A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to compensation of members of the health council; to provide for a report; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state department of health for the purpose of defraying the expenses of the state department of health, for the biennium beginning July 1, 2021, and ending June 30, 2023, as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Base Level</th>
<th>Adjustments or Enhancements</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and wages</td>
<td>$37,719,574</td>
<td>$3,523,648</td>
<td>$41,243,222</td>
</tr>
<tr>
<td>Operating expenses</td>
<td>32,398,526</td>
<td>(2,063,983)</td>
<td>30,334,543</td>
</tr>
<tr>
<td>Capital assets</td>
<td>2,164,813</td>
<td>481,580</td>
<td>2,646,393</td>
</tr>
<tr>
<td>Grants</td>
<td>53,257,292</td>
<td>1,991,853</td>
<td>55,249,145</td>
</tr>
<tr>
<td>Tobacco prevention</td>
<td>12,902,064</td>
<td>508,177</td>
<td>13,410,241</td>
</tr>
<tr>
<td>Women, infants, and children food payments</td>
<td>19,780,000</td>
<td>120,000</td>
<td>19,900,000</td>
</tr>
<tr>
<td>COVID-19</td>
<td></td>
<td>106,813,177</td>
<td>106,813,177</td>
</tr>
<tr>
<td>Total all funds</td>
<td>$158,222,269</td>
<td>$111,374,452</td>
<td>$269,596,721</td>
</tr>
<tr>
<td>Less estimated income</td>
<td>121,951,679</td>
<td>103,577,792</td>
<td>225,529,471</td>
</tr>
</tbody>
</table>

Page No. 1
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:

<table>
<thead>
<tr>
<th>One-Time Funding Description</th>
<th>2019-21</th>
<th>2021-23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microbiology laboratory capital improvements</td>
<td>$1,220,000</td>
<td>$0</td>
</tr>
<tr>
<td>Microbiology laboratory technology upgrades</td>
<td>483,000</td>
<td>0</td>
</tr>
<tr>
<td>Women, infants, and children system upgrade</td>
<td>354,554</td>
<td>0</td>
</tr>
<tr>
<td>COVID-19 response</td>
<td>0</td>
<td>84,232,061</td>
</tr>
<tr>
<td>COVID-19 increased effort</td>
<td>0</td>
<td>11,644,708</td>
</tr>
<tr>
<td>Forensic examiner upgrades</td>
<td>0</td>
<td>910,000</td>
</tr>
<tr>
<td>Total all funds</td>
<td>$2,057,554</td>
<td>$96,786,769</td>
</tr>
<tr>
<td>Less estimated income</td>
<td>1,967,554</td>
<td>91,129,724</td>
</tr>
<tr>
<td>Total general fund</td>
<td>$90,000</td>
<td>$5,657,045</td>
</tr>
</tbody>
</table>

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

SECTION 3. COVID-19 BORROWING AUTHORITY - APPROPRIATION. The state department of health, subject to the approval of the emergency commission, may borrow up to $25,000,000 from the Bank of North Dakota for the purposes of responding to the COVID-19 public health emergency. Any moneys borrowed from the Bank of North Dakota pursuant to this section are appropriated and may be spent by the state department of health for testing, contact tracing, and other costs related to responding and mitigating the COVID-19 public health emergency for the biennium beginning July 1, 2021, and ending June 30, 2023. If the state department of health does not have sufficient funds to repay the Bank of North Dakota, the department shall request a deficiency appropriation from the sixty-eighth legislative assembly sufficient for repayment of the amount borrowed plus interest. The funding in this section is considered one-time funding.
SECTION 4. ESTIMATED INCOME - INSURANCE TAX DISTRIBUTION FUND. The estimated income line item in section 1 of this Act includes the sum of $1,125,000 from the insurance tax distribution fund for rural emergency medical services grants.

SECTION 5. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND. The estimated income line item in section 1 of this Act includes the sum of $18,337,620 from the community health trust fund for the following programs:

- Behavioral risk factor survey: $200,000
- Behavioral health loan repayment: $234,500
- Domestic violence prevention: $300,000
- Women's way: $329,500
- Dentists' loan repayment: $360,000
- Local public health state aid: $525,000
- Cancer programs: $580,324
- Local public health pandemic response grants: $4,515,296
- Tobacco prevention and control: $5,043,000
- Tobacco prevention and control grants to local public health units: $6,250,000
- Total community health trust fund: $18,337,620

SECTION 6. AMENDMENT. Section 23-01-02 of the North Dakota Century Code is amended and reenacted as follows:


The health council consists of nine members appointed by the governor including four persons from the health care field, and five persons representing consumer interests. The governor may select members to the council from recommendations submitted by trade, professional, and consumer organizations. On the expiration of the term of any member, the governor, in the manner provided by this section, shall appoint for a term of three years, persons to take the place of members whose terms on the council are about to expire. The officers of the council must be elected annually. Any state agency may serve in an advisory capacity to the health council at the discretion of the council. The council shall meet at least twice each year and at other times as the council or its chairman may direct. The health council shall have as standing committees any committees the council may find necessary. The
chairman of the council shall select the members of these committees. The members of the
council are entitled to receive sixty-two dollars and fifty cents as compensation per day at the
rate set for a member of the legislative assembly under subsection 1 of section 54-03-20 and
their necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09
while attending council meetings or in the performance of any special duties as the council may
direct. The per diem and expenses must be audited and paid in the manner in which the
expenses of state officers are audited and paid. The compensation provided for in this section
may not be paid to any member of the council who received salary or other compensation as a
regular employee of the state, or any of its political subdivisions, or any institution or industry
operated by the state.

SECTION 7. LEGISLATIVE MANAGEMENT STUDY - STATE DEPARTMENT OF
HEALTH. During the 2021-22 interim, the legislative management shall consider studying the
roles of the state health officer, health council, medical advisory board, and governor as they
relate to the administration of the state department of health. The study must include
consideration of the role of the health council if the governor seeks to terminate the appointment
of the state health officer or to adjust the salary of or take punitive action against the state
health officer. Additionally, the study must include whether the orders of the state health officer
regarding public health directives have primacy over orders issued by the governor. The
legislative management shall report its findings and recommendations, together with any
legislation required to implement the recommendations, to the sixty-eighth legislative assembly.