

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2323

2005 SENATE HUMAN SERVICES

SB 2323

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2323

Senate Human Services Committee

☐ Conference Committee

Hearing Date January 26, 2005

Tape Number	Side A	Side B	Meter #
2	x		2,420-end
3	x		0360-1550
Committee Clerk Signature <i>Cathy Minard</i>			

Minutes:

Chairman Lee opened the public hearing on SB 2323. All members were present.

Testimony in favor of SB 2323.

Senator Flakoll, main sponsor of the bill, asked the other sponsors to introduce the bill, due to schedule problems.

Representative N. Johnson introduced the bill.

Rep. Johnson: I know everyone in this room has come in contact with someone affected by cancer and asked the committee to move DO PASS to this bill.

Senator Joel Heitkamp, District 26, also introduced the bill. He gave examples from his sister's gubernatorial campaign.

Representative Horter, passed out an article from an online source (Attachment 1, 2)

Senator Dennis Bercier, District 9. Sen. Bercier shared the fact that he was a cancer survivor with the committee. He had contracted cancer from agent orange in Vietnam and went on to

explain the procedures he went through and how he had to go out of state for treatment. If we had facilities here, others wouldn't have to travel for proper treatment.

Senator Tim Flakoll, District 44, Fargo. See written testimony (Attachment 3)

Sen. Warner: The term "indirect costs" is that synonymous with overhead?

Sen. Flakoll: Yes

Sen. Brown: Why have the department of higher ed administer this instead of the Department of Health?

Sen. Flakoll: It goes in line with some of the things they do in research, that was not at the sponsor's request, that was done through legislative council drafting.

Sen. Dever: What kind of programs are involved in cancer research and would be involved in this?

Sen. Flakoll: Anything from higher education institutions to private companies. Even hospitals are doing research to enhance early detection opportunities. We don't want to limit anyone from participating.

Sen. Dever: It's stated that the governor "shall" and the governor "may" does this leave all this to the governor's discretion?

Sen. Flakoll: This is a little outside of the funding process.

Susan Bozak, Public Affairs Officer for MeritCare Health System of Fargo.

Here to support the bill and my organization seeks to foster policies at a federal and a state level that advance such innovation. Ms. Bozak said she'd submit written testimony, but didn't.

Deborah Knuth, Government Relations Director for the American Cancer Society.

See written testimony (Attachment 4)

There was no neutral testimony or opposition testimony.

Chairman Lee closed the hearing on SB 2323

Chairman Lee: There's no fiscal note, but maybe there should be.

Sen. Brown: I don't like the Board of Higher Education administering this, I think there's a better place.

Chairman Lee: Isn't this just a pass-through?

Sen. Dever: The governor appoints the committee, the governor decides who's going to get it.

Sen. Brown: Not necessarily, if the committee is independent; the money would pass from OMB to the Board of Higher Ed to the recipient. Why not go directly from OMB to the recipient?

Sen. Lyson: Sometimes you can't, under North Dakota rules. We had the same thing.

Sen. Lyson gave his example (Tape 3 side A meter 470-500)

Sen. Warner: Is there a conflict of interest if running it through the Board of Higher Education; if one of the applicants is the medical school?

Chairman Lee: Sen. Brown, would you be more comfortable if it goes directly without any fees.

Sen. Brown: My concerns are that they haven't done a really good job in the past.

Chairman Lee: Then why wouldn't we look at the Health Department?

It was generally agreed that the Health Department did make more sense.

Sen. Brown moved to amend out the State Board of Higher Education (Page 2 line 9 change to Department of Health)

Chairman Lee questioned some of the wording concerning grants

Sen. Dever seconded the motion on SB 2323

Sen. Dever: It only allows for one grant then for \$1 million?

Chairman Lee: Maybe we should open it up to more than one grant.

Sen. Lyson: Isn't it true that singular means plural?

Chairman Lee: Right.

There was additional discussion on the semantics of the bill and the grant wording.

Vote: 5 yeas 0 nays 0 absent

Sen. Warner moved to further amend. He suggested to substitute that the money not be taken out of the general fund, but rather taking it out of the tobacco trust fund that was returned to the state in the tobacco settlement. That would take all the triggers out of the bill, too.

Chairman Lee asked the question to Mr. St. Aubyn about the money that would come out of the tobacco fund, and whether it was designated already to specific areas.

St. Aubyn: Water gets part of it, \$500 million that goes to Health grant for smoking cessation.

There was additional conversation around the room about how the money was divided up, and

Chairman Lee asked Carlee McLeod to call Jim Smith to see if he knew the answer.

Jim Smith: (on speaker phone)

Chairman Lee: Asked Mr. Smith the above question about allocation of tobacco settlement funds.

Jim Smith: The community health trust fund is money that would potentially be available.

After looking at the Governor's budget, there's about \$1.7 million in the Department of Health that might be used.

Mr. Smith went on to talk about other money issues.

Motion was seconded Sen. Lyson.

Page 5

Senate Human Services Committee

Bill/Resolution Number SB 2323

Hearing Date January 26, 2005

Sen. Dever: Does the second mean removing subsection 4? The trigger is intriguing, I like it.

Chairman Lee: The motion is to take the money from the community health trust fund rather than with the triggers on the bill.

Vote: 1 yea, 4 nays, 0 absent.

Senator Brown moved DO PASS on the amended bill, seconded by Senator Warner and rereferred to Appropriations.

Vote: 5 yeas, 0 nays, 0 absent

Carrier: Senator Brown

Date: 1-26-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2323

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Sen. Brown Seconded By Sen. Davis

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment _____

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

Date: 1-26-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2323

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass on Amendment

Motion Made By Warner Seconded By _____

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman		✓	Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman		✓			
Sen. Richard Brown		✓			
Sen. Stanley Lyson		✓			

Total (Yes) 1 No 4

Absent 0

Floor Assignment _____

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

To take the money from the community health trust fund rather than w/ the trigger or the general fund.

Date: 1-26-05
Roll Call Vote #: 3

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2323

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass on amended bill

Motion Made By Brown Seconded By Sen. John Warner

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Brown

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

re-referred to approp comm.

REPORT OF STANDING COMMITTEE

SB 2323: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "board of higher education" with "department of health"

Renumber accordingly

2005 SENATE APPROPRIATIONS

SB 2323


2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2323

Senate Appropriations Committee

☐ Conference Committee

Hearing Date February 7, 2005

Tape Number	Side A	Side B	Meter #
1	a		
Committee Clerk Signature 			

Minutes:

Chairman Holmberg called the hearing to order on SB 2323.

Senator Tim Flakoll, District 44, Fargo, presented written testimony and testified in support of SB 2323. He indicated that SB 2323 is a new concept initiating cancer research in North Dakota. He reviewed the subsections of his testimony; discussing how grants would be decided on, how the matching funds work, who would make the final grant decision, and the trigger mechanisms in place with this bill.

Questions were raised about the existing cancer research in North Dakota and the total amount of research money in the United States.

Senator Dennis Bercier, Belcourt, testified in support of SB 2323. As he testified he gave personal information as to how research into cancer prolonged his life and that of others he has come in contact with. There was no written testimony.

No questions were asked.

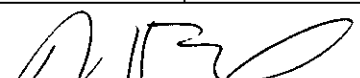
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2323

Senate Appropriations Committee

☐ Conference Committee

Hearing Date February 15, 2005

Tape Number	Side A	Side B	Meter #
1		X	5,870-END
2	X		1-1145
Committee Clerk Signature 			

Minutes:

Chairman Holmberg opened the hearing on SB 2323. All Senators were present.

Senator Grindberg introduced amendments (.0301) to SB 2323. **Senator Grindberg** moved for a Do Pass recommendation on the amendments. His motion was seconded, the voice vote passed.

Senator Kilzer- I am uncomfortable with the State Board of Higher Education getting involved with cancer. Is there a connection with the medical school or another existing institution?

Senator Grindberg- It would be better served if it was administered by the medical school, in partnership with other entities, rather than the State Department of Health.

Senator Kilzer- Detection of cancer is done at the clinical level along with treatment. That is quite far removed from the Board of Higher Education. There is a lot of cancer research done outside of the medical school.

Senator Andrist- My concern with the amendment is there is a little bit of flexibility lost. If we grant the authority to the Board of Higher Education, it is bound to go to one of the universities.

Senator Krauter- Can the governor award grants during July 2006 providing a general fund balance?

A representative from OMB- It does appear that the governor may award grants from July 2006, if the general fund balance is more than \$7.5 million.

The amendments passed with a voice vote.

Senator Thane moved the bill Do Pass as amended. Seconded by Senator Fischer.

Discussion:

Senator Andrist- I wish the bill was heading for a different purpose, since there is already millions of dollars going into cancer research. If we do away with a "rainy day fund" as the executive budget suggests, it would be an unwise move.

Senator Schobinger- We could be setting a precedent based on unpredictable budget forecasts, a lot can happen in a couple years.

A roll call vote was taken, with the motion on Do Pass as Amended failing, 6-9.

Senator Andrist moved a Do Not Pass recommendation as amended on the bill. Seconded by Senator Bowman. A roll call vote was taken with the bill passing 8-7. Senator Kilzer is the carrier of the bill.

Chairman Holmberg closed the meeting on SB 2323.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2323

Page 2, line 9, replace "department of health" with "board of higher education"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides a \$1 million general fund appropriation to the State Board of Higher Education instead of the State Department of Health for the purpose of funding a cancer detection or treatment grant.

Date 2-15-05
Roll Call Vote #: 4

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2323

Senate SENATE APPROPRIATIONS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Thane Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG	/		SENATOR KRAUTER		/
VICE CHAIRMAN BOWMAN		/	SENATOR LINDAAS		/
VICE CHAIRMAN GRINDBERG	/		SENATOR MATHERN		/
SENATOR ANDRIST		/	SENATOR ROBINSON		/
SENATOR CHRISTMANN		/	SEN. TALLACKSON	/	/
SENATOR FISCHER	/				
SENATOR KILZER		/			
SENATOR KRINGSTAD	/				
SENATOR SCHOBINGER		/			
SENATOR THANE	/				

Total (Yes) 6 No 9

Absent _____

Floor Assignment _____

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

Date

Roll Call Vote #:

2-15-08
2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2323

Senate SENATE APPROPRIATIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

DNP as (A)

Motion Made By

Andrist

Seconded By

Bowman

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG		/	SENATOR KRAUTER	/	
VICE CHAIRMAN BOWMAN	/		SENATOR LINDAAS	/	
VICE CHAIRMAN GRINDBERG		/	SENATOR MATHERN		/
SENATOR ANDRIST	/		SENATOR ROBINSON	/	
SENATOR CHRISTMANN	/		SEN. TALLACKSON		/
SENATOR FISCHER		/			
SENATOR KILZER	/				
SENATOR KRINGSTAD		/			
SENATOR SCHOBINGER	/				
SENATOR THANE		/			

Total

(Yes)

4

No

7

Absent _____

Floor Assignment

Kilzer

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

REPORT OF STANDING COMMITTEE

SB 2323, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2323 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "department of health" with "board of higher education"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides a \$1 million general fund appropriation to the State Board of Higher Education instead of the State Department of Health for the purpose of funding a cancer detection or treatment grant.

2005 HOUSE HUMAN SERVICES

SB 2323

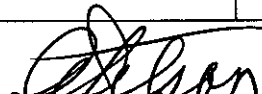
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2323

House Human Services Committee

☐ Conference Committee

Hearing Date March 1, 2005

Tape Number	Side A	Side B	Meter #
1	x		60-2900
Committee Clerk Signature 			

Minutes:

Chairman Price opened hearing on SB 2323

Sen. Time Flakoll, Dist. 44 appeared in support of SB 2323. Introduced the sponsors and asked that he be able to follow the other sponsors with the rundown of the bill.

Rep. N. Johnson Dist 37: See attached testimony.

Stacey Harder, Dist. 42: See attached testimony.

Sen. J. Heitkamp: I stand before you as a cosponsor of SB 2323. I hope you will give a favorable response to. I will never forget when Heidi got cancer during her campaign. The questions came from the reporters asking if our family had a history of cancer. I answered, which family doesn't? Almost every family has suffered from this disease. I am very honored to be able to assist in sponsoring this bill, we need to provide the dollars to assist with the research needed to find an answer. That is the reason for my name being attached to this bill.

Sen. Flakoll: See attached testimony.

Rep. Devlin: Why did you cap the 5% of the one million dollars? I understand getting back the original investment, but why shouldn't, if the state goes down the road and takes that risk, why shouldn't they continue to gain the royalties?

Sen. Flakoll: That was discussed, if we would take off the cap, it wouldn't make any difference to me at all. The main reason, was to make sure we didn't disincentives those that would apply for the program. We wanted to look at the fact we were getting the money back into the system.

Chairman Price: You seem to be going back and forth between the Board of Higher Ed and the Dept. of Health, as to who is going to grant. You started out with one, and then you switched in policy committee and apparently changed it on the floor.

Sen. Flakoll: The truth be known, what happened on the Sen. Approp. Comm. is that one person was very upset with the Board of Higher Ed. because of some equity issues and they took it out because of that. Then the approp. committee thought it should be put it back, and then that happened, and the person voted for it. Whoever gets the grant will be just acting as the "bank" and the money will just flow through.

Rep. Porter: Do these research facilities have to be in the state of ND to be eligible for these grants?

Sen. Flakoll: The primary investigators do, however, we understand that there is collaborative research. We need to have the primary research in ND. We hope it will become an outcome based project, we want to be able to offer both private and public sections.

Sen. Bercier: I come to you in support of SB 2323. I have been diagnosed with cancer, when I was in Vietnam, I contracted agent orange and now have non-hodgkins lymphoma. Over the last

9 years, I been through a number of protocols. I mention those, because for every year I was successfully treated, a new prodigal came out, and that was because of research. I have an 11 year old son, so when I was diagnosed in my wildest dreams, that I would be able to see my son going to school. I am very blessed to be in front of you today, I am not completely cured, I'm not living in a very high percentage, I do have a percentage of life, I do have a quality of life because of the research efforts. The research that we are talking about here, having it close to home is so important. Traveling to Mayo Clinic, and because of the VA, possible I would have to travel to San Antonio, Texas because that is their process. I want you to know that I stand before you because of the research.

Susan Bozac, Merit Care Systems: Testimony attached.

Deb Knuth, Government Relations Director, American Cancer Society. Testimony attached.

Rep. Porter: How many research facilities does the American Cancer Society fund in the State of North Dakota?

D. Knuth: I believe one facility in Fargo does receive money from us.

S. Bozac: Our dollars are tracked through our facilities, the American Cancer Society has given some dollars to the lung research in ND.

Chairman Price: Is there anyone else to testify? Close the hearing on SB 2323.

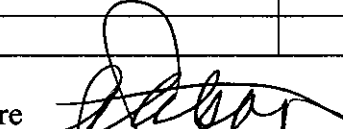
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2323

House Human Services Committee

☐ Conference Committee

Hearing Date 3/8/2005

Tape Number	Side A	Side B	Meter #
2		x	4.2--21.6
Committee Clerk Signature 			

Minutes:

Chairman Price: Open the hearing on SB 2323

Representative Kreidt: Sub Committee Report. (See Attached Report)

Chairman Price: Is there a second?

Representative Kreidt: Moved

Representative Uglem: Second

Representative Porter: With the new budge forecasts does the trigger even exist by going to seventeen, or is it automatically funded? I am O.K. With everything except the funding mechanism. I think that we should either do it or don't do it. The trigger thing doesn't sit very well with me. I think that we should pass it out of here with just a straight one million appropriation on its merits or we shouldn't. To say that it is a good concept, and a good idea and then to have this trigger thing playing around within this bill I just don't agree with.

Representative Potter: (9.0) I don't think that my comments necessarily have to do with the amendments offered, but just about the bill. A question I have is - do we have history of doing this type of thing, kind of button holing something and creating a grant for it. The reason I ask is that over the weekend, I am all for cancer research and that kind of thing as I think most everyone is, as I was mulling it over I wondered if we had history of doing this for one and for two targeting a small area like that, if it wouldn't be something to open it up to more than just cancer, and just research possibilities or something. Good research ideas in having a committee look at them. There is just something that kind of bugs me about it for some reason.

Chairman Price: I don't think we have much history in the medical field doing any sorts of research. We do in some of the other crops and livestock areas. A comment was just made to me in the hall that Dean Wilson was asked are you ready for this and he replied that it was already locked up in Fargo.

Representative Potter: Exactly, and that is not why I am opposing it. It did not come out in any of the testimony and in talking with Dean Wilson of the medical school and then I also talked to President Coop Chaua (sp?) At UND and said gee I hope you have heard about this and have some good ideas and so forth. It was two completely separate conversations, and both of them said that it was targeted to a Fargo group, and that was the basis for the whole thing. So I encouraged them to apply for it too, but they seemed to know exactly who it's targeted for.

Representative Kreidt: (11.4) There is going to be a three member committee appointed by the governor, and I would hope that they would use some discretion, and I would hope that it would go to a research entity that isn't locked up, and is a legitimate entity that has every option that everyone else does to get the dollars.

Chairman Price: We have amendments, a vote on the amendments first, does anyone have any discussion on the amendments? All those in favor say "I". Amendments passed 11-0. Any other discussion on the bill?

Representative Porter: I would like to propose a simple amendment. To remove Subsection 4 on Page 2. Just because of what I said before - I do not agree with the trigger mechanism and I think that if it is a worthy project for the state of North Dakota to be involved with and participate in then spend the million dollars, and if it is not worthy then it is not something to do lingering for it to have the trigger hit. I can't imagine that the appropriations committee is going to think that that trigger is a good idea anyway, but if we as a committee say that we think that the project is worthy of spending a million dollars of the taxpayers money then they will look at that in a different light then a trigger mechanism. So I move to remove that Subsection.

Chairman Price: Is there a second?

Representative Kaldor: I'll second.

Chairman Price: Is there any discussion.

Representative Uglem: Will there be another economic forecast before this will go into effect?

Are they every three months? Does it have any reason to have a trigger?

Representative ????: No

Representative Nelson: (13.5) I understand the problem that Representative Porter has with this, but I think we put the bill in jeopardy by doing that; especially the sponsors of the bill obviously thought long and hard how they wanted to fund this thing and although we don't always agree with every aspect of what happens in this body, I just don't think it would be in our

best interest to pass this amendment and jeopardize the bill.

Chairman Price: The amendment is take out on Page 2, Lines 1-5.

Representative Weisz: I would like to clarify what is in the bill. It talks about the general fund balance - we don't know what that is going to be until we are all done with session. You have to realize that budget stabilization fund, trust fund, non of those contribute to the general fund

balance. I think the intent was that most likely that we would have a balance of around 10 million like we always do. So the intent would have been that if we go in and the actual put us over 17.5 million in balance then it would kick in. It had nothing to do with the latest revenue forecast or any future forecast. The only way that this could kick in immediately would be that if we actually came out of here with a actual projected new income balance of 20 million. If this bill would pass they would be looking at that.

Representative Kaldor: (15.5) I seconded the amendment because I think I agree with the concept. If this is worthy of our priorities then we ought to fund it. If we are gauging our priorities on what the ending fund balance is in July of 2006 there are literally hundreds of other potential priorities that could be funded this way. I don't know what our appropriations committee will do, but I think that is one of the issues is as a legislative body that we establish our financial priorities and we fund them. We have done this before - this has been done before, but it is not necessarily the right way to prioritize funding. If it is good and it stands on it's merits it should get funded. If it can't, then there are a whole lot of other things that could have contingent appropriations as well.

Chairman Price: We will try a voice vote. All those in favor say "I". Clerk will call role. DO PASS on amendment. We have a double amended bill.

Representative Porter: Move a **DO PASS** on SB 2323.

Page 5
House Human Services Committee
Bill/Resolution Number SB 2323
Hearing Date 3/8/05

Representative Devlin: **SECOND** the motion on SB 2323.

Chairman Price: Now voting on do pass as amended and re-refer to appropriations.

Motion carried. **VOTE: 8-YES 4-NO 0-ABSENT.**

Representative Porter will carry bill on the floor.

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2323

Page 1, line 19, remove "provided, however, that the royalty payments to the state under this"

Page 1, remove line 20

Page 1, line 21, after "d." insert "Conduct all research funded by the grant at a public or private institution or facility located in this state; and

e."

Page 2, line 2, replaced "seven" with "seventeen"

Renumber accordingly

Date: 3/8/05

Roll Call Vote #: (2)

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2323

House Human Services Committee

☐ Check here for Conference Committee

2nd Amd

Legislative Council Amendment Number _____

Action Taken Pass - Remove

Motion Made By Rep Porter Seconded By Rep Kaldor

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S. Price		✓	Rep.L. Kaldor	✓	
V Chrm. G. Kreidt	✓		Rep.L. Potter	✓	
Rep. V. Pietsch		✓	Rep.S. Sandvig	✓	
Rep.J.O. Nelson		✓			
Rep.W.R. Devlin (VOTE)		AB			
Rep.T. Porter	✓				
Rep.G. Uglem		✓			
Rep C. Damschen		✓			
Rep.R. Weisz	✓				

Total 4 - No 5 -

Absent _____

Floor Assignment _____

Motion: _____ on an amendment, briefly indicate intent:

Remove lines 1-5 -
By Rep Porter -

Date: 3/8/05

Roll Call Vote #: 3

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~SB~~ SB 2323

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended - Refref Approval

Motion Made By Porter Seconded By Kaldor

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S. Price	x	x	Rep.L. Kaldor	x	
V Chrm. G. Kreidt	x	x	Rep.L. Potter	x	x
Rep. V. Pietsch	x		Rep.S. Sandvig	x	
Rep.J.O. Nelson	x				
Rep.W.R. Devlin	x				
Rep.T. Porter	x				
Rep.G. Uglem	x				
Rep C. Damschen	x				
Rep.R. Weisz	x	x			

Total () 8 No 4

Absent _____

Floor Assignment Rep Porter

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

REPORT OF STANDING COMMITTEE

SB 2323, as reengrossed: Human Services Committee (Rep. Price, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS,
4 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2323 was placed on the
Sixth order on the calendar.

Page 1, line 19, remove "provided, however, that the royalty payments to the state under this"

Page 1, remove line 20

Page 1, line 21, after "d." insert "Conduct all research funded by the grant at a public or private
institution or facility located in this state; and

e."

Page 2, remove lines 1 through 5

Renumber accordingly

2005 HOUSE APPROPRIATIONS

SB 2323

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2323
Cancer Research Grant

House Appropriations Full Committee

☐ Conference Committee

Hearing Date March 15, 2005

Tape Number	Side A	Side B	Meter #
1		X	#23.9 - #35.5
Committee Clerk Signature <i>Chris Alexander</i>			

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on SB2323.

Rep Price explained that the Human Services committee was divided on this bill but gave it a do pass recommendation. The changes we made in this bill include requiring an in-state firm doing the research and we removed the trigger based on the ending fund balance. There was no defined project for this money although it was hinted that there may be a project coming out of Fargo that would use these funds.

Rep. Mike Timm, Vice Chairman asked if the state is duplicating research being done elsewhere.

Rep Price answered that this was possible

Rep. Ron Carlisle asked if UND did this kind of research.

Rep Price answered that there is talk of a project like this being considered in Fargo but that is all that was said. No one came forward to testify or to name a specific project.

Rep. Pam Gulleeson asked what the state health department's role in this would be

Rep Price answered that Sen. Flakoll and Rep Nancy Johnson were the only ones who testified on this bill. We have no information from the health department as to their role in this. (meter Tape #1, side B, #26.2)

Rep. Ken Svedjan, Chairman asked if the 5% remained continuous regarding the royalties.

Rep Price answered that this was correct

Rep. Bob Skarphol asked what the potential was for "in kind" in subsection A of section 2.

Rep Price answered that the committee saw this as things like rent or office supplies, but did not did not clarify this any further. This section does state that there would be a 50/50 match if this project were to go forward.

Rep. Bob Skarphol asked about indirect costs in section B. We don't need to duplicate research.

Rep Price answered that this was not discussed at great length

Rep. Francis J. Wald asked who else but UND is capable of doing this kind of research

Rep Price answered that NDSU in Fargo could probably be capable of this and it probably is NDSU who is being hinted at in conversation, but nothing was defined for us.

Rep. David Monson asked if the Centers for Excellence out of the Department for Commerce should be covering this and it is not needed here, so the \$1 million could be sent there instead.

Rep. Jeff Delzer asked if there was any discussion of who the 3 member team might be

Rep Price answered that this was not discussed in committee as much as ensuring that the Governor makes the determination with the advice of the chair and the vice chair of legislative council.

Rep. Jeff Delzer asked if the word "consent" in this meant that the legislative council had some part in the determination.

Rep Price answered that this language could be strengthened if it be the wishes of the appropriations committee.

Rep. Ken Svedjan, Chairman commented that there seemed to be a significant amount of unknown here There is already significant amount of research going on all over the state Hard to see this as truly necessary, and \$1 million is really low compared to all the other studies that have poured millions into similar projects.

Rep Price commented that the American Cancer Society isn't putting any money into North Dakota for research.

Rep. Jeff Delzer moved a Do Not Pass motion on SB2323.

Rep. Francis J. Wald seconded

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Not Pass motion for SB2323. Motion carried with a vote of 19 yeas, 3 neas and 1 absence. Rep Delzer will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on SB2323.

Date: March 15, 2005
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2323

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Rep. Delzer Seconded By Rep. Wald

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	AB		Rep. Jeff Delzer	X	
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Gulleson		X	Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson		X			
Rep. Joe Kroeber		X			
Rep. Clark Williams	X				
Rep. Al Carlson	X				

Total Yes 19 No 3

Absent 1

Floor Assignment Rep. Delzer

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

REPORT OF STANDING COMMITTEE (410)
March 15, 2005 12:39 p.m.

Module No: HR-47-4987
Carrier: Delzer
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2323, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)
recommends **DO NOT PASS** (19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).
Reengrossed SB 2323 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

SB 2323



Researcher Thinks She Has Cancer Vaccine

By Associated Press

January 24, 2005, 8:15 PM EST

LEBANON, N.H. -- A researcher at the Norris Cotton Cancer Center believes she has found a vaccine that protects against most kinds of cervical cancer.

For 20 years, Dr. Diane Harper has studied the connection between a common viral infection called human papilloma virus and cervical cancer. Now she believes she may have found an answer and an experimental vaccine that protects against the two strains of HPV that are linked to 70 percent of cervical cancers. Preliminary findings suggest it is 80 percent to 100 percent effective.

If approved by the government, it could be available early next year.

HPV is the most common sexually transmitted viral infection in the United States. It is not spread through sex alone, but by skin to skin contact.

"If you have contact with another human being, you are at risk for an HPV infection," Harper told the Concord Monitor.

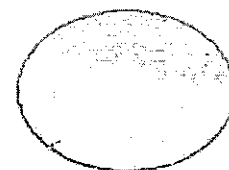
Preliminary findings show the vaccine may prevent all diseases associated with HPV, such as abnormal pap smears, anal cancer, vaginal cancer, vulvar cancer, esophageal cancer and even mouth or oral cancers, she said.

"It's going to take us 20 to 30 years to get the data, but we're really hopeful this has long-term protective effects," Harper said.

The vaccine, manufactured by GlaxoSmithKline, protects those who are immunized for three to five years. It has no side effects, except for pain or redness at the injection site and it could eradicate the disease, said Harper, who noted that she is an independent researcher, not paid by the company.

"It offers such an advantage for women and such a change in health care, one that we will actually see in the next five years," Harper said. "It will happen. And it's so rare that the research we do actually becomes national policy. I'm extremely excited about the possibilities."

The study Harper led ran from 2000 and 2003, with 1,113 women ages 15 to 25 from the United States, Canada and Brazil. In women who received three injections and all the follow-up tests, the vaccine was 100 percent effective. In those who got only one or two injections, the vaccine was 91 percent effective.



Researchers say more than 75 percent of women are infected with HPV at some time. Most cases are short-lived and resolve themselves through the body's ability to develop immunity. A small percentage progress to cervical cancer, which kills an estimated 280,000 women each year.

Harper is now working on a third phase of the trial -- the last step before licensing the drug for general use -- involving 15,000 women worldwide. If approved, it would be recommended for young women between the ages of 10 and 12, Harper said, with booster immunizations later.

Harper and her colleagues are also examining an HPV vaccination for men, who often unknowingly carry the virus.

* _____

Information from: Concord Monitor, <http://www.cmonitor.com>

Copyright © 2005, The Associated Press

Quick Facts:

In 2004 the American Cancer Society estimates

- **The average annual death rate in North Dakota is 184.7 people per 100,000 persons.**
- **An estimate 1,340 cancer deaths took place in North Dakota in 2004**
- **An estimated 1,368,030 new cancer cases were diagnosed in the US**
- **563,700 cancer deaths are expected to be reported for 2004**
- **360 new cases of lung cancer will be diagnosed in North Dakota**
- **330 people will die of lung cancer in North Dakota**
- **360 new cases of colorectal cancer will be diagnosed in North Dakota**
- **140 people will die of colorectal cancer in North Dakota**
- **540 new cases of breast cancer in women will be diagnosed in North Dakota**
- **100 women will die of breast cancer in women in North Dakota**
- **540 new cases of prostate cancer will be detected in men in North Dakota**
- **70 men will die of prostate cancer in North Dakota**

SB 2323

Chairman Lee and members of the Senate Human Services committee. For the record I am Senator Tim Flakoll of District 44 in Fargo.

I am pleased to bring you SB 2323. My intent is to provide you with some basic background information and to walk you through the bill providing you with information that I feel you will want to hear about.

SB 2323 is a new concept that initiates a cancer research study by a business or institution (or maybe a collaboration of both) in the state of North Dakota. The genesis of the bill is a result of many independent but significant occurrences and activities.

***First*, I have conducted research both independently and with, or on behalf of other investigators. So I have a strong basis and belief in the value of rigorous research. I continue to stay engaged with researchers and am inspired by cancer research whose outcomes have improved the quality of life in many arenas.**

***Second*, like many of you and most people in the state I have family and friends who have been affected by the ravages of cancer.**

***The third* item that leads us to SB 2323 is the time I served on the County of the Board of the American Cancer Society. Through their activities, I became more acutely aware of the value of research, early detection and improved treatment therapies.**

During my time on the board of the ACS I chaired the first art auction to benefit the American Cancer Society.

The reason I share this with you this is because at that first art auction, a lady by the name of Elizabeth Weddel, a resident of the

nursing home in nearby Barnesville, MN donated a water color painting of a winter farm scene. She wanted to do this because in her early 50's she had breast cancer and as a survivor she wanted to help others.

Now as Paul Harvey would say the rest of the story. . . Elizabeth was not just a cancer survivor, but she was a survivor for more than 50 years. Yes, a fifty-year cancer survivor. Because when she painted the picture for our auction (a painting which hangs in my living room) she was 102 years old.

If you compare technology available when she was diagnosed in her fifties, to options that were available near the end of her life span in the early 1990's when she was past 100 years of age, the progress is staggering and inspiring.

The fourth thing that leads me to this bill is a challenge to explain.

I see a good number of movies. One movie spurred me on to introduce this bill. The movie *Calendar Girls*, is based on the real life story of a lady named Annie in Knapely, England who lost her husband to cancer. Every year Annie and her Women's Institute (like homemakers clubs of old) friends raise money for a special cause.

That year as the story goes, Annie along with a group of her senior friends were going to pose in a tactful and mostly cleverly hidden "all-natural" even though it went well against their normal sense of decorum.

As the movie neared its end I was struck with how impressed I was by these women who did something so against their sense of what they, as "respectable people" would normally do. Their shyness paled by comparison to their desire to help the people who were fighting cancer.

As I watched the movie, I thought to myself, "man I wish I could do something as major and helpful as that."

Now I would walk naked in the snow from Bismarck to Fargo if it would cure cancer. But we all know that it is not an option that will solve the problem or raise much or any money for that matter.

Then it hit me. I may never be a researcher who can develop technology to improve and save lives, but I can use my position in the Legislature and with the help of my colleagues, harness the resources necessary to provide the impetus for top flight researchers to lead us down the path to continued improvements in the early detection and treatment of cancer.

Progress reports of the five-year survival rate for cancer inspire us and give us hope. In the 1970's the five-year survival rate for all cancers was 50%. Since then it has risen by about 1% per year to where the current five-year survival rate is 74%.

❖ Now for the provisions of the bill.

Subsection 1

- **Sets up a three member committee to review all applications for a research grant dedicated to improvements in cancer detection or treatment. This will be a committee of experts in the field and no two committee members can be from the same company. They will be qualified to determine if an application is viable and they will narrow the list of finalists down to three or less.**

Subsection 2

- **Requires matching funds by the recipients, but up to 25% of the funds could be in-kind.**
- **Requires that no more than 20% of the grant can be targeted to indirect costs.**

- **Plus the state will receive 5% of all royalties as a result of the research, up to \$1 million.**
- **The section also requires that the principal investigators will need to provide an annual report to the legislative council.**

Subsection 3 –

- **Once the final three top applicants are identified, the final decision will be made by the governor with the advice and consent of the chair and vice-chair of the legislative council.**

Subsection 4

- **Relates to the trigger mechanisms. If the state prospers above expectations the triggers can kick in.**
- **Trigger one - If after the first 12 months of the biennium we have \$7.5 million over projections the first trigger will be activated making the funds available.**
- **If the first trigger is not activated a second one exists. If after the 23rd month of the biennium the state prospers above projections and we have \$15 million in the general fund over projections, the second trigger will be activated.**

❖ Closing remarks:

While my mother was in the hospital with breast cancer I came across an interesting quote. It read “I may have cancer but cancer does not have me.” That is the attitude that this bill is about. We can take cancer and let it control us or we can intervene and do as much as humanly possible to change the course of history and be a part of the solution.

- ❖ **The river story – story which reinforces a general philosophy behind what we hope to do.**

Two researchers who were walking along the banks of a river saw someone floating by them. The first researcher said "oh my gosh" and waded out into the river and jumped in to pull the person safely up on the banks of the river.

They turned and saw a second person coming down the stream crying out for help. The first researcher jumps back into the river while. . . to his amazement . . . the other researcher runs off.

Then a third person comes floating down the river flailing and thrashing in the water. The first researcher though exhausted, again jumps in the water and gets the person up to shore. Luckily there were no more people who came down the river.

After a few moments an ambulance comes along and picks up the three people and takes them to the hospital.

At the hospital, the first researcher runs into the second researcher. "Where did you go" the first researcher yells? "I was out there busy saving lives and you ran away."

The second researcher calmly replied. "I went up stream to find out why the people were jumping off the bridge and made them stop and then I called the ambulance for help."

Fellow Senators, we can spend all of our time and resources helping to pull people to the shore or we can spend some time, effort and yes money to go farther upstream to get closer to the problem, so we can get closer to the solution.

Chairman Lee and committee members that concludes my testimony. I will do my very best to answer your questions.

Testimony

Senate Bill 2323

Senate Human Services Committee

Wednesday, January 26, 2005

Deborah Knuth

Government Relations Director, American Cancer Society

Good morning, Chairman Lee and members of the Senate Human Services Committee. My name is Deborah Knuth, and I am the government relations director for the American Cancer Society. I have submitted the bill for further perusal to our Division office's to make sure that it fits our criteria. I'm here today to at least offer the Society's tentative support at this time.

Every day in North Dakota there are people fighting the battle against cancer. They may be struggling to survive their own cancer, conducting research for a cure or perhaps fighting for the rights of cancer patients in their community and elsewhere. Cancer isn't just a health issue. It's also a public policy issue. I want you to know that the American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering through research, education, advocacy and service.

Because we are concerned about finding a cure for cancer, the need for cancer patient screening and research, we believe that SB 2323 and SB 2169 are complimentary. We view the information gathered as the result of SB 2169 very beneficial to the research gathered by SB 2323.

Thank you for allowing me to provide brief testimony today.

Proposed Amendment to Senate Bill 2323

Page 2, line 9, overstrike "board of higher education" and insert immediately thereafter "department of health"

Renumber accordingly

SB 2323

Chairman Holmberg and members of the Senate Appropriations committee. For the record I am Senator Tim Flakoll of District 44 in Fargo.

I am pleased to bring you SB 2323. My intent is to provide you with some basic background information and to walk you through the bill providing you with information that I feel you will want to hear about.

SB 2323 is a new concept that initiates a cancer research study by a business or institution (or maybe a collaboration of both) in the state of North Dakota. It is a bit of an footnote in the budget process because the money is only made available if our state prospers significantly above projections.

The genesis of the bill is a result of many independent but significant occurrences and activities.

***First*, I have conducted research both independently and with, or on behalf of other investigators. So I have a strong basis and belief in the value of rigorous research. I continue to stay engaged with researchers and am inspired by cancer research whose outcomes have improved the quality of life in many arenas.**

***Second*, like many of you and most people in the state I have family and friends who have been affected by the ravages of cancer.**

***The third* item that leads us to SB 2323 is the time I served on the County of the Board of the American Cancer Society. Through their activities, I became more acutely aware of the value of research, early detection and improved treatment therapies.**

During my time on the board of the ACS I chaired the first art auction to benefit the American Cancer Society.

The reason I share this with you this is because at that first art auction, a lady by the name of Elizabeth Weddel, a resident of the nursing home in nearby Barnesville, MN donated a water color painting of a winter farm scene. She wanted to do this because in her early 50's she had breast cancer and as a survivor she wanted to help others.

Now as Paul Harvey would say the rest of the story. . . Elizabeth was not just a cancer survivor, but she was a survivor for more than 50 years. Yes, a fifty-year cancer survivor. Because when she painted the picture for our auction (a painting which hangs in my living room) she was 102 years old.

If you compare technology available when she was diagnosed in her fifties, to options that were available near the end of her life span in the early 1990's when she was past 100 years of age, the progress is staggering and inspiring.

Progress reports of the five-year survival rate for cancer inspire us and give us hope. In the 1970's the five-year survival rate for all cancers was 50%. Since then it has risen by about 1% per year to where the current five-year survival rate is 74%.

❖ Now for the provisions of the bill.

Subsection 1

- Sets up a three member committee to review all applications for a research grant dedicated to improvements in cancer detection or treatment. This will be a committee of experts in the field and no two committee members can be from the same company Institution). They will be qualified to determine if an application is viable and they will narrow the list of finalists down to three or less.**

Subsection 2

- **Requires matching funds by the recipients, but up to 25% of the funds could be in-kind.**
- **Requires that no more than 20% of the grant can be targeted to indirect costs.**
- **Plus the state will receive 5% of all royalties as a result of the research, up to \$1 million.**
- **The section also requires that the principal investigators will need to provide an annual report to the legislative council.**

Subsection 3 –

- **Once the final three top applicants are identified, the final decision will be made by the governor with the advice and consent of the chair and vice-chair of the legislative council.**

Subsection 4

- **Relates to the trigger mechanisms. If the state prospers above expectations the triggers can kick in.**
- **Trigger one - If after the first 12 months of the biennium we have \$7.5 million over projections the first trigger will be activated making the funds available.**
- **If the first trigger is not activated a second one exists. If after the 23rd month of the biennium the state prospers above projections and we have \$15 million in the general fund over projections, the second trigger will be activated.**

❖ **Closing remarks:**

While my mother was in the hospital with breast cancer I came across an interesting quote. It read "I may have cancer but cancer does not have me." That is the attitude that this bill is about. We can take cancer and let it control us or we can intervene and do as much as humanly possible to change the course of history and be a part of the solution.

❖ **The river story – story which reinforces a general philosophy behind what we hope to do.**

Two researchers who were walking along the banks of a river saw someone floating by them. The first researcher said "oh my gosh" and waded out into the river and jumped in to pull the person safely up on the banks of the river.

They turned and saw a second person coming down the stream crying out for help. The first researcher jumps back into the river while. . . to his amazement . . . the other researcher runs off.

Then a third person comes floating down the river flailing and thrashing in the water. The first researcher though exhausted, again jumps in the water and gets the person up to shore. Luckily there were no more people who came down the river.

After a few moments an ambulance comes along and picks up the three people and takes them to the hospital.

At the hospital, the first researcher runs into the second researcher. "Where did you go" the first researcher yells? "I was out there busy saving lives and you ran away."

The second researcher calmly replied. "I went up stream to find out why the people were jumping off the bridge and made them stop and then I called the ambulance for help."

Fellow Senators, we can spend all of our time and resources helping to pull people to the shore or we can spend some time,

effort and yes money to go farther upstream to get closer to the problem, so we can get closer to the solution.

Chairman Holmberg and committee members that concludes my testimony. I will do my very best to answer your questions.

Quick Facts:

If we divide \$171.6 billion (NIH estimated cost of cancer in US) by 260 million people (population of the US) and multiply by 640,000 residents of North Dakota. One can extrapolate from the NIH data that cancer costs in North Dakota would be \$422 million/year.

In 2004 the American Cancer Society estimates

- **The average annual death rate in North Dakota is 184.7 people per 100,000 persons.**
- **An estimate 1,340 cancer deaths took place in North Dakota in 2004**
- **An estimated 1,368,030 new cancer cases were diagnosed in the US**
- **563,700 cancer deaths are expected to be reported for 2004**
- **360 new cases of lung cancer will be diagnosed in North Dakota**
- **330 people will die of lung cancer in North Dakota**
- **360 new cases of colorectal cancer will be diagnosed in North Dakota**
- **140 people will die of colorectal cancer in North Dakota**
- **540 new cases of breast cancer in women will be diagnosed in North Dakota**
- **100 women will die of breast cancer in women in North Dakota**
- **540 new cases of prostate cancer will be detected in men in North Dakota**
- **70 men will die of prostate cancer in North Dakota**

Testimony for SB 2323

March 1, 2005

Rep. Nancy Johnson

Good morning, Chairwoman Price and members of the House Human Services Committee.

For the record, my name is Nancy Johnson, representative from District #37, Dickinson.

On Thursday, January 20th, the Bismarck Tribune ran an article headlined "Cancer eclipses heart disease in deaths." The good news in the article is that deaths from both diseases are falling, but there are more cancer deaths than heart disease deaths in our country now.

I am confident that every person in this room today has had a family member, a friend or a neighbor touched by cancer. We all know someone that has been impacted by it.

Not all cancers are related to actions individuals do. My mother-in-law died from esophageal cancer in 1993. She was a non-smoker. My father died from pancreatic cancer in 1997. He also was a non-smoker. And my oldest son battled clear cell sarcoma cancer for 8 years before dying in 2002,- from another type of cancer that was not smoking related and very rare. In 2002 I participated in a stem cell medical research project to try to find a cure for his cancer, unsuccessfully.

SB 2323 is an effort to find cures for cancer. The research grant application process will be rigorous and only triggered if the money is available in the general fund and if there is a worthwhile project out there.

If this bill has the chance to help other individuals and families survive or avoid cancer it will be dollars well invested.

I urge your favorable consideration of SB 2323. Thank you.

#2 - Stacey Klander

North Dakotan's support scientific research

Despite National Deficit, Residents Rank Research A High Priority And Want State To Be A Research Leader In Heart Disease and Stroke

Most North Dakotans want to double national spending on government-sponsored research over the next five years and about 87% of state residents think it is important for North Dakota to be a leader of research into two leading causes of American deaths and disability: heart disease and stroke, according to a poll released by Research!America.

Despite the U.S. fiscal crisis, an overwhelming majority of North Dakotans (94%) strongly support basic research that helps the United States maintain its world leadership in scientific endeavors. More than half the state's residents say they are aware of political candidates' voting records on medical, health and scientific research and 89% say they would vote for a political candidate who agrees that research is a high priority over one who does not.

Four in five North Dakotans believe that investment in medical and health research is crucial to the state's economy and 81% support state financial incentives to attract new research into the state.

Fully 71% of residents would favor increasing the sales tax on tobacco products and use that money to fund community health programs to prevent people from using tobacco.

"Smoking is fatally linked to heart disease and stroke," said Joey Benoit, spokesperson for the American Heart Association in North Dakota. "There are 2,370 deaths each year in North Dakota due to heart disease and stroke - two of the many diseases which have been linked to tobacco use. Right now, tobacco exacts a huge personal toll on people who suffer from tobacco-related illnesses and their families. And the state's healthcare budget is drained by the cost of caring for people whose diseases are linked to tobacco use."

The Research!America poll also found that 83% of North Dakotans think that spending money on medical and health research is important to the state's economy. That is welcome news to proponents of a new research corridor now under discussion. Last November Senator Byron L. Dorgan and the Governor brought together North Dakota universities and college presidents to further a concept for a Red River Valley Research Corridor, designed to infuse new jobs, businesses, and tax revenue into the state.

"Scientific research and development yields enormous returns for the American people," Senator Dorgan said. "The Congressional Budget Office estimates that publicly funded research had a rate of return of 25 to 40% in 1999 alone. Publicly funded investment in basic research, which is beyond the reach of private investment, pays in another way, too. It leads to breakthrough discoveries in science and medicine and furthers our country's leadership in doing cutting-edge, world-class research. I am determined to build on the concept of a Research Corridor in North Dakota that can become a magnet for new businesses and jobs that keep young college graduates here."

"The Universities could provide quality research and training that would provide a ready work force to attract and retain high tech companies along with other companies," said University of North Dakota President Charles Kupchella.

The Poll also found that 93% of North Dakotans place a high value on research to help understand and eliminate health disparities. Fully two-thirds of residents think that it is "very important" to research diseases that disproportionately affect low income and minority citizens.

"The Research!America poll in North Dakota clearly demonstrates the public's overwhelming support for increased national and state funding to prevent disease and disability, and to find better treatments and cures that improves the quality of life and creates jobs close to home," said Research!America President, Mary Woolley.

The Research!America poll was conducted by Charlton Research Company from August 9-18, 2001 among 800 adults in North Dakota. The sample was proportionate to the state's demographics, including geography, gender, voter registration and ethnicity. The poll has a theoretical sampling error of +/-3.5%

Research!America is a national non-profit, membership-supported public education and advocacy alliance dedicated to making medical and health research, including prevention research, a much higher national priority.

SB 2323

Chairman Price and members of the House Human Services committee. For the record I am Senator Tim Flakoll of District 44 in Fargo.

I am pleased to bring you SB 2323. My intent is to provide you with some basic background information and to walk you through the bill providing you with information that I feel you will want to hear about.

SB 2323 is a new concept that initiates a cancer research study by a business or institution (or maybe a collaboration of both) in the state of North Dakota. The genesis of the bill is a result of many independent but significant occurrences and activities.

First, I have conducted research both independently and with, or on behalf of other investigators. So I have a strong basis and belief in the value of rigorous research. I continue to stay engaged with researchers and am inspired by cancer research whose outcomes have improved the quality of life in many arenas.

Explain finger monitor example– non-invasive process that could be developed. Evidence of the exciting advancements that are still at our grasp.

Second, like many of you and most people in the state I have family and friends who have been affected by the ravages of cancer.

The third item that leads us to SB 2323 is the time I served on the County of the Board of the American Cancer Society. Through their activities, I became more acutely aware of the value of research, early detection and improved treatment therapies.

One piece of evidence of note is that the five year survival rate for people with cancer has increase about 1%/year since the 1970s – proof that research works. These progress reports of the five-year survival rate for cancer inspire us and give us hope.

During my time on the board of the ACS I chaired the first art auction to benefit the American Cancer Society.

The reason I share this with you this is because at that first art auction, a lady by the name of Elizabeth Weddel, a resident of the nursing home in nearby Barnesville, MN donated a water color painting of a winter farm scene. She wanted to do this because in her early 50's she had breast cancer and as a survivor she wanted to help others.

Now as Paul Harvey would say the rest of the story. . . Elizabeth was not just a cancer survivor, but she was a survivor for more than 50 years. Yes, a fifty-year cancer survivor. Because when she painted the picture for our auction (a painting which hangs in my living room) she was 102 years old.

If you compare technology available when she was diagnosed in her fifties, to options that were available

near the end of her life span in the early 1990's when she was past 100 years of age, the progress is staggering and inspiring.

> > > Now for the provisions of the bill < < <

Subsection 1 - Preliminary screening

- Sets up a three member committee to review all applications for a research grant dedicated to improvements in cancer detection or treatment. This will be a committee of experts in the field and no two committee members can be from the same company. They will be qualified to determine if an application is viable and they will narrow the list of finalists down to three or less.**

Subsection 2 -

- Requires matching funds by the recipients, but up to 25% of the funds could be in-kind.**
- Requires that no more than 20% of the grant can be targeted to indirect costs.**
- Plus the state will receive 5% of all royalties as a result of the research, up to \$1 million. This would allow us to directly recoup all of our investment.**
- The section also requires that the principal investigators will need to provide an annual report to the legislative council.**

Subsection 3 – Final selection

- **Once the final three top applicants are identified, the final decision will be made by the governor with the advice and consent of the chair and vice-chair of the legislative council.**

Subsection 4 - Triggers (page 2 of bill)

- **Relates to the trigger mechanisms. If the state prospers above expectations the triggers can kick in.**
- **Trigger one - If after the first 12 months of the biennium we have \$7.5 million over projections in our state general fund the first trigger will be activated making the funds available.**
- **If the first trigger is not activated a second one exists. If after the 23rd month of the biennium the state prospers above projections and we have \$15 million in the general fund over projections, the second trigger will be activated.**

❖ Closing remarks:

While my mother was in the hospital with breast cancer I came across an interesting quote. It read "I may have cancer but cancer does not have me." That is the attitude that this bill is about. We can take cancer and let it control us or we can intervene and do as much as

humanly possible to change the course of history and be a part of the solution.

❖ The river story – story which reinforces a general philosophy behind what we hope to do.

Two researchers who were walking along the banks of a river saw someone floating by them. The first researcher said “oh my gosh” and waded out into the river and jumped in to pull the person safely up on the banks of the river.

They turned and saw a second person coming down the stream crying out for help. The first researcher jumps back into the river while. . . to his amazement . . . the other researcher runs off.

Then a third person comes floating down the river flailing and thrashing in the water. The first researcher though exhausted, again jumps in the water and gets the person up to shore. Luckily there were no more people who came down the river.

After a few moments an ambulance comes along and picks up the three people and takes them to the hospital.

At the hospital, the first researcher runs into the second researcher. “Where did you go” the first researcher yells? “I was out there busy saving lives and you ran away.”

The second researcher calmly replied. “I went up stream to find out why the people were jumping off the

bridge and made them stop and then I called the ambulance for help."

Fellow Legislators, we can spend all of our time and resources helping to pull people to the shore or we can spend some time, effort and yes money to go farther upstream to get closer to the problem, so we can get closer to the solution.

Plus remember that SB 2323 bill does not take one dollar away from anything we have in the budget (because of the triggers). It is betting on the prosperity of the state.

During this process the question has been asked about why do we select cancer and not the many other ailments that exists such as heart disease, MS, etc. The answer is simply that cancer is now the number one killer in the United States. Plus the annual cost of cancer in the US exceeds \$175 billion (CDC and NIH).

Madam Chairman an estimated 1,340 people die from cancer every year in ND.

More people die from cancer each year in North Dakota than live in the city of Cando.

More people die each from cancer each year in North Dakota than live in Linton.

More people die from cancer each year in North Dakota than live in New Town.

More people die from cancer each year in North Dakota than live in Garrison, or than live in Hettinger.

More people die each year than live in the combined population of 52 of our smallest communities.

In the 56 days since we started the session an estimated 205 people have died from cancer. That is more people then serve in both chambers of the legislature. Remember that is 56 consecutive days not the 37 legislative days we are at . . . because cancer does not take the weekend off.

A role of government is to do collectively what any single one of us can't do individually. Plus with this bill we get 5% of the royalties back to the state.

We must not stand on the sidelines waiting for someone else to do our work. Cancer is a battle we must fight and we must win.

Chairman Price and committee members that concludes my testimony. I will do my very best to answer your questions.

4
North Dakota 2005 Legislative Session

House -- Human Services Committee

Senate Bill 2323

March 1, 2005

Madam Chair and Members of the Committee:

My name is Susan Bosak. I am the Public Affairs Officer at MeritCare Health System in Fargo, North Dakota. I strongly urge the House Human Services Committee to bring Senate Bill 2323 to the House floor with a DO PASS recommendation.

I am here to convey support for the intent – the investment – laid out in Senate Bill 2323. We consistently seek both federal and state policies that further innovative research opportunities as proposed in this bill. Many issues can be addressed through Senate Bill 2323 – the advancement of the molecular sciences, tobacco dependence treatment and breast cancer treatments – just to name a few.

Senate Bill 2323 will allow research facilities – whether they are institutions of higher education or medical facilities – the opportunity to develop standardized research methodology for cancer patients.

We applaud the sponsors and other members of the legislature for their efforts on issues such as Senate Bill 2323, which can benefit citizens of the State of North Dakota. We commend the legislators for their efforts to expand state-level research.

Madam Chair and Members of the Committee, thank you for allowing me the opportunity to address you this morning. I would be willing to answer any questions you would have at this time.

Testimony**Senate Bill 2323****House Human Services Committee****Tuesday, March 1, 2005****Deborah Knuth****Government Relations Director, American Cancer Society**

Good morning, Chairman Price and members of the House Human Services Committee. My name is Deborah Knuth, and I am the government relations director for the American Cancer Society. I have submitted the bill for further perusal to our Division office's to make sure that it fits our criteria. I'm here today to at least offer the Society's tentative support at this time.

Every day in North Dakota there are people fighting the battle against cancer. They may be struggling to survive their own cancer, conducting research for a cure or perhaps fighting for the rights of cancer patients in their community and elsewhere. Cancer isn't just a health issue. It's also a public policy issue. I want you to know that the American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering through research, education, advocacy and service.

Because we are concerned about finding a cure for cancer, the need for cancer patient screening and research, we believe that SB 2323 and HCR 3050 are complimentary. We view the information gathered as the result of HCR 3050 very beneficial to the research gathered by SB 2323.

Thank you for allowing me to provide brief testimony today.