2023 SENATE STATE AND LOCAL GOVERNMENT

SB 2082

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2082
1/5/2023

Relating to food and lodging establishments and assisted facilities.

2:14 PM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Mobile food establishment
- Temporary food establishment
- Fire codes
- Licensure
- Inspections

2:15 PM Julie Wagendorf, Director of Food and Lodging, ND Department of Health and Human Services, testified in favor. #12297

Hearing left open for further discussion.

2:25 PM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2082
1/12/2023

Relating to food and lodging establishments and assisted living facilities.

9:53 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Amendment
- Childcare food service establishment

Chair Roers discussed amendments and provided information #26674.

9:58 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2082
1/13/2023

Relating to food and lodging establishments and assisted facilities.

9:06 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Sen Braunberger moved to adopt Amendment LC 23.8053.01001.
Sen Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES – 6 NO – 0 absent – 0 Motion PASSED

Sen Braunberger moved a DO PASS as Amended.
Sen Cleary seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES 6 NO 0 Absent 0 Motion PASSED

Sen Cleary will carry the bill.

9:10 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

23.8053.01001
Title.02000

Adopted by the Senate State and Local Government Committee
January 13, 2023

DR 1/1 1/13/2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2082

Page 2, line 1, after "3." insert "Child care food service establishment" means food service that is prepared in a kitchen owned and operated by a child care provider licensed in accordance with chapter 50-11.1 for more than thirty children.

4."

Page 2, line 7, overstrike "4." and insert immediately thereafter "5."

Page 2, line 8, overstrike "5." and insert immediately thereafter "6."

Page 2, line 14, overstrike "6." and insert immediately thereafter "7."

Page 2, line 17, overstrike "7." and insert immediately thereafter "8."

Page 2, line 21, overstrike "8." and insert immediately thereafter "9."

Page 2, line 30, overstrike "9." and insert immediately thereafter "10."

Page 3, line 1, overstrike "10." and insert immediately thereafter "11."

Page 3, line 3, overstrike "11." and insert immediately thereafter "12."

Page 3, line 5, overstrike "12." and insert immediately thereafter "13."

Page 3, line 10, overstrike "13." and insert immediately thereafter "14."

Page 3, line 17, overstrike "14." and insert immediately thereafter "15."

Page 3, line 21, overstrike "15." and insert immediately thereafter "16."

Page 3, line 24, overstrike "16." and insert immediately thereafter "17."

Page 3, line 28, replace "17." with "18."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2082: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 1, after "3." insert "Child care food service establishment" means food service that is prepared in a kitchen owned and operated by a child care provider licensed in accordance with chapter 50-11.1 for more than thirty children.

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Renumber accordingly

2023 HOUSE HUMAN SERVICES

SB 2082

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2082
3/7/2023

Relating to food and lodging establishments and assisted living facilities.

Chairman Weisz called the meeting to order at 3:56 PM.

Chairman Robin Weisz, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Vice Chairman Matthew Ruby not present.

Discussion Topics:

- Child care
- Food service establishment license
- Food code inspection
- Inspection resources

Julie Wagendorf, Director of Food and Lodging for the North Dakota Department of Health and Human Services, supportive testimony (#22172).

Chairman Weisz adjourned the meeting at 4:03 PM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2082
3/7/2023

Relating to food and lodging establishments and assisted living facilities.

Chairman Weisz called the meeting to order at 4:25 PM.

Chairman Robin Weisz, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Vice Chairman Matthew Ruby not present.

Discussion Topics:

- Committee work

Chairman Weisz called for a discussion on SB 2082.

Rep. Dobervich moved a do pass on SB 2082.

Seconded by Rep. Anderson.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	AB
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	AB

Motion carries 12-0-2.

Carried by Rep. Anderson.
Chairman Weisz adjourned the meeting at 4:27 PM.

Phillip Jacobs, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2082, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2082 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2082

NORTH Dakota | Health & Human Services
Be Legendary.

Senate Bill 2082
State and Local Government Committee
January 5, 2:15 p.m.

Good morning, Chairwoman Roers and members of the State and Local Government Committee. I am Julie Wagendorf and I serve as the Director of Food and Lodging for the North Dakota Department of Health and Human Services. I am here to provide testimony in support of SB 2082 which updates three definitions and general housekeeping of the North Dakota Century Code 23-09.

SB 2082 provides changes to three definitions in Section 23-09-01. Mobile and temporary food establishment is included in the definition of food establishment for housekeeping and for consistency with Section 23-09-16. Changes to the existing term lodging establishment exclude small lodging establishments with five or fewer sleeping rooms and 10 or fewer guests from state licensure and inspection. Also, a definition was included for a transient guest since this was not previously defined and clarifies that long-term rental properties do not require licensure under this law.

Proposed changes primarily impact small, residential-style homes held out for lease or rent to transient guests. Typically these settings are privately-owned vacation rentals in residential neighborhoods. Local zoning, building, and fire codes apply in these settings and are in place to better serve communities' needs.

SB 2082, if enacted, would decrease the burden of regulation through licensure and inspections and result in fewer state resources needed for conducting inspections.

Amendments to Sections 23-09-03, 05, and 07 offer clear and standard language for commercial building codes and fire codes and were added for consistency.

Thank you for the opportunity to appear before you today. I would be happy to respond to any questions you may have.

NORTH Dakota | Health & Human Services
Be Legendary.

Senate Bill 2082
House Human Services
March 7, 3:00pm

Good morning, Chairman Weisz and members of the House Human Services Committee. I am Julie Wagendorf and I serve as the Director of Food and Lodging for the North Dakota Department of Health and Human Services. I am here to provide testimony in support of SB 2082 which updates four definitions and general housekeeping of the North Dakota Century Code 23-09. Changes to each definition are further explained in the following testimony.

The Senate State and Local Government Committee amended the bill to include a definition for "child care food service establishment" on Page 2, Line 1. This amendment does not add any further licensing requirements or regulations to licensed childcare providers who provide a full meal service for more than 30 children. This new definition aligns with the early childhood services license types defined in chapter 50-11.1 and exempts licensed childcare providers who care for 30 or fewer children from needing a food service establishment license and food code inspection. These smaller licensed childcare providers still need to meet the sanitation standards of Title 75 enforced by the Department's Early Childhood Services Unit. This amendment was supported by the Department and our efforts in program integration and to reduce the regulatory burden on small, licensed childcare providers who oftentimes struggle to meet commercial kitchen standards.

Mobile and temporary food establishment is included in the definition of "food establishment" for housekeeping and for consistency with Section 23-09-16. This change does not add any new licensing requirements or regulations to mobile and temporary food service operations. Each of these terms is further defined in law and currently requires a state license and inspection. This change improves transparency in that the license types are included under the same license requirements as any other food establishment.

Changes to the existing term lodging establishment exclude small lodging establishments with five or fewer sleeping rooms and 10 or fewer guests from state licensure and inspection. Also, a definition was included for a transient

guest since this was not previously defined and clarifies that long-term rental properties do not require licensure under this law.

Proposed changes primarily impact small, residential-style homes held out for lease or rent to transient guests. Typically, these settings are privately-owned vacation rentals in residential neighborhoods. Local zoning, building, and fire codes apply in these settings and are in place to better serve communities' needs.

SB 2082, if enacted, would decrease the burden of regulation through licensure and inspections and result in fewer state resources needed for conducting inspections.

Amendments to Sections 23-09-03, 05, and 07 offer clear and standard language for commercial building codes and fire codes and were added for consistency.

Thank you for the opportunity to appear before you today. I would be happy to respond to any questions you may have.

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