

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2344

2007 SENATE EDUCATION

SB 2344

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2344

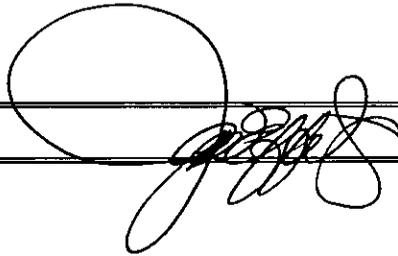
Senate Education Committee

Check here for Conference Committee

Hearing Date: January 30, 2007

Recorder Job Number: 2262, 2326

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on SB 2344, a bill relating to the preparation and provision of meals by institutions of higher education and school districts. All members were present.

Senator Gary Lee introduced the bill. (Written testimony attached)

Nicki Weissman, North Dakota Hospitality Association, testified in favor of the bill. (Written testimony attached)

Senator Flakoll asked if she could explain the differences in tax structure.

Ms. Weissman said she is not a tax expert. She believes the colleges get advantageous tax treatment.

Senator Flakoll said last week he heard a bill that involves school children raising a garden and ultimately selling their produce at a farmer's market. Would this bill prohibit that project?

Ms. Weissman asked if he meant the colleges or the farmers.

Senator Flakoll said the school district.

Ms. Weissman said if it was a town of under 5000 people, it would not be a problem.

Senator Taylor said the meals on wheels shows a \$1.3 million on the fiscal note, are there other institutions that could provide those meals?

Ms. Weissman said in Minot the city does it. Pete Zimmerman with the Holiday Inn brought up that example and he says it works very well. She does not have knowledge of Bismarck.

Senator Taylor said if the city does it, is that helping private business?

Ms. Weissman said that is a good point.

Senator Bakke asked the estimated loss to the private sector because of this issue.

Ms. Weissman said she doesn't know. If the Holiday Inn catered a dinner for 1000 people and it was \$16 - \$18 per person, that would be a big potential amount of dollars. There are many hotels across the state that run into this. The hoteliers are the one who don't like to compete against the colleges.

Chairman Freborg said the fiscal note showed a \$1.3 million negative on revenue.

Senator Gary Lee asked if she agrees with the fiscal note. Is there a portion businesses would like to capture themselves?

Ms. Weissman said she doesn't know but she is sure they wouldn't mind having that.

Senator Flakoll said he has a case in his community where one non profit could not find anyone to bring their food in but they were able to work it out with one of the campuses at a good rate. If someone else was going to come in and charge a rate say \$2 per person more, won't the state be subsidizing those private businesses because they are going to be paying for the non profit.

Ms. Weissman said does he mean the state is paying for it because they are funding the non profit?

Senator Flakoll said in the case where the non profit receives money from the state to provide meals for certain sectors, free and reduced for example, in a non school setting. We have to pay for that by the state but we can't get the best rate, won't the state be subsidizing the private businesses?

Ms. Weissman said that is probably a good point. There are several people across the state, for example in Steele, but that person could not be here because of an illness with her husband and the hoteliers have very busy schedules but they are concerned.

Senator Flakoll asked why it is limited to 5000.

Ms. Weissman said that is where they wanted to go with it.

Dixie Schultz, Child Nutrition Director for Mandan Public Schools, testified in opposition to the bill. (Written testimony attached)

Ms. Schultz submitted testimony from Mark Lemer, Business Manager and Jan Sliper, Food Services Director, West Fargo Public Schools. (Written testimony attached)

Chairman Freborg asked if she is sure furnishing food for a school board meeting would be prohibited by the bill? Would that not be considered a program affiliated with the school?

Ms. Schultz said she wasn't sure, it would be difficult if some people could have a meal and some could not.

Chairman Freborg said he wouldn't think it would matter who attends a school board meeting, it would be considered a school function.

Prakash Mathew, Vice President for Student Affairs, NDSU, testified in opposition to the bill. (Written testimony attached)

Senator Gary Lee asked if the Meals on Wheels contract is a competitive bid.

Mr. Mathews said yes, someone else will speak about that.

Senator Flakoll asked if the Alumni Center is considered off campus.

Mr. Mathews said they consider it to be on campus. The only income that they get that is from events not affiliated with the university is \$50,000. That is unsolicited.

Senator Flakoll asked how many non duplicated senior meals are served per year.

Mr. Mathews said he did not know.

Senator Taylor asked of the \$50,000 off campus, they are not alumni groups or other groups organized by the university?

Mr. Mathews said the events are not organized by the university, the people are affiliated with the university and may have attended an event at the alumni center and liked the quality of service and the product so they come to NDSU for those food services. It is 6 or 7 small events.

Senator Gary Lee asked if they would not be able to provide services to the Alumni Center.

Mr. Mathews said they are assuming no change in the alumni center, they are one of 7 caterers that serve the alumni center. The customers can pick and choose.

Brian Arett, executive director of the Fargo Senior Commission, testified in opposition to the bill. (Written testimony attached)

Linda Glaser, Director of Child Nutrition Programs, Department of Public Instruction, testified in opposition to the bill. (Written testimony attached)

Bev Neilson, North Dakota School Boards Association, testified in opposition to the bill. The way the bill is worded, in Higher Education it is permitted to serve on their own property but it does not say that for the public schools, it would clarify a lot if that wording was changed.

Those community schools which choose to serve child care centers or head start programs are doing a service for their communities by serving those non profits. In the Fargo area, this bill would be great for Concordia's food services.

Chuck Fleming, Marketing Director for the North Dakota Department of Agriculture said he was not necessarily opposed to the bill but is concerned about its affect on their joint project with Department of Public Instruction and Extension for school gardening. They worked with the 4th grade in Burlington and the Granville FFA in planting gardens. At Granville, they sold at the

farmer's market. If they were in communities over 5000 population, they would not be able to sell at the farmer's market and that is an important part of their projects.

Chairman Freborg closed the hearing on SB 2344.

Senator Gary Lee said he was ready to shoot the dog but the parties have an interest in fixing the bill. He will have an amendment by tomorrow.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2344

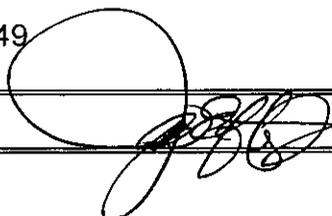
Senate Education Committee

Check here for Conference Committee

Hearing Date: January 31, 2007

Recorder Job Number: 2449

Committee Clerk Signature



Minutes:

Chairman Freborg opened the discussion on SB 2344.

Senator Gary Lee the intent of the bill is to level the playing field between university and school district food services and private business. The universities and school districts had some issues. He sat down with all parties and they have worked out a solution which is a hog house amendment to the bill. In a lot of cases the school district or university food service is the only possible provider of these meals and services. It would allow NDSU to continue providing meals for the Meals on Wheels program. It makes the bill better; it cleans up the areas of concern and may take away the fiscal note.

Senator Gary Lee moved amendment 70832.0102, second by Senator Flakoll.

Senator Taylor said if it takes away the fiscal note, it has not really removed the concerns of private industry.

Senator Gary Lee said one issue was Meals on Wheels, now NDSU would be able to keep providing that service.

Senator Taylor asked how the amendment still permits Meals on Wheels. He reviewed the language and thinks he now understands.

Senator Flakoll confirmed the legislative intent is to allow NDSU to furnish meals for Meals on Wheels.

Senator Gary Lee said that is correct, that is the intent and the agreement. Anita Thomas wrote the amendment.

Chairman Freborg discussed the need for a new fiscal note. Senator Gary Lee will check into it.

The motion passed 5-0-0.

Senator Gary Lee moved a Do Pass As Amended on SB 2344, second by Senator Taylor.

The motion passed 5-0-0. Senator Gary Lee will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 04/16/2007

Amendment to: Engrossed
 SB 2344

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$175,000)		(\$175,000)
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Limits off-campus catering to those events organized predominantly for persons and events affiliated with the institution.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Loss of auxiliary revenues in dining services.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Estimated loss of revenue to dining services based on limiting off-campus catering events. The off-campus events help subsidize the cost of dining services, which helps keep down meal costs for all students. Largest revenue loss at UND from bakery service sales to Altru Hospital.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Laura Glatt	Agency:	NDUS
Phone Number:	328-4116	Date Prepared:	04/16/2007

FISCAL NOTE
 Requested by Legislative Council
 03/16/2007

Amendment to: Engrossed
 SB 2344

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$200,000)		(\$200,000)
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Limits off-campus catering to those events organized predominantly for persons and events affiliated with the institution.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Loss of auxiliary revenues in dining services.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Estimated loss of revenue to dining services based on limiting off-campus catering events. The off-campus events help subsidize the cost of dining services, which helps keep down meal costs for all students.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Laura Glatt	Agency:	NDUS
Phone Number:	328-4116	Date Prepared:	03/19/2007

FISCAL NOTE
 Requested by Legislative Council
 02/02/2007

Amendment to: SB 2344

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$200,000)		(\$200,000)
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Limits off-campus catering to those events organized predominantly for persons and events affiliated with the institution.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Loss of auxiliary revenues in dining services.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Estimated loss of revenue to dining services based on limiting off-campus catering events. The off-campus events help subsidize the cost of dining services, which helps keep down meal costs for all students.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Laura Glatt	Agency:	NDUS
Phone Number:	328-4116	Date Prepared:	02/02/2007

FISCAL NOTE
Requested by Legislative Council
01/22/2007

Bill/Resolution No.: SB 2344

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				(\$1,320,000)		(\$1,500,000)
Expenditures						
Appropriations						

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

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Limits off-campus catering to those events organized predominantly for persons and events affiliated with the institution.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Loss of auxiliary revenues in dining services.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Estimated loss of revenue to dining services based on limiting off-campus catering events. The off-campus events help subsidize the cost of dining services, which helps keep down meal costs for all students. Also, catering services are provided for community needs at times, such as Meals of Wheels, were no other alternatives are available.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Laura Glatt	Agency:	NDUS
Phone Number:	328-4116	Date Prepared:	01/24/2007

PROPOSED AMENDMENTS TO SENATE BILL NO. 2344

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-17.4 of the North Dakota Century Code is amended and reenacted as follows:

15-10-17.4. Contract - Preparation and provision of meals - Policy. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event that is not held on property owned by the institution if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such contracts services and specifically ~~addressing~~ addresses issues related to competition with private sector entities. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.

SECTION 2. AMENDMENT. Section 15.1-35-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-35-08. Contract - Preparation and provision of meals.

1. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the school district and may provide catering services for an event not held on property of the school district, ~~provided any person that wishes to enter a contract with the board under this section first demonstrates to the satisfaction of the board that there are no~~ if the event is organized predominantly for persons affiliated with the school district, the event is held predominantly for persons enrolled in or employed by the school district, or the event is held under the auspices of the district, provided the board of the district first establishes a policy regarding such services and specifically addresses issues related to competition with private sector entities ~~able and willing to enter into such a contract.~~
2. The board of a school district may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the district~~ the services permitted under this section.
3. ~~An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution."~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2344: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2344 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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2. The board of a school district may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the district~~ the services permitted under this section.
3. ~~An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution."~~

Renumber accordingly

2007 HOUSE EDUCATION

SB 2344

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2344**

House Education Committee

Check here for Conference Committee

Hearing Date: **12 February 2007**

Recorder Job Number: **3382**

Committee Clerk Signature



Minutes:

Senator Gary Lee, District 22, introduced the bill. (Testimony Attached.) He advised the Committee that there may be some more work to be done on this bill. There may some more questions on the language of the bill.

Senator David O'Connell, District 6, also a sponsor of the bill, testified in favor of the bill except in Section 2, I am worried about the campus at Bottineau and where it says school district in the bill. I talked to the university system upstairs and they think it should mention "campus"—any campus under 5000. In Bottineau they are the only ones in the city that does this kind of work. That's the concern we have. I talked to Senator Lee and if that change could be made, it would be good.

Chairman Kelsch: So it would read "any school district or campus under 5000."

Representative Herbel: Do you want it to read campus under 5000? Or city of 5000?

Senator O'Connell: It should be city under 5000.

Robert Harms, lobbyist for the ND Hospitality Association, testified in favor of the bill.

(Testimony Attached.) We are in favor of getting publicly-funded entities out of the catering business where they compete unfairly with private sector catering businesses. He discussed some amendments the Hospitality Association proposed. **(Attached.)**

Representative Wall: Would you clarify for me the 5000 persons?

Harms: What we are proposing in the amendment that in higher education there be three exceptions that can cater and those are in communities of 5000 or less if the board is satisfied that no one else can provide those services then they can enter into catering activity. I wanted also to mention one other thing. We've had discussion with NDSU and members of the higher education community who were supportive of the amendment that Senator O'Connell mentioned that would accommodate smaller colleges such as Bottineau and Mayville. Secondly, I wanted to add that we have spoken with NDSU particularly and they have a program where they provide service for meals on wheels and we think the current bill the way it is written accommodates that and we support that provision.

Chairman Kelsch: What precipitated the changes?

Harms: Over the last couple of years we have heard of a couple of instances where, particularly on the higher education side, are catering events off campus where they are essentially competing private business and they have the advantage of being publicly funded and paying considerably less for insurance, wages, overhead, and facilities. That's the driver for the bill. The K-12 component was less of a concern and we're not intending to have any impact on concessions in the schools that are currently taking place.

Chairman Kelsch: How does it affect the programs that currently provide meals for Head Start or other programs such as that?

Harms: There is a program with Head Start in place and I think you will hear from proponents on that. The current law says that if the school satisfies itself that no one else in the community is willing and able to provide those services; we think the engrossed bill probably expands that activity. That's one of the reasons we advanced that amendment you have in front of you. From the Hospitality standpoint, we think we may have lost ground in Section 2 of the engrossed bill. But we would be comfortable with that.

Representative Haas: What about the instance where a university contracts with a private enterprise third party for food services? There are instances of that now.

Harms: What we would envision is if the university is using a third-party contractor, that contractor steps into the shoes of the university. I don't think we make a distinction there. It's just where the university or their third-party contractor is competing off campus then they have to satisfy one of those exceptions in the engrossed bill.

Representative Mueller: It is conceivable that a food service company within the community of the college might exist could be that third party that was referenced. How would that work in to the position you are taking on the bill.

Harms: If the third party, in the bill as it is written, applies to the institutions of higher education, not to those they contract. For example, let's say I'm the president of Dickinson State and I have a contract with a company in Dickinson to provide our food service for Dickinson State, you also have your independent company that is engaged is catering activities. We don't think the bill would affect your private business activities competing with another private food company that is located in the same community for catering services. I don't think the bill is intended to impact private sector activities. It is designed to apply to higher education.

Representative Wall: Under letter "c" it says unless the event is held under the auspices of the college. What do auspices mean to you?

Harms: The usual and ordinary meaning of the word. Let's say NDSU is hosting a NCAA event at the Ramada—it would be under the auspices of NDSU. What we are getting to is when the Chamber of Commerce has a function at the Ramada, that function is not to be catered by NDSU.

Janna Stoskopf, dean of Student Life at North Dakota State University, testified in favor of the bill. (Testimony Attached.)

Representative Hunskor: What is your response to the proposed amendments?

Stoskopf: Although I have not seen the proposed amendments, from the discussion I don't anticipate it would have any affect on us.

Brian Arett, executive director of the Fargo Senior Commission, Inc., testified in favor of the bill as engrossed. (Testimony Attached.)

Representative Mueller: Maybe you are seeing something in this bill that I am not. You said in lines 7-9 you are reading into it that catering work by NDSU for the seniors program wouldn't be affected. Explain to me how you are finding that in those lines.

Arett: The key is may. . . That tells me that if you are a program as we are, they will be able to enter into contract with us.

Representative Mueller: Did I hear you say your program is affiliated with NDSU.

Arett: No, only that we contract with them. If this language is not accomplishing what I think it is, then we don't support this bill as it will have a significant impact on our program and it needs to be clarified to make an allowance for meals for the elderly. I would ask that that change be made. That would be a significant impact on our agency. It would be quite a disruption if we were not able to work with NDSU. It may drive us to catering business across the river. There are a couple of higher education institutions that we would have to contact to try to control our costs.

Representative Herbel: Speaking of that—does Morehead State do any catering services?

Arett: They do catering. I don't know the extent of the catering they do. More than Morehead State, Concordia College does a significant amount of catering with organizations not affiliated with the University.

Opposition:

Jim Borkowski, Minot State University in Bottineau, testified in opposition to the bill. We are in opposition to the bill for several reasons. I want to make a point of clarification.

Sedesko Food Services does provide our total food service operation for our campus. I'm

somewhat confused as to whether this bill applies to us or not, but I'm going to proceed as if it does. In the city of Bottineau, Sedesco Operations is the only caterer that is capable of providing services for large events such as annual meetings, weddings, reunions and things of that nature. Their annual revenues are not that large, they are \$50.0 - \$60.0 and 80% of that is not related to campus operations. They employ part-time students that help them in their operations. Those positions would be lost. As part of the catering operations, MSUB does receive 12.5% of the catering revenues which amounts to about \$5.0 - \$7.0 per year. These revenues are used to partially fund the annual maintenance cost of the cafeteria and for equipment replacement within the cafeteria. The bottom line is if Sedesco were not allowed to do catering services in the community, it would mean an increased cost to our students not only the loss of employment and the revenues. That would mean a loss of about \$15.0 - \$20.0 that would have to be passed on to our students. That would represent an increase of about 1% annually to each of our students.

Representative Haas: I'm still trying to clear the muddy water with the third-party contractor like Sedesco. When they prepare a catered service for some function that is totally unrelated to the state school, do they use your facility to prepare it?

Borkowski: That is correct.

Representative Herbel: What's the fiscal note on this?

Chairman Kelsch: It's a negative. The schools are now receiving money for doing this and this represents the loss of revenue. What they are doing now is using these funds to subsidize student meals and keep those student meal costs low.

Allison, Dybing-Driessen, director of Early Explorer Head Start in North Central ND,

testified in opposition to the bill. I am deeply concerned at the language of this bill and its impact on Head Start and child care programs across the state of ND. We are programs not

directly affiliated with the public schools. If SB 2344 passes, it may impact our ability to

contract for services with public schools. Public schools are natural partners for Head Start programs. Many of our classrooms are located within the public schools. The meals are developmentally appropriate. My program advertises annually for food services in the communities we serve. All food service providers have the opportunity to submit a bid. Restaurants have contacted the program to find out more information and have determined there is just not enough money to make it worth their interest. We are not a large ticket item. We are looking at two different issues. We are looking at catered events and on-going contractual services. I ask the Committee to revisit the language in this bill and differentiate from catered to on-going contractual services so we may continue to provide the highest quality food to low income families.

JoAnn Braeger, director, West River Head Start in SouthCentral ND, testified in opposition to the bill. (Testimony Attached.)

Miss Brager distributed a letter that **Sharon A. Hanson** wrote to Representative Haas for the Committee to review. **(Attached.)**

Representative Mueller: One part of the bill we have before us talks about events under the auspices of the district. Is there any way that the Head Start people could be in some way tied into the auspices of the district?

Brager: We have collaborative agreements with the local public school. It's a requirement of the Head Start performance standards to have those agreements. We, speaking for West River Head Start, our grantee is HIT Incorporated. It is a private non-profit agency. We are not under the auspices of the public schools.

Representative Mueller: If we pass HB 1320, we could make the case.

Brager: I look forward to the passing of that bill.

Chairman Kelsch: It may not impact every Head Start.

Cherrie Johnson, family support coordinator for the Carson Head Start Center, testified in opposition to the bill. (Testimony Attached.)

Representative Haas: Is the Roosevelt Public School District your fiscal agent? Or are you simply a cooperative agreement?

Johnson: HIT Inc. is our grantee. We cooperate with the school system and we are in their building, but they are not our grantee.

Caitlin McDonald, on behalf of the YMCAs of North Dakota, testified that they are neither in support or oppose HB 2344. (Testimony Attached.) They have some concerns about how it will be interpreted and stated they are willing to work with the Committee to work on the bill.

Dean Kinnoin, manager, Child and Adult Care Food Program, DPI, testified in opposition to the bill. (Testimony Attached.)

There was no further testimony. Chairman Kelsch closed the hearing of SB 2344.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2344**

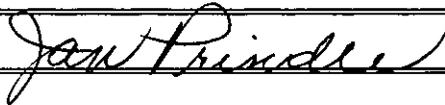
House Education Committee

Check here for Conference Committee

Hearing Date: **27 February 2007**

Recorder Job Number: **4013**

Committee Clerk Signature



Minutes:

Chairman Kelsch opened discussion of SB 2344. I've been thinking about putting this into a subcommittee. Bev, I have a question for you. You visited with me last Friday about this bill. On you amendments you write "leave all current law" and then add this language, "this section does not apply to programs that are operated on school premises or that are approved by the DPI under the federal child nutrition guidelines." Are you saying we should leave the law as it is in the code or leave the bill as amended in the senate and add this language?

Bev Nielson: My understanding is that you leave the current law, not the bill, and then indicate that you can serve anything on your property and you can serve programs that are required to abide by those guidelines—that would be the day cares.

Chairman Kelsch: Would that include Head Start, the YMCAs, the YHWCA's and those programs?

Nielson: Correct, and the non profits.

Representative Wall: They are covered under the old law?

Nielson: We weren't clear under the old law that we could serve any thing we wanted on our own property. That's unclear. The two things we wanted were: 1.) clear permission to serve whatever you want on your own property and 2.) That schools could serve, if they were asked,

these programs that are under government guidelines for food and nutrition. The food service programs at the school go under those guidelines.

Representative Hanson: Does that include your state institutions like the colleges.

Nielson: We were referring only to K-12 education—in that section. I don't think colleges are required to go by those federal guidelines for the food they serve. We're just concerned about the elementary and secondary portion of the bill.

Representative Haas: Then we would leave the language the way it is in section 2 and leave section 1 the way it is in the engrossed bill?

Chairman Kelsch: I think that even after this bill was passed last session this is an issue on which the school districts wanted further clarification. I have concerns about this bill. I will put it in a subcommittee just to make sure that we have it correct and assure that it has no unintended consequences.

Representative Johnson: I think you have amendments there to make exemptions for populations of 5,000. I'd like to see that as 7,500 to address Devil's Lake.

Chairman Kelsch: Representative Wall, Representative D. Johnson, and Representative Hanson will serve on the subcommittee. Work with the hospitality association and others. School districts have some concerns. I want you to verify that Head Start will be comfortable with the bill. There are too many nonprofits that are affected by something like this and we want to make sure we don't have any unintended consequences.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2344**

House Education Committee

Check here for Conference Committee

Hearing Date: **13 March 2007**

Recorder Job Number: **5001**

Committee Clerk Signature



Minutes:

Vice Chairman Meier opened discussion of SB 2344.

Representative Wall discussed the amendment he presented. Section 1, line 10 starting with the word "that" to the end of the line is removed; line 11 "the institution" has been removed; number 2 is new language and says, "limitations do not apply to an institution under the state board of education if no private sector entity located in the same city is capable . . ." Under Section 2, number 1.b is new language regarding child care centers. . . This specific language is there for the protection of YMCAs and a host of other non profits. What was number 3 is deleted. It should never have been there since it deals with higher education. The stakeholders who gave testimony were involved in the drafting of this amendment. There are no major changes. The bill as introduced was too restrictive and the Senate amended it. Those amendments for the most part are still in place. It allows for institutions of higher education to serve the needs of staff students and alumni. I think the fiscal note was prepared for the fiscal bill and wasn't changed. I find it hard to believe this would cause a loss of \$400.0 to higher ed or to public schools. That's conjecture on my part.

Representative Hanson: What's the penalty of violation of any of this?

Representative Wall: I'm not aware that there is one.

Anita Thomas: There is no penalty; it is just a policy direction.

Representative Hunskor: Are colleges who had a concern over this—are they okay with this.

Representative Wall: We had no college officials at our subcommittee meetings. I don't believe we had any give testimony originally. We have not put in jeopardy their ability to serve on campus students, off campus students, alumni, etc. Section 1, number 2, takes care of that.

Vice Chairman Meier: We'll stand at ease until the chairman comes back.

Chairman Kelsch returned and Representative Wall gave a quick summation of the changes.

Representative Wall: I move the amendments.

Representative Johnson: I second.

Representative Hunskor: In MSU Bottineau's case, could they host this on their campus. I thought I heard you say they couldn't; if they were doing an activity in their dining hall?

Representative Wall: They could host it, but it depends on who they were hosting. Alumni, basketball teams, etc., is it under the auspices of the college?

Chairman Kelsch: The activities they do, are they always under the auspices of the institution?

Representative Hunskor: I would say that but if they are hosting another group of folks for whatever reason, say a large group and there is no other facility in town that has the capacity that still could be on the campus grounds. I don't think there is anything here to preclude that.

Representative Wall: Under Section 1, number 2, that covers it.

A voice vote was taken on the amendment (70832.0204). The amendment was accepted.

Representative Haas: I move Do Pass as Amended.

Representative Mueller: I second.

A roll call vote was taken: Yes: 12, No: 1, Absent: 0

Representative Wall will carry the bill.

**House Amendments to Engrossed SB 2344 (70832.0204) - Education Committee
03/14/2007**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-17.4 of the North Dakota Century Code is amended and reenacted as follows:

15-10-17.4. Contract - Preparation and provision of meals - Policy.

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such ~~contracts~~ services and specifically ~~addressing~~ addresses issues related to competition with private sector entities.
2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
 - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
 - b. Provide the catering services for a specific event.
3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.

SECTION 2. AMENDMENT. Section 15.1-35-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-35-08. Contract - Preparation and provision of meals.

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
 - a. Are hosted by or under the auspices of the school district; or
 - b. Involve child care centers participating in the Child and Adult Care Food Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].

2. a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs ~~not affiliated with the school district~~ other than those in subsection 1, provided any person that wishes to enter a contract with the board under this ~~section~~ subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
2. b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services ~~for persons or programs not affiliated with the district~~ under this section.
3. ~~An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution."~~

Renumber accordingly

Date: 13 March 07

Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2344

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 70832.0204

Action Taken Amend as above

Motion Made By Wall Seconded By Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch			Rep Hanson		
V Chairman Meier			Rep Hunskor		
Rep Haas			Rep Mueller		
Rep Herbel			Rep Myxter		
Rep Johnson			Rep Solberg		
Rep Karls					
Rep Sukut					
Rep Wall					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

Carried

Date: 13 Nov 07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2344

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 10532.0204

Action Taken Do Pass as Amended

Motion Made By Haas Seconded By Mueller

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch		✓	Rep Hanson	✓	
V Chairman Meier	✓		Rep Hunskor	✓	
Rep Haas	✓		Rep Mueller	✓	
Rep Herbel	✓		Rep Myxter	✓	
Rep Johnson	✓		Rep Solberg	✓	
Rep Karls	✓				
Rep Sukut	✓				
Rep Wall	✓				

Total Yes 12 No 1

Absent 0

Floor Assignment Stall

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

REPORT OF STANDING COMMITTEE

SB 2344, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2344 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-17.4 of the North Dakota Century Code is amended and reenacted as follows:

15-10-17.4. Contract - Preparation and provision of meals - Policy.

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such ~~contracts~~ services and specifically ~~addressing~~ addresses issues related to competition with private sector entities.
2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
 - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
 - b. Provide the catering services for a specific event.
3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.

SECTION 2. AMENDMENT. Section 15.1-35-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-35-08. Contract - Preparation and provision of meals.

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
 - a. Are hosted by or under the auspices of the school district; or

- b. Involve child care centers participating in the Child and Adult Care Food Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].
2. a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs ~~not affiliated with the school district other than those in subsection 1,~~ provided any person that wishes to enter a contract with the board under this ~~section~~ subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
2. b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services ~~for persons or programs not affiliated with the district~~ under this section.
3. ~~An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution."~~

Renumber accordingly

2007 SENATE EDUCATION

CONFERENCE COMMITTEE

SB 2344

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2344

Senate Education Committee

Check here for Conference Committee

Hearing Date: April 4, 2007

Recorder Job Number: 5720

Committee Clerk Signature

Minutes:

Senator Gary Lee opened the meeting of the conference committee on SB 2344. All members were present.

Senator Gary Lee said this bill has traveled quite a distance. There has been a lot of work done on it. He asked someone from the House to explain the House amendments.

Representative Wall said the House had concerns they tried to address with input from the major stakeholders including non profit groups, the YMCA, day care providers, school board association, North Dakota Restaurant and Lodging, Beverage Association. He reviewed the changes in the .0300 engrossment. (meter 1:35)

Senator Bakke said she has passed out proposed amendment .0302 which was brought to her by Senator O'Connell. There is a concern by the university in Bottineau where food service is provided by a private entity. This business also caters to the public. The university fears this business might pull out of their agreement with the university and they would be left without food service. Bottineau is asking for the addition of number 4 to section 1, that is the only new thing in the amendment, the rest is exactly like the House version. At Bottineau, the private business pays the university for use of their facilities and equipment and the university pays

the business for providing meats. This is a cost savings rather than hiring staff to do food service. They have met with the hospitality people and they have no problem with this.

Representative Wall asked if this is already covered in the bill as it is?

Senator Bakke said Bottineau thought this was necessary and asked for the provision.

Representative Wall asked if there is someone in Bottineau in the private sector that would replace this contract service that would prepare on site off campus, is that the concern? He is not seeing what is causing their concern.

Senator Bakke said Bottineau's concern is they have this private entity that depends on being able to cater not only at the University and for university functions but also out in the community. They are probably one of the few that does it in the community. Their concern is they don't want this group to see the law, think they aren't allowed to cater to the public and pull out of the university food service contract.

Senator Gary Lee asked out section 4 which is added bring clarity or do anything different that what is already in subsections 1, 2 and 3. It seems like it does precisely the same thing.

Senator Bakke said in sections 1, 2 and 3 it says the university would have to go out and contact all the caterers in Bottineau that would be capable of catering a wedding and get something in writing that they would not be able to do it before their private contractor could do a catering job. This amendment would not force them to jump through these hoops.

Senator Gary Lee said it seems like they are already able to contract, they can provide the snacks, it seems like it is restating it.

Senator Bakke said this is just a request that was made to clarify it.

Senator Bakke moved amendment .0302, seconded by Representative Hanson.

Representative Wall said he is slow to react because he is trying to understand the language in number 4. It almost has a double meaning.

Senator Gary Lee asked if it would help if the drafter of the language would answer questions.

Representative Wall said that would help greatly.

Anita Thomas, Legislative Council, appeared to answer question. She said section 4 adds some clarity. Sections 1, 2 and 3 talked about what institutions can and cannot do. None of that is changed in the amendment. Subsection 4 just says in a particular instance where you have a private contractor providing services on campus, this bill does not impact what the private contractor does. That private contractor is not an institution of higher education.

Representative Wall asked if number 4 could be construed as creating another problem, where the private sector could say to a college, you have to open up your kitchens and your dinnerware so we can use it?

Anita Thomas said that is getting into contractual issues. This bill doesn't address what kind of contract exists between an institution of higher education and a private sector business.

Representative Wall said a contract would have to be signed.

Anita Thomas said correct. Whatever limitations would govern the institution in terms of contracts would apply.

The motion passed 6 – 0.

Senator Gary Lee adjourned the meeting of the conference committee.

[Handwritten signature]
4-4-7
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2344

That the House recede from its amendments as printed on pages 909 and 910 of the Senate Journal and pages 1030 and 1031 of the House Journal and that Engrossed Senate Bill No. 2344 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-17.4 of the North Dakota Century Code is amended and reenacted as follows:

15-10-17.4. Contract - Preparation and provision of meals - Policy.

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such ~~contracts~~ services and specifically addressing ~~addresses~~ issues related to competition with private sector entities.
2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
 - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
 - b. Provide the catering services for a specific event.
3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.
4. Nothing in this section may be construed to limit the activities of a private sector entity that provides meals, snacks, or other food services to an institution of higher education under the provisions of a contract.

SECTION 2. AMENDMENT. Section 15.1-35-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-35-08. Contract - Preparation and provision of meals.

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
 - a. Are hosted by or under the auspices of the school district; or
 - b. Involve child care centers participating in the Child and Adult Care Food Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].
2. a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs ~~not affiliated with the school district~~ other than those in subsection 1, provided any person that wishes to enter a contract with the board under this ~~section~~ subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
2. b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services ~~for persons or programs not affiliated with the district~~ under this section.
3. ~~An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution."~~

Renumber accordingly

Date: 4/4/07
Roll Call Vote #: 1

2007 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2344

Senate Conference _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move the amendment (House recals and amend)

Motion Made By SBakke Seconded By Rep. Hanson

Senators	Yes	No	Representatives	Yes	No
Senator Gary Lee	✓		Representative Wall	✓	
Senator Freborg	✓		Representative D. Johnson	✓	
Senator Bakke	✓		Representative Hanson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

REPORT OF CONFERENCE COMMITTEE

SB 2344, as engrossed: Your conference committee (Sens. G. Lee, Freborg, Bakke and Reps. Wall, D. Johnson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 909-910, adopt amendments as follows, and place SB 2344 on the Seventh order:

That the House recede from its amendments as printed on pages 909 and 910 of the Senate Journal and pages 1030 and 1031 of the House Journal and that Engrossed Senate Bill No. 2344 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-17.4 of the North Dakota Century Code is amended and reenacted as follows:

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2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
 - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
 - b. Provide the catering services for a specific event.
3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.
4. Nothing in this section may be construed to limit the activities of a private sector entity that provides meals, snacks, or other food services to an institution of higher education under the provisions of a contract.

SECTION 2. AMENDMENT. Section 15.1-35-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-35-08. Contract - Preparation and provision of meals.

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
 - a. Are hosted by or under the auspices of the school district; or
 - b. Involve child care centers participating in the Child and Adult Care Food Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].
2. a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs ~~not affiliated with the school district~~ other than those in subsection 1, provided any person that wishes to enter a contract with the board under this ~~section~~ subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
2. b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services ~~for persons or programs not affiliated with the district~~ under this section.
3. ~~An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution."~~

Renumber accordingly

Engrossed SB 2344 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

SB 2344

January 30, 2007

SB 2344 – Preparation & Provision of meals at institutions of higher education & school districts.

Chairman Freborg & members of the Senate Education Committee, for the record I am District 22 Senator Gary A. Lee.

This bill comes at the request of some private business owners that would like to ensure a level playing field when it comes to competing for food catering & meal preparation business in their communities.

These businesses desire to be good community partners. But do feel they are at an unfair advantage if required to compete with a university or school district for this business.

Changes to these sections of code will more clearly spell out where services can be provided by both entities.

Bill Walk Through:

Section 1 – more clearly delineates the accountabilities institutions of higher education have in providing catering services. It essentially allows colleges & universities to cater meals on their property, at events organized primarily for or under the auspices of the institution.

Section 2 – intends to offer a more understandable description of what a school district may offer in their communities. It addresses those school districts in a city with greater than 5000 population**. It wouldn't allow them to provide meal services for persons or programs not affiliated with the school districts.

Mr. Chairman, that is the bill. I would attempt to answer any questions.

**By 2000 census cities >5000 population:

Bismarck, Grand Forks, Fargo, West Fargo, Devils Lake, Dickinson, Jamestown, Mandan, Minot, Valley City, Wahpeton, Williston.



ND's Restaurant, Lodging & Beverage Association



P.O. Box 428 • Bismarck, ND 58502 • Phone: 701-223-3313 • Fax: 701-223-0215
E-mail: ndha@btinet.net • www.ndhospitality.com



Education Committee
North Dakota Senate
January 30, 2007

SB 2344 (Prohibit catering by NDUS and school districts)

Chairman Freborg and members of the Committee, my name is Nicki Weissman. I am the lobbyist for the North Dakota Hospitality Association which has over 350 members in North Dakota who are engaged in all aspects of the hospitality industry, including the restaurant and food preparation business.

We are in support of SB 2344, which is designed to get publicly funded entities such as institutions of higher education and local schools out of the private sector catering business where they compete unfairly with private businesses, that help to fund the public institutions with whom they are trying to compete.

Higher Education: The bill prohibits catering by institutions controlled by the Board of Higher Education OFF campus unless:

- a.) the event is organized predominantly for persons affiliated with the college, or
- b.) the event is held for persons predominantly enrolled in the college, or
- c.) the event is held under the auspices of the college.

If one of these exceptions applies, or the event is ON campus then the college may cater the event. But the bill does seek to prevent a public funded entity such as a college that enjoys the benefit of public funds, from entering into the catering market for general catering services that are un-related to the college.

K-12 education: The bill also prohibits a school board in a community of more than 5,000 people from preparing or providing meals, snacks or food services for persons not affiliated with the school. This too, is designed to keep publicly funded institutions from unfairly competing in the food preparation market with private sector businesses.

The reason for such a prohibition on Higher Education and local schools is that recently those institutions have been entering the market, off campus for events unrelated to school or college functions in direct competition with tax paying-private sector businesses. These businesses don't enjoy the same advantages, tax structure, utility savings, capital savings, labor structures and similar advantages that schools and colleges have and that are paid for with public funds.

Schools and colleges are likely to oppose the bill saying that off campus activities and those unrelated to school functions are necessary to provide training to students, or that publicly funded programs such as "meals on wheels" are well served by the colleges, or that the bill prevents organizations affiliated with the institution from having an event off campus. None of that is true. Training can continue, but it must fit the structure of the bill. Programs like "meals on wheels" can continue, but through other institutions---not a college. And organizations such a club or the Foundation or the Athletic Boosters can indeed continue to have functions OFF campus. In short, the bill is narrowly drawn, but is necessary to address this growing problem that faces North Dakota's business community and the well intended hands of some of our schools and colleges. For these reasons we ask for a DO PASS recommendation of SB 2344.

Testimony on Senate Bill 2344

Chairman Freborg and Members of the Education Committee.

My Name is Dixie Schulz and I am Child Nutrition Director for Mandan Public Schools.

During the 2003 Legislative session I worked closely with Representative RaeAnn Kelsch on HB 1397. The language of that bill you can read through the strike throughs of SB 2344. I am here today to voice my opposition to SB 2344.

Mandan Schools would not be allowed to serve breakfast or lunch to students who are attending tournaments, festivals, or competitions at our schools. We would not be able to invite parents, grandparents, guests or Adopt a Cop to join children for breakfast or lunch. Neither the Mayor nor the chief of police, nor our architect could have lunch with our Superintendent or administrators. This bill would also prohibit us from providing food for concessions for sporting events, which we do at this time.

Mandan schools is our home and if we have visitors we like to invite them to join us for a meal. We take great pride in our Child Nutrition Department and the nutritious and healthy meal choices we offer each and every day, as we work to overcome the obesity problem of youth. We would like to continue to be able to do this, without restriction.

I find the language of this bill extremely restrictive. If the intent is for other entities to provide meal service on school premises, USDA our federal governing agency does not allow for competitive food to be sold during our meal service times.

I am aware of school districts in the state who have Head Start and daycare programs housed within their school buildings. This bill would force that district to stop serving meals to these children in these programs even though they are in their school district building. Because Child Nutrition staff are trained in Safety and HACCP, their expertise, staff and facilities assure that meals are prepared in safe and sanitary conditions. They are able to assure that all meals are appealing and yet meet all local, state and federal requirements.

I believe this is an issue that is best left up to the decision of the local school board as they represent the wishes of the community in which they live and serve. The school board is composed of individuals who because of their diverse background bring a wealth of knowledge to the table. I am opposed to any bill that takes the decision making process out of the local school boards hands.

If you have questions please contact Dixie Schulz at 701-663-9531.
Thank you.

Testimony on Senate Bill 2344
Prepared by Mark Lemer, Business Manager and Jan Sliper, Food Service Director
West Fargo Public Schools

January 30, 2007

Senate Freborg and members of the Senate Education Committee, I would like to provide testimony in opposition to Senate Bill 2344.

The purpose of this bill would be to limit the ability of school districts to prepare and provide meals for entities that are not affiliated with the school district.

The language contained in this bill is extremely restrictive and does not offer any flexibility for schools. While I understand the concept of not having public schools competing with for-profit catering businesses and restaurants, this bill has gone too far in its limitations.

The use of the word "affiliated" is of particular concern, since that word by definition implies a relationship, connection or association between two or more entities. There will be many instances in which we may come in conflict with the use of that word in this bill.

I would like to provide you with some examples of how this bill will impact the West Fargo School District. We currently have a HeadStart program and a YMCA daycare program that operate within one of our school buildings. These programs allow children to move from our half-day kindergarten or preschool special education programs into a setting for the balance of their day. We currently offer food services to school children in that building, as well as the children in the HeadStart and YMCA daycare programs. Since neither of these programs is directly affiliated with the school district, we would need to stop serving meals to the children in these programs, even though they are in a school building.

Other examples of conflicts that will be created by the language in this bill include (1) serving food at sporting events from a school concessions program, since individuals from the

opposing school would not be affiliated with our school district; (2) serving food to the ND Governor's Commission on Education Improvement (including Senator Flakoll!) during its meeting in West Fargo, since that Commission was not affiliated with the school district; (3) providing meals to guests who are in attendance at a school board meeting when a meal will be served, including the press, architects, bond counsel, auditors, etc.

If this bill were to become law in its current form, the repercussions on schools would be significant. At the very least, I would urge the adoption of an amendment that would allow school districts the ability to prepare and provide meals for activities that are held on school property.

I would encourage you to consider the implications of Senate Bill 2344 in its current form. Unless changes are made to provide a greater degree of flexibility, I would urge you to give this bill a "Do Not Pass" recommendation.

If you have any questions, please contact Mark Lemer at 701-499-1004 or Jan Sliper at 701-499-1837. Thank you.

Senate Bill 2344

Chairman Freborg, Members of the committee, my name is Prakash Mathew. I am the Vice President for Student Affairs at North Dakota State University. This morning I would like to speak in opposition of Senate Bill 2344.

The passage of Senate Bill 2344 will have a profound impact on institutions of higher education in North Dakota, particularly the Dining Services at NDSU, with a significant impact on the Fargo Senior Meals on Wheels program.

I would like to highlight some important points which will summarize our concerns in this matter.

Dining Services is a completely self support department, and revenue from the catering area is an essential component of the University budget. In addition to keeping the contract dining (board dining) rate at a manageable level for students, this revenue is used to manage expenses in the areas of deferred maintenance, renovation projects, and debt services. A specific example of the role that this income plays is the Legislature's approval of the Memorial Union Expansion and Renovation project. This project was approved based on Dining Services being one of several major funding sources. Without the revenue from our catering department, the financial support to pay the debt service will be jeopardized.

We have never gone out into the community to advertise or solicit business for the Dining Services. Our unsolicited off-campus catering revenue during the past year was approximately \$50,000. Beyond serving meals for students, faculty and staff, the majority of the business we conduct is in the Memorial Union, Alumni Center and the Technology Park. At the Alumni Center, we are one of the seven caterers to provide services to their patrons. The customer selects the caterer of

their choice. It is also important to note that Dining Services pays sales tax on all events not affiliated with the institution.

In addition, this bill would significantly impact the Fargo community by potentially eliminating the contract with the Fargo Senior Commission to provide the Meals on Wheels program. We have been providing this service for the past four decades at a reasonable cost with quality and consistent daily service. The program currently has difficulty finding a replacement for service on days that we are closed.

The passage of this bill would result in a loss of approximately \$ 400,000 revenue annually. As a land grant institution, service to the surrounding community and state are an important part of our mission.

Testimony
Senate Bill 2344 - Education Committee
January 30, 2007

Chairman Freborg and members of the Committee, my name is Brian Arett. I am the Executive Director of Fargo Senior Commission, Inc. I am here to testify on Senate Bill 2344. Fargo Senior Commission, Inc. is an agency that provides services to senior citizens in a six county area in southeastern North Dakota. Services we provide include Home Delivered Meals, Congregate Dining, Transportation, Health Screening and Outreach Assistance. All of our services are designed to assist senior citizens throughout the region in maintaining independence. In particular, we focus our services on frail, low income and isolated seniors.

Good nutrition is central to our mission of service to the elderly. To assist with this mission, we contract with fifteen restaurants throughout the region. In Fargo, we contract with several private caterers and NDSU to provide meal service seven days a week at seven locations. In addition, NDSU prepares the meals that we utilize for our home delivered meals program.

The budget for our program in 2007 is \$2.8 million. Revenues to support our services come from a variety of sources including federal, state, county and city as well as private donations. The private donations that we generate fund just over half of our budget.

Section 1 of SB 2344 would prevent us from continuing to contract with NDSU for meal services. Based on our experience with the restaurants we are already

working with, we believe that this will cause our costs to go up by \$100, 000 a year. Any increase in the cost of providing services will have a negative impact on our ability to keep up with the growing demands of our aging population.

Because of this impact, I ask you to reject SB 2344 or amend it to allow non-profit agencies like ours to continue to work with institutions of higher education and school districts in serving the seniors of our state. It is important to note that our contract for meal services in Fargo is bid out annually. In the 35 year history of our program there have been only two competing bids. Both of them came from non profit organizations based in Minnesota.

I appreciate the opportunity to address this legislation with your committee and would be happy to respond to any questions you might have.

TESTIMONY ON SB 2344
Senate Education Committee
January 30, 2007
by Linda Glaser, Director Child Nutrition Programs
328.4565
Department of Public Instruction

Good Morning Chairman Freborg and members of the Senate Education Committee. My name is Linda Glaser, Director of Child Nutrition Programs for the Department of Public Instruction (DPI). DPI administers the USDA child nutrition programs operating in schools and child care centers. I am here today to speak in opposition of Senate Bill 2344. I am concerned about the limitations this bill places on access to meals and snacks by North Dakota students and parents.

Senate Bill 2344 prohibits institutions of higher education from providing meals or snacks to programs or persons not affiliated with the institution. In addition, boards of school districts in cities having a population over five thousand are prohibited from providing meals or snacks to persons not affiliated with the school district.

This bill will curtail food service options for child care and head start centers. The centers contract with schools because the school food service department must adhere to the same USDA meal pattern and Child Nutrition labeling requirements as the child care programs. School food service programs are efficient providers of meals to childcare and head start centers because they have the same federal meal pattern requirements, and plan menu choices that are accepted by preschool children.

Section 2 of this bill targets cities with populations of more than five thousand, which are also the communities where the greatest number of childcare and head start centers are located. Prohibiting school districts from being a potential food service vendor will limit the food service options available and may lead to a center not offering food service to children. It may also stop a potential center from establishing a childcare operation. Equipping a child care operation with an acceptable kitchen is extremely expensive. To keep the cost of childcare as low as possible, efficient contract meal arrangements are often encouraged.

Further, a population of five thousand does not guarantee that there are private food service vendors available and willing to provide meals to child care and head start centers; however, in each community there is likely to be a school district. Using existing school facilities is a wise use of tax dollars.

School food service personnel are highly qualified to prepare food for child care centers. School food service personnel are trained in the USDA meal pattern requirements and understand food safety and sanitation requirements.

Schools must operate the food service program as a non-profit program. School districts in communities with a population of five thousand or more also require the food service program to be self-supporting without any contributions from the district's general fund. Schools do not receive federal funds for meals sold or provided to any persons or programs beyond their own student meals. Schools do not enter into child care catering contract agreements to make a profit, they do it because they can offer the service in the most efficient, economical manner possible.

All food service entities, including school boards, should be allowed to participate in providing meals to child care and head start programs. The department is opposed to any language that prohibits any segment of the food service industry from offering meal service options to child care and head start centers.

Chairman Freborg, this concludes my testimony. I would be happy to answer any questions that the committee may have.

SB 2344
12 Feb 07

February 12, 2007

Madame Chair & members of the House Education Committee, for the record I am District 22 Senator Gary A. Lee.

Senate bill 2344 comes at the request of some private business owners that would like to ensure a level playing field when it comes to competing for food catering & meal preparation business in their communities.

These businesses desire to be good community partners.

The original bill was felt to be overly restrictive & would have prohibited schools & colleges from providing these services even if there was no one else in the community willing or able to offer the service.

This engrossed bill comes as a result of consensus; the various groups coming together & looking at language that might work for each group.

Section 1: Addresses what Higher Education can & can't do. They can provide services for person or programs not affiliated with the institution. They can provide catering for events not held on property owned by the institution if it is for persons enrolled or affiliated with the institution or held under the auspices of the institution. They must also have a policy that addresses competition with the private sector & they can not advertise for services permitted under this section.

Section 2: Addresses those same issues, in essentially the same fashion with school districts.

Madame Chair, that is the bill. I would attempt to answer any questions.

SB 2344
12 Feb 07



ND's Restaurant, Lodging & Beverage Association



P.O. Box 428 • Bismarck, ND 58502 • Phone: 701-223-3313 • Fax: 701-223-0215
E-mail: ndha@btinet.net • www.ndhospitality.com

Education Committee
North Dakota House of Representative
February 12, 2007

SB 2344 (Prohibit catering by NDUS and school districts)

Chairwoman Kelsch and members of the Committee, for the record my name is Robert Harms. I am a lobbyist for the North Dakota Hospitality Association which has over 350 members in North Dakota who are engaged in all aspects of the hospitality industry, including the restaurant and food preparation business.

We are in support of SB 2344 which is designed to get publicly funded entities such as institutions of higher education and local schools out of the private sector catering business where they compete unfairly with private businesses, that help to fund the public institutions with whom they are trying to compete.

We have some amendments that I will go over, but first I'd like to outline the current law:

Current law:

- Applies "on and off campus"
- Allows catering with others "not affiliated" with higher education, provided a policy is in place
- Prohibits advertising of catering services by higher education.

Engrossed SB 2344:

- Applies "on and off campus"
- Allows catering on property not owned by the institution, but only if:

- event is predominantly for persons affiliated with institution
- event is predominantly for persons enrolled in the institution
- or event is held under the auspices of the institution, and
- institution establishes a policy regarding services and competition with private sector.

(The same limitations apply to school boards in communities of more than 5,000 residents)

Higher Education: The bill prohibits catering by institutions controlled by the Board of Higher Education OFF campus unless:

- a.) the event is organized predominantly for persons affiliated with the college, or
- b.) the event is held for persons predominantly enrolled in the college, or
- c.) the event is held under the auspices of the college.

If one of these exceptions applies, or the event is ON campus then the college may cater the event. But the bill does seek to prevent a public funded entity such as a college that enjoys the benefit of public funds, from entering into the catering market for general catering services that are un-related to the college.

K-12 education: The bill also prohibits a school board in a community of more than 5,000 people from preparing or providing meals, snacks or food services for an event held on property not owned by the school, unless one of those exceptions apply (affiliated with, enrolled in, or under auspices of the school). This too, is designed to keep publicly funded institutions from unfairly competing in the food preparation market with private sector businesses.

Amendment to SECTION 2: We would like to suggest an amendment to Section 2 that would require any school in a community of 5,000 persons or less, that wishes to cater to persons or

programs not affiliated with the school be required to first establish to the board that no private entity is willing or able to provide the service (which is provided in current law).

The reason for such a prohibition on Higher Education and local schools is that recently those institutions have been entering the market, off campus for events unrelated to school or college functions in direct competition with tax paying-private sector businesses. These businesses don't enjoy the same advantages, tax structure, utility savings, capital savings, labor structures and similar advantages that schools and colleges have and that are paid for with public funds.

Under this structure of the bill, training provided by college campuses can continue. Likewise, our intent would be to allow programs like "meals on wheels" can continue. And organizations such a club or the Foundation or the Athletic Boosters can indeed continue to have functions OFF campus. In short, the bill is narrowly drawn, but is necessary to address this growing problem that faces North Dakota's business community and the well intended hands of some of our schools and colleges. For these reasons we ask for a DO PASS recommendation of Engrossed SB 2344 (with the proposed amendment).

SB 2344
12 Feb 07

Sixtieth
Legislative Assembly
of North Dakota

Proposed amendment to Engrossed SB 2344

Insert at page 2, line 14:

SECTION 3. A new section to chapter 15.1-35 of the North Dakota Century Code is created and enacted as follows:

Meals-Snacks-Food services-Preparation-Provision The board of a school district headquartered in a city having a population of five thousand or less may not prepare or provide meals, snacks, or other food services for persons or programs not affiliated with the school district without first demonstrating to the satisfaction of the board that there are no private entities able and willing to provide such services.

Presented by ND Hospitality
Association

SB 2344
17 Feb 07

**Testimony of Janna Stoskopf
Dean of Student Life
North Dakota State University
House Education Committee
RaeAnn G. Kelsch, Chair
SB 2344**

Chairwoman Kelsch, Vice Chair Meier, members of the committee, my name is Janna Stoskopf and I am the Dean of Student Life at North Dakota State University. Attending with me is Jack Donahue, Director of Dining Services at NDSU. Thank you for providing us the opportunity to speak in support of Senate Bill 2344.

North Dakota State University understands the concerns that have been expressed regarding competition with private sector entities. We want to assure you that it is not our practice to go out into the community to advertise or solicit business for Dining Services. The majority of the business we conduct is in the Memorial Union, Alumni Center and the Technology Park. I would also note that Dining Services pays sales tax on all events not affiliated with the institution.

We feel strongly about the need for NDSU to continue serving the Fargo Senior Commission through the Meals on Wheels program, a partnership that provides consistent daily service at a reasonable cost.

It is our goal as a University to fulfill our mission as a land grant institution, and to do our part as good citizens and good stewards for the State of North Dakota. We thank you for your help and support on SB 2344.

SB2344
12 Feb 07
✓

Testimony
SB 2344 – House Education Committee
February 12, 2007

Chairman Kelsch and members of the Committee, my name is Brian Arett. I am the Executive Director of Fargo Senior Commission, Inc. I am here to testify on Senate Bill 2344. Fargo Senior Commission, Inc. is an agency that provides services to senior citizens in a six county area in southeastern North Dakota. Services we provide include Home Delivered Meals, Congregate Dining, Transportation, Health Screening and Outreach Assistance. All of our services are designed to assist senior citizens throughout the region in maintaining independence. In particular, we focus our services on frail, low income and isolated seniors.

Good nutrition is central to our mission of service to the elderly. To assist with this mission, we contract with fifteen restaurants throughout the region. In Fargo, we contract with several private caterers and NDSU to provide meal service six days a week at seven locations. In addition, NDSU prepares the meals that we utilize for our home delivered meals program.

The budget for our program in 2007 is \$2.8 million. Revenues to support our services come from a variety of sources including federal, state, county and city as well as private donations. The private donations that we generate fund just over half of our budget.

Section 1 of SB 2344 as originally introduced would have prevented us from continuing to contract with NDSU for meal services. This version was amended by the Senate Education Committee. As amended, lines 7-9 of the bill will allow us to continue to contract with NDSU for the provision of food services. Based on our experience with the restaurants we are already working with, we believe we are able to reduce our expenses by \$100,000 a year through this contract. This reduction helps us to continue to keep up with the growing demands of our aging population.

Because of the changes incorporated into this bill by the Senate Education Committee, I ask you to support SB 2344 which allows non-profit agencies like ours to continue to work with institutions of higher education in serving the seniors of our state. It is important to note that our contract for meal services in Fargo is bid out annually. In the 35 year history of our program there have been only two competing bids. Both of them came from non profit organizations based in Minnesota.

I appreciate the opportunity to address this legislation with your committee and would be happy to respond to any questions you might have.

SB 2344

Good morning Chairperson Kelsch and House Education members. My name is JoAnn Brager and I am the Director of West River Head Start with centers in Beulah, Hazen, Hebron, New Salem, Mandan, Carson and Elgin. We provide exceptional services in a holistic environment to families who meet 100% federal poverty guidelines. (Family of four makes less than or equal to \$20,000 per year.)

Here's what we know about appropriate nutrition:

- ✓ Good eating habits are established early in life.
- ✓ Appropriate nutrition is directly related to cognitive (intellectual) development. The brain must have appropriate nutrition in order to develop.
- ✓ Good nutrition is directly related to good oral health: strong bones = strong teeth; low sugar diet = fewer cavities; etc.
- ✓ Appropriate nutrition is directly related to healthy children (lower childhood diabetes, lower obesity, lower heart disease, etc.)
- ✓ Comfort foods are established early in life as the brain is "wired" to determine what each individual's comfort food will be and this follows a person their entire life.

SB 2344 restricts the local public schools from providing nutritionally appropriate meals for Head Start children. Five of our seven centers are physically located within the public schools. Six of our seven centers contract with the public schools as they have been the only meal provider to bid for meal provision.

What we know about appropriate nutrition is too important and has too much of a long-term impact on children (especially those in poverty) to restrict our ability to provide the best meals at the best value to our most needy children.

Thank you. I would be happy to answer any questions.

SB 2344
12 Feb 07

Dear Mr. Haas;

Thank you for your attention to HB 1320 and prekindergarten. Yes, times certainly have changed from when I first entered education. Unfortunately, our children are the ones who suffer most from these societal changes.

I am emailing to discuss HB2344 regarding catering by school districts and institutions of higher education. I am wondering how this bill may affect the provision of meals to Head Start programs that already are located in the public school settings. For example, Community Action Head Start has a Head Start program located in the Mott Regent Public School in Regent. The school provides the breakfast and lunch for the Head Start children enrolled. Some of the preschool children enrolled in the Head Start classroom also have disabilities that require special education services. Through a partnership with the local school districts, Head Start provides those preschool children with a high quality early childhood education within the Head Start classroom where they also receive special education services. In this classroom the children with disabilities are integrated with Head Start children and all are enrolled in Head Start.

We also provide a preschool Head Start experience for our rural families who drive to Belfield and Beach twice a month. These families and their preschool children eat lunch in the local public school cafeteria. Each year, Community Action Head Start enters into a contract with the superintendent of each of the three school districts to provide lunch for these children and their families. These children will enter the kindergartens of the schools where they presently are eating lunch while they are enrolled in Head Start.

Would SB 2344 prevent the local school district from providing those meals for our Head Start children and families? We receive USDA reimbursement for each child meal received. That reimbursement is \$ 2.40 per meal for lunch and \$1.31 for breakfast. In Regent, Beach and Belfield, Community Action Head Start would be forced to enter into contracts with private restaurants. I do not know of many restaurants where a nutritional meal that meets the requirements of the Food and Nutrition Program could be purchased for \$2.40.

Head Start serves families who live in poverty. Does this bill target those families who have the least access to nutritious meals? We marvel at how much food our Head Start children consume when they come to Head Start. We regularly refer our families to the Food Pantry when they have exhausted their food for the month and are left waiting for the next payday.

I implore that you read Section 2 of HB 2344 and determine its effect on the Head Start programs in North Dakota who are already struggling to meet the growing needs of the children and families we serve.

I would greatly appreciate your response.

Thank you so much and I am so very gratified that you are representing our children and families in Bismarck.

Sincerely,
Sharon A. Hansen

*Submitted
did not testify*

SB 2344
12 Feb 07

SB 2344

Good morning, Chairperson Kelsch and House Education members. My name is Cherie Johnson and I am a Family Support Coordinator for the Carson Head Start Center. We have 17 children enrolled in the Carson Center. We provide Head Start services Monday thru Thursday, 8:00- 3:15 pm MT We serve the children breakfast, lunch, and a snack, in accordance with federal Head Start Program Performance Standards.

In Carson, there are 5 potential meal providers: the bar, gas station, Cowboy Country Café, Roosevelt Public School and Grant County Meals on Wheels.

The bar and gas station would not be able to provide the variety and nutritionally appropriate meals for 3 and 4 year old children. Meals-on-Wheels was contacted and they don't have the staffing or capacity to make 38 additional meals each day (19 breakfast and 19 lunches.)The Cowboy Country Café has also not been interested in providing meals due to staffing. They have 1 cook and 1 server and sometimes the have just 1 person who does double duty as the cook and server.

So, that leaves the Public School. Their meals are nutritious and meet the CACFP meal requirements. Our classroom is located within the public school. It makes sense that the public school be allowed to be our meal provider.

Thank you. I would be happy to answer any questions.

February 12, 2007

HOUSE EDUCATION COMMITTEE
SB 2344

REPRESENTATIVE KELSCH AND COMMITTEE MEMBERS:

My name is Caitlin McDonald. I am appearing today on behalf of The YMCAs of North Dakota. We neither support nor oppose SB 2344, but have some concerns about how it will be interpreted and how it will affect some of our YMCA programs.

We would like to work with any subcommittee you might appoint to consider this bill.

The Jamestown Public School District currently provides meals for the YMCA daycare program during the school year. This program serves some of the public school children as well as others. The federal guidelines for daycare meals are identical as those for schools, so it is very easy for the school district to simply make a few more meals for us under the same guidelines.

The Jamestown YMCA may be covered under this bill as a person affiliated with the school since it does provide some services for some of the district's kindergarten age children, or it may be covered under a policy developed by the school. But, we're not sure at this stage.

At present, this is a case where a nonprofit provides services for another nonprofit. It's working well for all concerned. Other food service providers simply cannot provide the type of meals we require at the prices we can afford. The Jamestown daycare operation is very dependent on this food service from the Jamestown School District.

We respectfully request SB 2344 allow programs such as the Jamestown YMCA daycare to still use the Jamestown school district food service.

If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

SB 2344
12 Feb 07

SB

TESTIMONY ON HB 2344

House Education Committee

February 12, 2007

By Dean Kinnoin, Child and Adult Care Food Program Manager

328.3237

Department of Public Instruction

Good Morning Chairperson Kelsch and members of the House Education Committee. My name is Dean Kinnoin, Manager of the Child and Adult Care Food Program for the Department of Public Instruction. I am here today to provide opposing testimony regarding House Bill 2344 – HB2344.

House Bill 2344 will curtail food service options for child care and head start centers. The centers contract with schools because the school food service department must adhere to the same USDA meal pattern and Child Nutrition labeling requirements as the child care programs. School food service programs are efficient providers of meals to child care and head start centers because they fall under the same federal regulation requirements.

Using existing school facilities is a wise use of tax dollars. Many of the centers and head starts are located in communities and areas where there are no other vendors available to provide the service. In larger communities, school facilities often can provide the meals to the centers and head starts at the lowest cost.

The Child and Adult Care Food Program is a supplemental reimbursement program and does not fully fund food services for participating agencies. Centers can be either non-profit or for-profit, and many serve lower income children. Many of these centers have limited resources and the school food service option is the best option.

If the school food service option is eliminated, many centers and head starts that do not have acceptable facilities to prepare their own meals, have no other food service options, or options that are not financially feasible, will not be able to continue to participate in the Child and Adult Care Food Program.

Chairperson Kelsch, this concludes my testimony. I would be happy to answer any questions that the committee may have.

Submitted after hearing

SB 2344



NDSCS

North Dakota State College of Science
800 6th Street North • Wahpeton, ND 58076-0002
1-800-342-4325 • www.ndscs.nodak.edu

"Where Students Learn by Doing"

Fax Transmittal Information Sheet

FAX • FAX • FAX • FAX

Date: 2-13-07

Time: 3:PM

To: Name: Robert Harms

Company: Harms Group

Fax Number: 701-258-7733

From: Name: Neil R. Hendon

Department: NDSCS - Hurley

No. of pages including this one: 9

Phone Number: 701-671-2439

Fax Number: 701-671-2774

Message: Thank you
Neil

Did you know?

North Dakota State
College of Science...

- ✓ has a long tradition of excellence since 1903.
- ✓ offers a small campus environment for more personal attention, growth and leadership.
- ✓ enrolls about 2500 students in over 90 occupational career and college transfer programs.
- ✓ gives students strong job market preparation skills with average annual graduate placement of 94% to 96%.
- ✓ has a national reputation and close ties with business and industry in preparing students for careers in technologies, business and professional fields.
- ✓ is committed to quality, providing prompt and courteous service to students, employers and one another.
- ✓ coordinates the Southeast Region Workforce Training and offers customized training and upgrading of technical skills for business and industry.

Jan 1 2006 - June 30, 2006
 Group - Name - Function

Event	Date	No. of	Contact Name
Agriculture Ambassadors	1/12 & 3/19/06	22	John Richman
Professional Development	2/2 & 2/10/06	103	John Richman
Department Chairs	3/7 & 3/23/06	8	John Richman
Career Fairs	Jan. Feb. & March 06	85	John Richman
Meeting	April & May 06	12	John Richman
Meeting	5/24 & 5/30/06	12	John Richman
Parent Orientation	June 06	204	John Richman
Meeting	5/11 & 6/26/06	8	John Richman
Meeting	3/8/2006	5	Brad Tews
Farm Management Mig	3/15/2006	53	Keith Torgerson
Frank Schander			
Retirement	4/25 & 5/2/06	95	Brad Tews
OTA Meeting	4/7/2006	21	Patti Wells
OTA Meeting	5/8/2006	20	Patti Wells
OTA Graduation	5/11/2006	25	Patti Wells
Dreams Auctions			
Meetings	Jan. 06	15	Woody Caspers
Dreams Auctions			
Meetings	Feb. 06	15	Woody Caspers
Dreams Auctions			
Meetings	March & April 06	15	Woody Caspers
Dreams Auctions			
Meetings	5/31/06	12	Woody Caspers
Dreams Auctions			
Meetings	6/13/06	5	Woody Caspers
Meeting	6/20 7 6/21/06	2	Woody Caspers
Meeting	6/28/06	12	Woody Caspers
Search Committee	April 06	9	Randy Stach
Roger Jensen Retirement			
Meeting	5/11/2006	50	Randy Stach
Meeting	5/22 - 5/24/06	10	Randy Stach
Meeting	April & May 06	10	Ken Koppelman
Meeting	5/9 & 5/18/06	7	Ken Koppelman

Athletics	Recruits	Jan. 06	30 Mike Beagle	
Athletics	Sack Lunches	Jan. Feb. & March 06	30 Mike Beagle	
Athletics	Recruits	March & April 06	20 Mike Beagle	
Athletics	Hospitality Room	Feb. 06	50 Mike Beagle	
Athletics	Recruits	May 06	6 Mike Beagle	
Auto Body	Girls Basketball Camp	6/19 - 6/22/06	177 Max Reinke	
Auto Body	Meeting	2/1/2006	5 Jim Johnson	
Auto Body	Advisory Committee	3/21/2006	25 Jim Johnson	
Auto Body	Meeting	4/25/2006	3 Jim Johnson	
Auto Body	Auto Body Club	5/8/2006	40 Jim Erdahl	
Bookstore	Spring Semester Opening			
Bookstore	Week Foods	1/9, 1/10, & 1/26/06		
Bookstore	Tool Bid Luncheons	3/8 - 3/10/06		
Bookstore	Meeting	4/26/2006	20 Sue Braun	
Boy's State	Meeting	5/22/2006	25 Sue Braun	
Business Office	Meeting	6/10 - 6/16/06	12 Sue Braun	
Business Office	Meeting	Jan. 06	20 Sue Braun	
Business Office	Fee Payment	Jan. 06	250 Mike Johnson	
Business Office	Meeting	1/24 - 1/26/06	12 Mike Renk	
Business Office	Meeting	Jan. & Feb. 06	18 Mike Renk	
Business Office	Meeting	March & April 06	12 Mike Renk	
CAB	Meeting	April, May, & June 06	12 Mike Renk	
CAB	Sweetheart Reception	2/13 & 2/16/06	12 Mike Renk	
CAB	Campus Activities	Feb. & March 06	35 Shirley Fox	
CAB	Campus Activities	March 06	100 Shirley Fox	
CAB	Campus Activities	4/6 & 4/10/06	20 Shirley Fox	
Campus Police	Campus Activities	April & May 06	100 Shirley Fox	
Campus Police	Meeting	1/17 & 1/30/06	25 Shirley Fox	
Catbackers	Meeting	April & May 06	35 Steve Schmitz	
Catbackers	Meeting	Jan. Feb. & March 06	2 Steve Schmitz	
Civil Technology	Meeting	Feb. & March 06	35 Mike Renk	
Civil Technology	Career Fair	1/18/2006	35 Mike Beagle	
Civil Technology	Meeting	3/10/2006	52 Randy Stach	
Bobcat	Graduation	5/12/2006	15 Randy Stach	
Brown Bag Seminar	Meeting	1/23 - 1/26/06	40 Randy Stach	
Brown Bag Seminar	Meeting	3/23/2006	14 Donna Meyer	
Brown Bag Seminar	Meeting	5/9/2006	25 Carol Meehan	
	Meeting	10/20/06	20 Carol Meehan	
			20 Carol Meehan	Through College Outreach
				Through College Outreach
				Through College Outreach

College Outreach	Meeting	6/15/2006	6 Carol Meehan	Through College Outreach
Computer Center	Meeting	1/5/06	8 Carol Meehan	Through College Outreach
Conferences	Meeting	10/19/06	20 Carol Meehan	Through College Outreach
Customer Service Training	Training	5/15/2006	20 Carol Meehan	Through College Outreach
Customer Service Training	Training	1/19 & 1/25/06	15 Carol Meehan	Through College Outreach
Customer Service Training	Training	10/18 & 10/21/06	40 Carol Meehan	Through College Outreach
Customer Service Training	Training	Jan. & Feb. 06	15 Carol Meehan	Through College Outreach
Customized Training	Training	6/21/2006	15 Dale Knutson	Through College Outreach
Gift Certificates	Gift Certificates	3/15/2006	2 Donna Meyer	Through College Outreach
MDU	Meeting	5/16 & 5/17/06	20 Donna Meyer	Through College Outreach
Mini-Dak	Meeting	6/14 & 6/15/06	75 Carol Meehan	Through College Outreach
Red River Grain	Meeting	20/20/06	75 Donna Meyer	Through College Outreach
RRV Western Railroad	Meeting	4/19/2006	10 Donna Meyer	Through College Outreach
Twin Town Leadership	Meeting	1/12, 1/17, & 1/24/06	15 Carol Meehan	Through College Outreach
Twin Town Leadership	Meeting	3/7, 3/14 & 3/21/06	20 Carol Meehan	Through College Outreach
Twin Town Leadership	Meeting	Jan. & Feb. 06	20 Carol Meehan	Through College Outreach
Utility Conference	Conference	3/14 - 3/16/06	90 Donna Meyer	Through College Outreach
Waypeton Chamber of Commerce	Meeting	April 06	45 Donna Meyer	Through College Outreach
Cultural Diversity	Meeting	3/20/2006	200 Betty Veland	Through College Outreach
Delta Kappa Gamma	Meeting	2/28/2006	15 Judy Peterson	Through College Outreach
Dental	Meeting	1/17/2006	Kathy	
Dental	Meeting	1/31/2006	75 Bodensteiner	
Dental	Meeting	3/24 & 3/28/06	53 Bodensteiner	
Dental	Meeting	5/9 & 5/10/06	34 Sue Swanson	
Dental	Meeting	5/17 & 5/19/06	24 Sue Swanson	
Dental	Meeting	5/12/2006	20 Sue Swanson	
Department Chairs	Graduation	5/11 & 1/25/06	288 Sue Swanson	
Department Chairs	Meeting	2/1 & 2/15/06	35 Wanda Mauch	
Department Chairs	Meeting	3/1/2006	35 Wanda Mauch	
Department Chairs	Meeting	4/5 & 4/18/06	35 Wanda Mauch	
Department Chairs	Meeting	5/3/2006	35 Wanda Mauch	
Diesel	Think Big Cal Day	2/3 & 2/7/06	50 Jenny Schmitt	
Diesel	Meeting	3/3 & 3/7/06	4 Jenny Schmitt	
Diesel	JD Advisory Board	4/6/2006	24 Jenny Schmitt	
Diesel	Meeting	4/27 & 5/9/06	40 Jenny Schmitt	

Diesel	Meeting	6/12/2006	6 Jenny Schmitt
Distance Education	Meeting	1/20 & 1/24/06	11 Margaret Wall
Distance Education	Meeting	Feb. 06	12 Margaret Wall
Distance Education	Meeting	3/24/2006	12 Margaret Wall
Distance Education	Meeting	4/7/2006	10 Margaret Wall
Distance Education	Meeting	4/28 & 5/4/06	10 Margaret Wall
Distance Education	Meeting	5/16 & 5/30/06	11 Margaret Wall
Dr. Hart	Personal Charges	Jan & Feb 06	Dr. Hart
Dr. Hart	Personal Charges	March, April, & May 06	Dr. Hart
Dr. Hart	Personal Charges	June 06	Dr. Hart
Electrical	Meeting	1/13 & 1/20/06	7 Ivan Maas
Electrical	Meeting	Feb. 06	30 Ivan Maas
Electrical	Meeting	March & April 06	9 Ivan Maas
Electrical	Meeting	5/4 & 5/12/06	9 Ivan Maas
Electrical	Meeting	6/1/2006	12 Ivan Maas
Enrollment Services	Lunch Coupons & Meeting	Jan. 06	55 Karen Reilly
Enrollment Services	Ag. Career Night	2/8/2006	50 Karen Reilly
Enrollment Services	Auto - Diesel Day	2/17/2006	150 Karen Reilly
Enrollment Services	Lunch Coupons & Meeting	Feb. & March 06	113 Karen Reilly
Enrollment Services	Lunch Coupons & Meeting	April & May 06	107 Karen Reilly
Enrollment Services	Graduation	5/12/2006	Karen Reilly
Enrollment Services	Lunch Coupons & Meeting	June 06	31 Karen Reilly
Golden Kiwanis	Meeting	1/25/2006	25 David Tolo
Golden Kiwanis	Meeting	2/22/2006	24 David Tolo
Golden Kiwanis	Meeting	3/22/2006	43 David Tolo
Golden Kiwanis	Meeting	4/26/2006	28 David Tolo
Golden Kiwanis	Meeting	5/24/2006	22 David Tolo
Golden Kiwanis	Meeting	6/28/2006	21 David Tolo
Housing	Super Bowl	2/5/2006	30 Mike Johnson
Housing	Meeting	2/16/2006	15 Mike Johnson
Housing	RA Training	4/19 & 4/20/06	10 Mike Johnson
Housing	Picnic & Meeting	4/28 & 5/3/06	120 Mike Johnson

Automotive Technology	Meeting	3/7/2006	14 Harlan Arneson
Automotive Technology	Meeting	3/23/2006	8 Harlan Arneson
Automotive Technology	Money Look Keuremeir	5/15/2006	50 Harlan Arneson
Building Construction	Meeting	2/22/2006	14 Jeff Berg
Business Administration	Advisory Committee	5/11/2006	9 Duane Pederson
Business Administration	Advisory Committee	5/11/2006	9 Duane Pederson
Culinary Arts	Advisory Meeting	3/13/2006	13 Mary Uhren
Drama Department	Play	3/6 - 3/9/06	30 Dean Foley
English Department	Meeting	3/29/2006	20 Wade King
Health Information Technology	Meeting	4/7/2006	12 Cecalyn Matejcek
Manufacturing Technology	Meeting	1/11/2006	5 Steve Johnson
Manufacturing Technology	Open House	3/7/2006	74 Steve Johnson
Math & Science Department	Meeting	5/12/2006	8 Mike Burke
Mechanical Systems	Meeting	2/17/2006	9 Joel Krause
Mental Health	Meeting	3/24/2006	15 Patti Wells
NDSCS Awards	Banquet	4/26/2006	100 Mike Johnson
Recreational Engines	Meeting	4/19/2006	7 Mitch Jobe
Refrigeration & AC	Meeting	4/28/2006	25 Joel Krause
Service & Support Staff	Meeting	5/3/2006	12 Tom Hickman
Service & Support Staff	Meeting	6/7/2006	10 Tom Hickman
Skills & Technology Center	Meeting	1/18/2006	24 Deb Herman
Skills & Technology Center	Meeting	6/30/2006	10 Deb Hennan
Student Health	Meeting	1/6 & 1/10/06	30 Miriam Skifbred
Student Services	Meeting	3/17/2006	3 Georgia Pullen
Welding Department	AWS Welding Contest	3/23/2006	72 John Cox
Welding Department	Meeting	5/10/2006	30 Joel Johnson
Music Department	Concert	4/11 & 4/24/06	300 Laurie Lekang
Music Festival	Music Fest	1/20/2006	4 Bruce Schumacker
Music Festival	Music Fest	3/10/2006	6 Bruce Schumacker
Music Festival	Music Fest	4/13/2006	14 Sandy Mahler Kathy
Nursing	Meeting	1/10 & 1/11/06	20 Bodensteiner Kathy
Nursing	Meeting	1/27/2006	9 Bodensteiner

Activity	Person	Date	Event
Nursing	Kathy	2/7/2006	Meeting
	9 Bodensteiner		
Nursing	Kathy	2/15 & 2/22/06	Meeting
Nursing	20 Bodensteiner	April 06	Meeting
Nursing	27 Barb Diederick	5/9 & 5/12/06	Meeting
Nursing	150 Barb Diederick	5/5 - 5/10/06	Meeting
Blom Wedding	175 Barb Diederick	6/10/2006	Pinning & Graduation
Carpil	150 Jessie Blom	3/16/2006	Wedding Reception
City of Wapeton	30 Kathy Miller	6/20/2006	Meeting
Craig Irwin	17 Tracy Burchill	2/24/2006	Meeting
Deb Kubela	3 Craig Irwin	3/4/2006	Personal Charges
Frontier Precision	56 Deb Kubela	3/7 - 3/9/06	Show
Gideons	12 Nathan	2/21/2006	Meeting
Gideons	16 Mike Beeson	4/18/2006	Meeting
	55 Mike Beeson		
	Harvey		
Harvey Medienwaldt	350 Medienwaldt	3/31/2006	Sandwiches
Mike Beagle	Mike Beagle	June 06	Personal Charges
Mike Reak	Mike Reak	5/2/2006	Personal Charges
Miss ND Pageant	250 Kim Althoff	3/25/2006	Pageant
ND Recorder Association	74 Ruth Quam	6/16 - 6/18/06	Meeting
NDSU Distance & Cont. Ed.	15 Lisa McManara	Feb. & March 06	Meeting
North Dakota Firefighters	21 Mary Kay	6/1/2006	Lunch
Phi Theta Kappa	40 Shannon Dullea	4/25/2006	Meeting
Richland County Soil Conservation	60 Becky	2/6/2006	Meeting
St. Francis	100 Mary Jacklich	4/9/2006	Cantata
Stride for Life	5 Pauly Willemssen	12/3/2006	Meeting
Three Rivers Crisis Center	52 Sue Riffenour	6/8/2006	Meeting
Twin Town Artists	6 Jan Judith	4/23/2006	Meeting
Twin Town Artists	6 Jan Judith	5/14/2006	Meeting
VICA	478 Harlan Arneson	4/4/2006	Skills USA
Wapeton Chamber of Commerce	475 Doris Degenstein	3/24/2006	Business After Hours
Wapeton Eagles	Clarence Schutz	2/17/2006	Copies
Wapeton Huskies Football	80 Mike McCall	4/24/2006	Banquet
Wapeton Huskies Wrestling	122 Lisa Lehman	1/12/2006	Banquet
Wapeton Park Board	100 Wayne Beyer	1/17/2006	Meeting
Woodcarvers	189 Rueben Brownlee	6/23 - 6/25/06	Convention

Office Administration	Meeting	2/28/2006	3 Kathy Ringdahl
Office Administration	Meeting	5/3/2006	34 Dee Jensen
Physical Plant	Gift Certificates	Jan & Feb 06	6 Tami Matejcek
Physical Plant	Campus Clean-up & Gift Cert.	April 06	23 Tami Matejcek
Physical Plant	Gift Certificates	May 06	5 Tami Matejcek
Presidents Offices	Gift Certificates	June 06	18 Tami Matejcek
Presidents Offices	Meetings	Jan. 06	15 Vivian Bernotas
Presidents Offices	Meetings	Feb. 06	35 Vivian Bernotas
Presidents Offices	Meetings	March & April 06	30 Vivian Bernotas
Speech Festival	Graduation	5/12/06	35 Vivian Bernotas
Student Senate	Meetings	June 06	10 Vivian Bernotas
Student Senate	Speech Fest	4/6/2006	24 Jacqueline Kaler
Student Senate	NDSA Banquet	4/28 & 4/29/06	72 Mike Johnson
Teachers Center	Meeting	5/3 & 5/4/06	30 Mike Johnson
Teachers Center	Meeting	1/18/2006	10 Nadine Torgerson
Teachers Center	Meeting	4/22/2006	12 Nadine Torgerson
Technology & Services	Meeting	4/26/2006	10 Nadine Torgerson
Technology & Services	Meeting	1/12/2006	4 Barb Bang
Technology & Services	Meeting	4/10, 4/13 & 4/25/06	4 Barb Bang
Technology & Services	Meeting	5/3/2006	30 Barb Bang
Technology & Services	Meeting	6/12, 6/14 & 6/16/06	15 Barb Bang