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Deanna Halliwell
Operator's Signature

10/3/03
Date

2003 HOUSE EDUCATION
HB 1397

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1397

House Education Committee

Conference Committee

Hearing Date February 4, 2003

Tape Number	Side A	Side B	Meter #
1		x	2114-3210
Committee Clerk Signature <i>Linda Feichtner</i>			

Minutes: **Chairman Kelsch** opened HB 1397

Chairman Kelsch I introduced this bill for a constituent for Dixie and the Mandan Schools.

Dixie Schulz, Food Service Director of Mandan Schools

I would like to propose an amendment to this bill, **See Attached Testimony**. Eliminates some of the wording that was originally put in. As amended "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." The reason that we are proposing this is because this is an issue that is best left up to the school board. They represent the wishes of the community, they are composed of individuals, who because of their background and who they represent, bring a wealth of knowledge to the table. I'm adamantly opposed to any bill that takes that decision making out of the hands of the local school boards.

Chairman Kelsch What services are you providing now?

Schulz: We are just doing in-house things. Other than catering for a meeting in the district, athletic events, speech events, competition tournaments.

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Hearing Date February 4, 20 03

Chairman Kelsch The holiday basketball tournaments, do you handle that or the Mark Club.

Schulz: It is a combination of both, we only provide some of the foods

Chairman Kelsch How many athletic banquets do you?

Schulz: None, we have not catered those.

Chairman Kelsch The reason that I 'm asking these things is it goes to what we discussed earlier, about a huge competition, I know for a fact that they seek to go else where, because a lot of the time a fraternal organization is sponsoring it or donating an amount to it. Either donated of at a reduced amount and the parents paying a portion.

Schulz: We do no solicitation. Bismarck does not either. It is not our practice.

Rep. Herbel Does state law prohibit this now?

Schulz: NO. The way we need to provide those kinds of services, I'm especially dealing with head start. That needs to be a contract with us, and Department of Public Instruction and the agency that we are contracting with.

Rep. Herbel If state law provides it, why do we need this law.

Schulz: The way it is written it needs to be authorized by Department of Public Instruction for us to contract with the other agencies.

Chairman Kelsch we are just taking out one of the sections.

Rep. Jon Nelson Are you in favor of a State funded institution advertising?

Schultz: Personally, no.

**Kathy Grafsgaard, Director of Child Nutrition and Food Distribution Programs,
Department of Public Instruction**

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Support with amendments offered. To make sure local child care centers have access to adequate food service operations. In many of our rural area, adequate food service is not available, they have to go to the school. Out office oversees a competitive bidding process that is used. Not every rural community has food service available.

Rep. Herbel You said you oversee, Do you have the right to reject bids?

Grafsgaard: That process is actually done by the child care center, based on the criteria that is passed down by the federal government.

OPPOSITION none

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2003 HOUSE STANDING COMMITTEE MINUTES
 BILL/RESOLUTION NO. HB 1397
 House Education Committee

Conference Committee

Hearing Date February 11, 2003

Tape Number	Side A	Side B	Meter #
1	x		2260-3460
Committee Clerk Signature <i>Linda Fiechtner</i>			

Minutes: **Chairman Kelsch** opened HB 1397

Rep. Hawken: recapped the bill, reviewed the amendments proposed.

Rep. Hanson In the case of Wahpeton they can still have a wedding, they just can't advertise

Rep. Hawken: They can not advertise by putting any ads.

Rep. Hanson they can still compete? **Rep. Hawken** Not really, If they are part of the college, and that was not their concern, it was the advertisement.

Chairman Kelsch you sent this to Mr. Carlson, **Rep. Hawken:** yes I did, and he was very comfortable with that.

Rep. Hanson Wahpeton Science is delivering pizza around town. **Rep. Hawken** They are not doing that, it is just to the campus. The board of Higher Education is dealing with that.

Rep. Sitte MSU will still be able to host conventions, they just can't advertise. Do you think the Board of Higher Education will take care of that. **Rep. Hawken:** Yes

Chairman Kelsch Really what Miss Lewis was talking about was they were advertising these ballrooms for weddings, that is not appropriate.

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Hearing Date February 11, 2003

Rep. Mueller We are not demanding a policy, **Rep. Hawken**: No we are strongly suggesting a policy

Rep. Mueller My only point might be, is it possible to do that through the Higher Ed.

Chairman Kelsch we have to be careful of the Foundations within the University System.

Rep. Hawken: This is legally how it can be done, without getting into trouble then they are in.

Chairman Kelsch MSU is not very happy about this and I replied through email, that I thought they were actually biting off their own nose because of the businesses in their community that contribute to scholarships and to your Foundation and all kinds of things, I don't know why you would want to compete with them.

Rep Hawken motion to accept amendments, **Rep. Mueller** seconded

Rep. Herbel moved DO PASS as amended, **Rep. Solberg** seconded, Roll vote passed 12-0-2.

Rep. Haas carried the bill

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2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1397
House Education Committee

Conference Committee

Hearing Date February 18, 2003

Tape Number	Side A	Side B	Meter #
1	x		600-1700
Committee Clerk Signature <i>Linda Fiechter</i>			

Minutes: **Chairman Kelsch** opened HB 1397

Rep. Meier moved to reconsider 1397, **Rep. Sitte** seconded the motion, voice vote passed.

Chairman Kelsch Yesterday I received a e-mail from Mr. Carlson, however I had a interesting session with him yesterday. The concern that he still has on the bill was the fact that on the 'board of a school district...may enter into a contract..meals' he wanted the language to say "before the school board of a district enters into a contract.." See LEGISLATIVE COUNCIL 30331-0201 amendment. reviewed the reading of the amendment into the Engrossed bill.

Chairman Kelsch I told her to leave in may not advertise.

Rep. Hawken: we don't want to take that out.

Chairman Kelsch Starting on line 14 it should read '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.

Chairman Kelsch we have just modified .0201 some

Rep. Haas moved to the new amendments, **Rep. Hanson** seconded. Voice vote, passed.

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Rep. Jon Nelson moved a DO PASS as amended, Rep. Mueller seconded the motion.

Roll vote, passed 14-0-0, Rep. Haas will carry the bill to the floor.

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30331.0102
Title.0200

Prepared by the Legislative Council staff for
Representative Hawken
February 7, 2003

VR
2/11/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1397 HEDU 2-14-04

Page 1, line 2, remove "school district"

Page 1, line 6, after the boldfaced period insert:

"1."

Page 1, line 8, replace "provided the board first determines that there" with "but may not advertise to the general public its willingness to enter into such a contract."

2. The board of a school district may establish a policy regarding activities governed under subsection 1 and address issues related to competition with private sector entities.
3. An institution under the control of the state board of higher education may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution, but may not advertise to the general public its willingness to enter into such contract."

Page 1, remove line 9

Renumber accordingly

