

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2004
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the state department of health; 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; to repeal chapter 23-17.5 and section 23-46-05 of the North Dakota Century Code, relating to health care provider cooperative agreements and state financial assistance for emergency medical services; to provide legislative intent; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. 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 general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state department of health for the purpose of defraying the expenses of the state department of health, for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
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
Tobacco prevention	6,162,396	(618,145)	5,544,251
WIC food payments	24,158,109	501,752	24,659,861
Federal stimulus funds	0	<u>155,000</u>	<u>155,000</u>
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

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Federal fiscal stimulus	\$3,492,228	\$155,000
EPA lawsuit contingency	1,000,000	500,000
Funding to contract for autopsies	0	480,000
ST-elevated myocardial infarction (STEMI)	600,000	0
Food and lodging licensing management system	0	<u>110,000</u>
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

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The state department of health shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015.

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.

SECTION 4. ENVIRONMENT AND RANGELAND PROTECTION FUND. The estimated income line item included in section 1 of this Act includes \$272,310, or so much of the sum as may be necessary, to be made available to the state department of health from the environment and rangeland protection fund, for the biennium beginning July 1, 2013, and ending June 30, 2015. This amount includes \$50,000 for a grant to the North Dakota stockmen's association environmental services program.

SECTION 5. INTENT - INDIRECT COST RECOVERIES. Notwithstanding section 54-44.1-15, the state department of health may deposit indirect cost recoveries in its operating account.

SECTION 6. FOLLOWUP COLORECTAL SCREENING GUIDELINES. The grants line item included in section 1 of this Act includes \$160,200 from the general fund for recommended followup colorectal screenings. These funds may be spent for the cost of recommended followup colorectal screenings of up to \$1,800 per screening for the biennium beginning July 1, 2013, and ending June 30, 2015.

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.

SECTION 10. REPEAL. Chapter 23-17.5 and section 23-46-05 of the North Dakota Century Code are repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2004.

Senate Vote: Yeas 46 Nays 1 Absent 0

House Vote: Yeas 71 Nays 22 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State