

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1292

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

HB 1292
2/12/2015
23783

- Subcommittee
 Conference Committee

Amanda Muscha

Explanation or reason for introduction of bill/resolution:

Relating to information required to be filed in statements of interests; relating to legislative lobbying

Minutes:

Attachment 1

Chairman Kasper opened the hearing on HB 1292.

Rep. Mooney appeared in support of the bill. Attachment 1 (testimony and sample bills)

Chairman Kasper: House bill 1330, 1072, 1291, and 1279 is it your intent that these are all model legislation drafted by an entity and you want to know who the entity was and did you check with the sponsor to verify that it was fact?

Rep. Mooney: That is the illustration. I haven't followed through because it comes through all the time. When a bill is model legislation, the bill introducer should be on the bill. Is it model legislation or is legislation that I developed in conjunction with either people from the state or through legislative council processes or did I pull it from model legislation as a point of an idea to move forward with. That is model legislation. I think by having transparency it brings us to discussion as members to have that honest deliberation. Is there a better way we can look at this?

Chairman Kasper: Is it your assertion that there is something wrong about model legislation?

Rep. Mooney: No. I think it has a real valuable in our process. I value being able to learn from ideas that are in place in other areas. I also think in the world of transparency we could get to an honest discussion quicker.

Chairman Kasper: Are you reluctant when a bill sponsor appears before your committee or the floor to ask the person if it is model legislation?

Rep. Mooney: I would go ask.

Rep. Laning: Scholarships, how would you determine the value on them or will you put a value on them?

Rep. Mooney: I went to Washington DC in December and that scholarship was provided to me. When I signed up they asked if I would like disclosure statement that would provide what I would need to report. I knew we didn't need it here but I was curious.

Rep. Laning: Did it have a dollar value? What good is the scholarship listing?

Rep. Mooney: Did have a dollar amount so it listed the flight, hotel room, any costs that were directly related.

Rep. Laning: If there were personal costs involved would you deduct personal costs to show a net benefit?

Rep. Mooney: I think it would be a simple reporting methodology. If you went somewhere and the entity was providing a scholarship and you provided the cost of the mileage to get there then you would not report anything on your personal expenses but they would provide for you the disclosure statement that was provided in your behalf and that would be filed.

Rep. Louser In 2004 we started Presidents Circle Conference it was not a convention you had to reach standards. In 2010 Citizens United came about and the election laws changed. Over the course of the last years we changed what we do there including paying registration fees. There used to be none. We will talk about model legislation in states that is industry specific. Am I going to have to disclose that trip and how would I determine the scholarship or the supplement that afforded me to go there? It seems to me I would have to report a statement of interest industry related not legislator. Would I have to disclose my statement of interest for going?

Rep. Mooney Yes I should disclose if I was provided with funds to attend. Well our expenses are handled on behalf so that we are paying out of pocket. I don't want people to think we are profiting. As a part of my function I would disclose. Our code of ethics is what we put on ourselves.

Rep. Wallman: Line 13 pages 1 it says that the meeting conference at which model legislation is presented discussed the distributor need available. Does that disqualify what Representative Louse said? Is there a political opponent to that?

Rep. Mooney It was my understanding that in the example Representative Louse felt they would be talking legislative goals and model legislation that could talking potentially be brought back to North Dakota.

Rep. Amerman If you go to one and don't receive funds and there is no report it is only if you receive funds?

Rep. Mooney Correct only when a third entity paying for the opportunity.

Rep. Laning What do you visualize as a reporting structure? Would this be on our annual campaign? Is this a separate reporting form that would be done? Who would do this?

Representative Mooney: That would be my general thought. I would hope this would be made easy somehow.

Rep. Louser The conference in Washington DC has no cost. The one in Arizona we are paying a fee for the first time. When I am in DC here will be committee discussing state and local issues and I will be on one. There is not fee associated with the conference. There is an expense but no fee. I pay my way there but they provide the room in Arizona. This really binds a legislator who as regular activates in their day job. We don't always know if legislation will be discussed?

Rep. Mooney We are the regulators of our ethics. If it is intended to be personal and we find it has changed position I think it depends on the intent. What is the intent of going?

Rep. Louser the DC meeting will be my 18th. The intent is policy but I feel I am obligated to report not because I am a legislator but because I am a realtor. The difference between realtor and licensed one is code of ethics. I don't see what I could report if there isn't a fee paid on my behalf but there is a benefit being earned. This happens in many.

Representative Mooney: Gray areas happen. If you find you're involved in more legislation and the entity is paying for the rooms they would be glad to give a recording of the costs. It is a transparency issue of expenditures made on our behalf. It is not saying you benefitted financially.

Chairman Kasper: end of line 13, 14, 15 you are excluding the report because you are stating it doesn't include money or financial support provided by an agency of the state or political subdivision. Why are you making that exclusion?

Representative Mooney: Good question. I would say it deals with the fact as an agency of the state or political subdivision it is a part of our work over all and not much as part of the lobby part of our work.

Chairman Kasper: You're now separating the intent of the legislator from it's a pure trip if it is paid for by the state but not if it is not paid by the state? Is that your intent?

Representative Mooney: If you would prefer to have that amended out I wouldn't have a problem with that either.

Representative Wallman: At the school board level and we attend a conference and there is no legislation put forward there. Is that true as a county commissioner because I can see that might be a reason this is in here?

Representative Mooney: Yes, that is probably the issue. As a commissioner the association of county puts on a convention where elected officials on a county level are invited to come and engage in learning activities. In those instances we are not charged for the opportunity, the county itself pays for the elected officials room and mileage in the case. Yes but truly if

it were a sticking point I could see where the local auditors would be able to provide a report of what it looked like. They should have a right to know were given from the general budget for the individuals to go.

Representative Louser: Is this model legislation.

Representative Mooney: Yes.

Representative Mock: I have nothing else to add and I would like to say I support it.

Opposition:

Neutral:

Chairman Kasper: Closed the hearing

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

HB 1292
2/13/2015
23835

- Subcommittee
 Conference Committee

Amanda Muschla

Explanation or reason for introduction of bill/resolution:

Relating to information required to be filed in statements of interest; relating to legislative lobbying.

Minutes:

Chairman Kasper opened the meeting on HB 1292.

Rep. Steiner: I can't support this. I sometimes go to a convention for my other job and while I am there they ask about legislation that is being proposed. I wear two hats and it can happen a lot. It gets complicated to decipher between the two. I don't have a problem notifying that I am at a conference and some are scholarshiped. People always know where I am at and in that way I already have some transparency.

Rep. Louser: I understand the intent. It has many consequences for people who aren't full time legislators. How do you determine what the benefit was that you may or may have not received? Another concern is it does carve out exclusion if you're on a commission and you're going for the state it is ok but for private business not okay. If there is a scholarship paid to the legislature and they are getting info to bring and put in code but this gets all of us and it's almost a deceptive to pick and choose if you don't want to go.

Rep. Seibel: Ditto. Model legislation can be discussed in small meetings at a big convention that you're at and you may not hear it.

Rep. Wallman: I think elected boards in ND aren't allowed to lobby. I haven't gone to a conference as a school board member where model legislation was never brought u and I think that may be why it was left out. I didn't realize there were so many professional organizations that provide model legislation.

Representative Koppelman: I will disagree with Wallman having served on the same subdivision prior to legislature. They lobby all the time, yet law doesn't allow them to. The concept that they don't lobby isn't true. Everyone who has an interest lobbies. This bill is targeted at an out of state organization that may have suggested legislation but you go to

the school board ones and they would vote on the issues they want to promote. I think this is a bad bill. I will make a motion for a do not pass.

Representative Seibel: Second

Representative Wallman: With respect, I think Koppelman made the argument why we need this. It is in the law that we can't lobby. Some take that seriously others don't. This law is necessary because it isn't being followed.

Representative Louser: I don't read the law saying the legislator is lobbying, I read it as being in attendance where there is model legislation being made available. People at a conference may not always be aware of what is going on across the whole convention. If they are in attendance of the building it would require them to disclose what they received even if they weren't in the room.

Representative Wallman: Did you advocate in anyway?

Representative Louser: I proposed the bill in the legislature.

Representative Wallman: Do you think it would have been in the best interest of the public to know? There is a relationship between you proposing the legislation and you saying you were at conferences and you weren't in a room where the model legislation was proposed and yet you wound up being the sponsor. How would you separate that out?

Representative Louser: That was disclosed in testimony and on the floor.

Representative Wallman: To be at a function through your profession, you can't take off the legislature hat and that is illustrated by the fact that you came back and proposed the legislation whether you were in the room or not.

Representative Louser: When I say I am out of legislation I am using what we heard yesterday. The wording for that concept was written between me, attorney, LC, given to groups and presented to the public before we came to the legislature. It has been done many places. Those issues were passes before I came to be a legislature. Just because another state has a law doesn't mean we can't advocate for something similar in our state. I can't separate that. All I can do is make a disclosure which I did.

Chairman Kasper: I may be more sympathy if we were full time legislature but we are not. We have freedoms in the constitution that provide certain rights. To get to some of these bills it appears to me that there is an implication that we have too much freedom and an implication that certain people have the right to know where we go and what we do all the time. We are elected to a legislative position. We should conduct ourselves in a professional manner and be open to ideas every day. It is frustrating for me that we have legislation that appears to say we don't trust you enough and we want to you give info that the public is not asking for.

A Roll Call Vote Was Taken: Yes 10, No 4, Absent 0

House Government and Veterans Affairs Committee

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Motion carries

Representative Louser will carry the bill

Date: 2-13-15
 Roll Call Vote #: _____

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1292**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By B. Koppelman Seconded By Seibel

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		X
Vice Chair Karen Rohr	X		Rep. Gail Mooney		X
Rep. Jason Dockter	X		Rep. Mary Schneider		X
Rep. Mary C. Johnson	X		Rep. Kris Wallman		X
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 10 No 4

Absent _____

Floor Assignment Louser

If the vote is on an amendment, briefly indicate intent:

motion carries

REPORT OF STANDING COMMITTEE

HB 1292: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).
HB 1292 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

HB 1292

#1
1292
2-12-15

**HB 1292 - Scholarship & Model Language
Representative Gail Mooney
Government & Veteran Affairs Committee
February 12, 2015**

Chairman Kasper, members of the House Government & Veteran Affairs Committee, thank you for this opportunity to introduce HB 1292. For the record, I am Representative Gail Mooney from District 20.

House Bill 1292 is an old friend of ours - some of you may recall I stood before you in the last session with this same bill. Why continue to pursue a bill focused on the disclosure of interests regarding our bill process? Transparency.

Section 1 - new chapter 16.1-09-03

Legislators are invited to attend educational events all the time. Some are funded with our own personal resources. Others are paid on our behalf as scholarships by the sponsoring entities. In either case, these experiences are justified and absolutely appropriate - any opportunity provided to us to gain knowledge, insights and information that might present greater understanding and leadership skills is a good thing -- for us, for the people we represent, and for the benefit of North Dakota as a whole.

At present, these transactions are undisclosed. This section of the bill would simply require that we disclose the financial equivalency of scholarships afforded us.

Section 2 - new subsection applying to model legislation

When we hear a bill in committee, we are often able to discern the originating point of the bill via testimony provided. There are times, though, when this becomes clouded and gray. As we all know, intent often weighs heavily in our decision to vote 'yea' or 'nay' on any given bill introduction... will the proposed statute protect citizens - or special interest groups; local - or national implications; will the statute be good for our state - or adversely impact us from intended or unintended consequences. Knowing the originating source of a bill is an important factor in the weight given to decisions made.

Flash forward to a full floor introduction and debate where legislative members often only have the printed language of the bill to guide them. Or, further out, to constituents following the legislative process. They can log on to the state website to find the contents of any bill that will be heard during a legislative session - but the bill will only reflect the originating point of the bill sponsor(s) - or as per Legislative Management.

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Bottom line, we have had a number of bills presented, discussed & debated for the betterment of public transparency in this session. I respectfully submit HB 1292 for full disclosure and transparency in our legislative educational and bill submission process.

Thank you for your considerations, I'll do my best in providing answers to questions.

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1279

Introduced by

Representatives Fehr, D. Anderson, Bellew, Hofstad, Seibel

1 A BILL for an Act to create and enact chapter 23-48 of the North Dakota Century Code, relating
2 to a hospital patient's designation of a caretaker to assist with after-care.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 23-48 of the North Dakota Century Code is created and enacted as
5 follows:

6 **23-48-01. Definitions.**

7 As used in this chapter:

- 8 1. "After-care" means assistance provided by a caregiver to a patient after the patient's
9 release from a hospital. The term may include assisting with behavioral health support
10 services, basic activities of daily living, instrumental activities of daily living, and
11 carrying out medical or nursing tasks, such as managing wound care, assisting in
12 administering medications, and operating medical equipment.
- 13 2. "Caregiver" means an individual duly designated as a caregiver by a patient under this
14 chapter, who provides after-care assistance to a patient in the patient's residence. The
15 term may include a relative, partner, friend, or neighbor or any individual who has a
16 significant relationship with the patient.
- 17 3. "Entry" means a patient's admission to a hospital for the purposes of medical care or
18 behavioral health care.
- 19 4. "Hospital" means a facility licensed under chapter 23-16.
- 20 5. "Release" means a patient's exit or discharge from a hospital to the patient's residence
21 following an inpatient admission.
- 22 6. "Residence" means a dwelling the patient considers to be the patient's home or
23 temporary home. The term does not include a rehabilitation facility, hospital, nursing
24 home, assisted living facility, or group home.

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1 **23-48-02. Designation of caregiver.**

2 1. Within twenty-four hours following a patient's entry to a hospital and again before the
3 patient's release or transfer to another hospital or facility, the hospital shall provide
4 each patient or the patient's legal guardian with at least one opportunity to designate
5 at least one caregiver for purposes of this chapter.

6 a. If the patient is unconscious or otherwise incapacitated upon entry to a hospital,
7 within twenty-four hours following the patient's recovery of consciousness or
8 capacity the hospital shall provide such patient or the patient's legal guardian with
9 an opportunity to designate a caregiver for purposes of this chapter.

10 b. If the patient or the patient's legal guardian declines to designate a caregiver
11 under this section, the hospital shall document this in the patient's medical
12 record.

13 c. If the patient or the patient's legal guardian designates an individual as a
14 caregiver:

15 (1) The hospital shall request the written consent of the patient or the patient's
16 legal guardian to release medical information to the patient's caregiver,
17 following the hospital's established procedures for releasing personal health
18 information and in compliance with all federal and state laws. If the patient
19 or the patient's legal guardian declines to consent to release medical
20 information to the patient's caregiver, the hospital is not required under
21 section 23-48-03 to provide notice to the caregiver or to provide information
22 contained in the patient's discharge plan.

23 (2) The hospital shall record in the patient's record the patient's or legal
24 guardian's designation of caregiver; the relationship of the caregiver to the
25 patient; and the name, telephone number, and address of the caregiver.

26 d. A patient or legal guardian may elect to change a caregiver designation at any
27 time. If a patient or legal guardian notifies the hospital of a change in caretaker
28 designation, within twenty-four hours of such notification the hospital shall record
29 this change in the patient's medical record.

30 2. A designation of a caregiver by a patient or a patient's legal guardian under this
31 section does not obligate an individual to perform any after-care tasks for a patient.

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1430

Introduced by

Representatives P. Anderson, Glassheim, Hawken, Maragos, M. Nelson, Schneider, Strinden

1 A BILL for an Act to create and enact chapter 19-24 of the North Dakota Century Code, relating
2 to the use of medical marijuana; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 19-24 of the North Dakota Century Code is created and enacted as
5 follows:

6 **19-24-01. Definitions.**

7 For the purposes of this chapter:

8 1. "Allowable amount of cannabis" means:

9 a. Two and one-half ounces of cannabis;

10 b. The quantity of cannabis products as established by department regulation;

11 c. If the cardholder has a registry identification card allowing cultivation, six
12 cannabis plants; and

13 d. If the cardholder has a registry identification card allowing cultivation, the amount
14 of cannabis and cannabis products which were produced from the cardholder's
15 allowable plants, if the cannabis and cannabis products are possessed at the
16 same property where the plants were cultivated.

17 2. "Bona fide practitioner-patient relationship" means:

18 a. A practitioner and patient have a treatment or consulting relationship, during the
19 course of which the practitioner has completed an assessment of the patient's
20 medical history and current medical condition, including an in-person physical
21 examination;

22 b. The practitioner has consulted with the patient with respect to the patient's
23 debilitating medical condition; and

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1072

Introduced by

Representatives Maragos, Delmore, Beadle, Dockter

Senator Dever

1 A BILL for an Act to create and enact a new section to chapter 26.1-36; a new section to chapter
2 54-52.1 of the North Dakota Century Code, relating to insurance coverage of cancer treatment
3 medications; and to provide for application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Coverage of cancer treatment medications.**

8 1. As used in this section:

9 a. "Cancer treatment medications" means prescription drugs and biologics that are
10 used to kill, slow, or prevent the growth of cancerous cells.

11 b. "Insurer" means an insurance company, nonprofit health service corporation, or
12 health maintenance organization.

13 c. "Patient-administered" includes oral administration and self-injection.

14 d. "Policy" means an accident and health insurance policy, contract, or evidence of
15 coverage on a group, individual, blanket, franchise, or association basis.

16 2. An insurer may not deliver, issue, execute, or renew a policy that provides coverage
17 for cancer treatment medications that are injected or are intravenously administered
18 by a health care provider and that provides coverage for patient-administered cancer
19 treatment medications unless the policy copayment, deductible, and coinsurance
20 amounts for patient-administered cancer treatment medications do not exceed the
21 amounts for cancer treatment medications that are injected or are intravenously
22 administered by a health care provider, regardless of the formulation or benefit
23 category.

1 3. An insurer may not increase a copayment, deductible, or coinsurance amount for
2 covered cancer treatment medications that are injected or intravenously administered
3 in order to avoid compliance with subsection 2. An insurer may not reclassify benefits
4 with respect to cancer treatment medications in a manner that is inconsistent with this
5 section.

6 **SECTION 2.** A new section to chapter 54-52.1 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Coverage of cancer treatment medications.**

9 The board shall provide medical benefits coverage under a contract for insurance pursuant
10 to section 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2 which
11 provides coverage of cancer treatment medications in the same manner as provided under
12 section 1 of this Act.

13 **SECTION 3. APPLICATION.** This Act is not subject to section 54-03-28, and therefore is
14 not required to be accompanied by a cost-benefit analysis; is not limited in application to the
15 public employees retirement system's health insurance programs; does not require that during
16 the 2015-16 interim the public employees retirement system study the effect of the cancer
17 treatment medication coverage requirements; and does not expire in two years.

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1291

Introduced by

Representatives Mooney, Haak, Oversen, Schneider, Wallman

Senators Heckaman, Nelson, Oban

1 A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota
2 Century Code, relating to medical assistance coverage for pregnant women; and to provide an
3 availability date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 50-24.1 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Medical assistance benefits - Pregnant women.**

8 The department shall seek the necessary approval from the centers for medicare and
9 medicaid services to expand medical assistance coverage for pregnant women with income
10 below two hundred percent of the federal poverty level.

11 **SECTION 2. AVAILABILITY DATE.** If the department is able to obtain the necessary
12 approval to expand medical assistance coverage in accordance with section 1 of this Act, the
13 expanded medical assistance coverage for pregnant women becomes available January 1,
14 2016.