

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2380

2001 SENATE HUMAN SERVICES

SB 2380

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2380

Senate Human Services Committee

Conference Committee

Hearing Date January 31, 2001

Tape Number	Side A	Side B	Meter #
1		X	23.1
2	X		
February 12, 2001 1	X		6
February 13, 2001	X		
Committee Clerk Signature <i>Carol Kolodziejchuk</i>			

Minutes:

The hearing was opened on SB 2380.

SENATOR RAY HOLMBERG introduced the bill. (Written testimony) SENATOR

MATHERN: Are you open to changing general formula to all needs? SENATOR

HOLMBERG: We are not proposing to change settlement agreement. Last time we decided

10%. SENATOR KILZER: Considerable information came from health department. Did you

use those or stay with CSG? SENATOR HOLMBERG: There were many suggestions, but it is

essentially CSG. The goal of the sponsors is to try to solve this problem; no, I said that wrong,

we can't solve the problem, but we can make a difference, I believe.

SENATOR HEIDKAMP, cosponsor, supports the bill, but realizes amendments are forthcoming.

This is a bill of work in progress. We are dealing with it. It is unacceptable for the realization of

teenage smoking on the rise. There is lots of activity in other states also.

LOIS DELMORE, cosponsor of the bill, supports the bill.

SENATOR MATHERN: Would you open to Tribes being included in bill? SENATOR

HEITAMP: Yes, they should be in there. A huge part of where the problem is. There is a requirement of one of the members coming from the Reservation.

SENATOR ANDRIST, cosponsor of the bill, supports bill. Offers amendments, written testimony.

SENATOR KILZER: Did you stack it up against the Washington program. SENATOR

ANDRIST: The program in Massachusetts has claimed success. SENATOR MATHERN:

Comments of changing qualifications of committee members. Should we restrict people that are supportive of the tobacco industry. SENATOR ANDRIST: The Governor is to pick the most appropriate people.

HEIDI HEITKAMP, former Attorney General, gives the bill only lukewarm support. It doesn't go far enough. Older people have interest also. Maybe it should read Tobacco Control.

Think beyond the use by just young people. The money was about long term, fraudulent, and falsehoods that were told about tobacco being good for your health. This is Antitrust, not Medicaid. To compensate the fraud that was done. Money was about tobacco health. You will

get slightly less than \$100 million. Have not funded 10% of tobacco funds. Do the programs work: Read article about successful programs in other states. Flexibility will lead to anti drug,

alcohol, as well. SENATOR MATHERN: Can you help us clarify the \$10 million; have some evidence to look at the bigger picture. MS. HEITKAMP: Payments come in two forms to ND:

initial payments which is 5 years of payments that are already in place and adjusted and the amount is specified in the agreement less volume adjustments and adjustments for loss of market shares. This has happened because people have been running successful anti-tobacco programs, not only with money, but restricting where you can smoke. The other portion of the payment is

the annual payment which comes in April 15 and that is adjusted for inflation upward 3% . At a minimum you will have a 3% adjustment you receive in April and then you have a volume adjustment as the cigarette consumption goes down. Realize that this is based on National consumption and if ND doesn't respond to this problem ND will not get the resources to address it.

GLENN THOM, American Heart Association, supports this bill. (Written testimony) Testimony of June Herman.

SANDRA ADAMS, Dept of Health, is offering comments (Written testimony) SENATOR MATHERN: Why don't you recommend the allocation of 10 million? MR. BARNISS: The initial 5 million would stay on - in the department funds - to provide the cash flow for these programs. We do believe that by 6/30/03 the 10 Million will be available. SENATOR KILZER:

Do the Health Dept and DPI both have programs in place. Do they coordinate between each other and if we were to add a third commission would they all work together. MS. ADAMS: Yes, currently we coordinate to funnel dollars. We have state wide conferences that bring in the whole state. Our proposal is to have a state wide advisory committee to funnel dollars together.

LINDA JOHNSON, Director of School Health Programs, provided information on the school tobacco prevention programs in ND. (Written testimony)

SUSAN BOSAK, Meritcare Health System, supports bill, (Written testimony) SENATOR LEE commented that in all the testimony there is talk of Government help. Where is the personal responsibility? They want the Government to do it to them.

SUSAN KAHLER, American Lung Association, supports bill. (Written testimony)

Page 4

Senate Human Services Committee

Bill/Resolution Number SB 2380

Hearing Date January 31, 2001

BRUCE LEVI, ND Medical Assoc, supports bill. (Written testimony) Proposed amendments.

SENATOR MATHERN: You raised the question of the future in tobacco prevention. MR.

LEVI: 2380 sets up a structure to develop a hierarchy- subject to ongoing changes in the future.

The hearing was closed on SB 2380.

February 12, 2001, Tape 1, Side A, Meter 6.0

Discussion resumed on SB 2380. Amendments were presented by Senator Mathern. It would change from youth smoking to tobacco to broaden usage group. The committee would include the Attorney General, Native Americans, youth for priority programs. 30% off the top of the fund they divide 45% for Health, 45% for schools, 10% for water. Discussion. SENATOR MATHERN moved the amendments with line 15 page 1 to line 15, page 2. SENATOR POLOVITZ seconded the motion. Roll call vote carried 5-1. SENATOR FISCHER moved to further amend by deleting Section 12 of the amendments. SENATOR ERBELE seconded the motion. Discussion. Roll call vote carried 5-1. Discussion continued. DARLENE BARTZ appeared stating they would bring recommendations on appropriations and CDC recommendation. 70% in grants, 10% statewide media, 10% surveillance, 10% personnel training and supplies. More discussion ensued.

SENATOR MATHERN introduced his wife, LOREEN. They are celebrating their 30th wedding anniversary today.

The discussion led to drafting additional amendments with CDC plug in from the Governor's office amendments and to include funding for Fargo Community Health Center. Should we change the Commission to Advisory Board? SENATOR KILZER move the amendment to change Commission to Advisory Board and tidy up language accordingly. SENATOR POLOVITZ seconded the motion. Roll call vote carried 5-1. In studying Lieutenant Governor

2/13/01

Dalrymple's amendments, SENATOR FISCHER moved to delete lines 24 and 25, page 5. SENATOR KILZER seconded the motion. Voice vote carried. Discussion. SENATOR FISCHER moved to amend section 11, c,d,e,f, to start with "Not to exceed". SENATOR ERBELE seconded the motion. Roll call vote carried 5-1. Discussion. SENATOR MATHERN moved the amendment on Line 26, page 7, Federal dollars and any other moneys that would be the sum of \$10,476,110 but limited to funds already received. SENATOR ERBELE seconded the motion. Roll call vote failed 2-4. SENATOR MATHERN moved the same motion changing the amount to \$7,400,000. Roll call vote carried 6-0. SENATOR FISCHER moved amendment g. \$500,000 to Fargo Community Health Center. SENATOR MATHERN seconded the motion.

Voice vote carried

February 13, 2001, Tape 1, Side A.

The committee was called to order by SENATOR LEE. All Senators were present.

Discussion resumed on SB 2380.

The draft of the engrossed bill was reviewed. In section 4 delete the phrase "subject to the committee's control". Section 3, change committee to State Health Officer. Section 9, delete. Switch section 3 & 4 in location. Section 12, \$7,600,000. SENATOR FISCHER moved the amendments. SENATOR KILZER seconded it. Roll call vote carried 6-0. SENATOR MATHERN moved a DO PASS and REREFER to Appropriations. SENATOR KILZER seconded the motion. Roll Call vote carried 6-0. SENATOR LEE will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 04/20/2001

Bill/Resolution No.:

Amendment to: Reengrossed
 SB 2380

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				\$350,000		
Appropriations				\$350,000		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill proposes for a community health trust fund advisory committee of 11 members to be established to advise the state department of health regarding the community health grant program. Section 4 provides an appropriation for this advisory committee of \$100,000 per biennium from the community health trust fund. This would include all meeting costs, reports, reviews, and recommendations completed by this committee. Section 5 of this bill provides an appropriation of \$250,000 from the community health trust fund to the state department of health for the purpose of funding grants to cities and counties on a dollar-to-dollar matching fund basis for city and county employee tobacco education and cessation programs.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The state department of health anticipates the entire \$350,000 would be expended during the 2001-2003 biennium to carry out the activities identified in Sections 4 and 5 as identified in the above narrative.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect*

on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

The state department of health does not currently have the appropriation for the \$350,000 addressed in sections 4 and 5 of this bill included in it's appropriation bill SB 2004.

Name:	Kathy J. Albin	Agency:	Department of Health
Phone Number:	328-2392	Date Prepared:	04/23/2001

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The state department of health does not currently have the appropriation for the \$350,000 addressed in sections 3 and 4 of this bill and would need it added to the department's appropriation.

Name:	Kathy J. Albin	Agency:	Department of Health
Phone Number:	328-2392	Date Prepared:	04/05/2001

FISCAL NOTE

Requested by Legislative Council
03/29/2001

REVISION

Bill/Resolution No.:

Amendment to: Reengrossed
 SB 2380

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			(\$400,000)	\$400,000		
Expenditures				\$350,000		
Appropriations				\$350,000		

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill provides for a community health trust fund advisory committee of 11 members to be established to advise the state department of health regarding the community health grant program. Section 4 provides an appropriation for this advisory committee of \$100,000 per biennium from the community health trust fund. This would include all meeting costs, reports, reviews, and recommendations completed by this committee.

Section 5 of this bill provides an appropriation of \$250,000 from the community health trust fund to the state department of health for the purpose of funding grants to cities and counties on a dollar-to-dollar matching fund basis for city and county employee tobacco education and cessation programs.

It is assumed that the appropriation for the community health trust fund will be appropriated in SB 2004 which is currently being heard by the House HR subcommittee.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

