

2009 HOUSE EDUCATION

HCR 3043

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3043

House Education Committee

☐ Check here for Conference Committee

Hearing Date: February 16, 2009

Recorder Job Number: 9507

Committee Clerk Signature

Carmen Hart

Minutes:

Part of the recording is not there (Started at about 2:54).

Rep. DeKrey brought this resolution because of a request by a District 14 constituent. There had been an explosion in a lab. Since this accident this person has developed breast cancer, and the medical staff believes that it may have been due to this accident.

Rep. Karen Karls: I worked in a lab in college, and we had procedures listed on the wall. We had chemical baths. We had hoods. Do you think they don't have a protocol now?

Rep. DeKrey: If I remember right, those safety features were there when I was in college too. Obviously something went wrong or I don't think they would have had an explosion. Her main concern was that after this explosion, the people in the lab and the janitorial people all just came in and cleaned it up just like you would have when you spilled water on the floor. She felt that couldn't have been right. There should have been some kind of a response that reflected that there could be something there that wouldn't be safe for people to be around and it was just treated like an almost every day household spill. They firmly believe that the results of that explosion in that lab was her cancer, and I don't know what medical proof of that.

Rep. Bob Hunsakor: Do you know if the family went to the responsible parties—administrator, supervisors?

Rep. DeKrey: It was a workers' comp. claim because at the university the staff is covered by workers' comp so they had no recourse in court to go after the employer for this. With workers' comp., you aren't able to do that and the fact that it wasn't immediate—you had the explosion one day and she had cancer the next. It was some time later. They weren't able to, in the eyes of the medical community, connect the two together so she had any relief over it.

Rep. Brenda Heller: I guess I missed the beginning. Was the girl who has cancer now one of the students or janitors?

Rep. DeKrey: She was one of the instructors at the college.

There was no opposition.

The hearing was closed.

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Minutes:

Rep. Phillip Mueller made a motion for a **Do Pass** on HCR 3043. **Rep. Mike Schatz** seconded the motion.

DO PASS AND PUT ON THE CONSENT CALENDAR. 14 YEAS, 0 NAYS. Rep. Phillip

Mueller is the carrier of this resolution.

Date: 2-16-09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3043

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep Mueller Seconded By Rep Schatz

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
Rep. Brenda Heller	✓		Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock	✓	
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter	✓	
Rep. John D. Wall	✓				
Rep. David Rust	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep Mueller

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

On consent calendar

REPORT OF STANDING COMMITTEE

HCR 3043: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3043 was placed on the Tenth order on the calendar.

2009 SENATE EDUCATION

HCE 3043

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3043

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: March 23, 2009

Recorder Job Number: 11360

Committee Clerk Signature

Minutes:

Chairman Freborg opened the hearing on HCR 3043. All members were present.

Representative DeKrey testified in favor of the bill. He introduced the resolution for a constituent. He had a good friend who had a bad experience with a lab accident and now has breast cancer and is dying. The constituent always felt the lab accident contributed to her disease. That is the gist of the resolution.

Senator Bakke asked if there have been a substantial number of injuries in labs at the college level.

Representative DeKrey said he believes it was an isolated incident. This would be an opportunity to study the situation.

Senator Bakke asked if the North Dakota University System has a policy on lab safety issues.

Representative DeKrey said he doesn't know, he would guess they do.

Chairman Freborg closed the hearing on HCR 3043.

Senator Taylor asked if Legislative Council has flexibility in undertaking this study.

Senator Flakoll said with resolutions, it doesn't matter if it says "shall study" or "shall consider studying", they carry the same weight.

Senator Bakke asked if it says "directed to study" if it is a required study.

Senator Flakoll said he understands it would not be required. The Legislative Council can choose to study or not to study. It is only mandated if it is in a bill and the bill says "shall study".

Senator Bakke moved a Do Pass on HCR 3043, seconded by Senator Taylor.

Senator Bakke said the study would not be required and Legislative Council can choose if they want to study it. She hasn't heard of a lot of issues or safety concerns in the North Dakota University System labs. It would put forth the idea.

Senator Flakoll said he has worked in university labs. Typically, there are one or two visits per year from OSHA. NIH has incredibly strict procedures and EPA has strict guidelines. It sounds like this one incident was an accident. There are layers and layers of safeguards in place already.

The motion passed 3 – 2. Senator Bakke will carry the resolution.

Date: 3/23/09
Roll Call Vote #: 7

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3043

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass

Motion Made By Sen. Bakke Seconded By Sen. Taylor

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee		✓	Senator Bakke	✓	
Senator Flakoll		✓			

Total (Yes) 3 No 2

Absent 0

Floor Assignment Sen. Bakke

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

REPORT OF STANDING COMMITTEE (410)
March 23, 2009 9:55 a.m.

Module No: SR-52-5535
Carrier: Bakke
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3043: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3043 was placed on the
Fourteenth order on the calendar.