

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2124**

Introduced by

Human Services Committee

(At the request of the State Department of Health)

1 A BILL for an Act to create and enact a new subsection to section 23-25-01, a new subsection
2 to section 23-25-03, and a new subsection to section 23-25-05 of the North Dakota Century
3 Code, relating to lead-based paint remediation and abatement; to amend and reenact section
4 23-25-03.1 of the North Dakota Century Code, relating to lead-based paint remediation and
5 abatement; and to provide an appropriation.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new subsection to section 23-25-01 of the 1999 Supplement to the
8 North Dakota Century Code is created and enacted as follows:

9 "Lead-based paint" means paint or other surface coatings that contain lead equal
10 to or in excess of 1.0 milligram per square centimeter or more than 0.5 percent by
11 weight.

12 **SECTION 2.** A new subsection to section 23-25-03 of the 1999 Supplement to the
13 North Dakota Century Code is created and enacted as follows:

14 Provide by rules a program for implementing lead-based paint remediation training,
15 certification, and performance requirements in accordance with title 40, Code of
16 Federal Regulations, part 745, sections 220, 223, 225, 226, 227, and 233.

17 **SECTION 3. AMENDMENT.** Section 23-25-03.1 of the 1999 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **23-25-03.1. Licensing of asbestos and lead-based paint contractors and**
20 **certification of asbestos and lead-based paint workers.** The department is charged with
21 the responsibility of administering and enforcing a licensing program for asbestos contractors
22 and lead-based paint contractors, and a certification program for asbestos workers and
23 lead-based paint workers and is given and charged with the following powers and duties:

- 1 1. To require training of, and to examine, asbestos workers and lead-based paint
2 workers.
 - 3 2. To establish standards and procedures for the licensing of contractors, and the
4 certification of asbestos workers engaging in the abatement of friable asbestos
5 materials or nonfriable asbestos materials that become friable during abatement,
6 and to establish performance standards for asbestos abatement. The
7 performance standards will be as stringent as those standards adopted by the
8 United States environmental protection agency pursuant to section 112 of the
9 Federal Clean Air Act, as amended.
 - 10 3. To establish standards and procedures for the licensing of contractors and the
11 certification of lead-based paint workers engaging in the abatement of lead-based
12 paint and to establish performance standards for lead-based paint abatement in
13 accordance with title 40, Code of Federal Regulations, part 745, sections 220, 223,
14 225, 226, 227, and 233.
 - 15 4. To issue certificates to all applicants who satisfy the requirements for certification
16 under this section and any rules under this section, to renew certificates and to
17 suspend or revoke certificates for cause after notice and opportunity for hearing.
 - 18 ~~4.~~ 5. To establish an annual fee and renewal fees for licensing asbestos contractors and
19 lead-based paint contractors and certifying asbestos and lead-based paint workers
20 and to establish examination fees for asbestos and lead-based paint workers
21 under section 23-25-04.2. The annual, renewal, and examination fees for
22 lead-based contractors and workers may not exceed those charged to asbestos
23 contractors and workers.
 - 24 ~~5.~~ 6. To establish indoor environmental nonoccupational air quality standards for
25 asbestos.
 - 26 ~~6.~~ 7. To adopt and enforce rules as necessary for the implementation of this section.
- 27 For nonpublic employees performing asbestos abatement in facilities or on facility components
28 owned or leased by their employer, only the provisions of rules adopted in accordance with the
29 Federal Asbestos Hazard Emergency Response Act of 1986 [Pub. L. 99-519; 100 Stat. 2970;
30 15 U.S.C. 2641 et seq.], as amended, or the Federal Clean Air Act [Pub. L. 95-95; 91 Stat. 685;

42 U.S.C. 7401 et seq.], as amended, apply to this section. This does not include ownership that was acquired solely to effect a demolition or renovation.

SECTION 4. A new subsection to section 23-25-05 of the North Dakota Century Code is created and enacted as follows:

For the purpose of ascertaining the state of compliance with this chapter and any applicable rules, any duly authorized officer, employee, or agent of the department may enter and inspect, at any reasonable time, any property, premises, or place on or at which a lead-based paint remediation activity is ongoing. If requested, the department shall provide to the owner or operator of the premises a report that sets forth all facts found which relate to compliance status.

SECTION 5. APPROPRIATION. There is appropriated from special funds derived from federal funds and from other income, the sum of \$117,000, or so much of the sum as may be necessary, to the state department of health for the purpose of regulating lead-based paint activities, for the biennium beginning July 1, 2001, and ending June 30, 2003.