

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1353

Page 1, line 1, after "to" insert "create and enact three new sections to chapter 15-52 of the North Dakota Century Code, relating to the school of medicine and health sciences advisory council; to"

Page 1, line 1, after the third comma insert "23-42-01, 23-42-04, 23-42-05,"

Page 1, line 4, after the comma insert "the tobacco prevention and control program,"

Page 1, line 4, remove "to repeal chapter"

Page 1, remove line 5

Page 1, line 6, remove "prevention and control program and water development trust fund expenditures;"

Page 1, remove lines 17 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 3, after line 30, insert:

"SECTION 2. AMENDMENT. Section 15-52-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-52-03. School of medicine and health sciences advisory council -
Members, terms, meetings.**

4. To assure the proper coordination of the university of North Dakota school of medicine and health sciences with all other health activities of the state, a permanent school of medicine and health sciences advisory council is established to perform the duties in section 15-52-04.
2. ~~The council consists of fifteen members:~~
 - a. ~~(1) Two members of the senate, one of whom must be from the majority party and one of whom must be from the minority party, selected by the chairman of the legislative management; and~~
~~(2) Two members of the house of representatives, one of whom must be from the majority party and one of whom must be from the minority party, to be selected by the chairman of the legislative management;~~
 - b. One member selected by each of the following:
 - (1) The department of human services;
 - (2) The state board of higher education;
 - (3) The state department of health;

- (4) ~~The North Dakota medical association;~~
 - (5) ~~The North Dakota healthcare association;~~
 - (6) ~~The veterans administration hospital in Fargo; and~~
 - (7) ~~The university of North Dakota center for rural health; and~~
 - e. ~~Four members selected by the dean of the university of North Dakota school of medicine and health sciences, one from each of the four campuses of the school of medicine and health sciences with headquarters in Bismarck, Fargo, Grand Forks, and Minot.~~
3. ~~The representatives named by the state agencies and boards must be selected to serve as members of the advisory council for periods of at least one year, but may not serve longer than their term of office on the public agency. The representatives from the North Dakota state medical association and the North Dakota healthcare association shall serve a term of three years or until their successors are named and qualified.~~
4. ~~The council shall name its own chairman and the dean of the university of North Dakota school of medicine and health sciences shall serve as executive secretary of the council. The council shall meet not less than twice each year, and, from time to time, on its own motion or upon request of the university administration. The council consists of:~~
1. The following voting members:
- a. (1) Two members of the senate, one of whom must be from the majority party and one of whom must be from the minority party, appointed by the chairman of the legislative management; and
 - (2) Two members of the house of representatives, one of whom must be from the majority party and one of whom must be from the minority party, appointed by the chairman of the legislative management;
 - b. Eight individuals appointed by the governor, provided:
 - (1) Each of the eight individuals must be located within the boundaries of a separate human service center region;
 - (2) (a) Four of the eight individuals must be located in communities having a population fewer than five thousand;
 - (b) Two of the eight individuals must be located in communities having a population of at least five thousand but fewer than thirty thousand; and
 - (c) Two of the eight individuals must be located in communities having a population of at least thirty thousand; and
 - (3) (a) Five of the eight individuals must be health care providers regularly involved in patient care;

- (b) One of the eight individuals must be a hospital or clinic administrator; and
- (c) One of the eight individuals must be involved in the field of mental health;
- c. Two individuals appointed by the dean of the university of North Dakota school of medicine and health sciences, provided each individual must represent a separate campus of the school of medicine and health sciences; and
- d. One individual appointed by the state board of higher education; and
- 2. The following ex officio, nonvoting members:
 - a. The director of the university of North Dakota center for rural health; and
 - b. The director of the department of human services.

SECTION 3. A new section to chapter 15-52 of the North Dakota Century Code is created and enacted as follows:

Terms of office.

- 1.
 - a. The term of office for each member of the legislative assembly appointed to the council is four years. A member of the legislative assembly may not serve more than two consecutive terms.
 - b. The term of office for each member appointed by the governor is three years, except that the terms of those members initially appointed must be staggered so that four serve for terms of two years and four serve for terms of three years. A member appointed by the governor may not serve more than two consecutive terms.
 - c. The term of office for each member appointed by the dean of the university of North Dakota school of medicine and health sciences is three years. A member appointed by the dean may not serve more than two consecutive terms.
- 2. Any member who is absent from more than three council meetings within a two-year period is precluded from further service on the council and a new member must be appointed, as provided for in section 15-52-03, to complete the term of office.

SECTION 4. A new section to chapter 15-52 of the North Dakota Century Code is created and enacted as follows:

Compensation.

- 1. Each member of the council, other than one who is employed by the state, is entitled to receive compensation in the amount of one hundred forty-eight dollars per day plus reimbursement for expenses as provided by law for state officers, if the member is attending meetings or participating in meetings through electronic means, or if the member is performing duties directed by the council.

2. Each member of the council who is employed by the state is entitled to receive reimbursement for expenses as provided by law for state officers, if the member is attending meetings or participating in meetings through electronic means, or if the member is performing duties directed by the council.

SECTION 5. A new section to chapter 15-52 of the North Dakota Century Code is created and enacted as follows:

Chairman - Meetings.

The council shall elect one member to serve as the chairman. The council must meet at least four times each year and may meet at its own call or at the request of university administration."

Page 5, after line 15, insert:

"SECTION 7. AMENDMENT. Section 23-42-01 of the North Dakota Century Code is amended and reenacted as follows:

23-42-01. Definitions.

As used in this chapter:

1. "Advisory committee" is the nine-member tobacco prevention and control advisory committee responsible to develop the comprehensive plan.
2. "Comprehensive plan" means a comprehensive statewide tobacco prevention and control program that is consistent with the centers for disease control best practices for comprehensive tobacco prevention and control programs and does not duplicate the work of the community health grant program created in chapter 23-38.
3. "Executive committee" means the three-member committee selected by the advisory committee and charged with implementation and administration of the comprehensive plan.
4. ~~"Tobacco prevention and control fund" consists of all principal and interest of the tobacco prevention and control trust fund established by section 54-27-25.~~

SECTION 8. AMENDMENT. Section 23-42-04 of the North Dakota Century Code is amended and reenacted as follows:

23-42-04. Powers of the executive committee.

To implement the purpose of this chapter and, in addition to any other authority granted elsewhere in this chapter, to support its efforts and implement the comprehensive plan, the executive committee may employ staff and fix their compensation, accept grants, property, and gifts, enter contracts, make loans, provide grants, borrow money, lease property, ~~provide direction to the state investment board for investment of the tobacco prevention and control fund,~~ and take any action that any private individual, corporation, or limited liability company lawfully may do except as restricted by the provisions of this chapter.

SECTION 9. AMENDMENT. Section 23-42-05 of the North Dakota Century Code is amended and reenacted as follows:

23-42-05. Development of the comprehensive plan.

The advisory committee shall develop the initial comprehensive plan within one hundred eighty days of the initial meeting of the advisory committee. ~~The comprehensive plan must be funded at a level equal to or greater than the centers for disease control recommended funding level. Funding for the comprehensive plan must supplement and may not supplant any funding that in the absence of this chapter would be or has been provided for the community health trust fund or other health initiatives."~~

Page 6, line 23, after "of" insert "the comprehensive tobacco control advisory committee and the"

Page 6, remove lines 29 and 30

Page 7, after line 13, insert:

"SECTION 13. APPROPRIATION - COMPREHENSIVE TOBACCO CONTROL ADVISORY COMMITTEE. There is appropriated out of any moneys in the health care programs trust fund in the state treasury, not otherwise appropriated, the sum of \$9,000,000, or so much of the sum as may be necessary, to the comprehensive tobacco control advisory committee for the purpose of defraying the expenses of the committee, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly