

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2341

2001 SENATE HUMAN SERVICES

SB 2341

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2341

Senate Human Services Committee

Conference Committee

Hearing Date January 30, 2001

Tape Number	Side A	Side B	Meter #
		X	17.4
Committee Clerk Signature <i>Baral Kolodziejchuk</i>			

Minutes:

The hearing on SB 2341 was opened.

SENATOR LEE, sponsor of the bill, introduced the bill. This bill comes from a wide range of agencies and boards dealing with end of life care. It addresses living will and power of attorney issues.

BRUCE LEVI, ND Medical Assoc., explained the bill. (Written Testimony) A living will is a document prepared when you have a terminal illness and death is immanent. It directs wishes at end of life. The durable power of attorney is a document that designates a proxy to make decisions at end of life. SENATOR MATHERN: How did this group overcome concerns of who? MR. LEVI: Difficulties of health care providers to be witnesses. What roll does the witness fulfill - simply verifying signature or verifying if the person is competent. It was an issue of competency or signing of freewill. SENATOR POLOVITZ: Would there be conflict between the two? MR. LEVI: It would make it less complicated. Living will kicks in at

Page 2
Senate Human Services Committee
Bill/Resolution Number SB 2341
Hearing Date January 30, 2001

different time than durable power of attorney. People should have both documents. SENATOR KILZER: Is living will an accurate term? MR. LEVI: It is improving life. Living will is consistent in the code and allows to make changes.

RODGER WETZEL, MPA, LSW, HCA/e, supports the bill. (Written testimony)

MEL WEBSTER, attorney, supports bill. This bill makes witnessing requirements easier. It encourages people to complete forms, select agent and what degrees of care he wants.

ARNOLD THOMAS, President of ND Healthcare Assoc., supports bill. (Written testimony)

CHRISTOPHER DOBSON, ND Catholic Council, supports bill. This clarifies things that we thought were in the law.

STACEY PFLIGER, Right to Life, supports bill. (Written testimony) SENATOR MATHERN:

Mr. Levi, would you comment on the amendment? MR. LEVI: The language might be part of our law, but process is transfer. Nothing would hinder.

The hearing was closed on SB 2341.

Discussion was held. SENATOR MATHERN moved a DO PASS. SENATOR FISCHER seconded the motion. Roll call vote carried 6-0. SENATOR LEE will carry the bill.

Roll Call Vote #: / Date: 1/30/01

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2341

Senate HUMAN SERVICES Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) _____ No _____

Absent _____

Floor Assignment Sen Lee

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

REPORT OF STANDING COMMITTEE (410)
February 5, 2001 1:28 p.m.

Module No: SR-20-2365
Carrier: Leo
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2341: Human Services Committee (Sen. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2341 was placed on the
Eleventh order on the calendar.

2001 HOUSE HUMAN SERVICES

SB 2341

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2341

House Human Services Committee

Conference Committee

Hearing Date February 20, 2001

Tape Number	Side A	Side B	Meter #
Tape 2	X		Tape didn't work
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosh, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on SB 2341.

Bruce Levi: N.D. Medical Association. (See written testimony.) The Association supports SB 2341. Advance directive statutes provide a pathway for expressing wishes and preferences for end-of-life care. In North Dakota, the "living will" in chapter 23-06.4 and the durable power of attorney for health care in chapter 23-06.5 are tools that assist an individual to plan for future medical care in the event the individual is unable to make his or her own decisions. SB 2341 would make revisions to these two chapters of the North Dakota Century Code to encourage North Dakotans to plan in advance for their medical care if they are unable, in the future, to do so. There are other individuals who wish to testify in support of SB 2341, and who are better

able to describe the benefits of the bill. The N.D. Medical Association encourages you to vote
DO PASS on SB 2341.

Chairman Price: Page 1, line 21 and 22 - you took out by marriage - would a daughter-in-law be
considered a relative?

Bruce Levi: ??????????????????????

Rep. Pollert: Is it common to have these forms in statute?

Bruce Levi: Yes, many other states have statutory forms.

Christopher Dodson: North Dakota Catholic Conference. We encourage passage of this bill. It
is a process for people to become comfortable with their circumstances and the dying process.

Chairman Price: Page 1, line 21 and 22 - can a daughter-in-law be a witness. I need to know
what you intended here.

Christopher Dodson: We need to look at it.

Rep. Pollert: Has someone from the Right-to-Life been in discussion regarding this bill?

Christopher Dodson: Stacy Phliger testified in favor of the bill in the Senate.

Melvin Webster: Attorney in Private Practice. (See written testimony.) The changes simplify
the witnessing process for both "living wills" and "health care powers of attorney" by providing
that one of the witnesses could be an employee of the health care provider or that the document
could be notarized rather than witnessed. This change makes it much easier to enable people to
sign advance directives. The primary problem that I encounter is that frequently there are no
qualified witnesses - that is, witnesses who are not blood relatives or witnesses or who are
non-employees. The only alternative under the present statute is to scurry around and see if you
can find a complete stranger who, ironically, is then qualified to witness the document. This
change would facilitate the signing of advanced directives for individuals who are in a long-term

care facility or hospital. The other change is that the bill permits the use of forms other than the statutory forms if the forms comply with North Dakota's statutes. There are a number of alternative forms that are available to individuals; many of them are available on the Internet. However, our present statute regarding living wills indicates it must be "substantially similar to the statutory form." In regard to the durable power of attorney, the statute for health care durable powers of attorney indicates that it is the "preferred form." The changes emphasize that while statutory forms are provided, they are not the "required forms." Most estimates indicate that no more than 15% of people have advance directives. The emphasis should be on encouraging individuals to plan for their incapacity rather than setting up roadblocks that inhibit the individuals to sign advance directives of one kind or the other. I believe that this bill would make it easier for individuals to sign advance directives and that it would, therefore, ensure that their wishes were carried out. I urge your support of SB 2341.

Rep. Klein: You won't have to make changes if you have this will now?

Mel Webster: No.

(See Judy Lee's attached written testimony.)

Chairman Price: Close hearing on SB 2341.

COMMITTEE WORK:

Rep. Cleary: Do Pass the amendment.

Rep. Metcalf: Second.

(12 Yes, 1 No, 1 Absent)

Rep. Galvin: DO PASS as amended.

Rep. Sandvig: Second.

13 YES 0 NO 1 ABSENT CARRIED BY REP. SANDVIG

18332.0101
Title.0200

Adopted by the Human Services Committee
February 20, 2001

VR
2/20/01

HOUSE AMENDMENTS TO SB 2341

HOUSE HS

2-21-01

Page 1, line 21, after "blood" insert ", marriage,"

HOUSE AMENDMENTS TO SB 2341

HOUSE HS

2-21-01

Page 6, line 11, after "blood" insert ", marriage,"

HOUSE AMENDMENTS TO SB 2341

HOUSE HS

2-21-01

Page 7, line 28, after "blood" insert ", marriage,"

Renumber accordingly

Date: 2-20-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2341

House Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS the Amendment

Motion Made By Rep. Cleary Seconded By metcalf

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Audrey Cleary	<input checked="" type="checkbox"/>	
William Devlin - V. Chairman	<input checked="" type="checkbox"/>		Ralph Metcalf	<input checked="" type="checkbox"/>	
Mark Dosch		<input checked="" type="checkbox"/>	Carol Niemeier	<input checked="" type="checkbox"/>	
Pat Galvin	<input checked="" type="checkbox"/>		Sally Sandvig	<input checked="" type="checkbox"/>	
Frank Klein	<input checked="" type="checkbox"/>				
Chet Pollert	<input checked="" type="checkbox"/>				
Todd Porter	<input checked="" type="checkbox"/>				
Wayne Tieman	<input checked="" type="checkbox"/>				
Dave Weiler	<input checked="" type="checkbox"/>				
Robin Weisz	<input checked="" type="checkbox"/>				

Total (Yes) 12 No 1

Absent 1

Floor Assignment _____

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

Date: 2-20-01
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2341

House Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS as Amended

Motion Made By Rep. Galvin - Seconded By Rep. Sandvig

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman			Audrey Cleary	✓	
William Devlin - V. Chairman	✓		Ralph Metcalf	✓	
Mark Dosch	✓		Carol Niemcier	✓	
Pat Galvin	✓		Sally Sandvig	✓	
Frank Klein	✓				
Chet Pollert	✓				
Todd Porter	✓				
Wayne Tieman	✓				
Dave Weiler	✓				
Robin Weisz	✓				

Total (Yes) 13 No _____

Absent 1

Floor Assignment Rep. Sandvig

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

REPORT OF STANDING COMMITTEE (410)
February 21, 2001 12:29 p.m.

Module No: HR-32-4201
Carrier: Sandvig
Insert LC: 18332.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2341: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2341 was placed on the Sixth order on the calendar.

Page 1, line 21, after "blood" insert ", marriage,"

Page 6, line 11, after "blood" insert ", marriage,"

Page 7, line 28, after "blood" insert ", marriage,"

Renumber accordingly

2001 TESTIMONY

SB 2341

