

1999 HOUSE EDUCATION

HB 1233

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1233

House Education Committee

Conference Committee

Hearing Date 2-2-99

Tape Number	Side A	Side B	Meter #
Tape # 1	x		0.1 to 25.3
Committee Clerk Signature <i>Joan Diers</i>			

Minutes:

Chairman R. Kelsch , Vice-Chair Drovdal , Rep Brandenburg , Rep Brusegaard , Rep. Haas , Rep. Johnson , Rep. Nelson , Rep. Nottestad , Rep. L. Thoreson , Rep. Grumbo , Rep. Hanson , Rep. Lundgren , Rep. Mueller , Rep. Nowatzki , Rep. Solberg .

Vice-Chair Drovdal : Open the hearing on HB 1233 and ask the clerk to read the title.

Chairman R. Kelsch : sponsor of the bill. District 34. HB 1233 came out of a discussion in regards to the school food personnel. It is on behalf of the Food and Nutrition of DPI.

Vice-Chair Drovdal : Why the repeal of section two?

Chairman R. Kelsch : Kathy will explain that.

Kathy Grafsgaard: Director of Child Nutrition and Food Distribution for DPI (see written attached).

Rep. Haas : The purpose of having the lead workers name reported to you, is so you can provide in-service and training activities?

Grafsgaard: Correct.

Rep. Haas : You mentioned day care centers but they are not mentioned in this bill.

Grafsgaard: The language is amended to refer to them.

Rep. Haas : How do you see that tied to the removal of the requirements of the health certification.

Grafsgaard: Serves no purpose.

Rep. Nelson : School food service personnel, the rules and training session, there is no mention of hours of training.

Grafsgaard: We will use administrative rule process.

Rep. Nelson : What is required now?

Grafsgaard: There is no requirement.

Rep. Nelson : The child care providers, what would be the requirements for those people.

Grafsgaard: There are specific rules set by the Department of Human Services.

Rep. Nelson : Would that be an expansion?

Grafsgaard: The food safety training will be encompassed with other requirements.

Rep Brusegaard : How many cases of food born illness were there last year?

Grafsgaard: One this fall.

Rep Brusegaard : DPI already offers training programs, how well attended are they?

Grafsgaard: Four hundred and fifty people involved in the training program.

Rep. Nottestad : For clarification, when you speak of school are you speaking of building or district?

Grafsgaard: The school site.

Rep. Nottestad : Would you describe what is a school service facility.

Grafsgaard: There would be a preparation kitchen, or a receiving kitchen, a satellite kitchen which has a end production.

Rep. Nottestad : A full time director, do they get the same training.

Grafsgaard: If that person was directly involved with food preparation, yes we would.

Rep. Nottestad : Why not train them to deal directly with the workers?

Grafsgaard: That is a possibility. Most schools have a kitchen manager.

Rep. Nottestad : Would that be placed in the rules?

Grafsgaard: Yes.

Rep. Nelson : Is this training duplicated elsewhere?

Grafsgaard: I'm not aware of any.

Rep. Haas : Were you involved in the preparation of the fiscal note?

Grafsgaard: Yes.

Rep. Haas : The cost that you have, is that department cost?

Grafsgaard: No, that is the net cost.

Rep. Nottestad : Did you figure what it would cost the local school district?

Grafsgaard: Yes.

Kirby Kruger: Epidemiologist with the North Dakota Department of Health. (see written attached).

Rep. Nottestad : In the food industry, are those people all brought together and given formal training?

Kruger: No.

Rep. Nottestad : How is it comparable?

Kruger: It is comparable, because the private sector goes through educational services from the Division of Food and Lodging during inspection.

Rep. L. Thoreson : Is there any follow up on the training, what standards are met?

Kruger: I think Kathy can better answer that question.

Dixie Schultz: Food Service Director at Mandan. spoke in favor of HB 1233.

Al Stenejhem: Executive Director of the Hospitality Association. spoke in favor of HB 1233.

Rep. Nottestad : This is a voluntary program, what type of response are you getting?

Stenejhem: The program is costly, I had eight classes this year and a waiting list for the next class.

Dan Hoffman: Assistant Superintendent of Fargo Schools. spoke in support of HB 1233.

Rep. L. Thoreson : What is the follow up the process?

Grafsgaard: The follow up is done routinely, with visits and observation and periodic work shops.

Rep. Nelson : When the health department does its inspections does the DPI do follow up also.

Grafsgaard: Not all counties have access to the services of the Health Department. By federal regulation our office must review school districts once every four years.

Rep. Nelson : Then you can double up on the same school in the same year and other schools not seen at all.

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House Education Committee
Bill/Resolution Number Hb 1233
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Grafsgaard: Yes.

Vice-Chair Drovdal : Anyone wishing to speak in opposition of HB 1233? Hearing none, we will close the hearing on HB 1233.

COMMITTEE ACTION

Chairman R. Kelsch : Discussion on the proposed amendments from the Legislative Council.

Tabled the discussion on HB 1233 until the committee gets more information.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1233-2-10-99

House Education Committee

Conference Committee

Hearing Date 2-10-99

Tape Number	Side A	Side B	Meter #
1	x		5.5--20.6
Committee Clerk Signature <i>Joan Davis</i>			

Minutes: Chairman R Kelsch : Let's take up HB 1233. Questions from the committee.

Chairman R Kelsch : Kathy, could you explain the trends in other states and why has this legislation come about.

Kathy Grafsgaarrd, DPI : We know of no other state that requires health examination of food service people, before the beginning of the school year. This does nothing to protect children. This is a financial burden on the school system off program. The fees can be high from health officials.

Chairman R Kelsch : Can you explain the amendments.

Kathy : The amendments have to do with expanding the effective local agency to include not only public school districts, but all local agencies that we work with. Anyone that participates in the national school lunch program.

(8.6--17.7) Discussion continued among committee members.

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House Education Committee

Bill/Resolution Number HB 1233

Hearing Date 2-10-99

Chairman R Kelsch : 17.7 What are the wishes of the committee?

ACTION: Rep. Mueller made a motion to DO PASS the amendments and Rep Nelson seconded the motion.

VOICE VOTE was held with all YES.

Vice Chair Drovdal made a motion of DO PASS AS AMENDED and Rep Nelson seconded the motion.

ROLL CALL VOTE: 15 YES and 0 NO with 0 ABSENT. Passed. Rep. Solberg will carry the bill.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: _____ Amendment to: HB 1233

Requested by Legislative Council _____ Date of Request: 2-12-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative: Section 1 of the bill creates a new requirement for the lead foodservice worker in every school and child care preparation site to be trained in foodservice sanitation and safety. There will be some fiscal impact at the local level associated with training costs (salary, travel, course registration). There will be minimal fiscal effect at the state level. The Department expects to offer the necessary coursework for foodservice employees at no or minimal cost to the school/child care center participant. This can be done as a continuation or extension of current training efforts of the agency.

Section 2 of the bill repeals a requirement of local agencies. The current requirement is estimated to cost \$30,000 per year statewide.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	\$0	\$0	\$0	\$2500	\$0	\$3750
Expenditures:	\$0	\$0	\$0	\$2500	\$0	\$3750

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: none
- b. For the 1999-2001 biennium: \$2500 special funds
- c. For the 2001-03 biennium: \$3750 special funds

4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
		none			\$36,000			\$54,000

*Section 2 would cause an biennial decrease of \$60,000 each biennium.

The net effect is a positive outcome for school district:
\$24,000
\$6,000

If additional space is needed, attach a supplemental sheet.

Signed Kathryn Grafsgaard

Typed Name Kathryn Grafsgaard
 Child Nutrition and

Department Food Distribution Programs

Date Prepared: February 12, 1999

Phone Number 701-328-2294

VR
2/11/99

HOUSE AMENDMENTS TO HOUSE BILL NO. 1233 Edu 2-11-99

Page 1, line 2, remove "school"

Page 1, line 8, replace "**School food**" with "**Food**" and remove "The superintendent of each school district"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "students." and replace "school" with "public or nonprofit private agency, school, institution, organization, corporation, limited liability company, firm, foundation, or entity, with which the superintendent of public instruction has entered into an agreement under section 15-54-03,"

Renumber accordingly

Date: 2-10-99
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1233

House Education Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 90318.0101 title .0200

Action Taken Do Pass as amended

Motion Made By Drovdal Seconded By Nelson

Representatives	Yes	No	Representatives	Yes	No
Rep. ReaAnn Kelsch-Chairperson	✓		Rep. Dorvan Solberg	✓	
Rep. David Drovdal-Vice Chair	✓				
Rep. Michael D. Brandenburg	✓				
Rep. Thomas T. Brusegaard	✓				
Rep. C. B. Haas	✓				
Rep. Dennis E. Johnson	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				
Rep. Howard Grumbo	✓				
Rep. Lyle Hanson	✓				
Rep. Deb Lundgren	✓				
Rep. Phillip Mueller	✓				
Rep. Robert E. Nowatzki	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Solberg

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

REPORT OF STANDING COMMITTEE

HB 1233: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1233 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "school"

Page 1, line 8, replace "**School food**" with "**Food**" and remove "The superintendent of each school district"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "students." and replace "school" with "public or nonprofit private agency, school, institution, organization, corporation, limited liability company, firm, foundation, or entity, with which the superintendent of public instruction has entered into an agreement under section 15-54-03,"

Renumber accordingly

1999 SENATE EDUCATION

HB 1233

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1233

Senate Education Committee

Conference Committee

Hearing Date March 10, 1999

Tape Number	Side A	Side B	Meter #
1	x		4215-5956
Committee Clerk Signature <i>Linda Christman</i>			

Minutes:

SENATOR FREBORG opened the hearing on HB1233. All senators were present.

REPRESENTATIVE RAE ANN KELSCH, DISTRICT 34 introduced HB1233. Basically this bill would require that the lead manager for a school or child care facility would have to have ongoing safety training in food and preparation. It would repeal the section that requires the food service personnel to have a health certificate. We currently are one of the only states if not the only state that requires a certificate for food service personnel and it is something that is antiquated. If you go in and get a health certificate it only means that you are healthy today and that is not something that says you'll be healthily tomorrow. If we train these workers to properly handle food that is going to be the best thing for students.

SENATOR O'CONNELL : Is anyone set up for this kind of training and what kind of courses, how many hours, etc. Why did you put the amendments on.

Rep. Kelsch: Kathy will address your questions.

Testimony in Favor: Kathy Grafsgaard, Director of Child Nutrition and Food Distribution Programs, DPI. The bill would implement a requirement for the manager or lead worker in the child care facility to have initial training and periodic updates in food safety and sanitation.

Written testimony attached.

SENATOR O'CONNELL : How long a program is this and basically how difficult.

Judy: The lead worker in the food service would have sanitation and food handling training that would be in the neighborhood of about 10 hours in length. This is a standard course offering by the Dept., whatever other courses are offered by other organizations and agencies that vary in the length of time that is required for the training. The person would probably have an initial training and then perhaps update every three or four years. A certificate or award would be given upon completion. A complete record would be kept for DPI.

SENATOR WANZEK : The lead worker would be the only one getting the training.

Kathy: We view the lead worker as being the most critical person to oversee the operations of food preparation. It is our view that person would be the only one required to have the training. It is likely that others will already have had it and probably already do. The requirement meets the means of being a lead worker, it limits cost to the school district and provides a mechanism where there is a reporting system. The other workers in the food service would report to the lead worker. The system would be set up for supervision and oversight.

SENATOR WANZEK : Would that put more liability risk on that lead worker or more accountability on them.

Kathy: Perhaps more accountability.

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Senate Education Committee
Bill/Resolution Number HB1233
Hearing Date March 10, 1999

SENATOR COOK : Give me some idea of the sort of child care facility that is underneath the administration of DPI.

Kathy: We administer the child development program and that ranges from Head Start Centers, to private nonprofit corporations. There are currently 80-90 and they care for in the range of 20-100 children in each facility.

SENATOR COOK : Do these child care facilities also fall under the law that is being repealed here. Are they required to have a health certificate.

Kathy: No, they are not required currently, that only applies for school food service.

Testimony In Favor: Kirby Kruger ND Department of Health. Written testimony attached.

Close hearing on HB1233.

SENATOR WANZEK : I move a DO PASS on HB1233.

SENATOR COOK : 2nd

Vote: 6 Yes 0 No 1 Absent

CARRIER: SENATOR WANZEK

Date: 3/10/99
Roll Call Vote #: _____

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. AB1233

Senate EDUCATION Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Wanzek Seconded By Cook

Senators	Yes	No	Senators	Yes	No
Senator Freborg, Chairman	✓				
Senator Cook, Vice Chairman	✓				
Senator Flakoll	✓				
Senator Wanzek	✓				
Senator Kelsh	✓				
Senator O'Connell					
Senator Redlin	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Wanzek

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

REPORT OF STANDING COMMITTEE (410)
March 10, 1999 2:31 p.m.

Module No: SR-43-4491
Carrier: Wanzek
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1233, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1233 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY
HB 1233

TESTIMONY ON HB 1233
HOUSE EDUCATION COMMITTEE
February 2, 1999
by Kathy Grafsgaard, Director
Child Nutrition and Food Distribution Programs
328-2294
Department of Public Instruction

Madam Chairman and members of the committee:

My name is Kathy Grafsgaard and I am the Director of Child Nutrition and Food Distribution for the Department of Public Instruction. I am here to speak in favor of HB 1233.

The bill would implement a requirement for the manager or lead worker in a school or child care facility to have initial and ongoing training in food safety and sanitation. This would apply to local agencies that participate in the National School Lunch, School Breakfast and Child and Adult Care Food Programs as administered by the Department. We believe that this type of training is imperative in order to protect children in schools and child care centers from the potential of food borne illness. Children are especially vulnerable to the effects of food borne illness.

As an educational agency, we believe that the training of school and center personnel is an effective approach. It is desirable to help employees gain the knowledge necessary to be effective in their jobs in food service.

Numerous training opportunities are available statewide to food service

personnel. The DPI will continue to offer high quality training programs statewide at no or very minimal cost to participants. Other organizations and groups also offer quality programming on this topic. All training is consistent with standards established in the food service industry.

The bill also repeals a section in the chapter that requires school food service personnel to file a health certificate annually prior to the first day of employment. To do this requires that the individual visit a licensed physician who is asked to state that the employee is not afflicted with any communicable disease. This requirement applies to all employees in school foodservice, over 1300 people in North Dakota. It provides no assurance concerning the onset of communicable disease during the rest of the school year. We support repeal of that section.

This bill, taken in its entirety, would require less overall financial commitment on the part of school districts, as estimated by the Department. The cost of having a lead worker periodically trained is far less than the current requirement of health certificates for all employees.

I would be happy to answer any questions that you have.

Testimony

HB 1233

Relating to Training for School Food Service Personnel and to Repeal a Section Relating to Health Certificate Requirements for School Food Service Personnel

Before the
House Education Committee

By
Kirby Kruger, North Dakota Department of Health
February 2, 1999

Good morning Madam Chair and members of the Committee. My name is Kirby Kruger; I am an epidemiologist with the North Dakota Department of Health. I am here to offer support for HB 1233. The Department of Public Instruction solicited our input early in the discussion that preceded preparing this bill.

A health certificate, as currently required in NDCC Section 15-54-08, provides a "point in time" look at health status at the beginning of the school year and provides no assurance relative to potential onset of communicable diseases during the remainder of the school year. Consequently, we support repeal of that section.

Training regarding the safe handling, preparation, and service of food is a more proactive method of avoiding spread of communicable diseases in a food service setting. It is our understanding that the training envisioned by DPI would incorporate the principles set forth in the Food Code used by the Division of Food and Lodging. In other words, the approach proposed by DPI matches the approach of the food service industry as a whole.

I would be happy to answer any questions you might have.

TESTIMONY ON HB 1233
SENATE EDUCATION COMMITTEE
March 10, 1999
by Kathy Grafsgaard, Director
Child Nutrition and Food Distribution Programs
328-2294
Department of Public Instruction

Chairman Freborg and members of the committee:

My name is Kathy Grafsgaard and I am the Director of Child Nutrition and Food Distribution for the Department of Public Instruction. I am here to speak in favor of HB 1233.

The bill would implement a requirement for the manager or lead worker in a school or child care facility to have initial training and periodic updates in food safety and sanitation. This would apply to local agencies that participate in the National School Lunch, School Breakfast and Child and Adult Care Food Programs as administered by the Department. We believe that this type of training is imperative in order to protect children in schools and child care centers from the potential of food borne illness. Children are especially vulnerable to the effects of food borne illness.

As the education agency, we believe that the training of school and center personnel is an effective approach to protecting the health of children. It is desirable to help employees gain the knowledge necessary to be effective in their jobs in food service.

Numerous training opportunities are available statewide to food service personnel. The DPI will continue to offer high quality training programs statewide at no or very minimal cost to participants. Other organizations and groups also offer quality programming on this topic. All training is consistent with standards established in the food service industry.

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Testimony

HB 1233

Relating to Training for School Food Service Personnel and to Repeal a Section Relating to Health Certification Requirements for School Food Service Personnel

Before the
Senate Education Committee

By
Kirby Kruger, North Dakota Department of Health
March 10, 1999

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I would be happy to answer any questions you might have.