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Lo Costa Richardson
Operator's Signature

10/16/83
Date

2003 HOUSE HUMAN SERVICES

HB 1414

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Yolanda Rickford
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10/6/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1414

House Human Services Committee

Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
2		x	0.0 - 46.7
Committee Clerk Signature <i>Ashley R. Row</i>			

Minutes:

Rep. Porter appeared as prime sponsor at the request of the ND Health Dept. as a bill to look at the way that we respond to bioterrorism and potential bioterrorism incidents.

Rep. Warner appeared as cosponsor appeared in support especially on the civil liberty aspects.

Tim Wiedrich, Bio Terrorism Section Chief of the ND Dept. of Health, appeared in support with written testimony.

Rep. Pollert: Page 2, lines 12 through 16, aren't you opening this up to anybody and everybody?

Answer: Types of surveillance, does open the scope of who reports.

Rep. Price: There is nothing from preventing that report right now, this just adds to the list that maybe affective from liability. Answer: That's correct.

Rep. Price: One of the section of the bill addresses local health units and readiness of all units, are they ready for this? Answer: Some have different types of resources and others don't, some in one part of the State and others in another part of the State.

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House Human Services Committee
Bill/Resolution Number HB 1414
Hearing Date January 28, 2003

Rep. Weisz: Page 8, line 16, How much have we lowered the standard? Answer: It is a lower standard, but not an attorney to answer.

Edward Erickson, Attorney General's Office to Answer: Clear and convincing is less than reasonable doubt.

What standard is the court using? Answer: clear and convincing.

Why did we lower the standard? Answer: To give benefit of doubt, we are trying to prevent diseases.

Mike Mullen, Assistant Attorney General to answer: Preponderance of evidence, second thing - least restricted means

Rep. Price: Rationale of 10 days vs. 3 days.

Mr. Erickson: We're talking about a large number of people, so its not spread outside the country.

Rep. Price: took the language out that had to do with the orders being effective for not more than 30 days and confinement. Where's the time limits on here for the orders under the new language? Answer: The bill before you doesn't contain a time limit. On Section 12, page 10, a person can ask to be released (petition the court) so the court could make the final decision. Questions of the committee as to who has jurisdiction on the reservation and the words "shall" or "may" and confinement. Also questions on quarantine, refugees and people not wanting treatment.

Doug Friesz, State Director of Emergency Management & Homeland Security Coordinator appeared in support with written testimony.

Dr. Larry Schuler, State Veterinarian asks to amend and take out veterinarian.

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Hearing Date January 28, 2003

Rep. Pollert: Question on West Nile's Virus. Answer: applies to Health Dept. and not Dept. of Animal Health.

Dr. Larry Schirerly, State Epidemiologist appeared to state he supports the amendments.

No opposition.

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Jo Costa Richardson
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1414
House Human Services Committee

Conference Committee

Hearing Date February 3, 2003

Tape Number	Side A	Side B	Meter #
2	x		24.2 - 38.6
Committee Clerk Signature <i>Sharon Rognan</i>			

Minutes: Rep. Price had questions on jurisdiction on the Reservation and had the intern check into it and read it off.

Rep. Amerman feels this is a little broad and could include the flu.

Rep. Porter wasn't sure if something like the flu would qualify for a quarantine and that he's hesitant on parts of this understanding of, that it gives fairly broad powers to health districts and the Health Dept. and also aware that with the present state that we're currently in, something as small as anthrax and as large as small pox could happen and without the ability of the Dept. to move swiftly and contain those types of incidents that we put a larger population at risk. In weighing it out, with the risk and reward, if we are going to far or not.

Rep. Price had concerns with the local health officers with the local board, and what expertise they may or may not have on these types of issues to make some of these determinations. In the Eastern part of the State, a lot of single county public health units, that may only have one staff member and not a whole lot of resources to draw on.

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House Human Services Committee

Bill/Resolution Number HB 1414

Hearing Date February 3, 2003

Rep. Porter asked who made up the local board? Answer: County Commission.

Rep. Price appointed a subcommittee of Porter, Kreidt and Potter to get some answers to some of the questions that have arisen and to come back with some possible amendments.

Rep. Devlin has problem with lowering the standards of preponderance of evidence being a good move for the people of North Dakota.

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Salvatore Riccardi
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Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1414

House Human Services Committee

Conference Committee

Hearing Date February 5, 2003

Tape Number	Side A	Side B	Meter #
1		x	32.9 - 61.1
2	x		0.0 - 9.1
Committee Clerk Signature <i>Sharon Raynor</i>			

Minutes: Committee Work

Rep. Porter stated that he met with the Health Dept. and got some clarifications on several things needed. Mr. Mullen & Mr. Wiedrich are here to answer and present amendments.

Tim Wiedrich presented an amendment and spoke on the takings provision and stated it was not our intent to have the takings provision for the State. Health Dept. Regarding quarantine, isolation and emergency reporting of communicable disease, we would like additional protection in place besides quarantine & isolation for involving courts.

Mike Mullen, Assistant Attorney General, handed out written testimony (response to some questions the previously had) and explained them.

Rep Porter commented on an incident that may occur inside the reservation or inside a military base, wanted to know if there was a possibility through 1414 that we can set up out boundaries on the State of ND land rather than Sovereign land of the Military bases & Tribal Reservations just stop their entry into the State.

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10/16/03
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House Human Services Committee
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Hearing Date February 5, 2003

Answer: yes, in reviewing this issue I did think there would be authority to do that.

Rep. Potter made a motion to move the amendments, second by Rep. Potter. 13 - 0 - 0

Rep. Potter noted on the Civil Liberties. this would be increasing for them.

Rep. Potter made a motion that on page 2, line 7, take out "veterinarians, including", second by
Rep. Kreidt. 13 - 0 - 0

Rep. Porter made a motion for DO PASS as AMENDED, second by Rep. Potter.

10 - 3 - 0 Rep. Porter will carry the bill.

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10/16/03
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FISCAL NOTE
 Requested by Legislative Council
 01/21/2003

Bill/Resolution No.: HB 1414

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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 address emergency reporting requirements of disease conditions or other information the state health officer finds probable cause to believe there is a threat affecting public health. The bill also allows the local health officer rather than the local board to order a person into confinement if there is reasonable grounds that a person or group poses a threat to public health by a written directive. It also sets out the conditions and principles of the quarantine.

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.

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.

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	01/24/2003

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Krista Rickford
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10/16/03
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