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Dennis G. Ball
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10/2/03
Date

2003 HOUSE HUMAN SERVICES

HB 1121

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1121

House Human Services Committee

Conference Committee

Hearing Date January 8, 2003

Tape Number	Side A	Side B	Meter #
1	x		0.0 - 18.6
1	x		28.2 - 54.8
1		x	0.0 - 2.7
Committee Clerk Signature <i>Sharon Langston</i>			

Minutes: Kenan Bullinger, Director of the Division of Food and Lodging of the ND Dept. of Health testified in favor of this bill stating that this makes minimal but important changes and that the proposed change in statute would allow some other state agencies to work with our dept. in monitoring the provisions of Chapter 23-09 without changing who has the enforcement responsibility, which would remain with the Dept. of Health, please see attached written testimony.

Rep. Pollert: Had concerns with the 3rd paragraph and asked if the Dept. of Ag and the Food & Lodging Division would agree to do just 1 inspection or does 1 department have the experience to go into a slaughter plant where the Dept. of Ag doesn't? Could you have someone from the Food & Lodging Division that really doesn't know a thing trying to tell this guy what to do as far as regulation?

Mr. Bullinger: What we have in the Dept. of Health for requirements are very minimal in retail foods. The Ag Dept has the condition of the animals, which we don't have experience in as

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Doreen O'Connell
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where we are not trained to look for diseases in the animals, where their people are. We overlap in basic sanitation, basic cold holding temperatures, refrigeration's, hand washing, rest room facilities and those types of things. We do get criticized for having 2 agencies going into the same facility.

Rep. Weisz: Suggested deleting the language that would make sure it all stayed with the Health Dept. as far as enforcement and wondering if there was some reason why it was written up the way it was. Rep. Weisz is interpreting it as it doesn't necessarily prohibit other agencies from enforcing the provisions of that chapter.

Answer: The wording is still there, it still lets our agency have the enforcement and doesn't feel there isn't another agency out there that are interested in it, its our responsibility to enforce.

Rep. Niemeier: What other agencies besides the Dept. of Ag have been part of this duplication?

Answer: The State Fire Marshall's office. We've had problems when people are constructing new hotels & motels because we license and inspect those facilities and we have some basic fire safety provisions in Chapter 23-09 of the NDCC, but the majority of the fire safety requirements are in the State fire code.

Rep. Niemeier: I understand there is to be a cost savings and will that be significant and will it increase the cost to the Health Dept?

Answer: There are 25 or so facilities that we do get into those, so to avoid that duplication, doesn't have a figure on it, but it will not be a substantial amount of savings.

Rep. Pollert: Could you see an expansion of the administrative rule in order to do the new provisions on this or would you see less? No

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Rep. Pollert's concern as to why you would not have the most experienced person come in and do the inspection.

Rep. Price had some concerns and confusion as to what would really happen or what takes place as to the procedure. How a situation would be treated and by whom, example custom slaughtering and who gets paid for this (licensing fee)

Mr. Bullinger gave explanation as to sitting down with any agency and come up with a memorandum of agreement, very similar to what we do with local health cases. We do have agreements with all local health units that do food inspections as well. We don't do duplicate inspections with the local health units. We sit down and do up a memorandum of agreement and decide who is going to cover what and who is going to enforce what and who is going to sit in whatever deficiency. We will provide assistance in food born borne operations investigations. We also license the retail meat operations and continue to license those. There is not a duplication of licenses, no.

Rep. Devlin had concerns with opposition to this and wondered who be opposed and his understanding of no duplication is if there was a memorandum of agreement with an agency.

Yes this was correct.

Rep. Sandvig wanted clarification as to the authority of enforcement.

Andrea Grondahl, Director of the State Meat Inspections Program appeared in support of this bill and to answer questions of the committee and to give some clarifications. She stated that this bill will eliminate the overlap and doesn't see any down side. She also stated that she does not see a problem with one inspector going in and not having the expertise in one area or the other to

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see a violation, also that this will not add extra duties or costs to our facility and that out of 95 custom plants believes that there were 25 to 40 of those overlapped with the State Health Dept. No opposition on this bill, hearing was closed.

Reopened the hearing on HB 1121 for further clarification and issues of the committee.

Rep. Weisz still has concerns with adoption of rules and feels its important as to who is in charge of enforcement and who's in charge of adopting the rules for that Chapter if we delete all the language that is being over struck, that can in theory adopt rules also and they would in no way be prohibited from adopting rules. Also feels that the problems may come back.

After further discussion, Rep. Weisz suggested deleting the language that would allow other agencies from adopting rules to this provision in the chapter.

Rep. Amerman had a question on a law of, country of origin as far as labeling and his understanding was that it has been hard to enforce and wondered if this would affect that at all.

Rep. Price stated that this bill is more on the safety side of it, like the Health Dept. handling the safety side of it.

Rep. Porter's understanding was that it wouldn't be something that if they changed the rules within that statute that this would put a huge burden upon another agency as far as their inspections are concerned. The risk back to the inspectors would be where the risk is, is what we are proposing and the risk wouldn't be back to the business.

Rep. Price brought up the workshop issues where the City Fire Marshall inspected it, the State Fire Marshall inspected it and then the Health Dept. came in and none of them agreed. Each new inspector interprets differently.

Rep. Porter states that the state only inspects the state businesses.

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