

2025 SENATE HUMAN SERVICES

SB 2255

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2255
1/27/2025

Relating to the qualifications, term, and duties of the state health officer.

11:37 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Clearly, Senator Van Oosting, Senator Hogan, Senator Roers.

Discussion Topics:

- Diminished list of duties
- Previous statute
- Newly established health council
- Private or public administrative experience
- Proposed study of State Health Officer

11:38 a.m. Senator Lee introduced the bill.

11:42 a.m. Conner Swanson, Senior Advisor to Office of the Governor, testified in support and submitted testimony #31728.

11:49 a.m. Dirk Wilke, Interim Commissioner of Health and Human Services, testified in favor.

12:00 p.m. Courtney Koble, Executive Director of ND Medical Association, testified in opposition and submitted testimony #31490.

12:04 p.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk



Senate Human Services Committee
SB 2255
January 27, 2025

Good morning, Chair Lee and Committee Members. I am Courtney Koebele and I serve as executive director of the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

NDMA is opposed to SB 2255. This bill eliminates the requirement that the state health officer be a physician and removes the requirement of an advisory committee.

A physician serving as a state health officer is crucial because they bring a deep understanding of medical science and clinical practice to the table. This allows them to effectively guide public health policies, respond to disease outbreaks, advocate for preventative measures, and make informed decisions based on evidence-based medicine, particularly when navigating complex health issues at a statewide level.

Physicians can interpret complex medical data, analyze disease trends, and develop appropriate public health interventions based on their clinical knowledge. Their medical background enables them to translate scientific research into actionable policies, advocating for legislation that promotes public health. During outbreaks or public health emergencies, a physician can quickly assess the situation, implement appropriate containment strategies, and communicate effectively with the public. Due to their medical training and

expertise, physicians in this role can build public confidence in health recommendations.

The advisory committee is also removed. When the state has a non-physician state health officer, this advisory committee is very important. When the COVID pandemic hit, our state health officer, a non-physician, depended on her physician advisors and, in fact, created a separate committee that met weekly to advise her during the pandemic.

Removing the requirement of being a physician and removing the requirement for an advisory committee would be harmful to public health in North Dakota. I urge the committee to amend the bill to ensure public health protections remain in place.

Thank you for your time today. I would be happy to answer any questions you may have.

Senate Human Services Committee
Sen. Judy Lee, chair
Testimony of Conner Swanson - Office of the Governor
January 27, 2025

Good morning, Chair Lee and members of the committee. For the record, my name is Conner Swanson. I serve as Senior Advisor to Governor Kelly Armstrong. Our office is here to testify in support of Senate Bill 2255.

Under current law passed during the 2021 legislative session, the State Health Officer is required to be a physician with substantive private or public administrative experience and public health experience. The State Health Officer is entitled to a salary commensurate with that individual's training and experience, and serves for a term of four years, regardless of who occupies the governorship.

When the health department and the human services department were merged in the fall of 2022, the State Health Officer position was left with no direct reports and a diminished list of duties. These duties are limited to providing strategy and policy advice to improve health and wellness, advising local public health and local health officers, and issuing disease control orders limited to the geographical area affected by a communicable disease.

In practice, the position's eligibility requirements have resulted in a narrow pool of candidates for the State Health Officer role, limited to physicians who are willing to forgo practicing medicine due to language preventing the holder of the position to have a conflicting position. The salary requirement and removal of direct reports have also resulted in the State Health Officer being one of the highest paid members of the governor's cabinet, with a short list of responsibilities.

SB 2255 streamlines and simplifies the qualifications required for the State Health Officer. Under these changes, the State Health Officer will continue to be appointed by the governor. The governor will be required to appoint a person with education or training in public health or private or public administrative experience.

The governor shall set the salary of the State Health Officer within the limits of legislative appropriations to the department, and the State Health Officer will serve at the pleasure of the governor. The legislation also removes the advisory committee which is appointed if the State Health Officer position is filled temporarily.

In summary, SB 2255 provides needed flexibility to the appointment of a State Health Officer. The removal of the physician requirement, conflict language, and a set 4 year term will give the governor the ability to appoint a State Health Officer who has the qualifications needed for any public health status our state encounters. Thank you for the opportunity to speak in support of SB 2255.

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2255
1/28/2025

Relating to the qualifications, term, and duties of the state health officer.

3:08 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Physician requirement on council
- Members on the council
- Relevant leadership experience
- Open record laws

3:08 p.m. Chairman Lee opened discussion.

3:35 p.m. Chairman Lee adjourned the meeting.

Andrew Ficek, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

SB 2255
1/29/2025

Relating to the qualifications, term, and duties of the state health officer.

9:14 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Flexibility
- Relevant executive experience
- Relevant private or public leadership experience
- Administrative experience

9:18 a.m. Senator Roers moved a Do Pass on amendment LC#25.1125.01001.

9:18 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

9:27 a.m. Senator Roers moved Do Pass as amended.

9:27 a.m. Senator Weston seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Roers will carry the bill.

9:28 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

January 29, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2255

Introduced by

Senators Lee, Dever, Hogan

Representatives Porter, M. Ruby

JH 1.29.25
1 of 3

1 A BILL for an Act to amend and reenact section 23-01-05 of the North Dakota Century Code,
2 relating to the qualifications, term, and duties of the state health officer.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-01-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-01-05. Health officer - Qualifications, salary, term, duties.**

7 1. The governor shall appoint ~~the~~ state health officer ~~who at the time of appointment~~
8 ~~must be a physician with substantive private or public administrative experience and~~
9 ~~public health experience. The state health officer is entitled to receive a salary~~
10 ~~commensurate with that individual's training and experience~~ who has:

11 a. Education, ~~or~~ training, ~~or~~ experience in public health; ~~or~~ and

12 b. ~~Private or public administrative~~ Relevant leadership experience.

13 2. The governor shall set the salary of the state health officer within the limits of
14 legislative appropriations to the department.

15 2-3. The state health officer is entitled to receive all necessary traveling expenses incurred
16 in the performance of official business.

17 3-4. The state health officer ~~may not engage in any other occupation or business that may~~
18 ~~conflict with the statutory duties of the state health officer and holds office for a term of~~
19 ~~four years~~ serves at the pleasure of the governor.

July 2013

1 4.5. If the office of the state health officer is filled temporarily, the governor shall The
2 commissioner of the department of health and human services may appoint at least
3 three licensed physicians recommended by the state medical association to serve as
4 an advisory committee to advise the state health officer on matters of public health as
5 requested by the state health officer. Each member of the advisory committee is
6 entitled to receive reimbursement of expenses in performing official duties in amounts
7 provided by law for other state officers. ~~The term of the advisory committee coincides~~
8 ~~with the term of the state health officer.~~ A committee member serves at the pleasure of
9 the ~~governor~~ commissioner of the department of health and human services. A meeting
10 of the advisory committee is not subject to open meeting requirements of chapter
11 44-04.

12 5.6. The duties of the state health officer are as follows:
13 a. Provide strategy and policy advice to improve health and wellness.
14 b. Serve in an advisory capacity for local public health and local health officers.
15 c. Promote the development of local health services and recommend the allocation
16 of health funds to local jurisdictions.
17 d. Issue a written order relating to a disease control measure necessary to prevent
18 the spread of a communicable disease. A disease control measure may include a
19 special immunization activity and decontamination measure.
20 (1) The state health officer shall limit a written order issued under this section to
21 the geographical area affected by the communicable disease. The state
22 health officer may not issue a statewide order under this section unless the
23 governor has declared a statewide disaster or emergency under chapter
24 37-17.1 and the governor consents to the order. The statewide order is
25 limited in duration to the duration of the declared disaster or emergency
26 unless terminated earlier pursuant to chapter 37-17.1.
27 (2) A written order issued under this section has the same effect as a
28 physician's standing medical order.
29 (3) The state health officer shall apply to the district court in a judicial district in
30 which a communicable disease is present for an injunction canceling a
31 public event or closing a place of business. On application of the state

for 303

- 1 health officer showing the necessity of the cancellation, the court may issue
- 2 an ex parte preliminary injunction, pending a full hearing.
- 3 (4) Notwithstanding any other provision of law, an order issued pursuant to this
- 4 subsection may not:
- 5 (a) Substantially burden a person's exercise of religion unless the order is
- 6 in furtherance of a compelling governmental interest and is the least
- 7 restrictive means of furthering that compelling governmental interest;
- 8 (b) Treat religious conduct more restrictively than any secular conduct of
- 9 reasonably comparable risk, unless the government demonstrates
- 10 through clear and convincing scientific evidence that a particular
- 11 religious activity poses an extraordinary health risk; or
- 12 (c) Treat religious conduct more restrictively than comparable secular
- 13 conduct because of alleged economic need or benefit.
- 14 (5) A person claiming to be aggrieved by a violation of paragraph 1 may assert
- 15 that violation as a claim or defense in a judicial proceeding and obtain
- 16 appropriate relief, including costs and reasonable attorney's fees.
- 17 e. Perform all duties required or provided by law.

**REPORT OF STANDING COMMITTEE
SB 2255**

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS** ([25.1125.01001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2255 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE HUMAN SERVICES

SB 2255

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2255
3/5/2025

Relating to the qualifications, term, and duties of the state health officer.

4:22 p.m. Chairman M. Ruby opened the hearing.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Discussion Topics:

- Simplification of qualifications for the State Health Officer

4:22 p.m. Conner Swanson, Senior Advisor to Governor Kelly Armstrong, testified in support and submitted testimony #38715.

4:31 p.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk

Senate Human Services Committee
Rep. Matt Ruby, chair
Testimony of Conner Swanson - Office of the Governor
March 5, 2025

Good morning, Chair Ruby and members of the committee. For the record, my name is Conner Swanson. I serve as Senior Advisor to Governor Kelly Armstrong. Our office is here to testify in support of Senate Bill 2255.

Under current law passed during the 2021 legislative session, the State Health Officer is required to be a physician with substantive private or public administrative experience and public health experience. The State Health Officer is entitled to a salary commensurate with that individual's training and experience, and serves for a term of four years, regardless of who occupies the governorship.

When the health department and the human services department were merged in the fall of 2022, the State Health Officer position was left with no direct reports and a diminished list of duties. These duties are limited to providing strategy and policy advice to improve health and wellness, advising local public health and local health officers, and issuing disease control orders limited to the geographical area affected by a communicable disease.

In practice, the position's eligibility requirements have resulted in a narrow pool of candidates for the State Health Officer role, limited to physicians who are willing to forgo practicing medicine due to language in statute preventing the holder of the position from having a conflicting position. The salary requirement and removal of direct reports have also resulted in the State Health Officer being one of the highest paid members of the governor's cabinet, with a short list of responsibilities.

SB 2255 streamlines and simplifies the qualifications required for the State Health Officer. Under these changes, the State Health Officer will continue to be appointed by the governor. The governor will be required to appoint a person with education, training, or experience in public health and with relevant leadership experience.

The governor shall set the salary of the State Health Officer within the limits of legislative appropriations to the department, and the State Health Officer will serve at the pleasure of the governor. The legislation allows the Commissioner of the Department of Health and Human Services to appoint an advisory committee to advise the State Health Officer on matters of public health as needed, increasing the level of experience available to the State Health Officer if he or she needs assistance in making informed decisions.

In summary, SB 2255 provides needed flexibility to the appointment of a State Health Officer. The removal of the physician requirement, conflict language, and a set 4-year term will give the governor the ability to appoint a State Health Officer who has the

qualifications needed for any public health challenge our state encounters. Thank you for the opportunity to speak in support of SB 2255.

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2255
3/19/2025

Relating to the qualifications, term, and duties of the state health officer.

9:02 a.m. Chairman M. Ruby opened the hearing.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rohr

Members Absent: Representatives Davis, Rios

Discussion Topics:

- Committee action

9:02 a.m. Representative Dobervich moved a Do Pass.

9:02 a.m. Representative Rohr seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	AB
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	AB
Representative Karen Rohr	Y

9:05 a.m. Motion passed 11-0-2.

Representative Beltz will carry the bill.

9:05 a.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2255 ([25.1125.02000](#))**

Human Services Committee (Rep. M. Ruby, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). SB 2255 was placed on the Fourteenth order on the calendar.