

May 1, 2009

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2004

That the House recede from its amendments as printed on pages 1357 and 1358 of the Senate Journal and pages 1393-1395 of the House Journal and that Reengrossed Senate Bill No. 2004 be amended as follows:

Page 1, line 2, remove "and"

Page 1, line 3, after "intent" insert "; to provide for reports to the legislative council; to provide for retroactive application; and to declare an emergency"

Page 2, after line 14, insert:

**"SECTION 4. 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 tobacco prevention and control trust fund, not otherwise appropriated, to the state department of health, acting as fiscal agent for the tobacco prevention and control executive committee, for the purpose of defraying the expenses of the committee, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Comprehensive tobacco control	\$0	\$12,882,000	\$12,882,000
Total special funds	\$0	\$12,882,000	\$12,882,000
Full-time equivalent positions	0.00	4.00	4.00

**SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the tobacco prevention and control trust fund, not otherwise appropriated, the sum of \$62,403, or so much of the sum as may be necessary, to the state department of health, acting as fiscal agent for the tobacco prevention and control executive committee, for the purpose of defraying the expenses of the committee; developing, implementing, and administering the comprehensive tobacco prevention and control plan; and contracting with a consultant to facilitate the development of the comprehensive plan, for the period beginning January 1, 2009, and ending July 1, 2009."

Page 2, after line 29, insert:

**"SECTION 9. COMMUNITY HEALTH TRUST FUND - TRANSFER.** The office of management and budget shall transfer the sum of \$2,405,371 from the general fund to the community health trust fund, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 3, after line 3, insert:

**"SECTION 11. STATE DEPARTMENT OF HEALTH - FISCAL SERVICES.** The state department of health shall provide fiscal services for the tobacco prevention and control executive committee, for the period beginning with the effective date of this Act and ending June 30, 2011. The department shall receive and disburse funds as

directed by the tobacco prevention and control executive committee and may retain up to five percent of the appropriation to provide the fiscal services.

**SECTION 12. LEGISLATIVE INTENT.** It is the intent of the sixty-first legislative assembly that any act of the tobacco prevention and control executive committee or its employees is an act of the state of North Dakota functioning in its sovereign and governmental capacity. As a state entity the committee is subject to accountability requirements, including laws relating to state audits, fiscal management, records retention, and procurement. Employees of the committee are part of the state classified system.

**SECTION 13. REPORT TO LEGISLATIVE COUNCIL.** Before September 1, 2010, the tobacco prevention and control executive committee shall report to the legislative council on implementation of the comprehensive plan and outcomes achieved.

**SECTION 14. RETROACTIVE APPLICATION.** Section 5 of this Act is retroactive to January 1, 2009.

**SECTION 15. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment adds sections providing an appropriation to the State Department of Health, acting as fiscal agent for the Tobacco Prevention and Control Executive Committee, legislative intent, a report to the Legislative Council, and a retroactive application for expenses incurred by the committee from January 1, 2009, to July 1, 2009.