

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2004

That the House recede from its amendments as printed on pages 1352-1356 of the Senate Journal and pages 1538-1542 of the House Journal and that Engrossed Senate Bill No. 2004 be amended as follows:

Page 1, line 2, after "reenact" insert "sections 43-28.1-01 and 43-28.1-03 and"

Page 1, line 3, after the first "to" insert "the dentists loan repayment program, criteria to be used in selecting qualified dentists, and"

Page 1, line 4, after the semicolon insert "to authorize transfers; to provide statements of legislative intent; to provide for a report to the legislative management;"

Page 1, remove lines 14 through 23

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$62,805,918	\$716,060	\$63,521,978
Operating expenses	40,598,335	(2,784,050)	37,814,285
Capital assets	2,895,232	551,508	3,446,740
Grants	57,096,760	2,787,181	59,883,941
Tobacco prevention	6,910,177	6,736,527	13,646,704
Women, infants, and children food payments	20,200,000	0	20,200,000
Medical marijuana	0	1,560,770	1,560,770
Total all funds	\$190,506,422	\$9,567,996	\$200,074,418
Less estimated income	141,970,854	14,629,104	156,599,958
Total general fund	\$48,535,568	(\$5,061,108)	\$43,474,460
Full-time equivalent positions	365.00	(1.00)	364.00

**SECTION 2. HEALTH INSURANCE INCREASE.** The salaries and wages line item, tobacco prevention line item, and medical marijuana line item in section 1 of this Act include the sum of \$1,007,440, of which \$525,796 is from the general fund, for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

Page 2, replace lines 11 through 14 with:

"Medical marijuana	0	95,066
Total all funds	\$2,536,110	\$1,834,286
Less estimated income	2,200,110	1,834,286
Total general fund	\$336,000	\$0"

Page 3, line 5, replace "\$11,078,195" with "\$12,878,195"

Page 3, after line 6, insert:

**"SECTION 9. STATEMENT OF LEGISLATIVE INTENT - MEDICAL MARIJUANA.** It is the intent of the sixty-fifth legislative assembly that chapter 19-24.1 of the North Dakota Century Code, as created in Senate Bill No. 2344, be treated as an amendment to initiated measure No. 5 as adopted at the general election in 2016, and therefore an amendment to or repeal of chapter 19-24.1 before December 8, 2023, is subject to the requirements of section 8 of article III of the Constitution of North Dakota.

**SECTION 10. STATEMENT OF LEGISLATIVE INTENT - NEWBORN SCREENING - CARDIAC SYSTEM OF CARE TASK FORCE.** It is the intent of the sixty-fifth legislative assembly that the state department of health's newborn screening program collaborate with the cardiac system of care task force to identify and provide critical congenital heart defect educational materials and algorithms for health care facilities and resources for parents and to explore options for data collection and analysis for the biennium beginning July 1, 2017, and ending June 30, 2019.

**SECTION 11. AMENDMENT.** Section 43-28.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**43-28.1-01. Loan repayment program - Dentists - Defined need - Maximum amount of funds.**

~~Each year~~Annually, the state health council shall select, from a pool of applicants, dentists who ~~shall~~will provide dental services in cities or surrounding areas, or both, in this state which the state health council identifies as having a defined need for dental services. The dentists selected from this pool of applicants ~~may include dentists who will~~shall agree to accept medical assistance patients and assignments or provide dental services in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic. ~~The dentists are~~A selected dentist who agrees to the terms of this program is eligible to receive funds for the repayment of ~~their~~the dentist's education loans. The funds, which are payable over a five-year period, may not exceed one hundred thousand dollars per applicant. If the state health council accepts any gifts, grants, or donations under this chapter, the council may select additional dentists for participation in the loan repayment program under this chapter.

**SECTION 12. AMENDMENT.** Section 43-28.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-28.1-03. Criteria.**

1. The health council shall establish criteria to be used in selecting qualified dentists and in identifying cities or surrounding areas, or both, that have a defined need for dental services. The criteria must include consideration of:
  - a. The number of dentists already providing dental services in the city or surrounding areas, or both;
  - b. Access to dental services in the city and the surrounding areas;
  - c. How the dentist will provide dental services to individuals on medical assistance or in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic; and
  - d. The dentist's training in general dentistry or in a dental specialty and the extent to which such services are needed in the identified city or surrounding areas, or both.
2. As a term of receipt of funds under this chapter, a dentist shall accept medical assistance patients and assignments or provide dental services in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic. For purposes of a dentist selected for loan payment under this chapter who practices within fifteen miles [24.14

kilometers] of the city limits of one of the three largest cities in the state, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have:

- a. Received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement; or
  - b. Practiced at least two full workdays per week at a public health clinic or at a nonprofit dental clinic that uses a sliding fee schedule to bill the nonprofit dental clinic's patients.
3. The health council may consult with public and private sector entities in establishing criteria and evaluating needs based on the criteria."

Page 4, after line 3, insert:

**"SECTION 15. COMPREHENSIVE TOBACCO CONTROL ADVISORY COMMITTEE RECORDS TRANSFER.** As of July 1, 2017, all business-related records belonging to the comprehensive tobacco control advisory committee must be transferred to the state department of health. The comprehensive tobacco control advisory committee shall allow the state department of health to have access to the business-related records of the committee before July 1, 2017, as necessary, for the purpose of transitioning operations to the state department of health.

**SECTION 16. STATEWIDE TOBACCO PREVENTION AND CONTROL PLAN - IMPLEMENTATION - EVALUATION - REPORT TO THE LEGISLATIVE MANAGEMENT.** By July 31, 2017, the state department of health shall develop a statewide tobacco prevention and control plan that is consistent with the five components of the centers for disease control and prevention best practices for comprehensive tobacco control programs. At least once during the 2017-19 biennium, the state department of health shall provide for an independent review of the tobacco prevention and control plan to evaluate the effectiveness of the plan and its implementation. Any costs related to the independent review are provided in the tobacco prevention line item in section 1 of this Act and may be paid from the tobacco prevention and control trust fund. The department shall report the results of the independent review to the legislative management."

Page 4, line 5, after "1" insert "and section 15"

Page 4, line 5, replace "is" with "are"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$62,805,918	\$64,416,107	(\$894,129)	\$63,521,978	\$63,249,821	\$272,157
Operating expenses	40,598,335	38,394,458	(580,173)	37,814,285	37,639,285	175,000
Capital assets	2,895,232	3,446,740		3,446,740	3,446,740	
Grants	57,096,760	56,135,670	3,748,271	59,883,941	59,883,941	
Tobacco prevention	6,910,177	12,147,741	1,498,963	13,646,704	13,646,704	
WIC food payments	20,200,000	20,200,000		20,200,000	20,200,000	
Medical marijuana		6,236,376	(4,675,606)	1,560,770	1,560,770	
Total all funds	\$190,506,422	\$200,977,092	(\$902,674)	\$200,074,418	\$199,627,261	\$447,157
Less estimated income	141,970,854	155,888,204	711,754	156,599,958	156,344,054	255,904

General fund	\$48,535,568	\$45,088,888	(\$1,614,428)	\$43,474,460	\$43,283,207	\$191,253
FTE	365.00	377.00	(13.00)	364.00	362.00	2.00

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

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Removes 6 FTE Positions Agencywide <sup>2</sup>	Reduces Funding for Operating Expenses Agencywide <sup>3</sup>	Removes 7 FTE Medical Marijuana Positions and Adjusts Funding <sup>4</sup>	Adds Funding for Federal Ebola Grant <sup>5</sup>	Adds Funding for Volkswagen Corporation Settlement Proceeds <sup>6</sup>
Salaries and wages	(\$93,585)	(\$800,544)				
Operating expenses			(675,000)		94,827	
Capital assets						
Grants					948,271	2,500,000
Tobacco prevention	(1,037)					
WIC food payments						
Medical marijuana	(21,278)			(4,654,328)		
<b>Total all funds</b>	<b>(\$115,900)</b>	<b>(\$800,544)</b>	<b>(\$675,000)</b>	<b>(\$4,654,328)</b>	<b>\$1,043,098</b>	<b>\$2,500,000</b>
Less estimated income	(58,973)	(324,808)	(540,000)	(3,707,563)	1,043,098	2,500,000
General fund	(\$56,927)	(\$475,736)	(\$135,000)	(\$946,765)	\$0	\$0
FTE	0.00	(6.00)	0.00	(7.00)	0.00	0.00

	Adds Funding for Domestic Violence Offender Treatment Grants <sup>7</sup>	Adds Funding for Tobacco Cessation <sup>8</sup>	Adds Funding for Local Public Health Unit Tobacco Prevention and Control Grants <sup>9</sup>	Total Conference Committee Changes
Salaries and wages				(\$894,129)
Operating expenses				(580,173)
Capital assets				
Grants	300,000			3,748,271
Tobacco prevention		500,000	1,000,000	1,498,963
WIC food payments				
Medical marijuana				(4,675,606)
<b>Total all funds</b>	<b>\$300,000</b>	<b>\$500,000</b>	<b>\$1,000,000</b>	<b>(\$902,674)</b>
Less estimated income	300,000	500,000	1,000,000	711,754
General fund	\$0	\$0	\$0	(\$1,614,428)
FTE	0.00	0.00	0.00	(13.00)

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month, the same as the House version.

<sup>2</sup> Six FTE positions are removed, including related funding for salaries and wages. The House removed 8 FTE positions and related funding.

<sup>3</sup> Funding for operating expenses is reduced agencywide. The House reduced funding for operating expenses agencywide by \$850,000.

<sup>4</sup> Seven FTE medical marijuana positions are removed and funding is adjusted based on the fiscal note for Senate Bill No. 2344, as approved by the House and Senate and signed by the Governor, to provide a total of 6 FTE positions and total funding of \$1,560,770, of which \$723,270 is from the general fund and \$837,500 is from the compassionate care fund. This level of funding is the same as the House version.

<sup>5</sup> Funding is added for a federal Ebola grant anticipated to be received by the department, the same as the House version.

<sup>6</sup> Funding is added for grants from special funds resulting from a settlement agreement between the United States Department of Justice and the Volkswagen Corporation related to emissions, the same as the House version. The State Department of Health has been designated to receive the funds by the Governor's office.

<sup>7</sup> Funding is provided from the tobacco prevention and control trust fund for domestic violence offender treatment grants, the same as the House version.

<sup>8</sup> Funding is provided from the tobacco prevention and control trust fund for tobacco cessation. The House provided the same level of funding for cessation products.

<sup>9</sup> Funding is provided from the tobacco prevention and control trust fund for grants to local public health units for tobacco prevention and control programs to provide a total of \$6.5 million for tobacco prevention grants to local public health units, the same as the House version.

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This amendment also:

- Adds a section to identify additional funding provided for health insurance increases, the same as the House version.
- Amends the section related to funding from the tobacco prevention and control trust fund to provide \$12,878,195 from the tobacco prevention and control trust fund to the State Department of Health for tobacco prevention and related health programs, the same as the House version.
- Adds a section of legislative intent that North Dakota Century Code Chapter 19-24.1 related to medical marijuana, as created by Senate Bill No. 2344, be subject to the requirements of Section 8 of Article III of the Constitution of North Dakota until December 8, 2023, the same as the House version.
- Adds a section of legislative intent that the State Department of Health's newborn screening program collaborate with the cardiac system of care taskforce to provide congenital heart defect educational materials and to explore options for data collection and analysis. This section was not included in the House or Senate version.
- Adds sections to amend Sections 43-28.1-01 and 43-28.1-03 related to the dentists loan repayment program and criteria to be used in selecting qualified dentists, the same as the House version.
- Adds a section to require, as of July 1, 2017, all business-related records belonging to the Comprehensive Tobacco Control Advisory Committee to be transferred to the State Department of Health. The State Department of Health must have access to the business-related records of the Comprehensive Tobacco Control Advisory Committee prior to July 1, 2017, for the purposes of transitioning the operations to the State Department of Health, the same as the House version.
- Adds a section to provide that by July 31, 2017, the State Department of Health develop a statewide tobacco prevention and control plan that is consistent with the five components of the Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs. At least once during the 2017-19 biennium, the State Department of Health must provide for an independent review of the tobacco prevention and control plan to evaluate the effectiveness of the plan and its implementation. Any costs related to the independent review are included in the tobacco prevention control line item and may be paid from the tobacco prevention and control trust fund. The department must report the results of the review to the Legislative Management. This provision was included in the House version, but not the Senate version.
- Provides the section related to the transfer of records from the Comprehensive Tobacco Control Advisory Committee to the State Department of Health is an emergency measure, the same as the House version.