

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1034

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1034

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1034

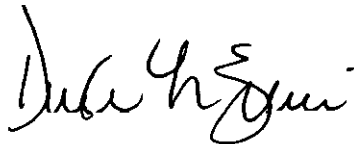
House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/06/05

Tape Number	Side A	Side B	Meter #
1	x		0-30.7

Committee Clerk Signature



Minutes: 14 members present, 0 absent

Chairman Haas: We will open the hearing on HB 1034.

John Bjornson, LC: I am neutral: Interim Emergency Services Legislative Counsel Staff, Counsel for the Legislative Counsel Staff, I was Counsel for Interim Emergency Services Committee, which is the Committee that recommended this bill. They had a couple of studies, which dealt with Public Health Units and it was a comprehensive review of Public Health Units of there authority, responsibilities, duties. I had several meetings around the State and talked to a number of Representatives in Public Health Units, basically reviewed all there functions and received a lot of testimony on issues where there Health Units had special needs. There are a wide variety of types of Public Health Units. There are mufti county health districts, single county health units, city and county health departments, city and county health districts, single county health departments. There are 28 units in total. They do a wide range of functions and a wide range of staffing in these areas. The budgets vary in the different districts, cities and

counties, so the resources available to each of the units vary. The bill draft, there was testimony before the committee indicating that they sometimes have difficulty obtaining legal counsel and Health Units do have some authority through the statutes to get there own legal counsel, to contract for counsel or even employ counsel if they have the funds available for that. They would also like to access the Attorney Generals office directly to get some assistance, because of the expertise in that office. It's also sometimes difficult at the local level, particularly in the rural areas to get counsel that maybe expert in the areas that they needed, so there was a desire to work with the Attorney Generals office and they have been able to do that in the past, but in a more round about way, they essentially worked through the health department to work with the Attorney Generals office to some assistance. What this bill does, its very simple it provides that the Attorney General upon request of a local board of health may provide legal council and written opinions to the local board of health, enter agreements with Boards of Health for reimbursements for the services that are provided by the local Boards of Health. Try to address some of the concerns expressed during the interim study and the committee did recommend it.

Chairman Haas: One question John, do any of the Health Units or Boards have access to States Attorneys, in counties.

John: Mr. Chairman some of them do work with the local States Attorney, they have that specific authority and the States Attorney, it is not one of there required duties, so it is essentially an agreement that they might provide that service and I think some do get some assistance, but it is not part of the requirement that the States Attorney provide that service to them.

Chairman Haas: Do any of the Health Boards have attorney's on retainers?

John: Mr. Chairman I am not sure, we didn't receive any direct testimony saying that they do, but I suspect some of the larger units, they have that capability, whether they do or not I don't know.

Rep Klemm: John with regard to reimbursements of expenses are we talking about the Attorney General incurring fee for the attorneys time that actually works on there or are we just talking about the typical expenses, such as travel and interest.

John: Mr. Chairman, Representative Klemm I think probably suggestible, 1. the Attorney General can charge for this at times that was put in responding to a question or an issue and secondly the Assistant Attorney General to be sent out to a local unit to help in case of an emergency they would have some ability to work out those costs as well.

Rep. Kasper: On the current statute is it silent whether the Attorney General can provide these services or is it prohibited.

John: Mr. Chairman, Representative Kasper I would lean toward the silent portion, I don't think it is prohibited, but it is not specifically authorized under the responsibilities of the Attorney General, the Attorney General has pretty broad range of responsibilities, but there is a list in one section particular, Attorney General can provide written opinion to Legislatures or to the Attorneys or people like that, but specific authorization to deal with local Health Units.

Rep Potter: On this bill in several different places, on line 9 it talks about the Board of the Health on line 10 it talks about a Board of Health and then on line 11 it talks the Board of Health again, is there some difference between a Board of Health and the Board of Health?

John: Mr. Chairman, Rep. Potter No, we just drafted this, we want the local Board of Health to be the ones that actually request there work through the Attorney Generals office, rather than

getting into the Administrative Board of Health, but just those references mean nothing there is no difference.

Rep. Potter: I thought they were different entities. With the Attorney General being able to charge and do this would ever be a conflict of interest.

John: I suspect there could be instances where the interest of State and the local Health unit might conflict and I am sure the Attorney General office would probably not feel inclined to provide that assistance and the local Board of Health would have to provide there own counsel.

Rep. Sitte: It would be similar to the School Board, it would be an independent unit, not State Employees.

John: Correct, they are Park District, it is a political subdivision, non state entity, not exactly sure how you would describe there existence, they are required by statue, they are not part of State government, there is a State liaison through the Health Department that works with the local Health Unit, but they are different entity, but they are a governmental entity.

Rep. Sitte: Are we opening a can of worms so to speak? That we will have other Boards and Commissions coming to the Attorney General wanting legal advice.

John: I don't know that necessarily opens up a can of worms, it may some of the other entities that they feel that they can't get legal council, could do that, but City Attorneys can do it right know, States Attorneys I am sure request opinions, there are a lot of local government officials that do work to try and get advice from the Attorney Generals office on certain cases.

Lisa Clute-Executive Officer of First District Health Unit: See Attached-For

Rep. Froseth: I am familiar with that train derailment incident and all the problems. This must cost you a bundle of money, where do you get the finances to cover all the legal expenses that were incurred **with that** one incident.

Lisa: Actually we didn't incur a lot of legal expenses, **because it took us a while, but eventually we got access to the Attorney Generals office, in discussing that derailment the difficulty we had was negating reimbursements with the derail. That was when PT rail was willing to reimburse us for whatever we needed to do. We had to negotiate contracts with them to sit that up and we needed, quite frankly until I had the power of the Attorney General Office behind us, we were being just bullied by the fleet of lawyers out of Minneapolis and so we didn't incur legal cost to that.**

Rep. Froseth: How did you access the Attorney General, through the States Attorney?

Lisa: While the States Attorney and the Department of Health and also contacted the Governor's office. I contacted who ever I could contact to get help.

Rep. Kasper: **In last five years** or so has your organization ever had a need to use the Attorney Generals services beside this one you are outlining here.

Lisa: There was several instances we would have been very close, we had a situation one weekend that as it turned out this person was mentally ill, but was claiming they had sars and was traveling thought the city, when we caught up with her our intent was to quarantine her, because she was claiming she had been exposed to sars, we didn't have a sars case and as it turned out she didn't have sars. We certainly would have asked the Attorney General in that case.

Training in how to administer the small pox vaccine if needed, when that threat was on us, I think we would have needed to do huge amounts of vaccinations we would have needed access

to the Attorney General just so you have that legal. We have the legal authority, but in documentation or again the wait of Attorney General Office, stating to the public what we can do and can't do.

Rep. Kasper: So what your saying its the weight and the prestige of the Attorney Generals office that is sometimes needed. With exception of this case if it were here you would have a conflict of interest. In most cases would you prefer to use private legal counsel if you could, compared to calling on the Attorney Generals Office to keep business in your local private sense, as opposed to accessing the government resources.

Lisa: Yes, we would utilize States Attorneys if at all possible, utilize private sector, but there are situations when we made need the Attorney Generals Office. When you are dealing with a Public Health Emergency its difficult when you have to take the time to over come barriers to access legal counsel and that is what we needed to do.

Rep. Kasper: If this bill were amended to say something that like a Attorney Generals available only if you are unable to seek appropriate legal counsel from the private sector or the States Attorney would that be a problem, so that the Bill would say sure you can get to the Attorney General, but if the private sector is available you got to go there first. Unless you absolutely decide you have to use the Attorney General.

Lisa: The only concern I might have about that is some of the issues really require expertise in Public Health Law and so I think it would have to be defined that it wouldn't be any private attorneys that they would have some expertise in what we are dealing with, because that would be vital. Particularly with hipa laws, medical record laws, and so forth.

Rep. Kasper: Your concern about individuals, confidential medical records, you have that power to refuse to give that, you have the power and the responsibility under hippa, so if organizations attempts to bully, so to keep, using your own words to get the medical records, but it is prohibited under hippa and even the state privacy laws. You don't need an attorney to tell them they are not going to get it do you?

Lisa: Yes we did in this case, because what happened was the people unknowingly signed waivers that stated that these attorneys could access there medical records and so they signed waivers, were in positions and sometimes signed for their whole families, while we had difficult issues there, we may have an HIV patient and they just checked in the box that said all records. We couldn't release, so thetas why we needed an attorney and we developed a new form, basically that didn't allow people to access those types of records, because they didn't know what they were accessing. Some people signed up for two or three lawyers not realizing it and so it was a legal nightmare. So what we ended up doing is, we would receive a subpoena for the records and then we would have to go to the judge and say there are reasons why can't release all this information and it could end up in court on everyone of these medical records, so it wasn't a simple, no we can't, because people didn't know what they were signing, it was in a disaster response and it was a mess.

Rep. Sitte: Every Attorney General, every attorney in the state who works with the government, assort of an assistant Attorney General or works directly under the Attorney General, so what about the advice you received from the Health Department, because you said you needed people who specialized in understanding Health issues and are you as public Health Unit, are you able to

access those attorneys in the Health Department in a every day basis already, or is that what you are seeking to do know.

Lisa: Yes we can access them, but it is very vague as to what they can actually do for us and States attorney in Ward County, when we were in the midst of this mess, which was the need to get addressed through a bill. So we can do what we need to do during a disaster. What is very vague is that they can't necessarily become our defense lawyer and in this situation that is what we needed, when we were dealing with PT Rail or these other lawyers requesting this, we had to go to court and defend our positions, trying to protect the medical records. It was much more then legal opinions, we needed representation in court. That isn't necessary available.

Chairman Haas: What type of public Health Unit do you represent, is it a city county or strictly city.

Lisa: It is a district.

Chairman Haas: It is a district, which includes?

Lisa: All of the counties that in essence agree to participate in this, so we have 7 counties, each of those counties contribute levy dollars to us, so we serve 7 counties.

Chairman Haas: Any other questions, thank you very much. Further testimony?

Keith Johnson: Administrator for Custer Health Care-For-We include Mercer, Oliver, Morton, Grant and Sioux Counties. I stand in favor of the bill, it is a very simple bill and I hope it could stay that way. Just a couple of instances the way we use the Attorney Generals. We have in the past and routinely through the Health Department, but we do need to go to the Health Department first and then create representation question as to they are actually who they are representing. One of the main ways is that we use them is that our Health officer has the authority

to abate health nuisances, investigate any source of fifth or sickness and make it go away. In most cases you have to order the local jurisdiction to do that, so if you got a health hazard in the county that the private property owner is not going to take of, your then in the position of ordering the county to take care of it, to bill the cost against the property. In that case the States Attorney may be perfectly willing to help you, but at the point that you have to order the county or the city to carry out the abatement work, they then necessarily need to come over and represent the county, so that then becomes a conflict for them. Even though we might be on the same side of the issue, and everyone agrees that, that work must be done, States Attorney needs to represent the county and so we are left without representation. We have through the Health Department obtained the services of the Attorney General in those cases. This just eliminates one step, because the Health Department is always very helpful in that way, but they have trained hearing officers, when we have to hold hearing, for instance, on an abatement we will often bring in the Attorney Generals hearing officers, because they are trained in informal law. We have used private attorneys in that same capacity, but we have to get them to training in informal law enforcement, because in most cases that is kinda of a foreign subject to them, they are used to criminal law, laws of criminal court and informal enforcement is a whole another animal. The Attorney General has peculiar ability to carry that out, but we retain private attorneys, where we need private attorneys. We retain private attorney for our personnel law, for areas where private attorneys can do a better job for us then the Attorney General. I think the law says that the Attorney General may represent us, it does not obligate it, so in a case where he perceives he is going to run into a conflict with the privates, I think he is necessarily back away.

Chairman Haas: Anymore questions? Thank You.

Arlee Smith-Deputy State Health Officer-N- I would like to make a clarification regarding the attorney services that the local Public Health receives through the Health Department, we do not employ an attorney, the attorney that works with us and is in fact seated in our area is not our employees, they are in fact employed with the Attorney Generals office and they will handle through the local Public Health liaison, they will handle questions related to all local Public Health in an agreement that we have through the Attorney Generals office, when they need a specific counsel for a specific need, when that attorney is not able to assist them.

Sandy Tabor: Deputy Attorney General: Our office is not opposed to this bill, we don't have any concerns yet, we can't anticipate how much money its going to generate, we don't know what the call or need is, I will warn you if it is to great, we don't have many attorneys, our attorneys are working way more hours then they should be right know, so we will monitor this and we will see how it goes during this biennium. We will let you know how it is working. We have some issues right know with our budget on legal services, which is why I asked Rep. Porter to make sure there was a billing arrangement hear. Currently we are providing 2/3 of our advice to nonbailable agencies and we are giving 1/3 of our budget to the general fund, for any of you that can do math that means that our operating fund, by the end of this biennium is going to be zero. We will be working with appropriations on that issue, but that is why we wanted to make sure that there was a bill, because we can't afford to give out free legal advice anymore to entities other than State Agencies. We are not against the bill, but we are telling you though, we will monitor it.

Rep. Grande: In title it talks about 54:12 and I assume we are going to .08. That's is the only place I was able to figure out where it is going to fit in and talks about the State Department of

Health and using the general fund dollars and I am glad there was clarification of reimbursements of expenses. Does the State, do these local boards of Health Units receive any general fund dollars or is that all local dollars that come in some how.

Sandi: I am not sure about the funding. We have 2.8 million in Health Unit budget, 68,000 in the General Fund dollars, the bulk is from Federal Grants and local property mill levies and consumer fee charges, so it is very limited what we receive from general fund dollars.

Rep. Haas: Does the 68,000 flow through State Health Department to you?

Sandi: That is correct. In the form of State Aid and they have 1.1 million allocation to local Public Health Units, formula goes by population.

Rep. Grande: With the appropriation type amount that is here, do you feel that the Attorney Generals office would be able to bill a proper amount to the entities, so they we don't have to incur that cost to the Attorney Generals office?

Sandi: We have other billing arrangements, I think our rate is 59 dollars an hour.

Rep. Klemin: Under this bill does the Attorney General, it says the Attorney General may require legal services, but realistically have the ability to decline to do that if they don't have any place else to go.

Sandi: Realistically probably not, although right now we are down two attorneys. I have no idea what the future holds. We will monitor it.

Rep. Meier: Who determines that 59 dollars?

Sandi: We have to do a calculation at the end of each year for the Federal Government and that is how it is determined. It is very frustrating for us, we have to include all the hours our

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House Government and Veterans Affairs Committee

Bill/Resolution Number 1034

Hearing Date 1/06/05

attorney's put in and they put in more then 40 hours a week, so its automatically decreased the value of the per hour payment. We don't pay our attorneys enough.

Rep. Haas: Thank You very much. Any questions?

Rep. Amerman: I move a DO PASS on HB 1034.

Rep. Potter: I second.

VOTE: YES 13 NO 1 ABSENT 0. **Rep. Amerman will carry the bill.**

FISCAL NOTE
Requested by Legislative Council
12/17/2004

Bill/Resolution No.: HB 1034

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill allows the Attorney General to provide legal services to boards of health. It allows the Attorney General to enter into an agreement with a board of health for reimbursement of expenses incurred in providing legal services to the entity.

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.*

It is not reasonably practicable to make any concrete estimate of the legal services and expenses likely to be billed to boards of health.

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.*

It is not reasonably practicable to make any concrete estimate of the likely billed expenses that might be incurred in connection with providing legal advice to local public health authorities as provided under this bill.

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.*

It is not reasonably practicable to make any concrete estimate of the likely billed expenses that might be incurred in connection with providing legal advice to local public health authorities as provided under this bill.

Name: Kathy Roll
Phone Number: 328-3622

Agency: Office of Attorney General
Date Prepared: 01/03/2005

Date: 11/6/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1034

House House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

DO PASS

Motion Made By

Amerman

Seconded By

POTTER

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman	✓	
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad	✓	
Rep. Randy Boehning	✓		Rep. Louise Potter	✓	
Rep. Glen Froseth	✓		Rep. Sally M. Sandvig	✓	
Rep. Pat Galvin	✓				
Rep. Stacey Horter	✓				
Rep. Jim Kasper	✓				
Rep. Lawrence R. Klemin	✓				
Rep. Lisa Meier	✓				
Rep. Margaret Sitte		✓			

Total (Yes)

13

No

1

Absent

0

Floor Assignment

Rep. Amerman

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

REPORT OF STANDING COMMITTEE (410)
January 6, 2005 1:07 p.m.

Module No: HR-03-0151
Carrier: Amerman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1034: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1034
was placed on the Eleventh order on the calendar.

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1034

2005 SENATE STANDING COMMITTEE MINUTES

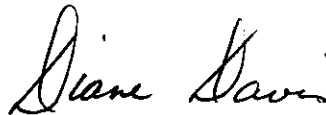
BILL/RESOLUTION NO. **HB 1034**

Senate Government and Veterans Affairs

Hearing Date February 25, 2005

Tape Number	Side A	Side B	Meter #
1	x		340-4000

Committee Clerk Signature



Senator Krebsbach opens hearing on **HB 1034**

John Bjornson - Legislative Council Staff - Explained this is a bill relating to authorizing the attorney general to provide legal counsel to boards of health. This bill gives public health units the authority to go to the attorney general for legal council.

Senator Krebsbach - Asked if basically the Attorney General's office will provide the service and the fees incurred will be passed on to the local health unit.

Bjornson - Replied it authorizes they can provide service does not require them to.

Senator Syverson - Asked if they were not an agreement in place how would the conflict over the cost of funding be resolved.

Bjornson - Said if there is no agreement in place it will probably fall to the attorney general to absorb those costs. It is at the discretion of the Attorney General.

Senator Syverson - Said it has been brought up that the AG's office is only required to defend

State entities. With this we are creating another inception where we have denied inception in another case. Are we picking and choosing as to whatever the AG can defend.

Bjornson - Said your right but this does give the AG discretion to provide council if appropriate.

(meter #1010)

Lisa Clute - Executive Officer of First District Health Unit. - See written testimony.

(meter #1273)

Senator Krebsbach - Asked if there has been talk between the AG's office and them for this bill.

Sandy Tabor - AG's office - Replied not really.

Senator Syverson - Asked for examples of the kind of conflict that made her feel they needed independent non-local legal council.

Clute - Said they would have gone to local attorney's but every one was getting attorneys and so laws firms were not available because of conflicts of interest. Law firms were asking for information that put confidentiality issues at risk.

(Meter # 1670)

Kieth Johnson - Representing Public Health Association, Environmental Health Association as well as Custer Health. Described what public health is and is not. Said that sometimes they adversaries of the county and the AG must represent the county. The AG can do what other attorneys can not. He said they probably wouldn't use this service a lot but may need it from time to time.

Clute - She brought up that they would need access to the AG in the event of a quarantine. City attorneys are not comfortable handling that and the AG's office is.

Sandy Tabor - Attorney General's office - Said they do not oppose this bill but are afraid of the burdon it will put on the AG's office. Said her 2/3 of her agencies legal advice goes to entities they can not bill. They will still provide general advice at no charge on HIPPA issues.

(meter #2381)

Senator Krebsbach - Said it is her understanding that they would only use this in extreme issues.

Tabor - Said they are not opposed and would see how it goes,.

Senator Lee - Asked if they bill the various boards.

Tabor - Replied in some instances.

Senator Syverson - Said that the general discussion has been for a local disaster and asked if they would become council source for lesser issues for all public health.

Tabor - Said they will still use local attorneys as they do now.

Senator Syverson - Asked if she would like language to limit the accessibility.

Tabor - Said no, she doesn't believe this will become an issue. If there is an abuse they will deal with it.

Senator Brown - Asked if we were only dealing with public health units.

Tabor - Replied just public.

(meter #3129)

Senator Lee - motioned for a do pass

Senator Nelson - seconded

Senator Syverson - Said he is concerned they need better language so there isn't abuse.

Senator Lee - Believes we are getting too onerous and would like it kept as simple as it is.

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Senate Government and Veterans Affairs

Bill/Resolution Number **HB 1034**

Hearing Date February 25, 2005

Senator Brown - He does agree but it troubles him that large legal firms have a conflict of interest within their firm. He can see where a disaster would tie up every lawyer in the state.

Senator Nelson - Said there has been an interim study and this is the only way to go.

Senator Syverson - He agrees there needs to be another place to go but still believes there needs to be some filtering language.

Senator Lee - Said she would hate to be too specific.

Senator Brown - Would like to move forward..

(meter #4035)

Roll call taken

Do pass

Senator Brown will carry.

End meter #4000.

Date: 2/25/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1034

Senate **Government and Veterans Affairs**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Senator Lee

Seconded By

Senator Nelson

Senators
Karen K. Krebsbach, Chairman
Richard L. Brown, Vice Chairman
Judy Lee
John O. Syverson

Yes
X
X
X
No
X

Senators
Carolyn Nelson

Yes
X
No

Total (Yes)

4

No

1

Absent

0

Floor Assignment

Senator Brown

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

REPORT OF STANDING COMMITTEE (410)
February 25, 2005 11:47 a.m.

Module No: SR-35-3670
Carrier: Brown
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1034: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1034
was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1034

Testimony
to the
Government and Veterans Affairs Committee
By
Lisa Clute, First District Health Unit
January 6, 2005

Good Afternoon Chairman Haas and members of the committee. I am Lisa Clute, Executive Officer of First District Health Unit. First District Health Unit serves Bottineau, Burke, McHenry, McLean, Renville, Sheridan and Ward counties.

As you are aware, Minot's emergency response system was challenged the night of the derailment, but the real challenge on the public health system continued for months. One of the greatest challenges to First District Health Unit was legal assistance and representation. We needed legal assistance in negotiating contracts for services and reimbursements with CP Rail, EPA and Trinity Hospital. We also needed legal assistance in responding to the requests and subpoenas for individual's confidential medical records.

States Attorneys can assist local public health units but during an emergency are often overwhelmed with county issues. They also don't have the expertise in public health law needed to address the variety of legal issues that occur in a public health disaster or response. The difficulty in accessing legal assistance in the private sector was that we had a conflict of interest with law firms that had the expertise to assist us. Law firms from several States were representing individuals in the Minot community.

HB 1034 would allow Local Public Health Units the ability to access the expertise and power of the Attorney General in a public health emergency or response to an emerging disease. I am confident that the service would not be requested often; however it is imperative that it is available when needed.

Thank you for your time and attention to this important issue. I would be happy to answer any questions you may have.

Testimony
to the
Government and Veterans Affairs Committee
By
Lisa Clute, First District Health Unit
February 25, 2005

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