

2013 HOUSE HUMAN SERVICES

HB 1087

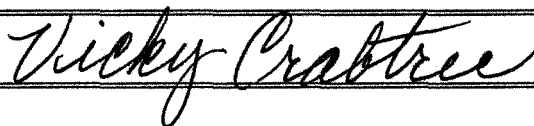
2013 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee
Fort Union Room, State Capitol

HB 1087
January 9, 2013
Job # 17035

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to fees collected by State Health Dept. for inspections and relating to inspections performed by sheriff and State Health Dept.

Minutes:

Attached Testimony #1

Chairman Weisz: Opened the hearing on HB 1087.

1:19 **Brenda Weisz:** Director of Division of Accounting for the Dept. of Health. Testified in support of the bill. (See Testimony #1).

3:18 **Rep. Fehr:** What is actually happening now? What inspections are being done and who are doing them?

B. Weisz: (Microphone off and some response is missing.) The section goes back to the 1930's when the crime lab was changed over to the department and the separation was made. A lot of the language was cleaned up and several sections left over so this is additional clean up. Auditors come in and look at legislative intent and if departments are following legislation and these were a couple of the sections they looked at. Based on our history they were no longer being utilized. Dave Glatt from Environmental Health can distinguish the differences between those at what is being done there.

Dave Glatt: Chief of Environmental Section for ND Dept. of Health. Difference between PFC and Health Dept. is that the PFC has inspectors that go out and check, calibrate pumps, weights, measure, and scales. Health Dept. is not involved in any way. We are involved as far as to quality control with gasoline sources. We have never been involved in weights and measures.

Chairman Weisz: Does the Health Dept. use the Sheriff's department anymore?

B. Weisz: Not anymore that is why we are proposing an appeal to that section.

Rep. Laning: The request is to leave the language in there that funds may be accepted. If you don't charge for inspections, what sort of funds are we talking about here?

B. Weisz: There are still instances where we might be called upon to do analysis work so for those we would still want to enter them into the contractual relationship and accept the funds and deposit those.

Chairman Weisz: Asked if there were any further support or any opposition. Seeing there was none he closed the hearing on HB 1087.

Chairman Weisz: Any committee questions or discussions? Is there any motions?

Rep. Porter: I motion a do pass.

Rep. Fehr: Second.

Roll Call Vote: 13 y 0 n 0 absent

A Do Pass on HB 1079

Bill Carrier: Rep. Fehr

FISCAL NOTE
Requested by Legislative Council
12/26/2012

Bill/Resolution No.: HB 1087

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Bill repeals outdated language regarding DoH appointment of county sheriffs as local inspectors and language regarding requests by the PSC of the DoH to perform inspection and licensing of weights and measures. Fees collected for both processes were to be deposited in the general fund.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Bill does not have a fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name: Brenda M. Weisz

Agency: ND Department of Health

Telephone: 328-4542

Date Prepared: 12/28/2012

Date: 1-9-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1087

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep Porter Seconded By Rep Fehr

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. MOONEY	✓	
VICE-CHAIRMAN HOFSTAD	✓		REP. MUSCHA	✓	
REP. ANDERSON	✓		REP. OVERSEN	✓	
REP. DAMSCHEN	✓				
REP. FEHR	✓				
REP. KIEFERT	✓				
REP. LANING	✓				
REP. LOOYSEN	✓				
REP. PORTER	✓				
REP. SILBERNAGEL	✓				

Total (Yes) 13 No 0

Absent _____

Floor Assignment Rep. Fehr

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

REPORT OF STANDING COMMITTEE

HB 1087: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1087 was placed on the Eleventh order on the calendar.

2013 SENATE HUMAN SERVICES

HB 1087

2013 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee Red River Room, State Capitol

HB 1087

2/18/13

Recording Job Number:

19111

Conference Committee

Committee Clerk Signature:



Explanation or reason for introduction of bill/resolution:

Relating to fees collected by the state department of health for providing inspections.

Minutes:

See attached testimony.

Vice Chairman Larsen opens hearing on HB 1087.

Brenda Weisz, Director of the Division of Accounting for the North Dakota Department of Health, testifies in support. See attached testimony #1.

Ends at 02:37

Senator Larsen: (meter 3:15) asks for clarification on the weights and measurement fees section.

No further questions from the committee or testimony.

Senator Anderson: moves a Do Pass.

Senator Axness: seconds.

Roll call vote:

(Leaving open for Chairman Lee)

Senator Axness is the carrier.

Hearing is closed.

Final vote for Do Pass 5-0-0

FISCAL NOTE
Requested by Legislative Council
12/26/2012

Bill/Resolution No.: HB 1087

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Name: Brenda M. Weisz

Agency: ND Department of Health

Telephone: 328-4542

Date Prepared: 12/28/2012

Date: 2/18/13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1087

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Sen. Anderson Seconded By Sen. Axness

Senators	Yes	No	Senator	Yes	No
Chairman Judy Lee	✓		Senator Tyler Axness	✓	
Vice Chairman Oley Larsen	✓				
Senator Dick Dever	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 5 No 0

Absent _____

Floor Assignment Sen. Axness

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

REPORT OF STANDING COMMITTEE

HB 1087: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1087 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1087

#1

Testimony
House Bill 1087
House Human Services Committee
Wednesday, January 9, 2013
North Dakota Department of Health

Good morning, Chairman Weisz and members of the Human Services Committee. My name is Brenda Weisz, Director of the Division of Accounting for the North Dakota Department of Health. I am here to provide testimony in support of HB 1087.

Section 19-01-05 of the North Dakota Century Code (NDCC) directs the Department of Health to appoint county sheriffs as local inspectors to conduct inspections as assigned by the department. The sheriffs are to collect fees and charges related to the inspections and forward them to the department to be deposited in the general fund as directed in Section 19-01-07 of the NDCC.

Section 19-01-18 of the NDCC refers to requests by the Public Service Commission (PSC) of the Department of Health to perform duties regarding inspection and licensing of weights and measures, to collect fees and deposit them in the general fund.

Both of these processes are outdated and no longer used. Additionally, an informal recommendation was included in our most recent audit report to collect the fees or repeal the section if it no longer pertained to the department. Based on our research, both sections can be repealed entirely.

Section 19-01-07 of the NDCC needs to be modified to eliminate the reference to the general fund since both sections noted above are no longer relevant. However, the second half of section 19-01-07, starting with "Funds may be accepted..." is still relevant and the amendment only adds clarification that funds may be accepted by the department.

This concludes my testimony and I would be happy to answer any questions you may have regarding these proposed changes.

Testimony
House Bill 1087
Senate Human Services Committee
Monday, February 18, 2013
North Dakota Department of Health

Good morning, Chairman Lee and members of the Senate Human Services Committee. My name is Brenda Weisz, Director of the Division of Accounting for the North Dakota Department of Health. I am here to provide testimony in support of HB 1087.

Section 19-01-05 of the North Dakota Century Code (NDCC) directs the Department of Health to appoint county sheriffs as local inspectors to conduct inspections as assigned by the department. The sheriffs are to collect fees and charges related to the inspections and forward them to the department to be deposited in the general fund as directed in Section 19-01-07 of the NDCC.

Section 19-01-18 of the NDCC refers to requests by the Public Service Commission (PSC) of the Department of Health to perform duties regarding inspection and licensing of weights and measures, to collect fees and deposit them in the general fund.

Both of these processes are outdated and no longer used. Additionally, an informal recommendation was included in our most recent audit report to collect the fees or repeal the section if it no longer pertained to the department. Based on our research, both sections can be repealed entirely.

Section 19-01-07 of the NDCC needs to be modified to eliminate the reference to the general fund since both sections noted above are no longer relevant. However, the second half of section 19-01-07, starting with "Funds may be accepted..." is still relevant and the amendment only adds clarification that funds may be accepted by the department.

This concludes my testimony and I would be happy to answer any questions you may have regarding these proposed changes.