

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2367

2001 SENATE FINANCE AND TAXATION

SB 2367

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2367

Senate Finance and Taxation Committee

☐ Conference Committee

Hearing Date 2/6/01

Tape Number	Side A	Side B	Meter #
1		x	31.8-end
2	x		0-2.9
2/7/01 - 2		x	15.7-27.2
Committee Clerk Signature <i>Lynelle H. Kraft</i>			

Minutes:

Senator Urlacher: Opened the hearing on SB 2367, relating to the rate of tax on the sales of cigarettes; to provide an appropriation for school nursing project grants.

Senator Duaine Espgaard: Co-sponsored the bill, testified in support. Written testimony attached.

Representative Audrey Cleary: Co-sponsored the bill, testified in support. Written testimony attached.

Darleen Bartz: ND Dept. Of Health, testified neutrally. Written testimony attached.

Bill Demry: Principal of Jeanette Myhre School in Bismarck, testified in support. The need for nurses in our school is probably more prevalent than ever before. Presently, children go to the teachers or staff for medical help. A school with nursing service can focus on a child's academic need. We have children with asthma, organ transplants, and ADHD.

Senator Christmann: What percentage of the medications that you distribute are for ADHD, and what percentage is for other things?

Lori Perman: Secretary at Myhre, responded to the question. Out of 450 students, 20-30 receive medication for ADHD, probably 15 for asthma.

John Job: AmCon Distributing Co., testified in opposition. I'm not opposed to nursing, I'm opposed to the tax. The tax is a dedicated tax from the sales of cigarettes.

Bill Shalhoob: ND Hospitality Assoc., testified in opposition. We applaud the efforts to get the money out of the tobacco settlement money, which seems to us to be more appropriate than an additional tax.

Roger Borhhuis: Wholesale Supply, testified in opposition. I agree with the principal at what they're trying to do but I also think the master settlement agreement is where these funds should be going through. This tax could also increase bootlegging.

Other signed the roster and gave written testimony for the bill.

Senator Urlacher: Closed the hearing. Action delayed.

Discussion held 2/7/01. Meter number 15.7-27.2.

COMMITTEE ACTION: 2/7/01

Motion made by Senator Stenehjem for a DO NOT PASS, Seconded by Senator

Kroeplin. Vote was 4 yeas, 2 nays, 0 absent or not voting. Bill carrier was Senator Christmann.

FISCAL NOTE
 Requested by Legislative Council
 01/25/2001

Bill/Resolution No.: SB 2367

Amendment to:

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$1,726,000		
Expenditures						
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 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.*

SB 2367 raises the tax on cigarettes by \$.02 per package.

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.*

SB 2367 is expected to generate \$1,726,000 for the school nursing grant fund.

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:	Kathryn L. Strombeck	Agency:	Tax Department
Phone Number:	328-3402	Date Prepared:	02/05/2001

Date: 2/7/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2367

Senate Finance and Taxation Committee

☐ Subcommittee on _____

or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Stenehjem Seconded By Kroeplin

Senators	Yes	No	Senators	Yes	No
Senator Urlacher-Chairman	✓				
Senator Wardner-Vice Chairman		✓			
Senator Christmann	✓				
Senator Stenehjem	✓				
Senator Kroeplin	✓				
Senator Nichols		✓			

Total (Yes) 4 No 2

Absent 0

Floor Assignment Christmann

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

REPORT OF STANDING COMMITTEE (410)
February 8, 2001 8:37 a.m.

Module No: SR-23-2658
Carrier: Christmann
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2367: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends DO NOT PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2367 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

SB 2367

Chairman and committee members:

My name is Lori Perman, I am very nervous so please bear with me! I am one of the two secretaries at a public elementary school here in Bismarck. Our school is very fortunate to have school nurses. We are so appreciative of them. They make our life at school so much easier. Before we had nurses, life in our office was very different. You can't imagine how many children come in with aches and pains and cuts and bruises from the playground. Not to mention sore throats and fevers. I have never given out so much ice and taken so many temperatures. Ice seems to be the cure all for a lot of things! Then there is the daily medications! That to me was unbelievable when I started. In fact I almost didn't take my current job after filling in for the former secretary for a month. I thought dispensing the medication was the hardest part of the job. And it was. Having had no prior training or knowledge of medications I was quite over-whelmed. Somedays it felt like working at a zoo! Starting at 11:00 one secretary leaves to go work in the lunchroom. The students start coming in for their daily medications, which they are in dire need of. They are hyper-active children and seem to just be flying when they come. Sometimes 3 or 4 at a time. That's when the chaos begins. Kindergarten is dismissed at 11:15 so those students whose ride has not yet picked them up are starting to file in also. Teachers are sending students to have you run copies on the copier for them. And then the telephone begins to ring off the hook as it does most noon hours. Plus there are people coming in and out of the office. I'm sure you can imagine the situation. It's not a fun place to be. Before we had nurses we had bottles of medication in a box for dispensing. There were sometimes multiple bottles for one student. It was that problem that led me to double dose a student when I was filling in. The student had two different bottles for some reason. One bottle was 5 mg. and the other was 10 mg. The list of students and how many pills they get said 2 pills, so I gave him 2 pills which turns out they were 10mg. pills, not the 5mg. pills he was supposed to get. So he was given 2 times what he should have. His mother called and said the child said he had a hard time staying awake after lunch and sure enough that's what happened. I felt so bad. Not a good feeling to have over medicated a child. This is one of the many reasons I am so thankful for our nurses! On a lighter note - one day last year as I was administering the daily medications on a day when our nurses were not there, a student gave me a funny look and said "You're not a very good nurse!" I said "You know, I'm not a nurse at all - I'm the secretary!" In summary, the following is a list of things the School Nursing Program has helped:

- Handle student injuries
- Properly set up and administer medication
- Call parents with concerns
- Work with immunization requirements
- Do classroom presentations
- Do all-school head lice checks
- Handle health emergencies, such as diabetic shock, as we have diabetic students.

I am always so, so thankful for our wonderful school nurses!

Mister Chair and members of the committee

My name is Marsha Strecker and I am a public health nurse that works in the schools. Currently I go to 3 schools 4 hours per week. I was going to speak today on the needs of the children in the schools. But I believe that we already have heard and realized there is a need. What I wish to address is not so much what could happen if we had nurses in the schools, but what could happen if we don't. As you know, there are many factors that affect our concentration. Whether it is another project that is due, unpaid bills, an argument at home or work. Our health plays a major role in that also. Children are the same. The only difference being, they haven't developed the coping skills to work through it. do not only see that problem. I am constantly looking at the child's whole affect, if their clothes are clean, are there

Most of the children I see are high-risk children. Ones that come from broken homes, abusive situations, neglect situations and poverty. This is not to say that I don't see those without these issues, just not as much. When they come to me for a bump or a scratch, I am looking for other concerns: do they have dark circles under their eyes, do they maintain eye contact with me, is their hair combed and face washed. The list goes on. I try to establish a rapport with them so they feel safe coming to me and telling what hurts them the most. What safer place to come but the nurse. Teachers are there to teach. Counselors are there to counsel those that already have been identified as having chronic learning problems. Secretaries and librarians have their list of duties, and do them well. Custodians keep the school clean and safe. Nurses do the thing they do best. Healing listening and helping. It may be something as simple as a band-aid on cut, to something as complex as setting up resources to help that family overcome the issues that affect them and inhibit the child's learning.

Certainly I am not saying that school nurses can help every issue a child may have. What I am saying is that these children are our future leaders, in whatever capacity that may be. We need to help them learn in a way that is the least restrictive and the most beneficial.

The thought may come up that, well, there are so few children that have those needs. It really isn't going to make that much of a difference anyway. My thought is that if we don't help these children while they are young, we will lose them when they hit the teenage years. They will find someone who will listen and care, whether it be in gangs, illegal activities, drugs and alcohol, or simply to hand their distresses on to their children. And so the cycle continues. There was a philosopher that once said, "you can see how well your society is doing by how full the prisons are". Here in Bismarck, we are full and overflowing with men and women that once were boys and girls; that at one time all they had to worry about was getting to school on time. And instead of becoming a productive member of our community, they have become burden to it. We will be seeing them again, somewhere down the road of life, if we don't do something now. There are 123,500 children enrolled in our state school system. The motto is to use the money available for the largest amount of people for the most amount of good. Is this not a large enough portion?

You may be thinking, "well, how can those few that we see make a difference?" Well I have a story to tell you about a father and daughter. One day a father came upon his daughter on the beach. There were many starfish that had been washed up and became stranded in the sand and would soon die. The daughter was bending over and picking them up, one by one, and throwing them into the ocean. Her father asked her "Daughter, why are you throwing the starfish back in. There are thousands of them and you can't possibly save them all. What difference will it make?" As she threw another one in, she said "It will make a difference to that one." Evil thrives when good people do nothing. Let us be the good people that make a difference and secure our future, not just for our old age but for our children, and grandchildren and generations to come. Thank you!

Senate Bill No. 2367
School Nurse Grant Fund
Testimony by
Senator Duaine C. Espegard

Good morning Chairman Urlacher and member of the committee my name is Duaine Espegard and I am the Senator from the 43 District and I am here today to speak in favor of Senate Bill 2367.

Senate Bill 2367 is a bill to place an additional tax of 1 mill on cigarettes sold within the state and place that money in a school nursing grant fund.

This will amount to about 1.7 million or so to provide for matching grants to school districts to fund school nursing projects. This bill is for the biennium beginning July 1, 2001, and ending June 30, 2003.

The school district seeking a school nursing grant must provide matching funds equal to the amount of the grant. The school district matching funds may come from any source available to the school district.

Schools require the expertise of a school nurse to help meet both the routine and more complex health needs of children, including those who are learning disabled, developmentally disabled, substance abusing, and emotionally disturbed. Many of these children require medication which should be dispensed by medical personnel, not the school secretary or teachers.

This is a much-needed program as an estimated 5.6% of the students in K-12 take medication on a typical school day. Without a school nurse these students receive their medication from anyone that is available and many times from someone who has no written instructions about the medications (dosage) from the physician or other authorized prescriber.

Another area of concern is the number of obese children and adolescents, which continues to rise. Many of today's children spend too much time in sedentary activity and get little or no regular exercise. Of great concern is the number of children and teens who experiment with tobacco, alcohol and other drugs, including inhalants.

North Dakota is the only state without a formal school nurse program. The programs that do exist are a result of creative funding by public health agencies and schools that have put together private and public grant dollars. This creative funding has provided for approximately 23 full-time equivalent school nurses across the state. This provides one nurse per 5,612 students. The goal is one nurse per 1,000 students. North Dakota has approximately 123,000 students in K-12.

School nurses play a powerful role in promoting health in the schools. School nurses can plan and implement programs that will encourage each child and his or her family to reach their full potential. Positive health practices are important for long-term health and productivity of the state, just as good reading, math, and science skills are essential in developing a skilled and educated workforce in the future.

I will turn the testimony over to other people that are interested in promoting a strong health program within our schools but I encourage you to take a good look at this program for our children and vote for a "Do Pass" on Senate bill 2367

Testimony

SB 2367

Mr. Chairman and members of the Senate Finance and Taxation Committee,

My name is Audrey Cleary. I represent District 49 in Bismarck.

SB 2367 may be one of the most important bills we consider this session. This is the bill that seeks to provide money for school nurses. This is not a mandatory bill, but a way to get money for school districts to fund school nurses. Money would come from a 2 cent per pack tax increase on cigarettes.

Using a tax on tobacco is an appropriate way to fund this project.

We need to educate our children about the dangers of smoking. School nurses would be in a unique position to perform this education. They would also administer medications which is now done by secretaries and even janitors. This is an accident waiting to happen!

Providing for school nurses is long overdue. This bill is a step in the right direction. Please give this bill your unanimous approval.

Thank you.

Testimony on SB 2367
Regarding a Tax on Tobacco Products to Fund a School Nursing Program
before the
Senate Committee on Finance and Taxation
by
Darleen Bartz, Department of Health
February 6, 2001

Good Morning Chairman Urlacher and members of the Committee, I am Darleen Bartz, Chief of the Preventive Health Section of the state Department of Health. I am here to present background information on school nursing in our state as it relates to SB 2367. Because the cigarette tax and nursing grant program in this bill is not included in the Governor's budget, our testimony is neither in support of nor in opposition to this bill. It should be noted that this bill is similar to HB 1376, which provides for the transfer of funds from the tobacco settlement trust fund to a school nursing grant fund.

The purpose of school nursing is to support the educational process by contributing positively to the health, health attitudes and behavior of today's child and consequently tomorrow's adult. School nursing is a specialized practice of professional nurses that advances the well being, academic success and life-long achievement of students. School nurses are continually working to promote healthy lifestyles, such as reducing tobacco use among youth, and educating students about steps they can take to protect and strengthen their physical and emotional well being.

The school environment has changed significantly over the past few decades. Children with special health care needs and those with chronic and/or life threatening illnesses, such as asthma, cancer, cerebral palsy, cystic fibrosis, diabetes, and muscular dystrophy attend school regularly and with increasing numbers. These children require careful attention to their daily routines to ensure optimal health outcomes.

The behavior problems and risk taking behaviors of children and adolescents also continues to be a major source of public concern. Risk taking behaviors such as fighting, substance abuse, suicide and sexual activity have harmful, even deadly consequences. Given this complicated picture, it is important to consider measures to strengthen and expand health services offered to students in North Dakota. Perhaps these are some of the reasons the National Association of School Nurses recommends 1 nurse for every 750 students. North Dakota currently does not have an organized School Nursing Program. Currently, there is 1 nurse for every 5,612 students. School nursing is currently funded by various sources. Some nurses are employed by a school district and others by the local health department. Some agencies apply for various grant funds to support school nurses.

We believe there should be a minimum of 1 nurse for every 1,000 students in North Dakota. By allocating funding to school nursing programs, current programs would be allowed to enhance their services and those with no program in place will be allowed to start providing school nursing services. The relationship between the public health units and the schools is one of mutual cooperation. School nurses would be able to provide a wide range of health-related activities that are dependent upon by the needs of the individual schools and communities. Mr. Chairman, this completes my formal testimony. I would be pleased to answer any questions you or other members of the committee have regarding school nurse services.