

1999 SENATE POLITICAL SUBDIVISIONS

SB 2201


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2201

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 15, 1999

Tape Number	Side A	Side B	Meter #
1	x		2731 to 6036
1		x	0 to 3383
2	x		2618 to 4129
Committee Clerk Signature 			

Minutes:

SENATOR LEE: MEETING CALLED TO ORDER ON SENATE BILL 2200 AND 2201

WHICH WILL BE HEARD A JOINT BILLS

CLERK: Roll call taken, all Senator present

SENATOR WATNE: introduce 2200 and 2201, see attached testimony

SENATOR LEE: ANY QUESTIONS IN FAVOR OF 2200 OR 2201

DEBRA ANDERSON: FISCAL NOTE WAS BROUGHT IN BY HER, see testimony on 2200 and 2201

SENATOR LEE: interesting knowledge

LEO BRUNNER: objections to 2200 as far as objections in swimming pool objections.

Insurance companies should be inspecting pools and not health department. Problems deal with water quality. This portion is monitored by state health department. Health department takes

three weeks to respond. Swimming pool seminar held every year. Needs to be addressed, such as water quality standards should be done ASAP, this is an insurance issue

SENATOR LEE: what is the recommendation for those communities or pools that don't have the good set up that you do.

Leo Brunner: Implement minimum standards. Small town pools cannot afford to pay to have the health department inspect pools

Senator Lee: Name of course, POOL OPERATORS

SENATOR LYSON: Do you still send your records to the health department

LEO BRUNNER: We keep records for three years and some records are still kept

SENATOR LYSON: Do you exercise your other life saving equipment, and how often

MR. BRUNNER: Yes, we still do and every two weeks beginning at each year. We bring down the EMT'S from Minot Some equipment maintained by the really trained professional, buddy system and other techniques not learned from an inspector

SENATOR LYSON: Do you keep track of your training records and do they also go to the health department?

MR BRUNNER: No, those are pool records

SENATOR LYSON: Would you have a problem doing that

MR BRUNNER: I don't know what they would use them for

SENATOR WATNE: Should establish minimum standards and Mr. Brunner you don't object to minimum standards set by the committee.

MR BRUNNER: No I don't object

SENATOR WATNE: Red Cross had come to me with objections regarding "Nationally accredited standards"

MR BRUNNER: American Red Cross or some other entity to train pool guards and inspect pools, I am fine with the Red Cross.

SENATOR LEE: Any further testimony

KIETH JOHNSON: See testimony

SENATOR LEE: Any questions

MEL FISCHER: See attached testimony

SENATOR LEE: Shock monitoring in water testing and water samples sent to the Health department for examination. Would the health department have to inspect pools or could there be some sort of self testing by smaller pools

MEL FISHER: All pool operators must attend this instruction for the city of Bismarck, important to provide inspection of pools. Inspection of pools weekly and water samples three times a day. \$300.00 a year for health department inspections plus fee

SENATOR KELSH: What is a semi - public pool

MEL FISHER: a pool such as a hotel and condominium pools

END OF SIDE A

SENATOR LYSON: Chlorine burned at pool

SENATOR FLAKOLL: Waterslides also. Besides chlorine, what else do you check for?

MEL FISCHER; Chlorine residual in public pools and effected requirements. Chlorine should rid pool of organisms. Bill doesn't address water quality looks more at safety concerns.

SENATOR WATNE: Matters should be addressed in Minimum standards set don't you think?

MEL FISCHER: Yes, I think that they should be, some kind of minimum standards throughout the state.

SANDI TALKINGTON: See addressed testimony

SENATOR LEE: Two separate issues being addressed here

SANDI TALKINGTON: How to address these issues besides being a mandiate

SENATOR NELSON: keep copy of lifeguard certificates for six years, why?

SANDI TALKINGTON: this is just a legal record thing, not quite sure why

SENATOR LYSON: Same as law enforcement

SENATOR FLAKOLL: Protect against a lawsuite

CONNIE SPRYNCZYNATYLC: Feeling on 2200 and 2201 about getting a subcommittee together to discuss safety and water quality issues

SENATOR LEE: Delighted to have a task force convience

SENATOR NELSON: Training for younger life guards

ANN KEMPF: 25 year life guard and life saving techniques for lifeguards. Support of 2200 and 2201. Park board rules and regulations and what they consist of. Park boards whom have

budgets cut on the pools

SENATOR LYSON: Fiscal impact of this bill on small towns

ANN KEMPF: small towns would not appreciate fiscal impact of bill but the lifeguards would because it is their job to save the people and they need the standards

SENATOR LYSON: So what do you charge the city for training

ANN KEMPF: Between \$100.00 and \$150.00

SENATOR LYSON: Do most small pools have lifesaving equipment?

ANN KEMPF: yes, most do but the equipment is outdated and minimums need to be set

SENATOR WATNE: Cost of first aid kit is \$100.00

ANN KEMPF: You can make spin boards and some small towns have, so yes

SENATOR WATNE: 2-300 should cover this cost

ANN KEMPF: rescue tube is part of package but not required for some smaller pools which means some pools do and some don't

SENATOR LEE: Liability issue

CONNIE SPRYNCZATYK- world wide web for Mott pool and renovation issues for pools in need of desperate repair. Education component as part of pool safety.

SENATOR LEE: state health department being called upon

SENATOR NELSON: Certification for boats and required safety equipment for boats and licensing.

MEL FISCHER: required licensing for pools and equipment rooms and chemical installations this is part of the licensing fee

SENATOR NELSON: Closing of unsafe pools because of safety concerns

SENATOR LEE: West Fargo's closing of the pool and the VFW proceeds

ROB GRAFF: reading of 2201 and minimum lifeguard qualifications and what prepares a lifeguard for emergencies.

SENATOR LEE: participate in the task force

SENATOR FLAKOLL: man made verses natural guidelines for these bodies of water

ROB GRAFF: Pool chemistry and how circulation effects the content of manmade pools verses a chemical enviroment

SENATOR FLAKOLL: How long does Chlorine last:

ROB GRAFF: Lasting of chlorie and it's santiation effect with evaporation

SENATOR LEE: Chlorine effects to be residual

MEL FISCHER: Super chlorination of pools and the bounding of chlorine effects on water and when it should be added and what organisms it takes care of. Water quality all the time

SENATOR FLAKOLL: Evaportation of Chlorine

MEL FISCHER: Either or.

PAT LENO: drowning in pools and the following of standards by lifeguards, and welcomes public comment on bills

SENATOR FLAKOLL: Type of background in drownings per year

PAT LENO : Will check on this.

SENATOR WATNE: Motel pool safety

MEL FISCHER: Motel pools are the unsafest because of lack of a lifeguard and maintenance people

ANN KEMPF: Some one watching from hotel

SENATOR LYSON: Capacity of pools

KEITH JOHNSON: Standards that are available and 15 feet per person

MEL FISCHER: National standards for pool design

SENATOR FLAKOLL: SENATOR Watne, inspection of substandard pools and when a pool should be closed down

SENATOR WATNE: Minimum standards for lifeguard training and pool safety for the entire state.

SENATOR LEE: CLOSED HEARING AND SETTING UP OF TASK FORCE

SENATOR LYSON: WILL COCHAIR

SENATOR LEE: sign up sheet and lets act on task force

SENATOR WATNE: Connie to set up and catching her at the league of cities.

Motion: None taken

January 28, 1999

SENATOR LEE: Committee back to order

COMMITTEE DISCUSSION ON 2200 AND 2201

MOTION: DO NOT PASS ON 2201

MOTION: DO PASS AS AMENDED ON 2200

SENATOR LEE: BOTH BILLS HEARD ON THE FLOOR AT SAME TIME

HEARING CLOSED ON 2200 AND 2201


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2201

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 25, 1999

Tape Number	Side A	Side B	Meter #
1	x		0 to end
1		x	0 to 840
Committee Clerk Signature 			

Minutes:

CONNIE SPRYNZNATYK- Director for the League of Cities, reintroduces SB2200 and SB2201 to the Subcommittee.

NO FORMAL ROLL CALL WAS TAKEN

SENATOR WATNE: ONLY SENATOR PRESENT

CONNIE SPRYNCZYNATYK: Reintroduce Senate Bill 2200 and 2201

SENATOR WATNE: Introduction of all people who are present at this committee hearing

CONNIE SPRYNCZYNATYK: opens meeting on 2200 and 2201, member Ann Weston missing, and questions about the bills and the need for or against legislation

DOUG GRIFFIN: Insurance reserve fund, vast majority are lifeguards that are certified, Safety and the open ended bill (SB2200) Certification of pool operators and most are correct, smaller pools hiring of pool lifeguards

SENATOR WATNE: testing of pools by insurance companies and inspection thereof.

DOUG GRIFFIN: updating of standards in pools, and recommendation's to pools about safety

SENATOR WATNE: water testing of pools by insurance companies

DOUG GRIFFIN: We don't do water testing. state dep. of health used to get involved until 1991

CONNIE SPRYNCZYNATYK: safety as a functional area - structure of pool, water quality, any physical object belonging to the pool then their is an equipment question and lifeguard training and water quality issue. Missing any major categories

DOUG GRIFFIN: Training

CONNIE SPRYNCZYNATYK: training is a hot topic

STEVE MEER: addressing difference between public and private pool

CONNIE SPRYNCZYNATYK: no definition of a public pool

STEVE MEER: nothing in the state but local health units have the differences between them

DOUG GRIFFIN: Semi public is also included in health department rulings.

SENATOR WATNE: Not to take other pools into consideration, just the public pools. Diane Chilston with Minot Red Cross.

DIANE CHILSTON: SEE ATTACHED TESTIMONY MINOTS POOL REQUIREMENTS

CONNIE SPRYNCZYNATYK: health units are broader than this legislation which is just for public pools So is the YMCA considered a public or private pool

DIANE CHILSTON: Semi public

STEVE MEER: safety rules in public pools vs. private and semi public pools

CONNIE SPRYNCZYNATYK: leaving semi public out of bill language and semi public comes under local health units

GARY TURNIS: definition between public, private and semi private in different towns

DOUG GRIFFIN: different set of pool standards for each pool

DEBRA ANDERSON: redefining of public and nonpublic swimming pools

STEVE MEER: where colleges and universities fall into, semi public

CONNIE SPRYNCZYNATYK: what else could be determined public and semi public

STEVE MEER: hotel and motel

SENATOR WATNE: That would be private

STEVE MEER: no, depends on the definition and which pools that we are going to address

CONNIE SPRYNCZYNATYK: City ordinances and how to they apply to the laws

SENATOR WATNE: No mandates for smaller cities or burdens

STEVE MEER: necessity for someone on the property who understands pools and how they work.

GARY TURNIS: How other states are effected by their standards and courses that are BEING given and we need to look for standardization

CONNIE SPRYNCZYNATYK: adopting national standards to the pools

GARY TURNIS: effect of playground industry standards vs. having national standards for swimming pools

SENATOR WATNE: Are there any standards for National Swimming Pools

GARY TURNIS: I think that we are coming really close, and seasons for pools and why the operating budgets effect risk management

CONNIE SPRYNCZYNATYK: in terms of certified pool operator pool courses are there other pool trainee programs

GARY TURNIS: see booklet on associations that have pool operator courses

AL FISC HER: Saving costs in smaller counties and how it affects pool operation and water quality. training vs. accident (see handout on certified pool operators)

GARY TURNIS: State standards and the insurance reserves and pools relying on these codes to adopt a state standards

CONNIE SPRYNCZYNATYK: Does the idea of statewide pool standards give anyone heartburn.

DISCUSSION ON QUESTION ASKED

SENATOR WATNE: Every local health district shall establish standards for safety including lifeguard training and shall monitor facility safety

AL FISC HER: Some areas of the state that don't have local health offices

SENATOR WATNE: Local health departments to do inspections

CONNIE SPRYNCZYNATYK: Health council establishing minimum standards and rule making process that would accept input

DEBRA ANDERSON: health department makeup

CONNIE SPRYNCZYNATYK: any problems

AL FISC HER: health department would set up standards

SENATOR WATNE: shall establish minimum standards

AL FISC HER: Positive way to go and provide vehicle for minimum standards for pools around the state

LEO BRUNNER: Simple to look at just the public pools

CONNIE SPRYNCZYNATYK: establish broad based legislation for the state and questions that apply to the health authority

DOUG GRIFFIN: standards playground safety vs. pool safety and separate standards for everyone in the state.

SENATOR WATNE: establishment of rules by the health council, meetings are always open to the public

CONNIE SPRYNCZYNATYK: It would be helpful to have the standard that the health department would use to create a statewide pool board

DEBRA ANDERSON: committee work and health council work

DIANE SHUTZON: committee recommendation's

CONNIE SPRYNCZYNATYK: delegation of authority and changing of the health rules

DEBRA ANDERSON: go back to the health council and it's not that hard

STEVE MEER: Adoption of playground standards and adopting these standards and how they are implemented by education

DISCUSSION

DOUG GRIFFIN: national standards and what is accepted and what is liable to a lawsuit on is there are three standards set for pool safety

CONNIE SPRYNCZYNATYK: no accepted set of National standards and I said one set and health council's recommendations to the rule making process as the national standards change

STEVE MEER: No set of rules regarding liabilities and what could be said in litigation

DISCUSSION

JANE BOYAGER: Guidelines when it comes to how pools are regulated and who is going to do that and why in three months and training costs

SENATOR WATNE: teenagers and pool rats and some danger by kids to the pool

AL FISC HER: setting some kind of standards for the city of Bismarck

STEVE MEER: Replacement of problem parts and putting the responsibility for the pool in the hands of someone young and not responsible for guarding the pool.

PAT LENO: people whom operate the pools and who hires the lifeguards and when lifeguards should attend a training class and this bill should address the pool operators and the pool managers

SENATOR WATNE: lifeguard issues and where the second bill comes in

PAT LENO: is there a way to determine how much of a problems are in smaller communities and having a broader scope

GARY TUNN: seasonal employees and the certification of

CONNIE SPRYNCZYNATYK: risky situation to put non qualified people into risky environments

GARY TUNN: taking care of dangerous situations by people who are not fully trained to do the job

SENATOR WATNE: If we had these standards, would insurance rates go down

DISCUSSION

DOUG GRIFFIN: chemical problems and disaster plans for pools. chlorine spills and what unqualified people should do.

CONNIE SPRYNCZYNATYK: listing, disaster planning, and 2200 being the bill to carry these issues that we are discussing

GARY TUNN: disaster planning should be part of list

SENATOR WATNE: do you insure public school pools

CONNIE DICTONAN: inspection of semi public pools by the public health department

SENATOR WATNE: can start with public pools and test this over a session of the legislature

PAT LENO: What is the ratio of lifeguards to people in the pool and what are the national standards for this

.DISCUSSION

JANE BOYAGER: every pool is different but the ratio as it stands now is 1 lifeguard for every 20 kids

DISCUSSION

CONNIE SPRYNCZYNATYK: Legislation to common law verses legislation to bills by the Senate, how much time this process takes, anyone who is uncomfortable with this legislation

CONNIE DICTNON: question of health care authority having the ability to test water quality

AL FISC HER: we feel comfortable with this action

SENATOR WATNE: specialized fields and setting up of these standards by a health board

DISCUSSION

ROBB GRAFF: people could start the process for the committee

CONNIE SPRYNCZYNATYK: this is the process to start for any committee

end of side A

CONNIE SPRYNCZYNATYK: question about the two pieces of legislation and taking 2200 and amending this bill and waiting on 2201

SENATOR WATNE: will withdraw 2201

CONNIE SPRYNCZYNATYK: give 2200 to the committee to vote upon

JANE BOYAGER: When would we look at this again

CONNIE SPRYNCZYNATYK: legislation that gets into state law and to make changes

JANE BOYAGER: All areas covered

SENATOR WATNE: one simple bill is the goal and what amendments to make to this bill

CONNIE SPRYNCZYNATYK: missing some pieces from this bill

GARY TUNNIS: additions to the list

CONNIE SPRYNCZYNATYK: discussion on the bill and it's amendments

SENATOR WATNE: public swimming pools and the safety

the health council shall establish minimum operating standards for public swimming pools.

CONNIE SPRYNCZYNATYK: ask Debra if this bill will provide the means to make this bill to work.

DISCUSSION

MOTION TO AMEND BILL BY SUBCOMMITTEE

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Senate Political Subdivisions Committee

Bill/Resolution Number SB2201

Hearing Date January 25, 1999

SENATOR WATNE KEEPING BOOKS AS PART OF THE RECORD

LARRY WEBBER: lifeguard safety and waiting for the EMT's

DISCUSSION BY COMMITTEE WITH THE EMT ISSUE

SENATOR WATNE EMT's as part of the standardization

DEBRA ANDERSON: EMT and what is covered as standard pool issue

CONNIE SPRYNCZYNATYK: rules for EMT's as part of training

DISCUSSION

END OF TESTIMONY

Date:
Roll Call Vote #:

Kill 2201

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

Senate Political Subdivisions Committee Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not pass

Motion Made By S Watne Seconded By S Flakoll

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh					
Senator Nelson	/				

Total (Yes) 5 No 0

Absent Senator Kelsh

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE (410)
January 28, 1999 1:53 p.m.

Module No: SR-18-1391
Carrier: Watne
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2201: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2201 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

SB 2201

Chairman Lee and Members of the Political Subdivisions Committee:

Senate bills 2200 and 2201 are interrelated. Senate Bill 2200 requires the public health units to monitor swimming facility safety at the local level; and Senate Bill 2201 provides minimum lifeguard qualifications and lifeguard equipment standards. Violation of these minimums and standards would be an infraction.

I was amazed to learn that our state does not already have such standards. I assumed when my children and grandchildren were at a public pool swimming that the lifeguards were trained in the area of cardiopulmonary resuscitation, first aid, or life guarding, and that there was adequate equipment on hand to handle an emergency. I was wrong; this bill will make it right. This bill sets out the basic equipment needed. No pool should be without this equipment. Some localities do already have procedures in place and are monitored

Similar legislation came before us during the last session, but it was not as expansive. Objection was based on the exclusivity of entities recognized as trainers. This bill expands such training entities to "any nationally accredited organization" with a lifeguard training course. There was also objection that it was a mandate to local pools to buy a lot of equipment. This bill has shortened that list to just the basics needed and is not costly. If a pool is charging an entry fee, that fee certainly assumes you are buying safety and protection - - and these are the minimums of protection. Senate Bills 2200 and 2201 meet and overcome the objections that came forth with the old bill, and I urge its passage.

I have visited with the Health Department and Health District officials about this bill and they have already formulated a plan for its implementation, which they will share with you. The need is there and they are willing to fill this need. And at all times we all agree it should be kept at a local level control wherever possible.

I urge a do pass recommendation on these two bills. Thank you.

Respectfully,



Darlene Watne
Senator, Fifth District

Associated Supply Company, Inc.



1500 Industrial Drive
P.O. Box 2318
Bismarck, North Dakota 58502-2318
701-258-7302
FAX 701-224-9729



Certified Pool/Spa Operator (CPO)

Wednesday, September 30 and Thursday October 1, 1998

Instructor: Jerel (Jerry) Ternes

The CPO course is designed to provide the skills and knowledge necessary to safely and efficiently manage and operate swimming pools and spas. This course fulfills the City of Bismarck's mandated requirement that pool operators be certified by a nationally recognized training agency.

This two-day course will cover water chemistry, water testing, chemicals, safety, pool/spa management, regulations, pool/spa equipment, and other pool/spa related subjects. Each student will receive a "Pool/Spa Operator's Handbook" and upon successfully completing the open book examination (scoring 70% or greater) will receive a nationally recognized "Certified Pool Operator" Certificate from the National Swimming Pool Foundation.

The demand for Certified Pool/Spa Operators (CPO's) continues to grow. The CPO represents a profession that is important to the growth of swimming and the benefits gained from it. The CPO is responsible, not only for the function and operations of the facility, but also for its acceptance by the community in which it is located and by its patrons, present and potential.

**DATE: WEDNESDAY & THURSDAY
SEPT. 30 & OCT. 1, 1998**

**LOCATION: COMFORT INN
1030 INTERSTATE AVE.
BISMARCK, ND 58501**

**TIME: 8:00 A.M. - 5:00 P.M.
WEDNESDAY & THURSDAY**

**COST: \$200.00
Includes Lunch**

Each participant **MUST** bring their own pocket calculator for the course.

All students must be registered by **September 15, 1998**. Registration is completed only after payment is received. Please complete the attached registration form and return ASAP, as class size is limited.

A block of rooms has been reserved at the Comfort Inn. For room reservations, call Comfort Inn at 701-223-1911 by **September 15, 1998**. Please mention you will be attending the CPO class provided by Associated Supply Company, Inc.

Lunch on both days will be provided compliments of Associated Supply Company, Inc., Bismarck, ND.

IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CALL 701-258-7302.

REGULATIONS OF FIRST DISTRICT HEALTH UNIT

This rule and regulation regulates the inspection, operation, and monitoring requirements of the public and semi-public pool and spa facilities within the boundaries of the First District Health Unit.

SECTION 1.

This rule and regulation requires that all public and semi-public swimming pool and spa facilities be annually inspected by the District Health Officer, or his designate, and provides regulations and standards necessary to make these swimming pools and spas safe and healthful.

SECTION 2.

During its months of operation, each public and semi-public swimming pool and spa facility shall submit a water sample from the swimming pool or spa, to a laboratory certified by the North Dakota State Department of Health, for a bacteriological analysis. A minimum of one sample per month must be submitted for each pool and/or spa located at that facility. Samples must be submitted for each month that the pool and/or spa is open for use by the public. If a water sample tests unsatisfactory, the facility must then submit recheck water samples from the same pool/spa for bacteriological analysis until a satisfactory test is achieved for that month.

SECTION 3.

The District Health Officer, or his designate, may temporarily close any facility that has been determined to be a health or safety hazard or in the event of a failure to comply with any of the requirements of this chapter, the department may abate or cause suspension of the use of such a facility until such time as the pool/spa facility is no longer deemed a health or safety hazard.

This rule and regulation made by the First District Health Unit Board of Health is necessary and proper for the preservation of public health and safety.

2200/2201

Game...

Representing...

Phone / fa

✓ Steven M. New
 Doug GRIFFIN
 Jenny Ternee
 ✓ Mel Fischer
 Jane Erickson
 Jenny Holweger
 Rob Graff
 Pat Lono
 Sonja Zeitler
 Diane Chilson
 Debra Anderson
 Larry m weber
 Leo Bunner

Bismarck Park District (P) 222-6455
 No. Dak. Recept. Assoc. (F) 221-6838
 ND Insurance Reserve Fund. 224-1928
 Associated Supply Co (CPO Instructor) (224-6600) (Fx) 258-7302
 Sanitation Coordinator - City of Bismarck 258-2070
 City of Killdeer 764-5295
 (W) 255-3601
 (H) 258-8957
 Missouri Valley Family YMCA 255-1525
 Missouri Valley Family YMCA 255-1525
 Missouri Valley Family Y 255-2525
 American Red Cross 852-2828
 NDDof 328-4619
 NDDOH 328-2388
 minist park dist of ND 857-4136

*Had
Fiscal
Note*

Testimony
on
SB 2200, Requiring Public Health Units to Monitor Swimming Facility Safety
before the
Senate Political Subdivisions Committee
by
Debra Anderson, Local Health Coordinator

January 15, 1999

Madam Chair, members of the Senate Political Subdivisions Committee, thank you for the opportunity to provide an overview of the impact of SB 2200 on our state's local public health units. I'm Debra Anderson, Local Health Coordinator for the North Dakota Department of Health, and I am a liaison between the state health department and the 24 local public health administrators in the state. As a link between the state and local public health system, I was assigned the task of completing the fiscal note for SB 2200.

Because the sponsors of this bill, Senator Watne and Representative Wentz, both represent Ward County, I began my research into the potential implementation and cost of the bill by contacting Lisa Clute, executive officer of First District Health Unit, a seven-county health district with its main office in Minot. Lisa wasn't able to be here today, but she has voiced support of the information I now will present.

Establishment of minimum standards for swimming facility safety should not be a difficult task. In fact, since receiving this bill late Tuesday afternoon, several administrators and environmental health practitioners from local public health units in North Dakota's larger cities have told me they currently have pool inspection programs

and would be willing to make their inspection standards available to health units that do not have them.

Following the definition of swimming facility included in SB 2201, Lisa and I used First District Health Unit's seven-county area as a model for estimating the time and travel involved in providing swimming facility inspections. We limited our calculations to pools accessible to the public that provide lifeguard services, thus eliminating hotel/motel pools and privately owned pools. Because we were not sure what would be included in the SB 2200 requirement to "monitor swimming pool safety," we chose two pool inspections per summer as a starting point for this discussion. The "ballpark" calculation for providing this service is \$155 per pool per summer.

The next step was to determine the number of pools in North Dakota that would be affected by SB 2200. With input from North Dakota Parks and Recreation, we estimated that there are about 125 pools in the state which meet the SB 2201 definition. Then, working with Keith Johnson, administrator of Custer District Health Unit and an experienced environmental health practitioner, we estimated that about 60 percent of these pools already are being inspected by local public health units.

We used 40 percent of 125 pools – or 50 pools – times a cost of \$155 per pool to arrive at the estimated yearly cost of \$7,750 to monitor the safety of pools not currently being inspected. If the committee allows the local public health units to pass this cost along to the pool owners as a licensing fee, the dollar amount of the fiscal note attached to

SB2200 will be zero. (In most cases, however, the cost would be passed on to another local government entity.)

An explanation of the potential impact of this law on local public health units in our state provides a prime example of their diversity. For example, Fargo-Cass Public Health has a swimming pool licensing and inspection program, including an established fee schedule. First District Health Unit also has an inspection and licensing program, but does not charge for this service. In both cases, pool inspections are performed by the units' environmental health practitioners.

As the attached map illustrates, eight of the 24 local public health units in the state employ full-time environmental health practitioners. However, the remaining 16 health units (and most likely local governments in the four counties that do not have public health units) do not have environmental health practitioners on staff. Pool inspections in these health units would either have to be completed by public health nurses or through contractual arrangements with the eight larger units.

Both scenarios have their weaknesses. Public health nurses are not trained to provide environmental health services. Contracting for these services may greatly increase the cost of inspections because of the added time and travel expenses for the contracted environmental health practitioners. The intent of sharing this information with you is not to discourage you from recommending a "do pass" to the Senate. Rather, it is to request

that you carefully consider the potential impact of SB 2200 on our state's diverse public health system.

This completes my summary. As you can see, this information is based on estimates gathered in a short time period. I would be happy to obtain more specific information at the committee's request and to respond to any questions at this time.

Testimony for SB 2200 and SB 2201

I have a concern with SB 2200 and SB 2201 requiring public health departments to monitor swimming facility safety and creating a definition of a lifeguard. This suggests that public health departments be available anytime the swimming facility is open to the public to insure safety. This also suggests that the public health department is responsible for public safety. This raises the question of liability to communities, such as Bismarck, for individuals harmed in a pool facility. It also creates an issue of staffing and related costs. While I support the concept of swimming pool safety, I cannot support this in its present form. Many communities, such as Bismarck, already address public safety in swimming pools in addition to safe, sanitary pool requirements. We currently administer a very stringent ordinance governing the operation of semi ~~public~~ ^{public} and public swimming pools. We have done so since 1973. My recommendation would be to develop minimum operating standards for of semi-public and public swimming pools. This should include safety, as well as, safe, sanitary water standards. In regard to SB 2201, I would suggest the following language that indicates that lifeguards must be qualified in lifeguard training, CPR and first aid if they hold an appropriate Red Cross, YMCA or equivalent certificate. SB 2201 is too confusing as it is presently stated and I do not believe it is necessary to develop another standard, when a good national standard is available.

I would offer the suggestion that this be directed to the State Health Council for implementation of minimum operating regulations of ~~public~~ ^{public} and semi-public pools so communities that do not have this service, are provided with the authority to implement safety regulations for pool operations.

Mel Fischer
testimony

4830
Tape

Testimony in support of and about SB2200 and SB2201.

Before the Senate Political Subdivisions Committee.

Keith Johnson, R.S., Administrator and EHP

Custer District Health Unit, Mandan, ND Ph. 667-3370

For the ND Environmental Health Assn. and the ND Public Health Assn.

I stand in support of this bill, though I am a little puzzled as to how we will implement its provisions. After the State Health Dept. stepped out of this program in 1991, pool regulation has been a patchwork affair where the local departments have filled the gap left by the State's departure as best they could. Pools can be dangerous, and need to be inspected. The staff needs to be educated and credentialed in lifesaving. In those respects, the Environmental Health Association and the Public Health Association recognize the importance of these bills and supports their intent.

Currently, all the major cities and the rural health districts have swimming pool programs in place. This is because these agencies have environmental health practitioners on staff. Most of the single county districts and departments in the eastern half of the state do not have environmental health practitioners, and so have no swimming pool program. Some of these pools are already inspected by an EHP contracted from an adjacent agency, but most are probably not inspected or sampled. These areas would have a choice of contracting for an EHP if they can find one, or putting an EHP on staff, in cooperation with other public health agencies in the area. Recommended staffing for an EHP has historically been one EHP per 15,000 population, so the economy of scale achieved by cooperation among agencies is obvious. Either way, it will cost some money. That money could be recouped by inspection fees, supported by the public health agency budget, or by a combination. Public health agencies statewide are starting to recognize the fact that they need to provide environmental health services. The only thing holding them back is the question of how to pay for them.

The second question that must be answered is whether we want twenty four different sets of swimming pool regulations passed by twenty four different health agencies. The cities and districts already have regulations in place, and all are reasonably uniform at this point. I suggest that the State Health Council pass minimum pool regulations upon which a local public health agency can build. This would provide some degree of uniformity.

With these changes, I support the bill.

NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Judiciary,
Vice Chairman
Political Subdivisions



Chairman Price and members of the House Human Services Committee:

I am Darlene Watne, Senator for the 5th District, Minot. Fifth District is the only inner-city district in Minot. It is all of southwest and part of southeast Minot. All other districts encompass some of the inner-city and then reach out and embrace rural areas.

SB 2200 comes before you and simply reads, "The Health Council shall establish minimum operating standards for public swimming pools."

The brevity is deceptive because this is a powerful bill, and only by sharing the background of the formation of the bill will you appreciate the depth of importance. So, let me tell you what has happened.

Until 1991 the Health Department oversaw the pools in our great state. Because of budget restrictions, the Health Department removed this responsibility from their portfolio. Problems, serious safety problems, arose at the public pools around the state. Every session since then we have seen bills to try to eliminate the problems, all to no avail because they would cost the political subdivisions money, seen as a mandate, and no one could agree on the type of equipment that should be in place at their pools - - every list was considered another mandate - - and no one could agree on the best training method. Singling out one or two entities, such as the Red Cross or YMCA seemed to show favoritism, was seen as fence building, or seemed discriminatory to other entities with such classes.

In our state there are four types of pools: (1) Public, (2) Private, (3) Nonprofit, and (4) Semipublic, which would include the colleges and universities, YMCA, hotels and motels. The bill before you deals only with the public pools. I was amazed to learn these pools have no standards. I presumed when my children or grandchildren were at a public pool swimming that the lifeguards were trained in the area of cardiopulmonary resuscitation, first aid, or life guarding, and I assumed there would be adequate equipment on hand to meet an emergency. I felt if I paid a fee for them to swim, they would be safe. I was wrong and this bill will make it right.

There are basically four areas of concern when you look at swimming pool safety. They are structure (the pool itself), equipment, personnel training, and water quality.

I sit on our Red Cross Board in Minot and one of our devoted staff came to me with the problem. I remembered Grant Brown's bill from last session, which was heard in Political Subdivisions of which I am a member in the Senate, and I remembered our

objections such as I just described. When the persistent safety problems were outlined to me, and they had gotten even more prevalent since our last session, I was determined to try to do something, even though I had voted against the bill last session.

At that point I talked to Grant and Legislative Council. We drafted two bills, SB 2200 and SB 2201. SB 2200 before you today asked that the local public health department and public health districts establish these minimums on training and equipment and monitoring; SB 2201 specified the types of training courses and opened up the training courses to "any nationally accredited organization." The equipment list was pared to the bone so there was little expense to the political subdivisions. We hoped we had met the objections to prior bills.

Hearing time came. The room was packed with people.

Representatives of the Red Cross and YMCA, including young people who teach some of these swimming classes, told us of some serious problems. A few examples were going to swimming pools where the lifeguards are fully dressed, including shoes, walking around the pools, no safety equipment in sight. They told of young people already hired for the summer, the teenagers of the year in a small city, who come for training and don't know how to even swim.

A Park Board manager from Minot said their insurance company has strict rules that covers all this, including testing of the water, so such rules would be redundant.

A representative of the Health Department indicated it might be a problem for them to oversee in areas where they don't have environmental health programs set up. She indicated it would probably cost \$100 to \$150 a visit for testing. The bill called for testing twice a year, so we thought about a change to once a year. They were more than willing to implement such a program, but how could we control the costs, both to the state and the political subdivisions? Political subdivisions impacted could be the park districts or the cities, however the pools are owned across the state.

We learned there have been deaths of our youth in our pools.

We learned it is extremely important to have good testing because the communicable diseases out there are more deadly than ever.

We learned that the hotel and private pools are probably more dangerous than our public pools, so shouldn't we include them in our bill?

That is just a smattering of some of the testimony. The longer it went, the more obvious it was to me that we had a serious problem on our hands and there were lots of approaches and lots of entities involved.

So the Senate Political Subdivisions Committee formed a Task Force of which I was chairman, and we set a date for discussion. We had 19 people show up, each representing an integral part of the question. Many were people who testified at the hearing representing the YMCA, Red Cross, Health Department, cities, park boards, United Way, and others. Since the insurance companies were involved, Connie Spryznatic invited Doug Griffin from the ND Insurance Reserve Fund. That company

insures 90% of the pools in the state and they already have strict guidelines they follow, as the Park Board manager from Minot indicated.

A statement had been made during the testimony when a young person was asked what they would do in their local pool if there was a pool accident. The witness said they wouldn't remove the injured person, they would wait for the EMS unit. Our Health Department representative brought a EMS worker to our Task Force meeting to tell us that it might be hours before they could respond, so that showed another area of lack of training, lack of guidelines, that are sorely needed. Mr. Griffin and the EMS representative were the only two who had not been at the previous hearing, they were invited to participate so we had their expertise. I asked Connie to help guide this Task Force with me and she did a beautiful job. The result of the Task Force discussions is now before you:

"The Health Council shall establish minimum operating standards for public swimming pools."

. . . and SB 2201 then came to the floor with a "do not pass" recommendation. The items in that bill - - recognizing any nationally accredited training course and the minimum equipment needed - - can be addressed when the Health Council establishes these minimum standards.

The Health Council consists of 11 members appointed by the Governor with 4 people from the health care field, 5 representing consumer interests, 1 from the energy industry, and 1 from manufacturing and processing. Everyone in the Task Force felt this was a good vehicle for establishing minimum standards.

All of the members of our Task Force felt they would attend the public hearings which the Health Council will hold to establish these standards because each of them have special interests, special concerns, and expertise in the various standards needed. This was an excellent Task Force and their assistance to the Senate Political Subdivisions Committee was deeply appreciated. And Connie deserves a crown for her participation and guidance.

As I said at the beginning, the brevity of this bill is deceptive because it is a powerful bill. It will be very interesting to follow the progress of the formation of minimum standards that will finally insure safety to our public swimming pools. I will feel much more at ease taking my grandchildren swimming.

Thank you for your attention and the children in the State of North Dakota thank you.

Respectfully,

Darlene Watne
Senator, Fifth District