

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2344
(Senators G. Lee, Klein)
(Representatives Belter, Carlson, DeKrey)

AN ACT to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such ~~contracts services~~ and specifically ~~addressing~~ addresses issues related to competition with private sector entities.
2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
 - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
 - b. Provide the catering services for a specific event.
3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide ~~meals, snacks, or other food services for persons or programs not affiliated with the institution~~ the services permitted under this section.
4. Nothing in this section may be construed to limit the activities of a private sector entity that provides meals, snacks, or other food services to an institution of higher education under the provisions of a contract.

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

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

1. The board of a school district may prepare and provide meals, snacks, or other food services for any events or programs occurring on or off school property, provided the events or programs:
 - a. Are hosted by or under the auspices of the school district; or

- b. Involve child care centers participating in the Child and Adult Care Food Program [Pub. L. 108-265; 118 Stat. 729; 42 U.S.C. 1766 et seq.].
- 2. a. The board of a school district may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs ~~not affiliated with the school district~~ other than those in subsection 1, provided any person that wishes to enter a contract with the board under this ~~section~~ subdivision first demonstrates to the satisfaction of the board that there are no private entities able and willing to enter into such a contract.
- 2. b. The board of a school district may not advertise to the general public its willingness to provide meals, snacks, or other food services ~~for persons or programs not affiliated with the district~~ under this section.
- ~~3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the institution.~~

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2344.

Senate Vote: Yeas 43 Nays 4 Absent 0

House Vote: Yeas 89 Nays 2 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,

at _____ o'clock _____ M.

Secretary of State