

2019 HOUSE TRANSPORTATION

HB 1369

2019 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1369
2/7/2019
#32378

- ☐ Subcommittee
☐ Conference Committee

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| Committee Clerk Signature Jeanette Cook |
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Explanation or reason for introduction of bill/resolution:

A BILL relating to payments for school bus driver physical examinations.

Minutes:

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| Attachment 1-3 |
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Chairman Ruby brought the meeting to order on HB 1369.

Mary Johnson, District 45, Fargo, introduced HB 1369 and provided written testimony. See attachment #1.

ElRoy Berkley, Excutive Director of North Dakota Small Organized Schools, spoke to support HB 1369 and provided written testimony. See attachment #2.

Vice Chairman Rick C. Becker: Is the thought of your testimony is to relieve the burden from the schools by transferring it to the insurance company? But is also says that we are holding the individual responsible for any costs that the insurance doesn't pick up. Depending upon when the examination is held, and if the person has met his/her deductible, the entire cost could be borne by the individual. Correct?

ElRoy Berkley: I would agree with you, depending on the policy of the individual. If a person is found unhealthy, then they are responsible for the medical treatment to become healthy. Does that make sense?

Vice Chairman Rick C. Becker: No. It seems that there seems to be an incongruence between testimony (indicating that the individuals are held harmless) and what is going to occur in reality, especially when deductibles have sky rocketed in the last nine years. This is essentially shifting the cost from the schools to the individual, but the testimony is indicating that we are shifting the cost from the schools to the insurance company.

ElRoy Berkley: I'll agree and disagree, depending on the insurance coverage. The concern that is coming up is with recent requirements of CDL physicals. If my neck size exceeds a certain number of inches, an automatic sleep study is required. There is no option. That is cost that should not have to be borne by the school district. I think this is a way to say that we want healthy drivers, and we want them to pass their physicals, but at what point do you say that the obligation is now the driver's responsibility? If I am diagnosed with high blood

pressure, it will help me in the long run. Does that mean that school should absorb all of my costs for that?

Representative Jones: I think it says that the school board will pay for the initial test. If there are additional tests that are required because you have a health issue, then after those costs, and after what the insurance pays, that will be borne by the individual. Is that correct?

ElRoy Berkley: Yes, exactly.

Chairman Ruby: Will this be required of all drivers, not just the CDL drivers?

ElRoy Berkley: Yes.

Chairman Ruby: I don't understand why the school district would be required to pay the additional costs, if, for example, I needed a sleep study. Wouldn't the insurance pay it? Our company has never thought that we are required to pay those additional treatments. It seems to me the language "initial" would mean just when you are first hired. Is the intention to pay every year or every other year?

ElRoy Berkley: The school pays for the initial for every other year. If you are required to do an annual physical after a certain age, then the school will pay the required minimum examination, just not the additional follow up appointments.

Representative Jones: I think this is a good bill. It looks like we are only talking about the amount the insurance doesn't cover. Everyone is expecting that the insurance company is going to cover most if not all of the amount. When it says "initial" examination, it would be more appropriate to say "initial examination or any routine renewals". Then the driver will have to pay anything that is beyond what the insurance pays for follow-up exams, rather than the school being responsible. Is that what you are saying?

ElRoy Berkley: Yes, exactly. We can certainly change the wording.

Representative Paur: Are the requirements for this CDL exam different than the Department of Transportation exam?

ElRoy Berkley: I have no idea.

Aimee Copes, Executive Director for North Dakota Council of Educational Leaders, spoke to support HB 1369 and provided written testimony. See attachment # 3. (19:10)

Representative Nelson: I don't see where the current law says that you are required to pay any of the annual or biannual physicals at all. I can understand the concerns about follow-up. It seems to me that we could eliminate the "treatment for the follow-up". Is that correct?

Aimee Copes: Treatment or follow-up exams.

Representative Nelson: It seems that the annual or bi-annual physical is totally up to the policy. That is not in the law that you have to cover those, only exams that you require the

driver to take. It doesn't say that you are required to pay the exams that the Department of Transportation requires for licensing. I am wondering why you are even covering that. Maybe it is just a board policy.

Aimee Copes: The interpretation from the field has not been the way you are interpreting it. Our general understanding through the guidance that we have gotten has been that the physical for the CDL has been our borne responsibility. If that is incorrect, we would be happy to take a new interpretation from Legislative Council and roll with that. Maybe we need a request for reevaluation of intent.

Chairman Ruby: When I read the original language, it almost does sound like you would be responsible for additional exams and treatment.

Aimee Copes: Some of our boards have created policy to try to protect themselves from this. They feel uncomfortable that they may be creating policy that is in conflict with state law. They are looking for clarification, so that their policy is in alignment with both with intent and purpose. Obviously the school districts don't have the funds to pay for a lot of these things.

Alexis Baxley, Executive Director of the North Dakota School Board's Association: We also support HB 1369. I just want to add in reference to Representative Nelson's question, looking at Subsection 1 in the bill. The existing Code requires that the district requires that the driver be in good physical health. That is what we interpret as a requirement to request the physicals.

Representative Paur: How do the School Boards determine that the drivers are of sound mental health?

Alexis Baxley: They leave that up to the medical officials.

Chairman Ruby: The way that it is written, is it clear enough to say the "initial" examination or should we have some language to clarify that?

Alexis Baxley: If you want to add language to clarify that, we would be supportive of that.

There was no further testimony in support of HB 1369.
There was no oppositional or neutral testimony on HB 1369.

The hearing was closed on HB 1369.

Discussion on wording for the amendment.

(A short break was taken.)

Travis Brown, Law Intern, read the proposed amendment: On p.2 line 13 – after initial examination – insert – and routine examination required to comply with this Chapter 15.1-07.

Chairman Ruby reviewed the purpose for Representative Weisz who was not at the hearing.

Representative Jones moved the amendments.

Representative Hanson seconded the motion.

A voice vote was taken. The motion carried.

Representative Jones moved a DO PASS as amended on HB 1369.

Representative Hanson seconded the motion.

A roll call vote was taken. Aye 13 Nay 0 Absent 1

The motion carried.

Representative Jones will carry HB 1369.

19.0972.01001
Title.02000

DP 2/7/19
Adopted by the Transportation Committee

February 7, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1369

Page 2, line 13, after "examination" insert "and routine examinations required to comply with chapter 15.1-07"

Renumber accordingly

Date: 2-7-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1369

House Transportation 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 Jones Seconded By Hanson

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------|-----|----|-----------------------|-----|----|
| CHAIRMAN RUBY | | | REP LAURIEBETH HAGER | | |
| VICE CHAIR BECKER | | | REP KARLA ROSE HANSON | | |
| REP JIM GRUENEICH | | | REP MARVIN NELSON | | |
| REP TERRY JONES | | | | | |
| REP TOM KADING | | | | | |
| REP EMILY O'BRIEN | | | | | |
| REP MARK OWENS | | | | | |
| REP BOB PAULSON | | | | | |
| REP GARY PAUR | | | | | |
| REP ROBIN WEISZ | | | | | |
| REP GREG WESTLIND | | | | | |
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Vote
Vote
Carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

p. 2, line 13: insert routine exam, required to comply with chapter 15.1-07

Date: 2-7-19
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1369

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.0972.01001

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 Jones Seconded By Hanson

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------|-----|----|-----------------------|-----|----|
| CHAIRMAN RUBY | X | | REP LAURIEBETH HAGER | X | |
| VICE CHAIR BECKER | X | | REP KARLA ROSE HANSON | X | |
| REP JIM GRUENEICH | X | | REP MARVIN NELSON | X | |
| REP TERRY JONES | X | | | | |
| REP TOM KADING | X | | | | |
| REP EMILY O'BRIEN | A | | | | |
| REP MARK OWENS | X | | | | |
| REP BOB PAULSON | X | | | | |
| REP GARY PAUR | X | | | | |
| REP ROBIN WEISZ | X | | | | |
| REP GREG WESTLIND | X | | | | |
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Total (Yes) 13 No 0

Absent 1

Floor Assignment Jones

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

REPORT OF STANDING COMMITTEE

HB 1369: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1369 was placed on the Sixth order on the calendar.

Page 2, line 13, after "examination" insert "and routine examinations required to comply with chapter 15.1-07"

Renumber accordingly

2019 SENATE TRANSPORTATION

HB 1369

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Lewis and Clark Room, State Capitol

HB 1369
2/28/2019
32963

- ☐ Subcommittee
☐ Conference Committee

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| Committee Clerk: Liz Stenehjem |
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Explanation or reason for introduction of bill/resolution:

A bill relating to payments for school bus driver physical examinations.

Minutes:

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| 3 Attachments |
|---------------|

Chairman Rust: Opened Committee on HB 1369.

ElRoy Burkle, Executive Director, North Dakota Small Organized Schools (NDSOS):

Please see **Attachment #1** for testimony. Please also see **Attachment #2** for testimony from **Dr. Steven L. Johnson, Superintendent, Lisbon Public Schools**.

Chairman Rust: I looked at this and I saw three things. I saw initial examination, I saw routine examinations and then I saw additional examinations. Those three words kind of caught my eye because obviously if they're in there they have significance. In the examination costs for an initial examination, obviously you have somebody who is becoming a driver for the first time, initial examination. Routine examinations I presume are the ones you have to do every two years?

Mr. Burkle: In some cases, it may be one year depending on the age of the driver or if there is some impending health condition that the doctor says you need to come back for. But normally they're two years.

Chairman Rust: So initial is for employment purposes and routine are for continued employment, and what is additional exam for?

Mr. Burkle: The way I'm interpreting it, additional exams; and this is where we want to put some clarity to it. Let's say I'm a new driver and they find out I have high blood pressure and I didn't really monitor myself, I went in and, ok I have high blood pressure. They will say that I will have to go back to make sure my blood pressure is low enough to make sure I'm CDL safe, safe drivers. The other thing that we're seeing and hearing is with the new FMCSA requirements, they measure your neck, and if your neck is a diameter, they will require people to do a sleep study. That's where we're kind of going, whoa this is going a little bit too far here. I know it's to help the driver personally, but if you've ever done a sleep study, that's pretty expensive. We have no problem with the initial. I mean it's in the law,

you have to provide that for your new bus driver. What I used to do is submit it to their insurance or ask them to submit it to their insurance and we pay the difference. But that first one that's 100% ours. But additional, which really is protecting a driver's health that's what I say really that should be their responsibility. Does that make sense?

Chairman Rust: Would those additional ones bar that person from driving a school bus?

Mr. Burkle: It could. Let's say they refuse to do it. Well then for your CDL you have to be passed, you have to get the card. If you refuse to do it, then they could say you didn't pass, so that means you cannot drive. You don't have your CDL license. It could. I have not heard of any school districts that have been to that point. But I think this would help them to say to the drivers, ok this is what you need to do if you can't pass the physical. I had one driver who had really bad high blood pressure so he had to go in every three months.

Chairman Rust: He has to go in every three months, so what is the school district responsible for?

Mr. Burkle: We helped him, but we also had him participate in it too. Because he knows it's for his health. Even if he quit driving he still would have needed to go.

Chairman Rust: Was the every three-month requirement from a doctor in order for him to continue driving?

Mr. Burkle: I don't remember.

Senator Dwyer: The House added routine examinations, the second one. "Routine examinations required to comply Chapter 15.1-07" and then the last part of the bill "for any additional examinations." So wouldn't routine examinations be included in any additional examinations? That's the first part of the question, the second part of the question is why did the House add that?

Mr. Burkle: I don't know why the House added that to be honest with you there. I look at the routine examinations as your every two year examinations. The initial is the first year driver, I got my certification, I passed my health. Then after that it becomes the routine, the two years or one year depending on my health conditions. That's the way I would interpret this.

Senator Dwyer: So then what would be the additional examinations? Would that be the two year ones too?

Mr. Burkle: Additional examinations; those would be the ones that let's my high blood pressure example, those would be the additional ones. Those would be above and beyond what I need to driver the bus.

Chairman Rust: Just to be clear, the initial and the continued ones are to get a doctor to certify that this person is capable of driving the bus.

Mr. Burkle: That is correct.

Chairman Rust: Additional examinations do not determine whether or not that person is capable but rather it's something for health purposes?

Mr. Burkle: That is correct.

Senator Bakke: So what I'm understanding is that you pay for the initial. If when they're in their initial exam they find out that they have strep throat and they have to go back for a follow-up that would all be at their expense because it has nothing to do with the driving. But if they are sent back every two years to re-up their certification that would be paid by their insurance company first and then the school district in order to keep them certified. So their renewal examination. So we just need to make sure this is worded in such a way that it makes that clear. Is that's what's confusing, is it the additional examinations? Do we need to clarify that more?

Mr. Burkle: The way you explain it I understand what you're saying. And yes, I agree with you. Now the language, I understand what's written in here, or my interpretation. To make it clear if you believe it needs to be reworded, by all means, make it as clear as you can.

Senator Dwyer: I didn't ask the question because I thought it was unclear. It's very clear now. Initial, routine, additional any other examinations have to be paid for by the individual if the insurance doesn't cover it.

Chairman Rust: The initial and the routine are covered by the school district.

Senator Bakke: The routine ones could be the strep throat. So we need to clarify that the routine ones are their bi-annual recertification exam. Because you aren't paying for anything they find during that initial exam, you're only paying for that initial exam and then every two years when they have to have it redone, correct?

Mr. Burkle: Correct. I'm probably reading more into your comment. I think just leave it as initial, routine and to obtain your license. I think you would be fine. Anything above and beyond that would be out of their pocket.

Chairman Rust: That probably would be covered by "required to comply with Chapter 15.1-07."

Mr. Burkle: Agreed.

Aimee Copas, Executive Director, North Dakota Council of Educational Leaders: Please see **Attachment #3** for testimony. There are a number of school districts that have created policy to try to amend, but what we want to make sure of is that the school districts are complying with law appropriately. That they're not going above or below the intent of the law. So we are hoping that this language does that. The intent would be that yes, the initial exam and any subsequent recertifications would be covered. However, the others on the basis of an individual's current health situation, past that initial exam would be borne by that individual not necessarily by the school district.

Chairman Rust: Would those other ones prevent them from driving?

Ms Copas: In essence they could. At the end of the day we could have an individual that could go through ten rounds with a physician and they might deem them to be unfit to drive the bus, that certainly could happen. That's the entire intent of having them go in for a health physical, is to deem whether or not they're of the health that would be needed to drive our students safely.

Chairman Rust: Would that information, if they go in and do it personally or through their insurance; become privileged information that couldn't be shared with the school district then?

Ms Copas: It would be anyway. HIPAA protects all of their health information, it would be similar to a sports physical. We would get back the certification from a physician saying they can drive the bus, but information and details with relation to the individual's personal privacy is protected by HIPAA and we wouldn't have access to that either way. So if they need follow-up examinations to continue to pursue the job that they have applied for it would be on them to go ahead and do that, to ultimately get to the point where they could hand us a certificate that says they are good to go to drive that bus. The school will help pay for that initial exam over and above what insurance covers. But, if additional subsequent appointments are needed, the intent of the language back in 2015 was this as well. Was that initial exam we should be taking of that if the individual's insurance doesn't cover the whole thing. We're helping cover the copay essentially. But if more is needed over and above that, as you can image some of the costs for that can get pretty extensive. (Shared personal story.)

Chairman Rust: So is it possible somebody goes in, gets passed, school finds out that they're qualified to drive, the doctor says yeah, but this is an area I think we ought to look at. Now goes back in three months later or what have you, and the doctor says, I don't know if I want you driving a bus anymore. How does that all work?

Ms Copas: That could happen anyway whether or not this legislation existed there. The part of the transportation requirement for the bus drivers to have that physical exam is to ensure that we have the best fit individual within the guidelines that have been created both federally and that have been approved by our state to have safe drivers in our schools. So whether or not this legislation was in place wouldn't at the end of the change whether or not that doctor wanted to have a follow-up exam that could ultimately the end results be that they maintain their CDL or not. What's important to note though is there is language I believe in there, that says a school board may have the authority to do more than that if they would so choose. So in that very last paragraph of the engrossed version it talks about; that line there about the school board may, so they could certainly make that decision locally to help them out additionally if the funds would allow it and they made that choice and they made a policy. As I stated earlier we have a number of districts that have made policies about this. We could have districts out there that have policies to provide additional support, but that's at the choice of the local school board and that local community. I would imagine in our world to expand where we have a shortage of drivers that our school districts are going to do just about everything they can to maintain their drivers. I think about Rick Jacobson, he's the superintendent in Wahpeton, and half the

time that he has a meeting coming to Bismarck he calls me and says "Aimee I can't make I have a bus driver out and I'm out driving the route." This happens all the time. So we have a shortage of bus drivers, no question about it, which is why much of this was put into place. We want to try to provide support to make it appealing, have people come in and drive our buses. It's far more than our routes, it's our athletic buses, it's to take kids to drama and debate I mean it's all over the place. We need bus drivers. So this is a way to actually help and support them and help feed that pool.

Chairman Rust: Do you think this bill says it plain enough?

Ms Copas: I'm not entirely sure. I almost wonder if to Senator Bakke's point if we need that word recertification to clear that up a little bit. I look at it and I know what it is because I listened to the House talk about it, but I wonder if a person that is clean to the situation that didn't get to hear the conversation if they would be as clear.

Chairman Rust: Change the word routine to recertification?

Ms Copas: Perhaps. As a female I could talk about all kinds of routine examinations I could try to get the school district to cover and I'm sure males have things like that as well. So we wouldn't want this to cross over with things that aren't intentional with regard to gaining your license to have a CDL.

Senator Dwyer: The question is, is routine clear?

Ms Copas: That's the question.

Chairman Rust: That's where she said we should probably use it as recertification. Routine can mean different things to different people. Recertification would be explicit that it is for the follow-up every two year.

Ms Copas: In my professional opinion I would agree with you on that.

Senator Dwyer: Because I'm looking at 15.1-07 and there is no provision that clarifies what routine is.

Senator Clemens: It's routine examinations to comply with Chapter 15.1-07. So it's going to be anything routine that's in reference to Chapter 15. So I don't think that would be a confusion with something else.

Ms Copas: We would hope not. But we all know that; and I'm sure that the Attorney General's office can probably attest to that people get their hairs crossed sometimes on intent. You know we really rely on your expertise here. You guys are the experts at understanding intent of language and how this should look. We just want to try to help and support in any way that we can so that we can carry the message to the field and make sure that we're sharing with the field the correct intent so that they then carry forth your wishes appropriately.

Senator Bakke: This is my thought, if we're spending this much time trying to figure out what routine means, then someone else is going to come along and they're going to see this "required to comply with Chapter..." They're not going to understand how to do that. So I'm just thinking change "routine" to "recertification examinations" so that way it just clears it up.

Alexis Baxley, Executive Director, North Dakota School Boards Association: We too stand in support of HB 1369.

Chairman Rust: Closed hearing on HB 1369.

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1369
3/1/2019
33050

☐ Subcommittee
☐ Conference Committee

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| Committee Clerk: Liz Stenehjem |
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Explanation or reason for introduction of bill/resolution:

A bill relating to payments for school bus driver physical examinations.

Minutes:

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| 1 Attachment |
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Senator Bakke: Please see **Attachment #1** for amendment 19.0972.02001. I move a **Do Pass** on the amendment.

Senator Patten: I **Second** the motion.

Chairman Rust: The reason for this is to provide clarification. We didn't necessarily know what routine meant, but recertification everybody kind of now knows.

Roll Call Vote Taken:
6-0-0 Do Pass

Chairman Rust: Next we have the bill in front of us. One of the things we were asked about by the sponsor was to probably lower the threshold on page 1 line 22, from ten to eight. At this point in time I haven't decided whether or not to do that. Anybody else?

Senator Dwyer: One of the problems if you do it is 1a deals with anybody that's driving nine or under and b is ten to fifteen. So somehow you would have to reconcile that whole business.

Senator Bakke: I'm confused, where do you see the nine and under?

Senator Dwyer: 1a deals with "if an individual transports students or other passengers in a school vehicle." So that would be anybody that's transporting anybody in any vehicle. Then when you go to 1b, it's ten to fifteen passengers and those are a little bit different if you look at them. So if we went to eight we then we would have to decide where does it fit? I would prefer to leave it at ten.

Chairman Rust: Is there anybody here who wants to do an amendment to lower it?

No one chose to do an amendment. Chairman Rust proceeded to give another brief explanation of what HB 1369 does.

Senator Bakke: I move **Do Pass as Amended**.

Senator Dwyer: I **Second** the motion.

Senator Clemens: If we look on page 2, lines 12-15 it says, "Any examination costs for an initial examination and recertification examinations required to comply with chapter 15.1 – 07 which remain after the application of the individual's insurance coverage are the responsibility of the board." So is this saying that if I apply to drive a school bus my insurance, if I have insurance, has to take care of that registration?

Chairman Rust: The way I read it is, whatever your insurance company says they won't pay the school board will.

Senator Clemens: So if they want to deny it for whatever.

Chairman Rust: That's right, because it says "which remain after application of the insurance coverage." It does not say the insurance must pay for it, it just says that if something remains after they've said yes or no that the school board must pay for it. That's the way I see it.

Senator Bakke: I think it would also be true in a recertification examination. Like every two years they have to go through it again and the board would have to pay for what the insurance company didn't pay.

Roll Call Vote Taken:
5-1-0 Do Pass as Amended
Carrier: Senator Bakke

19.0972.02001
Title.03000

Prepared by the Legislative Council staff for
Senator Bakke
February 28, 2019

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1801

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1369

Page 2, line 13, replace "routine" with "recertification"

Renumber accordingly

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO: 1369

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 19.0972.02001

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 Senator Bakke Seconded By Senator Patten

| Senators | Yes | No | Senators | Yes | No |
|---------------------------------|-----|----|---------------|-----|----|
| Senator Rust - Chairman | X | | Senator Bakke | X | |
| Senator Clemens - Vice Chairman | X | | | | |
| Senator Dwyer | X | | | | |
| Senator Fors | X | | | | |
| Senator Patten | X | | | | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO: HB 1369**

Senate Transportation 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 Senator Bakke: Seconded By Senator Dwyer:

| Senators | Yes | No | Senators | Yes | No |
|---------------------------------|-----|----|---------------|-----|----|
| Senator Rust - Chairman | X | | Senator Bakke | X | |
| Senator Clemens - Vice Chairman | X | | | | |
| Senator Dwyer | X | | | | |
| Senator Fors | | X | | | |
| Senator Patten | X | | | | |
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Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Bakke

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

REPORT OF STANDING COMMITTEE

HB 1369, as engrossed: Transportation Committee (Sen. Rust, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1369 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "routine" with "recertification"

Renumber accordingly

2019 TESTIMONY

HB 1369

TRANSPORTATION COMMITTEE
HB 1369
FEBRUARY 7, 2019
REP. MARY C. JOHNSON

HB 1369
2-7-19
#1

The purpose of HB 1369 is to amend the statute that authorizes school boards to require non-CDL school bus drivers to take a physical exam to ensure that those drivers do not suffer from any of the maladies in the laundry list provided in the statute. Or, if the driver operates a vehicle transporting 10-15 passengers, that driver may be required to take the DOT exam.

If the language of the amendment is adopted, the statute would require the driver to pay for any extraneous procedures that driver requests to be performed during the physical examination.



North Dakota Small Organized Schools

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2-7-19
#2 p.1

Mr. ElRoy Burkle
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Jamestown, 58401
Eburklendsos@gmail.com
701-230-1973

Mr. Brandt Dick
President
PO Box 100 – 123 Summit Street
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Brandt.Dick@underwoodschool.org
701-442-3274

Mrs. Janet Brown
Business Manager
925 Riverview Drive
Valley City, ND 58072
janet.brown@k12.nd.us
701-845-2910

February 5, 2019

Chairman Ruby, and Members of the ND House Transportation Committee,

For the record, my name is Mr. ElRoy Burkle, Executive Director of North Dakota Small Organized Schools .

NDSOS goes on record of supporting HB 1369. CDL bus driving physicals are simply a part of doing business to make sure bus drivers meet the physical and medical requirements of the position. However, the purpose of this bill is to clearly state when a school district's financial obligation ends. For example, if a driver has been diagnosed with high blood pressure at the initial examination, future follow-up examinations billings shall be the responsibility of the driver and/or the driver's insurance provider (unless otherwise provided by the local school board). This provides a clear understanding for all parties.

I request that Dr. Steven Johnson's, Superintendent – Lisbon Public Schools, testimony be included.

Thank you for your time and I shall stand for questions.

Respectfully,

s/s Mr. ElRoy Burkle

Mr. ElRoy Burkle, Executive Director
ND Small Organized Schools
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Jamestown, ND 58401

Cell: 701-230-1973 Email eburklendsos@gmail.com

Revised February 5, 2019

File: HB 1369 Bus Driver Physical Examinations 19.0972.01000 Feb 5 2019

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Mr. Joel Lemer, Bd. Member Carrington
Mr. Brandt Dick, Supt. Underwood

Region 6

Mr. Mitch Carlson, Supt. LaMoure
Dr. Steven Johnson, Supt. Lisbon

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

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Jared Hoff Middle School Principal
Benjamin Zahrbrock Elementary School Principal

Lisbon Public Schools

School District No. 19

502 Ash Street - Box 593

Lisbon, North Dakota 58054-0593 Phone: (701) 683-4106

High School Fax: (701) 683-4414

Middle School Fax: (701) 683-4111

"Providing Equal Opportunities for Employees and Students"

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2-7-19
2
p. 2

February 6, 2019

Chairman Ruby, and Members of the ND House Transportation Committee,

I would like the record to show my support for HB 1369, which deals with school drivers required physical examinations. The purpose of the bill is to clearly state when a school district's financial obligation ends on meeting the required bus driver's physical. Our costs for these physical examinations has varied over the years from \$67.00 for an exam to \$508.00 for an exam. The higher costs have always included additional tests required by the physician or the physician assistant. Those additional tests have been based on pre-existing conditions or may be the result of the initial exam. Typically, the physical examination is good for two years. However, we have had results which require another examination in three months or until they can get the blood pressure under control. I believe HB 1369 keeps the school district obligation to pay for the exam while passing additional costs onto the individual's health insurance. As part of all employees salary/benefit package, the Lisbon Public Schools already contributes to their health insurance.

I am the superintendent of the Lisbon Public schools. I have served as their superintendent since 1993. If you have questions or concerns, feel free to contact me. SLJ

Respectfully,

Steven L. Johnson, Ph.D.
Superintendent of Schools,
Steven.johnson@k12.nd.us



HB 1369
2-7-19
#3

HB 1369 – School Bus driver physical exams

NDCEL Testimony in Support

Representative Ruby and members of the House Transportation Committee, my name is Aimee Copas – I am the Executive Director for North Dakota Council of Educational Leaders representing our school superintendents, principals, business officials, county superintendents, athletic directors, CTE directors, REA directors (truly most of the school personnel outside of teachers and school board members). We come before you today to share our support for SB 1369. Two sessions ago, there was legislation drafted (which we supported) that required school districts to cover the cost of bus driver examinations for whatever amount was not covered by their insurance.

At that time, we agreed with the bill – and we still do. What we've learned over time is that in that legislation we missed a small piece that has caused for some inconsistencies in schools and districts that are unsure of their actual obligation. What you see before you here today provides clarification language to match the intent of the legislation that we heard in 2015.

This bill clarifies that the school district would cover costs over and above insurance cost of a school bus drivers *initial* examination. Any additional costs for other testing that might be needed (example: sleep tests, EKG's etc.) would be the responsibility of the individual. While a seemingly minor tweak, it is one that is of critical importance to the schools.

We ask for a DO PASS recommendation on HB 1339. Thank you.

NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.

Executive Director: Aimee Copas-----Assistant Director: Russ Ziegler



North Dakota Small Organized Schools

HB 1369 #1
2/28/19 pg 1

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February 24, 2019

Chairman Rust, and Members of the ND Senate Transportation Committee,

For the record, my name is Mr. ElRoy Burkle, Executive Director of North Dakota Small Organized Schools (NDSOS).

NDSOS goes on record of supporting HB 1369. CDL bus driving physicals are simply a part of doing business to make sure bus drivers meet the physical and medical requirements of the position. However, the purpose of this bill is to clearly state when a school district's financial obligation ends. For example, if a driver has been diagnosed with high blood pressure at the initial examination, future follow-up examination billings shall be the responsibility of the driver and/or the driver's insurance provider (unless otherwise provided by the local school board). This provides a clear understanding for all parties.

I request that Dr. Steven Johnson's, Superintendent – Lisbon Public Schools, testimony be included.

Thank you for your time and I shall stand for questions.

Respectfully,

s/s Mr. ElRoy Burkle

Mr. ElRoy Burkle, Executive Director
ND Small Organized Schools
1419 9th Ave NE
Jamestown, ND 58401

Cell: 701-230-1973 Email eburklendsos@gmail.com

Revised February 24, 2019

File: HB 1369 Bus Driver Physical Examinations 19.0972.02000 Feb 28 2019

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"Providing Equal Opportunities for Employees and Students"

February 22, 2019

Chairman Rust, and Members of the ND Senate Transportation Committee,

I would like the record to show my support for HB 1369, which deals with school drivers required physical examinations. The purpose of the bill is to clearly state when a school district's financial obligation ends on meeting the required bus driver's physical. Our costs for these physical examinations has varied over the years from \$67.00 for an exam to \$508.00 for an exam. The higher costs have always included additional tests required by the physician or the physician assistant. Those additional tests have been based on pre-existing conditions or may be the result of the initial exam. Typically, the physical examination is good for two years. However, we have had results which require another examination in three months or until they can get the blood pressure under control. I believe HB 1369 keeps the school district obligation to pay for the exam while passing additional costs onto the individual's health insurance. As part of all employees salary/benefit package, the Lisbon Public Schools already contributes to their health insurance.

I am the superintendent of the Lisbon Public schools. I have served as their superintendent since 1993. If you have questions or concerns, feel free to contact me. SLJ

Respectfully,

Steven L. Johnson, Ph.D.
Superintendent of Schools,
Steven.johnson@k12.nd.us



HB 1369 – School Bus driver physical exams

NDCEL Testimony in Support

Senator Rust and members of the Senate Transportation Committee, my name is Aimee Copas – I am the Executive Director for North Dakota Council of Educational Leaders representing our school superintendents, principals, business officials, county superintendents, athletic directors, CTE directors, REA directors (truly most of the school personnel outside of teachers and school board members). We come before you today to share our support for SB 1369. Two sessions ago, there was legislation drafted (which we supported) that required school districts to cover the cost of bus driver examinations for whatever amount was not covered by their insurance.

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NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.

Executive Director: Aimee Copas-----Assistant Director: Russ Ziegler

19.0972.02001
Title.

Prepared by the Legislative Council staff for
Senator Bakke

February 28, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1369

Page 2, line 13, replace "routine" with "recertification"

Renumber accordingly