

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2004

That the House recede from its amendments as printed on pages 1383-1387 of the Senate Journal and pages 1463-1466 of the House Journal and that Engrossed Senate Bill No. 2004 be amended as follows:

Page 1, line 2, after the semicolon insert "to amend and reenact section 14-02.1-01 of the North Dakota Century Code as amended in section 1 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, and the new section to chapter 14-02.1 of the North Dakota Century Code as created by section 3 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, relating to the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain;"

Page 1, line 2, after "repeal" insert "chapter 23-17.5 and"

Page 1, line 2, after the second "to" insert "health care provider cooperative agreements and"

Page 1, line 3, remove "and"

Page 1, line 3, after "intent" insert "; and to provide for a legislative management study"

Page 1, replace lines 13 through 16 with:

"Salaries and wages	\$49,351,659	\$5,260,119	\$54,611,778
Accrued leave payments	0	2,223,289	2,223,289
Operating expenses	50,272,030	(12,299,016)	37,973,014
Capital assets	1,998,073	226,215	2,224,288
Grants	57,928,038	(1,297,309)	56,630,729"

Page 1, replace lines 20 through 23 with:

"Total all funds	\$189,870,305	(\$5,848,095)	\$184,022,210
Less estimated income	<u>156,956,525</u>	<u>(17,388,091)</u>	<u>139,568,434</u>
Total general fund	\$32,913,780	\$11,539,996	\$44,453,776
Full-time equivalent positions	344.00	9.00	353.00"

Page 2, after line 7, insert:

"Funding to contract for autopsies	0	480,000"
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Page 2, replace lines 10,11, and 12 with:

"Total all funds	\$5,092,228	\$1,245,000
Less estimated income	<u>3,992,228</u>	<u>265,000</u>
Total general fund	\$1,100,000	\$980,000"

Page 2, after line 16, insert:

**"SECTION 3. FAMILY VIOLENCE GRANTS - CONTINGENT FUNDING.** The grants line item in section 1 of this Act includes \$80,000 from the general fund for family violence services and prevention grants. This funding is contingent on the state department of health certifying to the director of the office of management and budget

that federal funds available to the department for family violence grants have been reduced due to federal sequestration. The department may spend these funds to the extent that federal funds are reduced."

Page 2, remove lines 23 through 25

Page 3, after line 2, insert:

**"SECTION 7. AMENDMENT.** Section 14-02.1-01 of the North Dakota Century Code as amended in section 1 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, is amended and reenacted as follows:

**14-02.1-01. Purpose.**

~~The purpose of this section is to protect the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain. The purpose of this chapter is to protect unborn human life and maternal health within present constitutional limits. It reaffirms the tradition of the state of North Dakota to protect every human life whether unborn or aged, healthy or sick.~~

**SECTION 8. AMENDMENT.** The new section to chapter 14-02.1 of the North Dakota Century Code as created by section 3 of Senate Bill No. 2368, as approved by the sixty-third legislative assembly, is amended and reenacted as follows:

**Determination of postfertilization age - Abortion of unborn child of twenty or more weeks postfertilization age prohibited.**

1. The purpose of this section is to protect the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain.
2. Except in the case of a medical emergency, an abortion may not be performed or induced or be attempted to be performed or induced unless the physician performing or inducing the abortion has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making the determination, the physician shall make those inquiries of the woman and perform or cause to be performed the medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to postfertilization age.
- ~~2.3.~~ Except in the case of a medical emergency, a person may not perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the woman's unborn child is twenty or more weeks.

**SECTION 9. LEGISLATIVE MANAGEMENT STUDY.** The legislative management shall consider studying, during the 2013-14 interim, funding provided by the state for autopsies and state and county responsibility for the cost of autopsies, including the feasibility and desirability of counties sharing in the cost of autopsies performed by the state department of health and the university of North Dakota school of medicine and health sciences. The legislative management shall report its findings

and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly."

Page 3, line 3, replace "Section" with "Chapter 23-17.5 and section"

Page 3, line 3, replace "is" with "are"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2004 - State Department of Health - Conference Committee Action**

	<b>Executive Budget</b>	<b>Senate Version</b>	<b>Conference Committee Changes</b>	<b>Conference Committee Version</b>	<b>House Version</b>	<b>Comparison to House</b>
Salaries and wages	\$58,149,478	\$58,191,244	(\$3,579,466)	\$54,611,778	\$52,875,620	\$1,736,158
Operating expenses	38,152,557	38,527,557	(554,543)	37,973,014	36,516,083	1,456,931
Capital assets	2,224,288	2,224,288		2,224,288	2,000,288	224,000
Grants	57,316,529	57,484,729	(854,000)	56,630,729	51,222,729	5,408,000
Tobacco prevention	5,544,251	5,544,251		5,544,251	5,544,251	
WIC food payments	24,659,861	24,659,861		24,659,861	24,659,861	
Federal stimulus funds	155,000	155,000		155,000	155,000	
Accrued leave payments			2,223,289	2,223,289	2,223,289	
Total all funds	\$186,201,964	\$186,786,930	(\$2,764,720)	\$184,022,210	\$175,197,121	\$8,825,089
Less estimated income	140,216,701	140,618,913	(1,050,479)	139,568,434	138,927,790	640,644
General fund	\$45,985,263	\$46,168,017	(\$1,714,241)	\$44,453,776	\$36,269,331	\$8,184,445
FTE	354.00	354.00	(1.00)	353.00	350.00	3.00

**Department No. 301 - State Department of Health - Detail of Conference Committee Changes**

	<b>Adjusts State Employee Compensation and Benefits Package<sup>1</sup></b>	<b>Provides Separate Line Item for Accrued Leave Payments<sup>2</sup></b>	<b>Removes Workforce Safety and Insurance for Volunteers<sup>3</sup></b>	<b>Removes Funding for Oil Impact Grants<sup>4</sup></b>	<b>Increases Funding for Grants to Local Public Health Units<sup>5</sup></b>	<b>Decreases Funding for Operating Expenses<sup>6</sup></b>
Salaries and wages	(\$1,254,539)	(\$2,223,289)				
Operating expenses			(84,000)			(125,000)
Capital assets						
Grants				(1,184,000)	250,000	
Tobacco prevention						
WIC food payments						
Federal stimulus funds						
Accrued leave payments		2,223,289				
Total all funds	(\$1,254,539)	\$0	(\$84,000)	(\$1,184,000)	\$250,000	(\$125,000)
Less estimated income	(577,479)	0	0	0	0	(100,000)
General fund	(\$677,060)	\$0	(\$84,000)	(\$1,184,000)	\$250,000	(\$25,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	<b>Decreases Funding for School of Medicine Autopsy Services<sup>7</sup></b>	<b>Adjusts Funding Source of Food and Lodging Licensing System<sup>8</sup></b>	<b>Removes Funding for One Environmental Health FTE Position<sup>9</sup></b>	<b>Adds Contingent Funding for Family Violence Services and Prevention Grants<sup>10</sup></b>	<b>Removes Funding Related to Health Care Provider Cooperative Agreements<sup>11</sup></b>	<b>Adjusts Funding Source for Statewide Stroke System of Care<sup>12</sup></b>
Salaries and wages			(\$101,638)			
Operating expenses	(160,000)		(85,543)		(100,000)	
Capital assets						
Grants				80,000		
Tobacco prevention						
WIC food payments						
Federal stimulus funds						

Accrued leave payments						
Total all funds	(\$160,000)	\$0	(\$187,181)	\$80,000	(\$100,000)	\$0
Less estimated income	0	110,000	0	0	(100,000)	(383,000)
General fund	(\$160,000)	(\$110,000)	(\$187,181)	\$80,000	\$0	\$383,000
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00

	<b>Total Conference Committee Changes</b>
Salaries and wages	(\$3,579,466)
Operating expenses	(554,543)
Capital assets	
Grants	(854,000)
Tobacco prevention	
WIC food payments	
Federal stimulus funds	
Accrued leave payments	2,223,289
Total all funds	(\$2,764,720)
Less estimated income	(1,050,479)
General fund	(\$1,714,241)
FTE	(1.00)

<sup>1</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>2</sup> A portion of salaries and wages funding from the general fund (\$707,673) and from other funds (\$1,515,616) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

<sup>3</sup> Removes funding for Workforce Safety and Insurance for volunteers included in the executive recommendation, the same as the House. The additional payment was determined to be unnecessary by Workforce Safety and Insurance.

<sup>4</sup> Oil impact funding for grants to local public health units in oil-impacted areas of the state included in the executive recommendation and approved by the Senate is removed, the same as the House.

<sup>5</sup> Funding for local public health units is increased to provide a total of \$4 million from the general fund to be distributed statewide, \$1 million more than the 2011-13 biennium. The House and Senate did not change the executive recommendation to provide \$3,750,000 from the general fund for local public health units, of which \$750,000 is to be distributed to public health units in non-oil-producing counties.

<sup>6</sup> Operating expenses are reduced departmentwide. The House reduced operating expenses \$250,000, and the Senate made no reductions.

<sup>7</sup> Professional services to contract with the University of North Dakota School of Medicine and Health Sciences to perform autopsies in the eastern part of the state, included in the executive recommendation and approved by the Senate are reduced to provide a total of \$480,000 of one-time funding from the general fund. The House removed this funding.

<sup>8</sup> The funding source of one-time funding for a food and lodging licensing management system included in the executive recommendation and approved by the Senate is changed from the general fund to

special funds from food and lodging fees, the same as the House version.

<sup>9</sup> Funding for 1 FTE laboratory services position (\$101,638) and related operating expenses (\$85,543) included in the executive recommendation and approved by the Senate is removed, the same as the House version.

The conference committee restored funding for 2 FTE municipal facilities positions (\$286,748) and related operating expenses (\$24,427), laboratory operating expenses (\$250,000), and capital assets (\$224,000) included in the executive recommendation and approved by the Senate. The House removed these FTE positions and related funding.

<sup>10</sup> Contingent funding is added for family violence services and prevention grants. The funding is contingent on a reduction in federal funds resulting from sequestration, the same as the House version.

<sup>11</sup> Operating expenses are reduced due to the repeal of Chapter 23-17.5 related to health care provider cooperative agreements, the same as the House version.

<sup>12</sup> The source of funding added by the Senate to increase funding for the continued implementation of the statewide integrated stroke system of care is changed from the tobacco prevention and control trust fund to the general fund to provide a total of \$856,324 from the general fund. The House removed this funding increase. The executive recommendation included \$473,324 from the general fund for the statewide integrated stroke system of care. Funding from the tobacco prevention and control trust fund was added by the Senate to provide a total of \$856,324 for the statewide integrated stroke system of care, of which \$473,324 is from the general fund.

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The Conference Committee restored:

- Funding for 1 FTE position to implement a community paramedic/community health care worker pilot project and for educational startup costs (salaries and wages - \$135,000 and operating expenses - \$141,600) removed by the House.
- Funding for rural emergency medical services grants to provide a total of \$7.34 million, of which \$6.09 million is from the general fund and \$1.25 million is from the insurance tax distribution fund, the same as the executive recommendation and \$2.15 million more than the 2011-13 biennium. The House reduced emergency medical services grants by \$5.15 million, and the Senate did not change the executive recommendation.
- Funding increases provided in the executive recommendation in the salaries and wages line item (\$139,096) and the operating expenses line item (\$60,904) for an emergency medical services grants manager position removed by the House.

In addition, this amendment:

- Adds a section to provide the additional funding in the grants line item for family violence services and prevention grants of \$80,000 from the general fund is contingent on the State Department of Health certifying to the Director of the Office of Management and Budget that federal funds available to the department for family violence grants has been reduced due to federal sequestration, the same as the House. The department may spend these funds to the extent that federal funds are reduced.
- Adds a section to repeal Chapter 23-17.5 related to health care provider cooperative agreements, the same as the House.
- Removes a section added by the Senate to provide \$383,000 from the tobacco prevention and control trust fund for the continued implementation of the statewide integrated stroke system of care, the same as the House. The conference committee changed the funding source of this increase to the general fund.
- Adds two sections to amend North Dakota Century Code sections amended by Senate Bill No. 2368. These amendments were not included in the executive recommendation nor the Senate or House versions.
- Adds a section to provide for a Legislative Management study of funding provided by the state for autopsies and state and county responsibility for the cost of autopsies, including the feasibility

and desirability of counties sharing in the cost of autopsies performed by the State Department of Health and the University of North Dakota School of Medicine and Health Sciences.