

Introduced by

Government and Veterans Affairs Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact sections 23-12-10 and 48-10-02 of the North Dakota  
2 Century Code, relating to smoking restrictions on the capitol grounds and to the use of and  
3 expenditures from the capitol building fund.

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

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

7 **23-12-10. Smoking restrictions - Exceptions - Retaliation - Application.**

- 8 1. In order to protect the public health and welfare and to recognize the need for  
9 individuals to breathe smoke-free air, smoking is prohibited in all enclosed areas  
10 of:
- 11 a. Public places; and
  - 12 b. Places of employment.
- 13 2. The following areas are exempt from subsection 1:
- 14 a. Private residences, except when operating as a child care facility subject to  
15 licensure by the department of human services and when any child cared for  
16 under that license is present in that facility.
  - 17 b. Hotel and motel rooms, and other places of lodging, that are rented to guests  
18 and are designated as smoking rooms.
  - 19 c. Retail tobacco stores, provided that smoke from these places does not  
20 infiltrate into areas where smoking is prohibited under this section.
  - 21 d. Outdoor areas of places of employment, except a sports arena.
  - 22 e. Any area that is not commonly accessible to the public and which is part of an  
23 owner-operated business having no employee other than the owner-operator.
  - 24 f. Bars.

- 1           g. Any place of public access rented or leased for private functions from which  
2           the general public and children are excluded and arrangements for the  
3           function are under the control of the function sponsor.
- 4           h. Separately enclosed areas in truckstops which are accessible only to adults.
- 5        3. Smoking is prohibited in the following outdoor areas of the state capitol grounds:
- 6           a. Within one hundred feet [30.48 meters] of the main public entrances on the  
7           north, east, and west sides of the state capitol building;
- 8           b. With respect to the main public entrance on the south side of the state capitol  
9           building, within the greater of one hundred feet [30.48 meters] or the area  
10           designated by the office of management and budget as a smoke-free area in  
11           the policy that became effective on October 3, 2005; and
- 12           c. Within one hundred feet [30.48 meters] of the public entrances of all other  
13           buildings on the state capitol grounds.
- 14        4. The prohibition in subdivision a of subsection 3, with respect to the main public  
15           entrance on the east side of the state capitol building, does not apply to the  
16           enclosed structure, and the area immediately adjacent to the structure, designated  
17           as a smoking area, as it existed on January 1, 2007, which is located near the east  
18           entrance.
- 19        5. Smoking as part of a traditional American Indian spiritual or cultural ceremony is  
20           not prohibited.
- 21        ~~4.~~ 6. No person or employer shall discharge, refuse to hire, or in any manner retaliate  
22           against an employee, applicant for employment, or other person because that  
23           person asserts or exercises any rights afforded by this section or reports or  
24           attempts to prosecute a violation of this section.
- 25        ~~5.~~ 7. This section may not be interpreted or construed to permit smoking where it is  
26           otherwise restricted by other applicable laws.

27           **SECTION 2. AMENDMENT.** Section 48-10-02 of the North Dakota Century Code is  
28           amended and reenacted as follows:

29           **48-10-02. Capitol building fund to be administered by the capitol grounds**  
30           **planning commission - Continuing appropriation - Procedure for expenditure of certain**  
31           **funds.** The capitol grounds planning commission shall have general powers to superintend the

1 administration of the capitol building fund, its interest and income fund, and its investments and  
2 properties. It may cause any lands now held in such funds to be sold at market value, direct  
3 the conversion of any securities now held by such funds to cash, approve expenditures from  
4 such funds subject to law and legislative appropriations, and to do all other things necessary to  
5 carry out the intent and purposes of this section. The board of university and school lands or its  
6 designee, on the commission's behalf, shall see to the investment and management of the  
7 capitol building fund and its interest and income fund and shall account to the commission  
8 concerning these funds at the commission's request.

9           Provided further, all moneys and other property in the capitol building fund, ~~except as~~  
10 ~~otherwise appropriated,~~ are hereby dedicated and reserved to the exclusive purpose of the  
11 construction of an addition to the legislative wing of the state capitol building, and the capitol  
12 grounds planning commission shall take necessary steps to accumulate and conserve the  
13 money and property in the capitol building fund for such purpose.

14           The commission may, during any biennium, expend from the interest and income fund  
15 of the capitol building fund a sum not to exceed one hundred thousand dollars or fifty percent of  
16 the unencumbered balance on the first day of any biennium, whichever amount is less, and  
17 such amount is hereby appropriated to the capitol grounds planning commission. The  
18 expenditure may be made, after consideration of the capitol grounds master plan, for projects  
19 or planning ~~but shall not exceed fifty thousand dollars per biennium.~~ The expenditure may only  
20 be made upon approval by two-thirds of the total membership of the commission. The  
21 expenditure must be made upon a voucher, or vouchers, prepared by the office of management  
22 and budget at the direction of the commission.