

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 for a report; and to provide for a
4 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>	Adjustments or <u>Enhancements</u>	<u>Appropriation</u>
12			
13			
14	Salaries and wages	\$3,523,648	\$41,243,222
15	Operating expenses	(2,063,983)	30,334,543
16	Capital assets	481,580	2,646,393
17	Grants	1,991,853	55,249,145
18	Tobacco prevention	508,177	13,410,241
19	Women, infants, and children food	120,000	19,900,000
20	payments		
21	COVID-19	<u>0</u>	<u>106,813,177</u>
22	Total all funds	\$111,374,452	\$269,596,721
23	Less estimated income	<u>103,577,792</u>	<u>225,529,471</u>

1	Total general fund	\$36,270,590	\$7,796,660	\$44,067,250
2	Full-time equivalent positions	204.00	8.50	212.50

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
 4 **SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
 5 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the
 6 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act:

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

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

21 **SECTION 3. COVID-19 BORROWING AUTHORITY - APPROPRIATION.** The state
 22 department of health, subject to the approval of the emergency commission, may borrow up to
 23 \$25,000,000 from the Bank of North Dakota for the purposes of responding to the COVID-19
 24 public health emergency. Any moneys borrowed from the Bank of North Dakota pursuant to this
 25 section are appropriated and may be spent by the state department of health for testing, contact
 26 tracing, and other costs related to responding and mitigating the COVID-19 public health
 27 emergency for the biennium beginning July 1, 2021, and ending June 30, 2023. If the state
 28 department of health does not have sufficient funds to repay the Bank of North Dakota, the
 29 department shall request a deficiency appropriation from the sixty-eighth legislative assembly
 30 sufficient for repayment of the amount borrowed plus interest. The funding in this section is
 31 considered one-time funding.

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

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

7 Behavioral risk factor survey	\$200,000
8 Behavioral health loan repayment	234,500
9 Domestic violence prevention	300,000
10 Women's way	329,500
11 Dentists' loan repayment	360,000
12 Local public health state aid	525,000
13 Cancer programs	580,324
14 Local public health pandemic response grants	4,515,296
15 Tobacco prevention and control	5,043,000
16 Tobacco prevention and control grants to local public health units	<u>6,250,000</u>
17 Total community health trust fund	\$18,337,620

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

20 **23-01-02. Health council - Members, terms of office, vacancies, compensation,**
21 **officers, meetings.**

22 The health council consists of nine members appointed by the governor including four
23 persons from the health care field, and five persons representing consumer interests. The
24 governor may select members to the council from recommendations submitted by trade,
25 professional, and consumer organizations. On the expiration of the term of any member, the
26 governor, in the manner provided by this section, shall appoint for a term of three years,
27 persons to take the place of members whose terms on the council are about to expire. The
28 officers of the council must be elected annually. Any state agency may serve in an advisory
29 capacity to the health council at the discretion of the council. The council shall meet at least
30 twice each year and at other times as the council or its chairman may direct. The health council
31 shall have as standing committees any committees the council may find necessary. The

1 chairman of the council shall select the members of these committees. The members of the
2 council are entitled to receive ~~sixty-two dollars and fifty cents~~ as compensation ~~per day~~ at the
3 rate set for a member of the legislative assembly under subsection 1 of section 54-03-20 and
4 their necessary mileage and travel expenses as provided in sections 44-08-04 and 54-06-09
5 while attending council meetings or in the performance of any special duties as the council may
6 direct. The per diem and expenses must be audited and paid in the manner in which the
7 expenses of state officers are audited and paid. The compensation provided for in this section
8 may not be paid to any member of the council who received salary or other compensation as a
9 regular employee of the state, or any of its political subdivisions, or any institution or industry
10 operated by the state.

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