

**FISCAL NOTE**  
**Requested by Legislative Council**  
**12/21/2018**

Bill/Resolution No.: HB 1088

- 1 A. **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.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>						
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>	\$0	\$0	\$0
<b>Townships</b>			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1088 repeals NDCC 15.1-07-31 relating to the purchase and distribution of automated external defibrillators.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There is no fiscal impact in HB 1088.

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.*

None.

- 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.*

None.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

None since the 2007 session when \$400,000 was appropriated.

**Name:** Valerie Fischer

**Agency:** ND DPI

**Telephone:** 701.328-4138

**Date Prepared:** 12/31/2018

**2019 HOUSE EDUCATION**

**HB 1088**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HB 1088  
1/7/2019  
30486

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe

## **Explanation or reason for introduction of bill/resolution:**

Relating to the purchase and distribution of automated external defibrillators.

## **Minutes:**

Attachment 1

**Chairman Owens:** Opened meeting with roll call taken.

**Valerie Fischer,** Director of Safe and Healthy Schools for the Department of Education. This bill to repeal former bill to purchase automated external defibrillators (AED). The state would be alleviated from using general funds for AED purchases upon request for many school districts.(See Attachment 1).

**Chairman Owens:** Are there any questions from the committee?

**Rep. Guggisberg:** If a school does not have an AED and do not have the funds, do we know that they are able to get the funds or do they not just have one in their school?

**Ms. Fischer:** At this time all schools have at least one AED.

**Rep. Guggisberg:** Are the AEDs inspected?

**Ms. Fischer:** Reminders sent to locations for inspections and replacement of batteries.

**Rep. Guggisberg:** There are no requirements for inspections.

**Chairman Owens:** Any committee members in support of this bill?  
Opposition for this bill?

**Bonnie Staiger** ( American Heart Association) Urge committee to continue to fund so as to be able to replace aging AEDs. 10:01-12:16

No neutral testimony for this bill.

**Chairman Owens:** reopened the hearing on HB 1088

**Ms. Fischer:** Having the AEDs in schools have saved seven lives both students and adults since 2007.

**Chairman Owens:** The state has not replaced systems or supplies for the schools.

**Ms. Fischer:** When the AEDs have no longer been usable, the schools contact the vendor out of Montana to send out replacement batteries and the pads.

**Chairman Owens:** Closed the hearing of HB1088.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Education Committee**  
Coteau A Room, State Capitol

HB 1088  
1/9/2019  
30620 (20:18)

- Subcommittee  
 Conference Committee

Committee Clerk: Bev Monroe
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**Explanation or reason for introduction of bill/resolution:**

Relating to the purchase and distribution of automated external defibrillators.

**Minutes:**

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**Chairman Owens:** Opened hearing on HB 1088.

**Rep. Mary Johnson:** I move a Do Pass on HB 1088.

**Rep. Longmuir:** Seconded the motion.

**Chairman Mark S. Owens:** Any discussion.

**Rep. Ron Guggisberg:** In speaking with the AHA representative regarding upkeep of AEDs, money can be used for that.

**Chairman Mark S. Owens:** A motion has already been made; an amendment can be made or do another bill. The carrier is not interested. A Roll Call Vote was taken: 12 Yes, 0 No, 2 Absent. A Do Pass carries. Rep. Mary Johnson will carry the bill.

Date: 11/9/19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1088**

House Education 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 Rep. M. Johnson Seconded By Rep. D. Longmuir

Representatives	Yes	No	Representatives	Yes	No
Chairman M. Owens	✓		Rep. Guggisberg	✓	
V. Chair. Schreiber-Beck	✓		Rep. Hager	✓	
Rep. Heinert	✓				
Rep. Hoverson	A				
Rep. D. Johnson	✓				
Rep. M. Johnson	✓				
Rep. Johnston	✓				
Rep. Longmuir	✓				
Rep. Marschall	A				
Rep. Pyle	✓				
Rep. Strinden	✓				
Rep. Zubke	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. M. Johnson

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

**REPORT OF STANDING COMMITTEE**

**HB 1088: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS**  
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1088 was placed on the  
Eleventh order on the calendar.

**2019 SENATE EDUCATION**

**HB 1088**

# 2019 SENATE STANDING COMMITTEE MINUTES

Education Committee  
Sheyenne River Room, State Capitol

HB 1088  
3/4/2019  
33131 (11:54)

- Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf

## Explanation or reason for introduction of bill/resolution:

A bill relating to the purchase and distribution of automated external defibrillators.

## Minutes:

Att. #1-Two Crow; Att. #2-Hugh Grindberg

**Chairman Schaible:** Committee we are looking at HB 1088.

**Stephanie Two Crow:** See Att. #1.

(2:29) **Senator Rust:** There was \$400,000 appropriated for this bill. Were all the funds spent?

**Stephanie Two Crow:** This is a portfolio that has just been – through our reorganization – has just been handed - within the last month – to my office. I don't have that information at this time, but I would be glad to look that up and get the answer to you.

**Senator Rust:** I would assume it has all been spent or if it hasn't, I want to know where did it go?

**Chairman Schaible:** Other questions. Thank you Stephanie. I think we have also received an informational sheet of the definition of 15.107. 31 by Hugh (intern Hugh Grindberg). See Att. #2. Other testimony in favor of the bill. Any testimony in opposition to the bill.

**Bonnie Staiger, American Heart Association (AHA):** I am here representing the American Heart Association. With **modest** (her emphasis) opposition to this bill. We have been following it closely. I actually represented the AHA in 2007 when the bill was passed and the money appropriated. I do have an answer for Senator Rust. We would wish that there was money to continue this program, but recognizing that 12 years later, with no funding – and Senator Rust, yes all the money was expended. I think that it was expended in the first four years of the program. AHA was at the forefront and primary mover to have those funds appropriated and AEDs placed in the schools. We recognize the Department of Public Instruction would like to suspend this and repeal this piece of the statute because there is no funding. If it were an ongoing program – I am a realist enough to know that if nothing has happened in 13 years – since all the money was expended – probably nine years – we have

to be realistic about keeping statutes viable that really aren't. We wish there was money, and we wish we could continue to not only supply additional AEDs, but also to supply to the schools the additional parts and batteries and paddles and all that sort of thing. I also recognize that the state shouldn't be in the business of buying batteries. I am practical enough to know that is not a good use of our resources as well. Our position is in opposition to this only in principle because we wish it could be different. We recognize and we are realists.

**Senator Oban:** How long do AEDs last?

**Bonnie Staiger:** Yes, they are, they do have an expiration date on them and there are notifications of when certain parts need to be replaced. I was just at the Heritage Center last week and noticed – actually took pictures of two of their AEDs and the sheet that shows all of the inspection dates going back for a very long time are right there and the last inspection was November 4<sup>th</sup> and they even logged when batteries and paddles were replaced. I know there was some of them – certain lot numbers that were recalled and those were replaced. Since the House hearing, I have become much more informed about how this has progressed and - I thought the thing I was going to mention – we have also been in conversations with Representative Guggisberg, Dist. 11, who has suggested that we work with the state fire marshal to include inspecting the AEDs in the schools during the school inspections. I think that is something that is not policy related and doesn't require legislation and it might be a way to get the AEDs inspected in part of the routine school inspections.

**Senator Rust:** I think Representative Porter just put something on social media regarding reviving someone at an activity.

**Bonnie Staiger:** It was at a Western Dakota Association basketball game Saturday night.

**Chairman Schaible:** Seeing no other testimony, we will close the hearing.

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

HB 1088  
3/5/2019  
33187 (3:11)

- Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf
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**Explanation or reason for introduction of bill/resolution:**

A bill relating to the purchase and distribution of automated external defibrillators.

**Minutes:**

No Attachments.
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**Chairman Schaible:** Committee, we are looking at HB 1088.

**Senator Rust: Motion to Do Pass HB 1088.**

**Senator Davison: Second.**

**Roll Call Vote taken:**

**7 Yeas; 0 Nays; 0 Absent.**

**Motion Carries.**

**Senator Fors will carry the bill.**

Date: 3-5-19  
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1088

Senate Education 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 Rust Seconded By Davison

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Fors

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

**REPORT OF STANDING COMMITTEE**

**HB 1088: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1088 was placed on the  
Fourteenth order on the calendar.

**2019 TESTIMONY**

**HB 1088**

1-7-19  
Att. #1  
HB 1088

House Education Committee - HB 1088  
January 7, 2019  
Valerie Fischer, Director of Safe & Healthy Schools  
Department of Public Instruction  
328.4138; vfischer@nd.gov

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Chairman Owens, members of the House Education Committee - I am Valerie Fischer, Director of Safe & Healthy Schools for the Department of Public Instruction. I am here to provide testimony regarding HB 1088 – a bill to repeal NDCC 15.1-07-31, relating to the purchase and distribution of automated external defibrillators, or AED's. HB 1088 is a housekeeping bill; a repeal will assure that the State will be alleviated from using general funds for AED purchases upon request from any school district.

In 2007, SB 2313 appropriated \$400,000 for NDDPI to provide AED's to all ND schools who did not have one in each school building. Following state protocol, the procurement process was executed and Respond Systems was chosen as the vendor from a field of six (6) suppliers. Three hundred eighty seven (387) AED's, cases, batteries and pads were disseminated across the state. Training was also provided by various healthcare partners. Within one year, there were four (4) reported 'saves'; within the subsequent 3 years, there were seven (7) reported 'saves'.

Since that time, some schools have contacted NDDPI seeking additional AED's and/or funding for such; they are directed to the vendor, or to community partners to purchase/donate AED's (i.e., local chamber, employers, United Way). Repeal of this bill would formally alleviate any fiscal responsibility of the State and direct it to the district. This concludes my testimony. I am available to take any questions the Committee may have. Thank you.

SB HB 1088  
3-4-19  
Att #1  
p1 of 1

Senate Education Committee - HB 1088

March 4, 2019

Stefanie Two Crow, Director of Educational Equity & Support

Department of Public Instruction

701-328-2287 or [stwocrow@nd.gov](mailto:stwocrow@nd.gov)

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Chairman Schaible, members of the Senate Education Committee - I am Stefanie Two Crow, Director of Educational Equity & Support for the Department of Public Instruction. I am here to provide testimony regarding HB 1088 – a bill to repeal 15.1-07-31 of the North Dakota Century Code, relating to the purchase and distribution of automated external defibrillators, or AED's. HB 1088 is a housekeeping bill; repealing this bill will assure that the NDDPI will be alleviated from using agency general funds for AED purchases upon request from any local school district.

In 2007, SB 2313 was introduced and passed which appropriated \$400,000 for NDDPI to provide AED's to all ND schools who did not have one in each school building. Following state protocol, the procurement process was executed and Respond Systems was chosen as the vendor from a field of six (6) suppliers. Three hundred eighty seven (387) AED's, cases, batteries and pads, as well as door/window stickers, were disseminated across the state. Training was also provided by various healthcare partners across the state. Within one year, there were four (4) reported 'saves'; within the subsequent 3 years, there were seven (7) reported 'saves'.

Since that time, some schools have contacted NDDPI seeking additional AED's and/or funding for such; they are directed to the vendor, or to community partners to purchase/donate AED's (i.e., local chamber, employers, United Way). Repeal of this bill would alleviate any fiscal responsibility of NDDPI and direct it to the local district. This concludes my testimony. I am available to take any questions the Committee may have. Thank you.

HB 1088  
3-4-19  
AH #2  
P1 of 1

**15.1-07-31. Automated external defibrillators - Purchase and distribution.**

The superintendent of public instruction shall purchase automated external defibrillators and distribute the defibrillators to school districts in this state for placement in schools or at the site of school-related activities.

**15.1-07-32. Student performance strategist - Verification - Qualifications.**

Each school district must have available one full-time equivalent student performance strategist for every four hundred students in average daily membership in kindergarten through grade three. Each school district shall submit documentation to the superintendent of public instruction, at the time and in the manner directed by the superintendent, verifying the amount of time that each student performance strategist expended in tutoring students on a one-to-one basis or in groups ranging from two to five, or in providing instructional coaching to teachers. For purposes of this section, a "student performance strategist" must:

1. a. Meet the requirements of an elementary school teacher as set forth in section 15.1-18-02.1; or
- b. Be licensed to teach or approved to teach by the education standards and practices board and hold a special education endorsement or credential; and
2. Serve as a tutor or an instructional coach.

**15.1-07-33. Student information system - Exemption.**

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction, the information technology department, or the North Dakota educational technology council, each school district shall acquire PowerSchool through the information technology department and use it as its principal student information system. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in PowerSchool.
2. The superintendent of public instruction may exempt a school district from having to acquire and utilize PowerSchool if the school district demonstrates that, in accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

**15.1-07-34. Provision of youth behavioral health training to teachers, administrators, and ancillary staff.**

1. Every two years, each school district shall provide a minimum of eight hours of professional development on youth behavioral health to elementary, middle, and high school teachers, and administrators. Each school district shall encourage ancillary and support staff to participate in the professional development. Based on the annual needs assessment of the school district, these hours must be designated from the following categories:
  - a. Trauma;
  - b. Social and emotional learning, including resiliency;
  - c. Suicide prevention;
  - d. Bullying;
  - e. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;
  - f. Knowledge of behavioral health symptoms, and risks;
  - g. Awareness of referral sources and evidence-based strategies for appropriate interventions; or
  - h. Other evidence-based strategies to reduce risk factors for students.
2. Each school district shall report the professional development hours to the department of public instruction.