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Yalosta Rickford
Operator's Signature

10/2/03
Date

CR

2003 HOUSE JUDICIARY

HB 1083

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1083

House Judiciary Committee

Conference Committee

Hearing Date 1-15-03

Tape Number	Side A	Side B	Meter #
1	x		13-20
Committee Clerk Signature <i>A. Penrose</i>			

Minutes: All members present.

Chairman DeKrey: We will start taking testimony on HB 1083.

Mark Bachmeler, Labor Commissioner: (see testimony) In favor of HB 1083.

Rep. Eckre: Is there a federal definition of identifiable health information, is that in federal law somewhere.

Mr. Bachmeler: It is in there, I have the citation for that law and definition from the Asst. Attorney General so that we would be sure to apply that. The release of any identifiable information, medical information, about any employee is strictly prohibited by employers, under the American Disabilities Act.

Rep. Eckre: There must be a federal definition of disability, isn't there?

Mr. Bachmeler: Yes, it is the same, it is the ADA definition, applies to specific ADA protections, and also used in all areas of discrimination law to define who is, in fact, a person with disability for purposes of coverage.

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Page 2
House Judiciary Committee
Bill/Resolution Number HB 1083
Hearing Date 1-15-03

Chairman DeKrey: Thank you for appearing, is there any other testimony in support of HB 1083? Any testimony in opposition to HB 1083? What's your wishes in regard to HB 1083?

Rep. Grande: I move the amendment be passed.

Rep. Delmore: I second.

Chairman DeKrey: Any discussion on proposed amendment on HB 1083. We will take a voice vote.

Voice Vote: 13 Yes 0 No 0 Absent

Chairman DeKrey: Amendment carries. Now we have the bill before us with the amendment.

What are your wishes?

Rep. Wrangham: I make a motion to Do Pass with amendment.

Rep. Delmore: Second the motion.

Chairman DeKrey: A Do Pass motion on HB 1083 as amended. Is there any discussion? If not, we will call the roll.

13 YES 0 NO 0 ABSENT DO PASS WITH AMENDMENT Carrier: Rep. Grande

38214.0101
Title.0200

Adopted by the Judiciary Committee
January 15, 2003

VR
1/15/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1083 JUD 1/16/03

Page 1, line 20, replace "Individual medical" with "Individually identifiable health"

HOUSE AMENDMENT TO HB 1083 JUD 1-16/03

Page 3, line 3, replace "Individual medical" with "Individually identifiable health"

Renumber accordingly

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4

Date: 1/15/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1083

House Judicial Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass w/Amendments

Motion Made By Rep. Wrangham Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemm	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Grande

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

Voice vote on Amendment - 13 yes, 0 no, 0 absent

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10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
January 16, 2003 9:46 a.m.

Module No: HR-08-0637
Carrier: Grande
Insert LC: 38214.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1083: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1083 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "Individual medical" with "Individually identifiable health"

Page 3, line 3, replace "Individual medical" with "Individually identifiable health"

Renumber accordingly

Yalosta Rickford
Operator's Signature

10/2/03
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2003 SENATE JUDICIARY

HB 1083

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1083

Senate Judiciary Committee

Conference Committee

Hearing Date 03/11/03

Tape Number	Side A	Side B	Meter #
1	X		44.6 - End
1		X	0.0 - 2.0
Committee Clerk Signature <i>Maria Lealberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

Testimony in Support of HB 1083

Mark Bachmeier - Commissioner, ND Department of Labor (meter 44.8) Read Testimony -

Attachment #1

Sen. Traynor discussed where Mr. Bachmeier got the new language from. It came from one of the two laws and is presently in 1402.4-Human Rights Act. We are leaving it there and adding it to 1402.5 to make it consistent.

Sen. Trenbeath discussed open records aspect-two out of three keeps it open. If Complainant says we have to keep it confidential and the department says no it is not an open record, still the respondent can say its an open record and has to be disclosed. Typically under a conciliation agreement under either of these laws has three parties, all three have to agree. This is in

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