

PROPOSED AMENDMENTS TO SENATE BILL NO. 2090

Page 1, line 1, replace "section" with "sections 23-12-10 and"

Page 1, line 2, after "to" insert "smoking restrictions on the capitol grounds and to the"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 23-12-10 of the North Dakota Century Code is amended and reenacted as follows:

23-12-10. Smoking restrictions - Exceptions - Retaliation - Application.

1. In order to protect the public health and welfare and to recognize the need for individuals to breathe smoke-free air, smoking is prohibited in all enclosed areas of:
 - a. Public places; and
 - b. Places of employment.
2. The following areas are exempt from subsection 1:
 - a. Private residences, except when operating as a child care facility subject to licensure by the department of human services and when any child cared for under that license is present in that facility.
 - b. Hotel and motel rooms, and other places of lodging, that are rented to guests and are designated as smoking rooms.
 - c. Retail tobacco stores, provided that smoke from these places does not infiltrate into areas where smoking is prohibited under this section.
 - d. Outdoor areas of places of employment, except a sports arena.
 - e. Any area that is not commonly accessible to the public and which is part of an owner-operated business having no employee other than the owner-operator.
 - f. Bars.
 - g. Any place of public access rented or leased for private functions from which the general public and children are excluded and arrangements for the function are under the control of the function sponsor.
 - h. Separately enclosed areas in truckstops which are accessible only to adults.
3. Smoking is prohibited in the following outdoor areas of the state capitol grounds:
 - a. Within one hundred feet [30.48 meters] of the main public entrances on the north, east, and west sides of the state capitol building;

- b. With respect to the main public entrance on the south side of the state capitol building, within the greater of one hundred feet [30.48 meters] or the area designated by the office of management and budget as a smoke-free area in the policy that became effective on October 3, 2005; and
- c. Within one hundred feet [30.48 meters] of the public entrances of all other buildings on the state capitol grounds.
- 4. The prohibition in subdivision a of subsection 3, with respect to the main public entrance on the east side of the state capitol building, does not apply to the enclosed structure, and the area immediately adjacent to the structure, designated as a smoking area, as it existed on January 1, 2007, which is located near the east entrance.
- 5. Smoking as part of a traditional American Indian spiritual or cultural ceremony is not prohibited.
- 4- 6. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or other person because that person asserts or exercises any rights afforded by this section or reports or attempts to prosecute a violation of this section.
- 5- 7. This section may not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws."

Page 1, line 17, remove the overstrike over "~~Provided further, all moneys and other property in the capitol building fund~~"

Page 1, line 18, remove the overstrike over "~~are hereby dedicated and reserved to the exclusive purpose of the~~"

Page 1, remove the overstrike over lines 19 through 21

Page 1, line 23, after "exceed" insert "one hundred thousand dollars or"

Page 1, line 24, after the comma insert "whichever amount is less,"

Page 2, line 2, overstrike "but shall not exceed", remove "one hundred", and overstrike "thousand dollars per"

Page 2, line 3, overstrike "biennium"

Renumber accordingly