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ROLL NUMBER

DESCRIPTION

1121

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Dennis G. Ball
Operator's Signature

10/2/03
Date

2003 HOUSE HUMAN SERVICES

HB 1121

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Deanna Gallardo
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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1121

House Human Services Committee

☐ Conference Committee

Hearing Date January 8, 2003

Tape Number	Side A	Side B	Meter #
1	x		0.0 - 18.6
1	x		28.2 - 54.8
1		x	0.0 - 2.7
Committee Clerk Signature <i>Sharon Langston</i>			

Minutes: Kenan Bullinger, Director of the Division of Food and Lodging of the ND Dept. of Health testified in favor of this bill stating that this makes minimal but important changes and that the proposed change in statute would allow some other state agencies to work with our dept. in monitoring the provisions of Chapter 23-09 without changing who has the enforcement responsibility, which would remain with the Dept. of Health, please see attached written testimony.

Rep. Pollert: Had concerns with the 3rd paragraph and asked if the Dept. of Ag and the Food & Lodging Division would agree to do just 1 inspection or does 1 department have the experience to go into a slaughter plant where the Dept. of Ag doesn't? Could you have someone from the Food & Lodging Division that really doesn't know a thing trying to tell this guy what to do as far as regulation?

Mr. Bullinger: What we have in the Dept. of Health for requirements are very minimal in retail foods. The Ag Dept has the condition of the animals, which we don't have experience in as

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House Human Services Committee
Bill/Resolution Number HB 1121
Hearing Date January 8, 2003

where we are not trained to look for diseases in the animals, where their people are. We overlap in basic sanitation, basic cold holding temperatures, refrigeration's, hand washing, rest room facilities and those types of things. We do get criticized for having 2 agencies going into the same facility.

Rep. Weisz: Suggested deleting the language that would make sure it all stayed with the Health Dept. as far as enforcement and wondering if there was some reason why it was written up the way it was. Rep. Weisz is interpreting it as it doesn't necessarily prohibit other agencies from enforcing the provisions of that chapter.

Answer: The wording is still there, it still lets our agency have the enforcement and doesn't feel there isn't another agency out there that are interested in it, its our responsibility to enforce.

Rep. Niemeier: What other agencies besides the Dept. of Ag have been part of this duplication?

Answer: The State Fire Marshall's office. We've had problems when people are constructing new hotels & motels because we license and inspect those facilities and we have some basic fire safety provisions in Chapter 23-09 of the NDCC, but the majority of the fire safety requirements are in the State fire code.

Rep. Niemeier: I understand there is to be a cost savings and will that be significant and will it increase the cost to the Health Dept?

Answer: There are 25 or so facilities that we do get into those, so to avoid that duplication, doesn't have a figure on it, but it will not be a substantial amount of savings.

Rep. Pollert: Could you see an expansion of the administrative rule in order to do the new provisions on this or would you see less? No

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House Human Services Committee

Bill/Resolution Number HB 1121

Hearing Date January 8, 2003

Rep. Pollert's concern as to why you would not have the most experienced person come in and do the inspection.

Rep. Price had some concerns and confusion as to what would really happen or what takes place as to the procedure. How a situation would be treated and by whom, example custom slaughtering and who gets paid for this (licensing fee)

Mr. Bullinger gave explanation as to sitting down with any agency and come up with a memorandum of agreement, very similar to what we do with local health cases. We do have agreements with all local health units that do food inspections as well. We don't do duplicate inspections with the local health units. We sit down and do up a memorandum of agreement and decide who is going to cover what and who is going to enforce what and who is going to sit in whatever deficiency. We will provide assistance in food born borne operations investigations. We also license the retail meat operations and continue to license those. There is not a duplication of licenses, no.

Rep. Devlin had concerns with opposition to this and wondered who be opposed and his understanding of no duplication is if there was a memorandum of agreement with an agency.

Yes this was correct.

Rep. Sandvig wanted clarification as to the authority of enforcement.

Andrea Grondahl, Director of the State Meat Inspections Program appeared in support of this bill and to answer questions of the committee and to give some clarifications. She stated that this bill will eliminate the overlap and doesn't see any down side. She also stated that she does not see a problem with one inspector going in and not having the expertise in one area or the other to

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Dan Grondahl
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House Human Services Committee
Bill/Resolution Number HB 1121
Hearing Date January 8, 2003

see a violation, also that this will not add extra duties or costs to our facility and that out of 95 custom plants believes that there were 25 to 40 of those overlapped with the State Health Dept. No opposition on this bill, hearing was closed.

Reopened the hearing on HB 1121 for further clarification and issues of the committee.

Rep. Weisz still has concerns with adoption of rules and feels its important as to who is in charge of enforcement and who's in charge of adopting the rules for that Chapter if we delete all the language that is being over struck, that can in theory adopt rules also and they would in no way be prohibited from adopting rules. Also feels that the problems may come back.

After further discussion, Rep. Weisz suggested deleting the language that would allow other agencies from adopting rules to this provision in the chapter.

Rep. Amerman had a question on a law of, country of origin as far as labeling and his understanding was that it has been hard to enforce and wondered if this would affect that at all.

Rep. Price stated that this bill is more on the safety side of it, like the Health Dept. handling the safety side of it.

Rep. Porter's understanding was that it wouldn't be something that if they changed the rules within that statute that this would put a huge burden upon another agency as far as their inspections are concerned. The risk back to the inspectors would be where the risk is, is what we are proposing and the risk wouldn't be back to the business.

Rep. Price brought up the workshop issues where the City Fire Marshall inspected it, the State Fire Marshall inspected it and then the Health Dept. came in and none of them agreed. Each new inspector interprets differently.

Rep. Porter states that the state only inspects the state businesses.

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Arvy Smith currently assigned the Health Officer came back to give further clarification until Mr. Bullinger could return. She stated that she sees no problem with the committee amending the bill in reference to adoption of rules and feels the biggest issue the committee is having is with line 10. For the record, she stated that the license fee is deposited into the general fund and doesn't know for sure what the charges are but feels that the local's may back out and send more to the State as they are charged less and there is no uniformity among the locals.

Kenan Bullinger appeared back to explain to the committee issues with leaving the language as is and add back in "under no circumstances may any other state agency adopt rules which relate in any way to the provisions of this chapter."

Rep. Pollert mentioned concerns with the inexperience from 1 inspector within a certain area because of his training.

Mr. Bullinger: Addressed concerns with an explanation of inspectors and that they all have to have training in the same programs. He also mentioned that there is another bill being introduced that does specific credentials for food inspectors (food and lodging)

After no further questions or concerns:

Rep. Weisz proposed an amendment that on Line 7, remove the overstrike of under no circumstance may any other, Line 8, remove the overstrike of state agency and adopt rules which relate in any way to the, Line 9, remove the overstrike of provisions of this chapter. and leave the lines as is for the remainder of lines 9, 10 and 11.

Rep. Porter seconded the amendment

Discussion. All were in favor of the proposed amendment, Amendment passed.

Rep. Porter Moved a Do Pass as Amended.

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10/2/03
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House Human Services Committee

Bill/Resolution Number HB 1121

Hearing Date January 8, 2003

Rep. Pollert: Seconded it. Discussion

13 - Yea 0 - Nay & 0 - absent

Rep Weisz is to carry the bill.

Meeting adjourned.

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Dan Hall
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10/2/03
Date

Date: January 8, 2003
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1121

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38153.0101 title: 0200

Action Taken DO PASS AS AMENDED

Motion Made By Rep. Porter Seconded By Rep. Pollert

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	x		Rep. Bill Devlin, Vice-Chair	x	
Rep. Bill Amerman	x		Rep. Gary Kreidt	x	
Rep. Carol Niemeir	x		Rep. Chet Pollert	x	
Rep. Rep. Todd Porter	x		Rep. Louise Potter	x	
Rep. Sally Sandvig	x		Rep. Gerald Uglem	x	
Rep. Robin Weisz	x		Rep. Alon Wieland	x	
Rep. Vonnie Pietsch	x				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Robin Weisz

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

Change to: Under no circumstances may any other state agency adopt rules that relate in anyway to the provisions of this chapter.

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Date

10/2/03

REPORT OF STANDING COMMITTEE (410)
January 9, 2003 8:47 a.m.

Module No: HR-02-0385
Carrier: Welaz
Insert LC: 38153.0101 Title: .0200

REPORT OF STANDING COMMITTEE
HB 1121, as amended, Human Services Committee (Rep. Price, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1121, as amended, was
placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "~~Under no circumstances may any other~~"

Page 1, line 8, remove the overstrike over "~~state agency~~", remove the overstrike over "~~adept~~
~~rules~~", after "~~which~~" insert "that", and remove the overstrike over "~~relate in any way to~~
~~the~~"

Page 1, line 9, remove the overstrike over "~~provisions of this chapter~~"

Page 1, line 11, remove the overstrike over the overstruck period

Renumber accordingly

2003 SENATE HUMAN SERVICES

HB 1121

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Dorinda Hallcraft
Operator's Signature

10/2/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1121

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
1		X	1379 - 2372
2	X		2570 - 2690
Committee Clerk Signature <i>Donna Kramer</i>			

Minutes:

SENATOR JUDY LEE opened the Public Hearing on HB 1121 relating to enforcement of food and lodging regulations.

KENAN BULLINGER, Director of the Division of Food and Lodging of the North Dakota Department of Health, testified in favor of the HB 1121. (Written testimony) (Meter #1424 - 1655)

SENATOR LEE: Could you explain how you and the Department of Agriculture work together?

KENAN BULLINGER: Have a memorandum of understanding written and signed. (Meter # 1655 - 1735)

SENATOR FAIRFIELD: Inspections relinquished?

KENAN BULLINGER: This will be done with the Memorandum of Understanding. Further discussion with committee regarding inspections. (Meter #1741 - 2175)

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Donna Kramer
Operator's Signature

10/2/03
Date

Page 2

Senate Human Services Committee

Bill/Resolution Number HB 1121

Hearing Date February 26, 2003

DR. ANDREA GRONDAHL, State Meat Inspection Director for the Department of Agriculture,
testified in support of HB 1121. Health Department doing retail markets. (Written testimony)

(Meter # 2259 - 2337)

SENATOR LEE closed the public hearing on HB 1121. (Meter # 2374)

SENATOR JUDY LEE reopened the committee discussion on HB 1121. (Meter # 2570)

SENATOR BROWN made a motion to DO PASS.

SENATOR FISCHER seconded the motion.

No discussion.

Roll call was held. 6 yeas 0 nays.

SENATOR ERBELE will be the carrier. (Meter # 2690)

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Andrea Grondahl
Operator's Signature

10/2/03
Date

Date: 02-26-03
Roll Call Vote #: ①

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1121

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do Pass

Motion Made By

Sen. Brown

Seconded By

Sen. Fischer

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment

Sen. Erbele

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

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Donna Hallmark
Operator's Signature

02/26/03
Date

REPORT OF STANDING COMMITTEE (410)
February 26, 2003 3:32 p.m.

Module No: SR-34-3535
Carrier: Erbele
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1121, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)
recommends **DO PASS** (6 YEARS, 0 DAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1121 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-34-3535

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Dorena G. Ballarín
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10/2/03
Date

2003 TESTIMONY

HB 1121

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10/2/03
Date

Testimony

House Bill 1121

House Human Services Committee

January 8, 2003

9:30 a.m.

Madam Chair and members of the House Human Services Committee, I am Kenan Bullinger, director of the Division of Food and Lodging of the North Dakota Department of Health. The Division of Food and Lodging is primarily responsible for the licensing and inspection of various food and lodging establishments in North Dakota. I am here to testify in support of House Bill 1121.

The bill before you makes some minimal but important changes to a section of century code that has been in place for a number of years. Various local and state agencies have some regulatory presence in licensed food and lodging facilities throughout the state. The Department of Health has worked to avoid duplication of services whenever possible in order to be more efficient in carrying out its mandates. The proposed change in statute would allow some other state agencies to work with our department in monitoring the provisions of Chapter 23-09 without changing who has the enforcement responsibility, which would remain with the Department of Health.

For example, the Food and Lodging Division is responsible for inspecting and licensing retail meat markets in North Dakota. The North Dakota Department of Agriculture has the authority over inspections of custom slaughter operations. Some retail meat markets also do custom slaughter processing. This has resulted in two state agencies inspecting the same facilities, although the emphasis of the inspections is different. This change in statute would allow the agencies to avoid duplication of inspection services and to carry out the mandates in a more efficient and fiscally responsible manner.

Another example is in fire safety requirements for licensed lodging facilities, such as motels and hotels. The proposed change in code would allow the State Fire Marshal's Office to provide some guidelines for such facilities while the inspection responsibilities would remain with the Department of Health.

As mentioned earlier, enforcement of the provisions of Chapter 23-09 remains with our department. The proposed change simply allows several agencies to work together in meeting the mandates of this chapter of code.

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Kenan Bullinger
Operator's Signature

1/8/03
Date

The Department of Health would appreciate your favorable response to House Bill 1121. I am happy to answer any questions the committee may have in relation to this bill.

Thank you.

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Deanna G. Hall
Operator's Signature

10/2/03
Date

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



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Fax (701) 328-4567


600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020

Testimony of Dr. Andrea Grondahl
State Meat Inspection Director
North Dakota Department of Agriculture
House Bill 1121
Human Services Committee
Red River Room
February 26, 2003

Chairman Lee and Committee members, for the record, my name is Dr. Andrea Grondahl. I am the state meat inspection director for the Department of Agriculture. I am here to testify in support of House Bill 1121.

This bill will create more efficiency in the work duties performed by different state agencies. The current law has resulted in a situation where two state agencies are performing the same type of inspection within the same establishment. One example of this in which the state meat inspection program is involved is the current situation involving inspection of meat markets or custom exempt plants. The Department of Agriculture is required by federal law to inspect all custom exempt meat processors within the state. These inspections are for sanitation and facility requirements of the entire plant and are performed two to four times per year. The Department of Health is required by state law (NDCC 23-09) to inspect all "retail meat markets". The majority of custom exempt plants have retail counters in addition to their custom processing activities and

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are, therefore, also inspected by the Department of Health. This overlap of state agency duties causes several problems including unnecessary expenditures, conflicting judgments and public disapproval. House Bill 1121 would create the opportunity for the Department of Health to form contracts or "memorandums of understanding" with the Department of Agriculture or other state agencies and would eliminate the current overlap to create better efficiency.

Madam Chairman and committee members, I urge a do pass on House Bill 1121. If you have any questions, I would be happy to answer them.

Thank you.

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Donna Hall
Operator's Signature

10/2/03
Date

Testimony

House Bill 1121

Senate Human Services Committee

February 26, 2003

10:00 a.m.

Madam Chair and members of the Senate Human Services Committee, I am Kenan Bullinger, director of the Division of Food and Lodging of the North Dakota Department of Health. The Division of Food and Lodging is primarily responsible for the licensing and inspection of various food and lodging establishments in North Dakota. I am here to testify in support of House Bill 1121.

The bill before you makes some minimal but important changes to a section of century code that has been in place for a number of years. Various local and state agencies have some regulatory presence in licensed food and lodging facilities throughout the state. The Department of Health has worked to avoid duplication of services whenever possible in order to be more efficient in carrying out its mandates. The proposed change in statute would allow some other state agencies to work with our department in monitoring the provisions of Chapter 23-09 without changing who has the enforcement responsibility, which would remain with the Department of Health.

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Another example is in fire safety requirements for licensed lodging facilities, such as motels and hotels. The proposed change in code would allow the State Fire Marshal's Office to provide some guidelines for such facilities while the inspection responsibilities would remain with the Department of Health.

As mentioned earlier, enforcement of the provisions of Chapter 23-09 remains with our department. The proposed change simply allows several agencies to work together in meeting the mandates of this chapter of code.

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Kenan Bullinger
Operator's Signature

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The provision on the adoption of rules was restored by the House in an amendment from the House Human Services Committee. Based on longstanding practices and advice from an assistant attorney general, the restored language is interpreted to mean that another agency would have to have its own legislative authority to adopt rules related to the topics covered in Chapter 23-09 of the Century Code.

The Department of Health would appreciate your favorable response to House Bill 1121. I am happy to answer any questions the committee may have in relation to this bill.

Thank you.

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