

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1353

Introduced by

Representatives Skarphol, Devlin, Weisz

Senators Fischer, Holmberg, J. Lee

A BILL for an Act to 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 amend and reenact sections 15-52-01, 15-52-03, 15-52-04, 23-42-01, 23-42-04, 23-42-05, and 54-27-25 of the North Dakota Century Code, relating to the purpose of the school of medicine and health sciences, the school of medicine and health sciences advisory council, the school of medicine and health sciences strategic plan, the tobacco prevention and control program, and the tobacco settlement trust fund; ~~to repeal chapter 23-42 and section 54-27-25.1 of the North Dakota Century Code, relating to the tobacco prevention and control program and water development trust fund expenditures;~~ to provide an appropriation; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-52-01 of the North Dakota Century Code is amended and reenacted as follows:

15-52-01. School of medicine and health sciences.

The primary purpose of the university of North Dakota school of medicine and health sciences is to ~~educate~~increase the health care workforce in the state by educating physicians, with a focus on the education of primary care physicians, and other health professionals and to enhance the quality of life in North Dakota. Other purposes include the discovery of knowledge that benefits the people of this state and enhances the quality of their lives.

~~**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.**~~

~~**1.** 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~~

1 medicine and health sciences advisory council is established to perform the duties in
2 section 15-52-04.

3 ~~2. For the purposes of this section, a "small community" means a metropolitan statistical~~
4 ~~area with a combined population of five thousand or less, a "medium community"~~
5 ~~means a metropolitan statistical area with a combined population of more than five~~
6 ~~thousand but less than thirty thousand, and a "large community" means a metropolitan~~
7 ~~statistical area with a combined population of thirty thousand or more. The council~~
8 ~~consists of fifteen~~sixteen members:

9 ~~a. (1) Two members of the senate, one of whom must be from the majority party~~
10 ~~and one of whom must be from the minority party, selected by the chairman~~
11 ~~of the legislative management; and~~

12 ~~(2) Two~~two members of the house of representatives, one of whom must be
13 ~~from the majority party and one of whom must be from the minority party, to~~
14 ~~be selected by the chairman of the legislative management;~~

15 ~~b. One member selected by each of the following:~~

16 ~~(1) The department of human services;~~

17 ~~(2) The state board of higher education;~~

18 ~~(3) The state department of health;~~

19 ~~(4) The North Dakota medical association;~~

20 ~~(5) The North Dakota healthcare association;~~

21 ~~(6) The veterans administration hospital in Fargo; and~~

22 ~~(7) The university of North Dakota center for rural health; and~~Eight members
23 ~~selected by the governor to represent the human services regions of the~~
24 ~~state, of which four members must be from a small community, two~~
25 ~~members from a medium community, and two members from a large~~
26 ~~community. Of the members selected by the governor, at least five of the~~
27 ~~members must be health care providers involved regularly in patient care, at~~
28 ~~least one member must be a clinic or hospital administrator, and at least one~~
29 ~~member must be an individual involved in health care;~~

30 ~~c. Four~~Two members selected by the dean of the university of North Dakota school
31 ~~of medicine and health sciences, one from each of the four campuses of the~~

1 school of medicine and health sciences with headquarters in Bismarck, Fargo,
2 Grand Forks, and Minot.;

3 ~~—— d. One member selected by the state board of higher education; and~~

4 ~~—— e. The director of the university of North Dakota center for rural health, who shall~~
5 ~~serve as an ex officio member.~~

6 ~~—— 3. The representatives named by the state agencies and boards must be selected to~~
7 ~~serve as members of the advisory council for periods of at least one year, but may not~~
8 ~~serve longer than their term of office on the public agency. The representatives from~~
9 ~~the North Dakota state medical association and the North Dakota healthcare~~
10 ~~association shall serve a term of three years or until their successors are named and~~
11 ~~qualified. The legislators must be selected to serve four-year terms and may be~~
12 ~~selected for one additional term, but may not serve beyond their term of office. The~~
13 ~~governor shall appoint members to serve terms of three years, except for those first~~
14 ~~appointed, of which four members must serve for two years and four members for~~
15 ~~three years. The governor may appoint members to serve one additional term. All~~
16 ~~other members must be selected to serve three-year terms and may be selected for~~
17 ~~one additional term.~~

18 ~~—— 4. The members of the council are entitled to compensation from the university of North~~
19 ~~Dakota school of medicine and health sciences for attendance at council meetings,~~
20 ~~including meetings held through video or teleconference, at a rate of one hundred~~
21 ~~forty-eight dollars per day and are entitled to reimbursement for expenses incurred in~~
22 ~~attending the meetings in the amounts provided by law for other state officers. A state~~
23 ~~employee who is a member of the council may not receive compensation under this~~
24 ~~subsection but is entitled to mileage and expense reimbursement to be paid by the~~
25 ~~university of North Dakota school of medicine and health sciences.~~

26 ~~—— 4.5. The council shall name its own chairman and the dean of the university of North~~
27 ~~Dakota school of medicine and health sciences shall serve as executive secretary of~~
28 ~~the council. The council shall meet not less than twicefour times each year, and, from~~
29 ~~time to time, on its own motion or upon request of the university administration.~~

~~6. Any council member absent from three or more advisory council meetings during a two-year period may no longer serve on the advisory council and a new member appointed pursuant to subsection 2.~~

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~~

~~c. 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.

SECTION 6. AMENDMENT. Section 15-52-04 of the North Dakota Century Code is amended and reenacted as follows:

15-52-04. Duties of council.

1. The advisory council, in consultation with the school of medicine and health sciences and the other agencies, associations, and institutions represented on the advisory council, shall study and make recommendations regarding the strategic plan, programs, and facilities of the school of medicine and health sciences.

2. ~~Biennially~~Annually, the advisory council shall submit a report, together with its recommendations and outcomes, to the agencies, ~~associations,~~ and institutions represented on the advisory council, to the university of North Dakota, ~~to the budget section,~~ and to the legislative ~~council~~management. In addition, the advisory council shall submit a report together with its recommendations and outcomes to the appropriations committees of the house and senate during each legislative session.

3. a. The report must describe the advisory council's recommendations regarding the strategic plan, programs, and facilities of the school of medicine and health

sciences as developed under subsection 1. The recommendations for implementing strategies through the school of medicine and health sciences or other agencies and institutions must:

- (1) Address the health care needs of the people of the state; and
- (2) Provide information regarding the state's health care workforce needs;
- (3) Provide for increasing the number of primary care physicians practicing in the state;
- (4) Collaborate with local organizations and political subdivisions to place primary care physicians in rural parts of the state;
- (5) Allow for the recruitment of students into specialized programs identified as necessary for addressing the health care needs of the state;
- (6) Provide for increasing the number of resident training positions available to train primary care physicians in the state, including incentives to establish resident training programs; and
- (7) Provide that after meeting commitments to the western interstate commission for higher education and the Indians into medicine program, university of North Dakota school of medicine and health sciences students fill at least eighty percent of the resident training positions available in the state.

b. The recommendations required under subdivision a may address:

- (1) Medical education and training;
- (2) The recruitment and retention of physicians and other health care professionals;
- (3) Factors influencing the practice environment for physicians and other health care professionals;
- (4) Access to health care;
- (5) Patient safety;
- (6) The quality of health care and the efficiency of its delivery; and
- (7) Financial challenges in the delivery of health care.

4. The council may consult with any individual or entity in performing its duties under this section.

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.~~

SECTION 10. 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~~ health care programs 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~~ in the fund are ~~to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. 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 available, subject to legislative appropriations, for defraying the expenses of the comprehensive tobacco control advisory committee and the university of North Dakota school of medicine and health sciences projects and programs related to increasing the health care workforce in the state, with a focus on the education of primary care physicians.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

~~**SECTION 11. REPEAL.** Chapter 23-42 and section 54-27-25.1 of the North Dakota Century Code are repealed.~~

SECTION 11. APPROPRIATION - HEALTH SCIENCES FACILITY PROJECT. There is appropriated out of any moneys in the health care programs trust fund in the state treasury, not otherwise appropriated, the sum of \$28,900,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of constructing a new health sciences facility at the university of North Dakota, for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 12. APPROPRIATION - MEDICAL SCHOOL PROGRAM EXPANSION. There is appropriated out of any moneys in the health care programs trust fund in the state treasury, not otherwise appropriated, the sum of \$5,800,000, or so much of the sum as may be necessary, to the university of North Dakota school of medicine and health sciences for the purpose of increasing the number of medical and health sciences students at the university of North

1 Dakota school of medicine and health sciences and the number of residency training positions
2 in the state, for the biennium beginning July 1, 2011, and ending June 30, 2013.

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

9 **SECTION 14. TRANSFER - TOBACCO PREVENTION AND CONTROL TRUST FUND -**
10 **HEALTH CARE PROGRAMS TRUST FUND.** The office of management and budget shall
11 transfer any balance remaining in the tobacco prevention and control trust fund at the end of the
12 2009-11 biennium to the health care programs trust fund. For purposes of this section, "at the
13 end of the 2009-11 biennium" means after cancellation of unexpended appropriations under
14 section 54-44.1-11.