

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015

In addition to the amendments adopted by the Senate as printed on pages \_\_\_ of the Senate Journal, Engrossed House Bill No. 1015 is further amended as follows:

Page 1, line 8, remove "and" and after "study" insert "; to provide an appropriation for the tobacco prevention and control executive committee; to provide for a biennial budget; to restrict expenditures from the water development trust fund; to provide for a report to the legislative council; to provide for retroactive application; and to declare an emergency"

Page 7, after line 19, insert:

**SECTION 19. 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 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 20. 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 tobacco prevention and control executive committee for the purpose of defraying the expenses of the committee; developing, implementing, and administering the comprehensive tobacco control and prevention plan; and contracting with a consultant to facilitate the development of the comprehensive plan, for the period beginning January 1, 2009, and ending June 30, 2009.

**SECTION 21. 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 22. REPORTS TO THE BUDGET SECTION.** The tobacco prevention and control executive committee shall report to the budget section quarterly on the implementation of the comprehensive tobacco prevention and control plan and outcomes achieved, for the 2009-10 interim.

**SECTION 23. Water development trust fund expenditures.** Any moneys deposited in the water development trust fund under section 54-27-25 may be spent only pursuant to legislative appropriations.

**SECTION 24. Biennial budget.** The tobacco prevention and control executive committee shall prepare and submit a biennial budget to the office of management and budget as required by section 54-44.1-04.

**SECTION 25. RETROACTIVE APPLICATION.** Section 20 of this Act is retroactive to January 1, 2009.

**SECTION 26. EMERGENCY.** Sections 20 and 25 of this Act are declared to be an emergency measure."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment adds the appropriation for the Tobacco Prevention and Control Executive Committee for the 2009-11 biennium and as, an emergency measure, a retroactive appropriation for expenses incurred by the committee from January 1, 2009, through June 30, 2009. The amendment also:

- Provides for legislative intent with regard to the committee.
- Provides for Budget Section reports.
- Adds a section providing that funds from the water development trust fund may be spent only pursuant to legislative appropriations.
- Provides the Tobacco Prevention and Control Executive Committee shall prepare and submit a biennial budget.