

**FIRST ENGROSSMENT
with Conference Committee Amendments****ENGROSSED SENATE BILL NO. 2344**

Introduced by

Senators G. Lee, Klein

Representatives Belter, Carlson, DeKrey

1 A BILL for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North
2 Dakota Century Code, relating to the provision of food and catering services by institutions of
3 higher education and school districts.

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

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

7 **15-10-17.4. Contract - Preparation and provision of meals - Policy.**

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

1 ~~food services for persons or programs not affiliated with the institution~~ the services
2 permitted under this section.

3 4. Nothing in this section may be construed to limit the activities of a private sector
4 entity that provides meals, snacks, or other food services to an institution of higher
5 education under the provisions of a contract.

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

8 **15.1-35-08. Contract - Preparation and provision of meals.**

9 1. The board of a school district may prepare and provide meals, snacks, or other
10 food services for any events or programs occurring on or off school property,
11 provided the events or programs:

12 a. Are hosted by or under the auspices of the school district; or

13 b. Involve child care centers participating in the Child and Adult Care Food
14 Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].

15 2. a. The board of a school district may enter into a contract to prepare and provide
16 meals, snacks, or other food services for persons or programs ~~not affiliated~~
17 ~~with the school district~~ other than those in subsection 1, provided any person
18 that wishes to enter a contract with the board under this ~~section~~ subdivision
19 first demonstrates to the satisfaction of the board that there are no private
20 entities able and willing to enter into such a contract.

21 2. b. The board of a school district may not advertise to the general public its
22 willingness to provide meals, snacks, or other food services ~~for persons or~~
23 ~~programs not affiliated with the district~~ under this section.

24 3. ~~An institution under the control of the state board of higher education may not~~
25 ~~advertise to the general public its willingness to provide meals, snacks, or other~~
26 ~~food services for persons or programs not affiliated with the institution.~~