

**FIRST ENGROSSMENT**  
**House Amendments - Minority Report**  
**ENGROSSED HOUSE BILL NO. 1353**

Introduced by

Representatives Skarphol, Devlin, Weisz

Senators Fischer, Holmberg, J. Lee

1 A BILL for an Act to amend and reenact sections 15-52-01, 15-52-03, 15-52-04, and 57-36-32 of  
2 the North Dakota Century Code, relating to the purpose of the school of medicine and health  
3 sciences, the school of medicine and health sciences advisory council, the school of medicine  
4 and health sciences strategic plan, and additional tax on the sale of cigarettes; to repeal section  
5 54-27-25.1 of the North Dakota Century Code, relating to water development trust fund  
6 expenditures; and to provide an appropriation.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

10 **15-52-01. School of medicine and health sciences.**

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

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

18 **15-52-03. School of medicine and health sciences advisory council - Members, terms,**  
19 **meetings.**

20 1. To assure the proper coordination of the university of North Dakota school of medicine  
21 and health sciences with all other health activities of the state, a permanent school of  
22 medicine and health sciences advisory council is established to perform the duties in  
23 section 15-52-04.

- 1           2. For the purposes of this section, a "small community" means a metropolitan statistical  
2           area with a combined population of five thousand or less, a "medium community"  
3           means a metropolitan statistical area with a combined population of more than five  
4           thousand but less than thirty thousand, and a "large community" means a metropolitan  
5           statistical area with a combined population of thirty thousand or more. The council  
6           consists of ~~fifteen~~sixteen members:
- 7           a. (1) Two members of the senate, one of whom must be from the majority party  
8                     and one of whom must be from the minority party, selected by the chairman  
9                     of the legislative management; and
- 10           (2) Two members of the house of representatives, one of whom must be from  
11                     the majority party and one of whom must be from the minority party, to be  
12                     selected by the chairman of the legislative management;
- 13           b. ~~One member selected by each of the following:~~
- 14                     ~~(1) The department of human services;~~  
15                     ~~(2) The state board of higher education;~~  
16                     ~~(3) The state department of health;~~  
17                     ~~(4) The North Dakota medical association;~~  
18                     ~~(5) The North Dakota healthcare association;~~  
19                     ~~(6) The veterans administration hospital in Fargo; and~~  
20                     ~~(7) The university of North Dakota center for rural health; and~~Eight members  
21                     selected by the governor to represent the human services regions of the  
22                     state, of which four members must be from a small community, two  
23                     members from a medium community, and two members from a large  
24                     community. Of the members selected by the governor, at least five of the  
25                     members must be health care providers involved regularly in patient care, at  
26                     least one member must be a clinic or hospital administrator, and at least one  
27                     member must be an individual involved in health care;
- 28           c. ~~Four~~Two members selected by the dean of the university of North Dakota school  
29                     of medicine and health sciences, ~~one from each of the four campuses of the~~  
30                     school of medicine and health sciences ~~with headquarters in Bismarck, Fargo,~~  
31                     ~~Grand Forks, and Minot.;~~

- 1           d. One member selected by the state board of higher education; and
- 2           e. The director of the university of North Dakota center for rural health, who shall
- 3                 serve as an ex officio member.
- 4       3. ~~The representatives named by the state agencies and boards must be selected to~~
- 5       ~~serve as members of the advisory council for periods of at least one year, but may not~~
- 6       ~~serve longer than their term of office on the public agency. The representatives from~~
- 7       ~~the North Dakota state medical association and the North Dakota healthcare~~
- 8       ~~association shall serve a term of three years or until their successors are named and~~
- 9       ~~qualified. The legislators must be selected to serve four-year terms and may be~~
- 10       selected for one additional term, but may not serve beyond their term of office. The
- 11       governor shall appoint members to serve terms of three years, except for those first
- 12       appointed, of which four members must serve for two years and four members for
- 13       three years. The governor may appoint members to serve one additional term. All
- 14       other members must be selected to serve three-year terms and may be selected for
- 15       one additional term.
- 16       4. The members of the council are entitled to compensation from the university of North
- 17       Dakota school of medicine and health sciences for attendance at council meetings,
- 18       including meetings held through video or teleconference, at a rate of one hundred
- 19       forty-eight dollars per day and are entitled to reimbursement for expenses incurred in
- 20       attending the meetings in the amounts provided by law for other state officers. A state
- 21       employee who is a member of the council may not receive compensation under this
- 22       subsection but is entitled to mileage and expense reimbursement to be paid by the
- 23       university of North Dakota school of medicine and health sciences.
- 24       4.5. The council shall name its own chairman and the dean of the university of North
- 25       Dakota school of medicine and health sciences shall serve as executive secretary of
- 26       the council. The council shall meet not less than ~~twice~~four times each year, and, from
- 27       time to time, on its own motion or upon request of the university administration.
- 28       6. Any council member absent from three or more advisory council meetings during a
- 29       two-year period may no longer serve on the advisory council and a new member
- 30       appointed pursuant to subsection 2.

1       **SECTION 3. AMENDMENT.** Section 15-52-04 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15-52-04. Duties of council.**

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

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

14       3. a. The report must describe the advisory council's recommendations regarding the  
15 strategic plan, programs, and facilities of the school of medicine and health  
16 sciences as developed under subsection 1. The recommendations for  
17 implementing strategies through the school of medicine and health sciences or  
18 other agencies and institutions must:  
19       (1) Address the health care needs of the people of the state; and  
20       (2) Provide information regarding the state's health care workforce needs;  
21       (3) Provide for increasing the number of primary care physicians practicing in  
22       the state;  
23       (4) Collaborate with local organizations and political subdivisions to place  
24       primary care physicians in rural parts of the state;  
25       (5) Allow for the recruitment of students into specialized programs identified as  
26       necessary for addressing the health care needs of the state;  
27       (6) Provide for increasing the number of resident training positions available to  
28       train primary care physicians in the state, including incentives to establish  
29       resident training programs; and  
30       (7) Provide that after meeting commitments to the western interstate  
31       commission for higher education and the Indians into medicine program.

1                   university of North Dakota school of medicine and health sciences students  
2                   fill at least eighty percent of the resident training positions available in the  
3                   state.

4           b.    The recommendations required under subdivision a may address:

5                   (1)   Medical education and training;

6                   (2)   The recruitment and retention of physicians and other health care  
7                   professionals;

8                   (3)   Factors influencing the practice environment for physicians and other health  
9                   care professionals;

10                  (4)   Access to health care;

11                  (5)   Patient safety;

12                  (6)   The quality of health care and the efficiency of its delivery; and

13                  (7)   Financial challenges in the delivery of health care.

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

16           **SECTION 4. AMENDMENT.** Section 57-36-32 of the North Dakota Century Code is  
17                  amended and reenacted as follows:

18           **57-36-32. Separate and additional tax on the sale of cigarettes - Collection -**  
19           **Allocation of revenue - Tax avoidance prohibited.**

20           There is hereby levied and assessed and there shall be collected by the state tax  
21           commissioner and paid to the state treasurer, upon all cigarettes sold in this state, an additional  
22           tax, separate and apart from all other taxes, of ~~seventeenthirty-seven~~ and one-half mills on  
23           each cigarette, to be collected as existing taxes on cigarettes sold are, or hereafter may be,  
24           collected, by use of appropriate stamps and under similar accounting procedures. No person,  
25           firm, corporation, or limited liability company shall transport or bring or cause to be shipped into  
26           the state of North Dakota any cigarettes as provided herein, other than for delivery to  
27           wholesalers in this state, without first paying the tax thereon to the state tax commissioner. All of  
28           the moneys collected by the state treasurer under this section shall be credited to the state  
29           general fund.

30           **SECTION 5. REPEAL.** Section 54-27-25.1 of the North Dakota Century Code is repealed.

1       **SECTION 6. APPROPRIATION - HEALTH SCIENCES FACILITY PROJECT.** There is  
2 appropriated out of any moneys in the general fund in the state treasury, not otherwise  
3 appropriated, the sum of \$28,900,000, or so much of the sum as may be necessary, to the  
4 university of North Dakota for the purpose of constructing a new health sciences facility at the  
5 university of North Dakota, for the biennium beginning July 1, 2011, and ending June 30, 2013.

6       **SECTION 7. APPROPRIATION - MEDICAL SCHOOL PROGRAM EXPANSION.** There is  
7 appropriated out of any moneys in the general fund in the state treasury, not otherwise  
8 appropriated, the sum of \$5,800,000, or so much of the sum as may be necessary, to the  
9 university of North Dakota school of medicine and health sciences for the purpose of increasing  
10 the number of medical and health sciences students at the university of North Dakota school of  
11 medicine and health sciences and the number of residency training positions in the state, for the  
12 biennium beginning July 1, 2011, and ending June 30, 2013.