

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1004
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the state department of health; to provide a contingent appropriation; to provide legislative intent; to provide for reports; to provide for a legislative management study; to provide for a performance audit; and to declare an emergency.

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, 2011, and ending June 30, 2013, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$44,861,868	\$4,283,655	\$49,145,523
Operating expenses	44,635,794	3,957,372	48,593,166
Capital assets	1,813,268	184,805	1,998,073
Grants	62,160,510	(6,632,472)	55,528,038
Tobacco prevention	9,079,685	(2,917,289)	6,162,396
WIC food payments	25,063,375	(905,266)	24,158,109
Federal stimulus funds	<u>0</u>	<u>3,492,228</u>	<u>3,492,228</u>
Total all funds	\$187,614,500	\$1,463,033	\$189,077,533
Less estimated income	<u>164,609,206</u>	<u>(4,445,453)</u>	<u>160,163,753</u>
Total general fund	\$23,005,294	\$5,908,486	\$28,913,780
Full-time equivalent positions	343.50	(1.00)	342.50

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-THIRD LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
Grant for mobile dental care service	\$196,000	\$0
Contingent transfer - Community health trust fund	2,405,371	0
Regional public health network pilot project	275,000	0
Immunization services	1,200,000	0
STEMI response program grant	0	600,000
Federal fiscal stimulus	<u>13,247,325</u>	<u>3,492,228</u>
Total all funds	\$17,323,696	\$4,092,228
Less estimated income	<u>13,247,325</u>	<u>3,492,228</u>
Total general fund	\$4,076,371	\$600,000

The 2011-13 one-time funding amounts are not a part of the entity's base budget for the 2013-15 biennium. The state department of health shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 3. ENVIRONMENT AND RANGELAND PROTECTION FUND. The estimated income line item included in section 1 of this Act includes \$272,310, or so much of the sum as may be necessary, to be made available to the state department of health from the environment and rangeland protection fund, for the biennium beginning July 1, 2011, and ending June 30, 2013. This amount includes \$50,000 for a grant to the North Dakota stockmen's association environmental services program.

SECTION 4. SAFE HAVENS SUPERVISED VISITATION AND EXCHANGE PROGRAM - DISTRIBUTION. The sum of \$425,000 included in the grants line item in section 1 of this Act is provided to continue the safe havens supervised visitation and exchange program for centers meeting eligibility standards in effect during the 2009-11 biennium.

SECTION 5. CONTINGENT APPROPRIATION AND BANK OF NORTH DAKOTA LINE OF CREDIT - LITIGATION AND ADMINISTRATIVE PROCEEDINGS COSTS - REPORT TO BUDGET SECTION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the state department of health for the purpose of defraying expenses associated with possible litigation and other administrative proceedings involving the United States environmental protection agency for the period beginning with the effective date of this Act and ending June 30, 2013. In addition, the state department of health, contingent on litigation and administrative proceedings, may borrow the sum of \$500,000, or so much of the sum as may be necessary, from the Bank of North Dakota, the proceeds of which is appropriated to the state department of health for the purpose of defraying the expenses associated with possible litigation and other administrative proceedings involving the United States environmental protection agency for the period beginning with the effective date of this Act and ending June 30, 2013. The department may spend the general fund moneys and access the line of credit only upon approval by the attorney general. The department must report quarterly to the budget section during the 2011-12 interim regarding the status of any litigation and other administrative proceedings.

SECTION 6. INTENT - INDIRECT COST RECOVERIES. Notwithstanding section 54-44.1-15, the state department of health may deposit indirect cost recoveries in its operating account.

SECTION 7. LEGISLATIVE INTENT - SUICIDE PREVENTION PROGRAM. It is the intent of the legislative assembly that the state department of health work in conjunction with the Indian affairs commission to develop, implement, and coordinate a suicide prevention program, including outreach, education, and administration of grants for suicide prevention activities for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 8. LEGISLATIVE MANAGEMENT STUDY - REGIONAL PUBLIC HEALTH NETWORK PILOT PROJECT. During the 2011-12 interim, the legislative management shall consider studying the regional public health network pilot project conducted during the 2009-11 biennium, including services provided, effects of the project on participating local public health units, efficiencies achieved in providing services, cost-savings to state and local governments, and possible improvements to the program. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 9. STATE AUDITOR - PERFORMANCE AUDIT - FAMILY HEALTH DIVISION - STATE DEPARTMENT OF HEALTH. The state auditor shall contract for a performance audit of the family health division of the state department of health during the biennium beginning July 1, 2011, and ending June 30, 2013. The state auditor may bill the state department of health for costs associated with the performance audit. The results of the performance audit must be presented to the legislative audit and fiscal review committee and filed with the appropriations committees of the sixty-third legislative assembly.

SECTION 10. EMERGENCY. Section 5 of this Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1004 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 82 Nays 10 Absent 2

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 2 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,
at _____ o'clock _____ M.

Secretary of State