

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 a legislative council study; to amend and reenact section 54-27-25 of the North Dakota Century Code, relating to the tobacco settlement trust fund; to provide for an exemption; to provide for a transfer; to provide for reports to the legislative council; to provide for retroactive application; and to declare an emergency"

Page 1, line 13, replace "7,496,481" with "7,152,737" and replace "45,205,612" with "44,861,868"

Page 1, line 14, replace "644,923" with "599,255" and replace "44,681,462" with "44,635,794"

Page 1, line 16, replace "991,734" with "2,396,934" and replace "59,009,510" with "60,414,710"

Page 1, line 17, replace "38,612" with "160,339" and replace "8,957,958" with "9,079,685"

Page 1, line 19, replace "16,681,010" with "17,818,525" and replace "184,731,185" with "185,868,700"

Page 1, line 20, replace "12,400,770" with "13,946,429" and replace "162,996,047" with "164,541,706"

Page 1, line 21, replace "4,280,240" with "3,872,096" and replace "21,735,138" with "21,326,994"

Page 2, replace lines 9 through 14 with:

**"SECTION 3. 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 4. 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.

**SECTION 5. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the state department of health, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Water quality grants	\$194,300
Superfund arsenic trioxide project grants	7,000,000
Clean diesel grants (provided to the department of public instruction)	1,730,000
Clean water state revolving loan fund administration	769,564
Drinking water state revolving loan fund administration	780,000
Stop violence against women	511,661
Women, infants, and children	61,800
Total federal funds	\$11,047,325

The state department of health may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

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

Page 2, replace lines 21 through 23 with:

**"SECTION 7. EMERGENCY MEDICAL SERVICES OPERATIONS - FUNDING FROM INSURANCE TAX DISTRIBUTION FUND - REPORT TO LEGISLATIVE COUNCIL.** The estimated income line item in section 1 of this Act includes \$2,750,000 from the insurance tax distribution fund for the biennium beginning July 1, 2009, and ending June 30, 2011. Of this amount, \$2,250,000 is for grants to emergency medical services operations as provided in chapter 23-40 and \$500,000 is for a grant to contract with an organization to:

- Develop, implement, and provide an access critical ambulance service operations assessment process for the purpose of improving emergency medical services delivery;
- Develop, implement, and provide leadership development training;
- Develop, implement, and provide a biennial emergency medical services recruitment drive; and
- Provide regional assistance to ambulance services to develop a quality review process for emergency medical services personnel and a mechanism to report to medical directors.

The state department of health shall report to the legislative council on the use of the funding provided under this section. The department shall require recipients of grants under this section to provide information on the use of funds received as necessary to provide the report to the legislative council."

**"SECTION 10. EXEMPTION.** The \$200,000, of which \$150,000 is from the community health trust fund and \$50,000 is from the general fund, appropriated for colorectal screening grants, as contained in section 3 of chapter 4 of the 2007 Session Laws, is not subject to the provisions of section 54-44.1-11, and any unexpended funds from these appropriations are available and may be expended during the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 11. LEGISLATIVE COUNCIL STUDY - IMMUNIZATION PROGRAM.** During the 2009-10 interim, the legislative council shall consider studying the state immunization program. The study, if conducted, must identify pharmacists' or other providers' ability and interest in immunizing children and include a review of the effect of the program on public health units, including billing, billing services, fee collections, and uncollectible accounts. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 12. 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.

**SECTION 13. 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 14. 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 15. 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 16. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

**54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.**

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund must be allocated as follows:

- a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.
  - b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.
  - c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.
2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan provided for under chapter 23-42. ~~If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.~~
  3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

**SECTION 17. RETROACTIVE APPLICATION.** Section 4 of this Act is retroactive to January 1, 2009.

**SECTION 18. EMERGENCY.** Sections 4, 5, 13, 16, and 17 of this Act are declared to be an emergency measure."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98047.0417 FN 8**

**A copy of the statement of purpose of amendment is attached.**