health unit from appointing a local health
- 11 officer.
- 12 b. A regional public health network to select and share at least three
- 13 administrative functions and at least three public health services, as provided
- 14 under this subdivision:
- 15 (1) "Administrative functions" are:
- 16 (a) Financial accounting, billing, and accounts receivable;
- 17 (b) Community assessment and planning;
- 18 (c) Contract compliance;
- 19 (d) Public health service improvement planning;
- 20 (e) Human resource management;
- 21 (f) Technology support;
- 22 (g) Budgeting;
- 23 (h) Workforce development;
- 24 (i) Public information;
- 25 (j) Grant writing;
- 26 (k) Inventory management, including vaccines; and
- 27 (l) Any other functions approved by the state health officer.
- 28 (2) "Public health services" are:
- 29 (a) School health;
- 30 (b) Nutrition;
- 31 (c) Family planning;

- 1 (d) Injury prevention;
- 2 (e) Violence prevention;
- 3 (f) Tobacco prevention and cessation;
- 4 (g) Oral health;
- 5 (h) Cancer prevention;
- 6 (i) Maternal and child health;
- 7 (j) Asthma;
- 8 (k) Diabetes;
- 9 (l) Cardiovascular health;
- 10 (m) Physical activity;
- 11 (n) Immunizations;
- 12 (o) Communicable disease programs;
- 13 (p) Mental health;
- 14 (q) Chronic disease;
- 15 (r) Public health visits; and
- 16 (s) Any other services approved by the state health officer.

- 17 4. The joint powers agreement provides:
- 18 a. Criteria for the future participation of public health units that were not parties
- 19 to the original joint powers agreement;
- 20 b. An application process by which public health units that were not parties to
- 21 the original joint powers agreement may become participating districts; and
- 22 c. A process by which public health units that were not parties to the original
- 23 joint powers agreement may appeal a decision to deny an application to
- 24 participate in the agreement to the state health officer.

- 25 5. The joint powers agreement provides for the structure of the governing body of the
- 26 network.

27 **23-35.1-03. Regional public health network - Annual plan.** A regional public health
28 network shall prepare an annual plan regarding the provision of the required and optional public
29 health services and shall submit the plan to the state health officer for approval.

1 **23-35.1-04. Regional public health networks - Receipt and use of moneys.** The
2 board of a regional public health network may receive and expend moneys for the provision of
3 administrative functions, public health services, and any other lawful activities.

4 **23-35.1-05. Compensation - Reimbursement - Extraordinary service.** The board of
5 a regional public health network may provide compensation and reimbursement to any board
6 member who, at the direction of the board, performs extraordinary service on behalf of the
7 board. For purposes of this section, "extraordinary service" means duties beyond those
8 reasonably expected of members of the board and includes travel to and attendance at national
9 meetings or conventions.

10 **SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS.** There is
11 appropriated out of any federal funds made available to the state under the federal American
12 Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$1,200,000, or
13 so much of the sum as may be necessary, to the state department of health for the purpose of
14 providing funds to local public health units for providing immunization services statewide,
15 according to a funding formula established by the state health council in consultation with local
16 public health units, for the period beginning with the effective date of this Act and ending
17 June 30, 2011.

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

22 **SECTION 3. CONTINGENT GENERAL FUND APPROPRIATION.** If the federal funds
23 appropriated under section 2 of this Act are not available to provide the sum of \$1,200,000,
24 there is appropriated out of any moneys in the general fund in the state treasury, not otherwise
25 appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the state
26 department of health for the purpose of providing funds to local public health units for providing
27 immunization services statewide, according to a funding formula established by the state health
28 council in consultation with local public health units, for the biennium beginning July 1, 2009,
29 and ending June 30, 2011. The state department of health may only spend the general fund
30 moneys to the extent that federal funds are not available to provide the \$1,200,000
31 appropriated under section 2 of this Act.

1 General fund amounts appropriated under this section reflect one-time funding and are
2 not a part of the agency's base budget for the 2011-13 biennium.

3 **SECTION 4. EMERGENCY.** Section 2 of this Act is declared to be an emergency
4 measure.