

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 3M



ROLL NUMBER

DESCRIPTION

2109

2001 SENATE AGRICULTURE

SB 2109

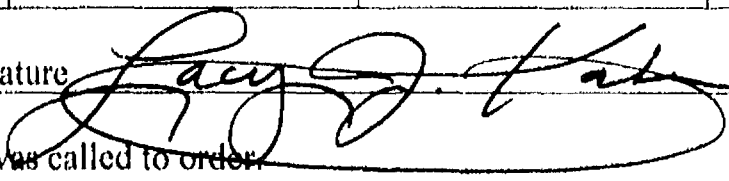
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2109

Senate Agriculture Committee

☐ Conference Committee

Hearing Date January 19, 2001

Tape Number		Side A	Side B	Meter #
Jan. 19	1	X		29.4 - End
			X	0.0 - 2.0
Jan. 25	3	X		48.1 - End
Feb. 2	1		X	32.0 - End
Feb. 8	2	X		11.2 - 25.4
Committee Clerk Signature 				

Minutes: The hearing was called to order.

January 19, 2001

DR. ANDREA GRONDAHL; State Meat Inspector for the Dept. Of Agriculture, testified in support of this bill. See attached testimony.

SENATOR WANZEK, Are there plants operating by these rules and regulations now?

DR. GRONDAHL, There are about 100 custom exempt plants that are operating under the Department of Agriculture rule and regulations.

SENATOR KLEIN, Have we created more flexibility in inspections since 1999?

DR. GRONDAHL, Yes, we have adopted the federal regulations and are running the same regulations, but there are a lot of interpretations reading the regulations.

SENATOR KLEIN; As of October the plants were federal with a federal inspector, are we now state inspecting the plant? Are we requiring the inspector or the plant owner to have continued education?

DR. GRONDAHL; We are asking that the plant owners have the continuing education. We are providing a better service and information than the federal inspectors, we are inspecting the plants 4 times per year

SENATOR WANZEK; What safeguards are there to prevent the interpretation of the policies from narrowing?

DR. GRONDAHL; We all have food safety in mind and the interpretation comes from working with the facilities that are in existence.

SENATOR ERBELE, Can plants in North Dakota sell products out of state?

DR. GRONDAHL, Currently only beef, swine, sheep and goats have to be sold within the state, but buffalo, elk and such products can be sold out of state.

SENATOR KLEIN, Are inspector going to shut down plants instead of pointing out problems?

DR. GRONDAHL, We are not trying to shut down plants, we are here to educate and time is allowed to make changes as long as it is not an immediate food hazard.

SENATOR NICHOLS; Do plant that sell meat do they always have a veterinarian present during slaughter, because some of the small plants don't slaughter everyday?

DR. GROHDAHL; There is not a veterinarian on hand but what is required is that a veterinarian be available for supervision and for animal that is thought to be a suspect. Custom exempt plant are only inspected 4 times per year, all the animals are not inspected prior to slaughter.

SENATOR URLACHER; The state inspection has to meet the federal inspection guidelines.

You mentioned that you are building in some flexibility interpretation on the state level, that may be in conflict with the interpretation with the federal inspection. Do the federal inspector come in occasionally to see that their guidelines are being met by the state inspections?

DR. GRONDAHL; Yes, we do get federal reviews. We have our first review within 1 year and then every 5 years.

SENATOR URLACHER; How many inspectors does North Dakota have?

DR. GRONDAHL; There are three inspectors in the state, one in Bismarck, Dickinson and Fargo. We also have the authority now to hire 2 additional inspectors in the state.

SENATOR KROEPLIN; When a plant is federally inspected is there a veterinarian present, when an animal is slaughtered?

DR. GRONDAHL; No, a veterinarian is called in if there is a suspect animal.

SENATOR KROEPLIN; Is there a federal inspector present at a plant when slaughtering is being done?

DR. GRONDAHL; There is a federal inspector present during slaughter, who is not a veterinarian.

SENATOR KROEPLIN; In the state program is there a state inspector there?

DR. GRONDAHL; No, there are 2 categories. There's the custom exempt plants and the official establishments, the official establishments can be either federal or state establishments and need an inspector present, the custom exempt plants they are exempt for most of the regulations and don't need an inspector present during slaughter either with the federal or state system.

SENATOR KROEPLIN; If a plant is going to slaughter an animal and sell it to the public, then there would be a state inspector present?

DR. GRONDAHL; Yes.

SENATOR WANZEK; Do most plants slaughter on a certain days?

DR. GRONDAHL; Slaughtering is usually set up for one day of the week and then 1 to 2 days a week for processing.

SENATOR WANZEK; Does an inspector have to be present during processing?

DR. GRONDAHL; An inspector needs to be present only one time on the day of processing.

SENATOR WANZEK; What are the advantages of state inspections?

DR. GRONDAHL; There are two big advantages, one is the nontraditional or wild game livestock producers, if they take these animals to a federal inspector they will have to pay a fee which is approximately \$36 per hour. The second advantage of state meat inspection is we are enabling the smaller processor to become state inspected. Most of the plant that are going to become state inspected are the existing custom exempt facilities.

SENATOR KLEIN; Has there been a fee for the state inspections in the past? Does this affect grocery stores?

DR. GRONDAHL; There are grocery store that have slaughtering establishment, if they do any custom slaughtering they will be inspected by the Department of Agriculture and the Health Department. The custom exempt plant have not been licensed or charged any fees unless they have a retail shelf.

SENATOR WANZEK; How can you be assured that the continuing education is going to be effective?

DR. GRONDAHL; Plant owners don't have the information available to them and they would at these seminars and would be eager to hear the new information that is out there.

SENATOR WANZEK; Is this possible to accomplish without requiring it?

DR. GRONDAHL; By making it a requirement we would get more of them involved.

SENATOR ERBELE; Plants that are strictly under state inspection and there is an E-coli outbreak, can it be traced to the specific plant or would it shut down every plant in the state?

DR. GRONDAHL; We do have all the products that need to be labeled, they need to be labeled with plant name and/or number. In order to trace product back to original plant.

SENATOR KROEPLIN; Instead of going out to a plant and pointing out a problem, you can tell them what you are looking for and they can go to the plant and try to prevent problems?

DR. GRONDAHL; I envision two different things. One is to educate them and to prevent problems before they occur.

KENAN BOLLINGER; Director, Food and Lodging Division - ND Dept. Health, testified in support of this bill. See attached testimony.

SENATOR WANZEK; Does Section 23-09-02 only repeal the law that says that you are the only agency, it still allows you to inspect in other areas that you have jurisdiction over.

KENAN BOLLINGER; That is correct, it retains our authority over all facilities that are listed in 23-09-02. This doesn't prohibit other state agencies for getting involved in retail work.

DR. KEITH DEHAN; State Meat Inspection Committee Member, testified in support of this bill. The approval of this bill will provide momentum for their state. This is exciting for the state and for the processors in the state and I hope to see a lot of growth and application of their services to more processors within the state.

BOB BENNETT; Attorney Generals Office, Express his concerns of this bill.

January 25, 2001

Discussion was held.

25-01  
SENATOR KLEIN; The state meat inspection is continuing to inspect the grocery stores even if they are not slaughtering.

SENATOR NICHOLS; I thought that this would be the way to be get the Health Dept. out of that process entirely.

SENATOR WANZEK; Wasn't the intent to try and provide efficiency and uniformity and clean it up so we don't have a duplication of inspectors showing up?

SENATOR WANZEK; I think that we should form a subcommittee to spend a little more time and work with Dr. Grondahl for the Ag. Dept.

SENATOR NICHOLS; I have in my note that Kenan Bollinger of the Dept. of Health said that we need to amend this by repealing 23-09-02.

SENATOR KLEIN; According to Kenan Bollinger's testimony the duplication of efforts comes into play when a custom exempt facility also has a retail counter. They are suggesting that those facilities be licensed and inspected by the state Ag. Department avoid the two licenses and inspecting agencies.

SENATOR WANZEK; If we repeal that section they wouldn't be inspecting grocery stores where there is no slaughter?

SENATOR KLEIN; The State Health Dept. will continue to inspect grocery store and the Agriculture Dept. would stay with the meat business.

A subcommittee was set up. Senator Wanzek appointed Senator Klein, Senator Erbele and Senator Nichols.

February 2, 2001

Discussion was held.



SENATOR KLEIN; State meat inspection has added a lot of conditions that we're not anticipating out there. By adopting this and nearly mirroring the federal meat inspection sounds like there is going to be some issues.

SENATOR NICHOLS; The Ag. Dept. Was concerned that they keep the ability to license.

SENATOR WANZEK; I thought the intent of this was to make this more friendly so we could give our producers an opportunity to retail their meat to people within the state.

SENATOR URLACHER; We've always had to meet the federal requirements, I think the friendliness comes in to the flexibility in plant where small operator do not need some of the thing the larger plants do.

SENATOR KROEPLIN; We could take the fees out but they do need to license.

SENATOR WANZEK; To operate in state you still have to be certified. We have to amend Section 4, there are some real problems.

SENATOR URLACHER; I feel that they had to charge some fee for a license to track meat, they said that they can track paper. I agree that they stop the operation by just cause.

SENATOR WANZEK; If this bill passes it should have some provision that increases the penalty.

February 8, 2001

Discussion was held.

SENATOR ERBELE; I believe that there is some discomfort with the original bill. We feel that with this bill we don't have to extend any further powers at this point.

SENATOR ERBELE moved to DO NOT PASS this bill.

SENATOR KLEIN seconded the motion.

Discussion was held on the motion to DO NOT PASS.

2-8-01

SENATOR KLEIN; Meat inspection rules are in place. There are three sections of the law, the initial is the continuing education requirement, which the subcommittee didn't feel comfortable with. The second is the license fee, which the subcommittee also didn't feel comfortable with. The third issue is the general penalty and that also asked for a major revision by the Attorney Generals Office. Since we didn't care for Section 4 either, there was nothing felt.

SENATOR URLACHER; Will we have a state meat inspection at all?

SENATOR KLEIN; This doesn't change anything.

SENATOR NICHOLS; I do know that the Agriculture Department did feel that they wanted to hold on to the licensing part even if they didn't charge anything. I don't know why that would be a problem if they are already certified.

SENATOR WANZEK; Our state meat inspection is in effect and operation and have been approved by the Food Safety Inspection Service with the USDA, but these we provisions that were going beyond our requirements.

SENATOR URLACHER; Can they put in administrative rules?

SENATOR KLEIN; They can propose administrative rules which need to be run through the committee after proper hearings, publication and notice. So that people that represent a particular industry have an opportunity to come in and testify to rules.

Roll call vote: 4 Yeas, 2 No, 0 Absent and Not voting.

SENATOR KLEIN will carry the bill.

**FISCAL NOTE**  
Requested by Legislative Council  
12/26/2000

Bill/Resolution No.: SB 2109

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$12,000	\$0	\$12,000	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The original meat inspection bill did not address license fees for inspected official and custom plants. This measure will require a license fee for custom exempt plants and official state plants to offset some of the costs of the inspections.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The state presently has 98 custom plants that would be required to be licensed at \$50 per year. Total revenue from custom plants for the biennium is estimated at \$9,800. The Department of Agriculture estimates that there should be 11 official state plants at \$100 license fee per year for total revenue of \$2,200 per year.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None. The Department of Agriculture is already required to do these inspections as part of the program.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

None. The Department of Agriculture is presently doing the inspections and the appropriation request is in the Ag Commissioner's appropriation bill, HB1009.

<b>Name:</b>	Jeff Weispfenning	<b>Agency:</b>	Agriculture
<b>Phone Number:</b>	328-4758	<b>Date Prepared:</b>	01/03/2001

Date: 2-8  
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2109**

Senate	Agriculture	Committee
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☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do not Pass

Motion Made By Sen Erdale Seconded By Sen Klein

[illegible]

Total (Yes) 4 No 2

Absent C

Floor Assignment Senator Klein

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

**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2001 1:44 p.m.

Module No: SR-23-2747  
Carrier: Klein  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2109: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO NOT PASS**  
(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the  
Eleventh order on the calendar.

2001 TESTIMONY

SB 2109

Testimony of Dr. Andrea Grondahl  
State Meat Inspection Director  
North Dakota Department of Agriculture  
Senate Bill 2109  
Agriculture Committee  
Roosevelt Room  
January 19, 2001

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Chairman Wanzek 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 Senate Bill 2109. I am also submitting proposed amendments to the bill with my written testimony.

The state meat inspection program was authorized by the 1999 Legislature. The Legislature directed Commissioner of Agriculture Roger Johnson to appoint a 7-member committee to develop administrative rules. The rules were developed, filed with Legislative Council, and approved by FSIS (Food Safety and Inspection Service). Some of the rules initially proposed by the committee had to be dropped because of lack of legislative authority. Three of those items are in this bill; they include continuing education for plant owners, licensing meat plants, and penalties. The bill also addresses hearings for plant owners who have been refused inspection service or who have had inspection service withdrawn.

The continuing education requirement is an opportunity for the meat inspection staff to educate plant owners on food safety and other current issues. An individual who decides to open and run a meat business must meet many facility requirements before being allowed to operate. There are, however, no requirements for that person to have



knowledge of the various aspects of food safety and meat processing. New information on these topics is being produced continuously; unfortunately, most of it does not reach small plant owners. By making it mandatory for all plant owners to obtain four hours of continuing education every two years, we will be able to provide the information to those individuals who really need it. The meat inspection staff would sponsor yearly seminars to make sure the education is readily available to all plant owners.

The authority to license plants was also omitted from the original rules draft. We are seeking this authority for two reasons. First, requiring plants to obtain a license to operate would give the Department more authority in enforcing regulations. Currently, we only have the authority to register plants. As a result, the Department of Agriculture has very limited ability to enforce regulations if a plant decides not to follow the rules. However, with a licensing requirement, plants would be compelled to abide by the regulations in order to operate. Most states with state meat inspection programs acknowledge the benefits of licensing. In our region, Montana, South Dakota, Wyoming, Wisconsin and Minnesota currently license their plants.

A second reason to require licensing is to provide additional revenue. The meat inspection program is supported by state dollars. By having plants pay license fees, we would be able to get more financial support from the people who benefit the most from this program.

A new issue, which would be created by granting the Department of Agriculture the authority to license, would be overlap with another state agency. Currently, the Department of Agriculture inspects custom processing and the Health Department inspects retail exempt. Several meat processing plants perform both operations and are, therefore, currently inspected by both agencies. This is not a major concern right now, but it will be if both agencies license these plants. I propose that meat processing plants that retail only meat products be licensed and inspected only by the Department of Agriculture.

The third section of the bill involves hearings after a refusal or withdrawal of inspection service. Presently, there is no federal or state law that requires a hearing to be held if the Department has sufficient reason to refuse or withdraw inspection. The only existing requirement is for the Department of Agriculture to provide the opportunity for one. Therefore, this section of the bill simply adds the words "an opportunity for a" (hearing), rather than making it a requirement.

The last section of the bill addresses general penalties pertaining to the adulteration of meat products. The Office of General Council (OGC), which is FSIS's legal support, reviewed North Dakota penalties and came to the conclusion that our state penalties are less severe than federal ones because of the lack of a felony provision. When FSIS approved the state meat inspection program in October, it was with the agreement that the Department of Agriculture would seek more severe penalties from our legislature. OGC

stated that North Dakota's criminal penalties must meet the "at least equal to" requirements of the Federal Meat Inspection Act (FMIA).

The FMIA states that for violations involving intent to defraud, or any distribution or attempted distribution of an article that is adulterated such person, firm or corporation, shall be subject to imprisonment for up to three years or a fine of up to \$10,000 or both. In order for North Dakota to have "at least equal to" penalties, we need to have a Class B felony charge for a similar crime. I believe that a crime involving the attempt to sell adulterated meat is very serious and needs to be appropriately addressed. (See attached letter).

The proposed amendments to Senate Bill 2109 address licensure. Currently the bill is unclear in identifying plants that need to be licensed. The State Meat Inspection Program inspects limited types of plants. Therefore, the amendment clarifies which plants need to be licensed by the Department.

Mr. Chairman and committee members, I urge a do pass on Senate Bill 2109. If you have any questions, I would be happy to answer them.

Thank you.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2109

Page 1, line 24, overstrike "meat broker, renderer, or animal food" and insert immediately thereafter "slaughtering establishment, meat processing establishment, or custom exempt plant"

Page 2, overstrike lines 1 through 4

Page 2, line 5, overstrike "animals, or parts of the carcasses of animals that died other than by slaughter"

Renumber accordingly

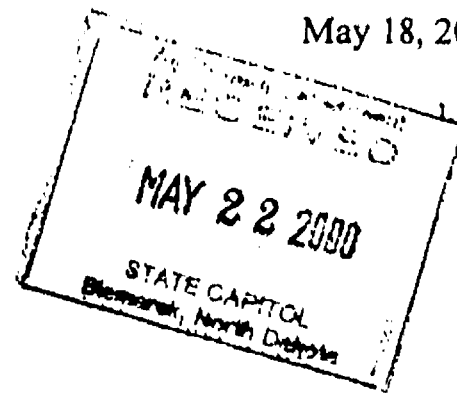


United States  
Department of  
Agriculture

Food Safety  
and Inspection  
Service

Washington, D.C.  
20250

May 18, 2000



Mr. Paul Germolus  
Office of Attorney General  
900 East Boulevard Avenue  
Bismarck, ND 58505-0061

Dear Mr. Germolus:

This is in response to your April 27, 2000 letter to Ms. Sue Golabek of the USDA, Office of the General Counsel (OGC) in regard to the general criminal penalties provided under N.D.C.C. §36-24-26. Your penalty provision is less severe than federal law in that it does not contain any felony provision. North Dakota's criminal penalties must meet the "at least equal to" requirements of the Federal Meat Inspection Act. Based upon the information we have received to date, the "at least equal to" requirements have not been met.

You proposed that North Dakota would refer violations of its meat inspection act to FSIS when the alleged violations involve felonies, and indicated that other states are doing the same, if the state does not have a criminal sanction "at least equal to" federal law. FSIS does not have the legal jurisdiction to take action in cases involving intrastate violations of state inspection programs, and we are not aware of any instances in which this has occurred.

You also mentioned that, in addition to the general criminal penalties provided under N.D.C.C. § 36-24-26, North Dakota has other criminal statutes governing conduct under the state meat inspection act. We request that you forward these relevant provisions to the Federal-State Relations Staff as soon as possible, for inclusion in the FSIS equivalency determination of North Dakota's criminal penalties.

We will reexamine the meat and poultry statutes of other states on the basis of your comments that North Dakota's criminal penalties are substantially the same as other states with meat and poultry inspection programs.

Mr. Paul C. Germolus

2

We support North Dakota's efforts to expedite the approval of the state meat inspection program. We will do whatever we can to be of assistance and to keep the lines of communication open.

Sincerely,

*for M. A. Mohanna*

William F. Leese

Director

Federal-State Relations Staff

cc:

M. Mina, DA/OFO

H. Reuben, DAGC/OGC

S. Golabek, AA(General)/OGC

J. Booth, AA(General)/OGC

C. Seymour, ADA/DEO/OFO

R. VanBlargan, DADA/DEO/OFO

✓ W. Carlson, Livestock Services Program Coordinator/ND

**Testimony In Support of SB 2109  
Presented by Kenan L. Bullinger  
Director, Food and Lodging Division  
ND Department of Health  
Senate Agriculture Committee  
January 19, 2001**

Mr. Chairman and members of the committee, I am Kenan Bullinger with the Food and Lodging Division, ND Department of Health. Our division deals with the licensure and inspection of various retail food, foodservice, and lodging facilities in North Dakota. I appear before you today in support of SB 2109. The meat inspection program of the ND Department of Agriculture has done a commendable job of initiating this new regulatory program in our state. It definitely addresses a need for the producers of both domestic species and game animals in North Dakota. I hope you look favorably upon this legislation to better equip the Agriculture Department to more efficiently continue this much needed program for producers in North Dakota.

As Dr. Grondahl mentioned in her testimony, there would be some "overlap" with our department if this legislation should pass. The Food and Lodging Division and several local health departments have the licensing and inspection authority over retail meat operations within North Dakota. The duplication of efforts comes into play when a custom exempt facility also has a retail counter. It's our suggestion that those facilities be licensed and solely inspected by the State Agriculture Department, thus avoiding 2 licenses and 2 inspecting agencies. Our department would concentrate its' efforts in retail facilities such as grocery stores, supermarkets, convenience stores, and other retail markets. I have been involved in food regulatory work since the early 80's. I have yet to find someone in the regulated community who likes having two different regulatory agencies to deal with and two separate annual operating licenses.

In order to avoid this regulatory duplication, I offer an amendment to SB 2109 by repealing NDCC Section 23-09-02. This section of code currently states that our department is the only agency that can enforce or adopt rules relating to food establishments. Repealing this section of code would give the State Agriculture Department authority to inspect those custom slaughter operations that also have retail meat counters currently licensed and inspected by our department.

I hope you look favorably upon this bill and the amendment I have proposed.

Source: S.L. 1907, ch. 135, § 1; 1909, ch. 141, § 1; C.L. 1913, § 2979; S.L. 1929, ch. 144, § 1; R.C. 1943, § 23-0901; S.L. 1963, ch. 208, § 3; 1977, ch. 222, § 2; 1987, ch. 263, § 27; 1987, ch. 299, § 1.

**Cross-References.**

Doors, construction of, see § 23-13-04.  
 Hotel keeper's liability for property loss, see §§ 60-01-29 to 60-01-33.  
 Hotel keeper's lien, see chapter 35-19.  
 Inspection by game and fish officials, see § 20-1-02-15, subsection 3.  
 Report of contagious or infectious disease, see § 23-07-02.  
 Smoking in places of public assembly, see §§ 23-12-09 to 23-12-11.  
 Word defined by statute always has same meaning, see § 1-01-09.

**Collateral References.**

Innkeepers — 3.  
 Generally as to public regulation, see 40 Am. Jur. 2d, Hotels, Motels, and Restaurants, §§ 33-48.  
 43A C.J.S. Inns, Hotels and Eating Places, §§ 8 and 9.  
 What constitutes a hotel or inn, 19 ALR 517; 53 ALR 988.  
 What constitutes a restaurant, 122 ALR 1399.  
 Regulation: maintenance or regulation by public authorities of tourist or motor camps, courts or motels, 22 ALR 2d 774.  
 Rates: validity and construction of statute or ordinance requiring or prohibiting posting or other publication of rates by proprietor of hotel, motel, or other lodging place, 89 ALR 2d 929.

**23-09-02. State department of health and consolidated laboratories to enforce provisions of chapter.** The state department of health and consolidated laboratories shall enforce the provisions of this chapter. Under no circumstances may any other state agency enforce the provisions of this chapter or adopt rules which relate in any way to the provisions of this chapter nor may any other state agency expend any moneys, including salaries, which would involve the agency or its employees in work related to the provisions of this chapter.

Source: I.M. June 23, 1938, S.L. 1939, ch. 288, § 1; R.C. 1943, § 23-0902; S.L. 1981, ch. 283, § 1.

**Cross-References.**

State laboratories department, see chapter 19-01.

**23-09-02.1. Smoke detection devices or other approved alarm systems — Administrative procedure and judicial review.** Each hotel, motel, and lodginghouse shall install smoke detection devices or other approved alarm systems of a type and in the number approved by the state department of health and consolidated laboratories, in cooperation with the state fire marshal. The department, in cooperation with the state fire marshal, shall adopt reasonable rules and regulations pursuant to chapter 28-32 governing the spacing and minimum specifications for approved smoke detection devices or other approved alarm systems. The department and state fire marshal shall provide all reasonable assistance required in complying with the provisions of this section. Any proceeding under this section for issuing or modifying rules and regulations and determining compliance with rules and regulations of the department must be conducted in accordance with chapter 28-32 and appeals may be taken as provided in chapter 28-32.



PROPOSED AMENDMENTS TO SENATE BILL NO. 2109

Page 1, line 24, overstrike "meat broker, renderer, or animal food" and insert immediately thereafter "slaughtering establishment, meat processing establishment, or custom exempt plant"

Page 2, overstrike lines 1 through 4

Page 2, line 5, overstrike "animals, or parts of the carcasses of animals that died other than by slaughter"

Page 3, line 12, after "any" insert "willful"

Page 3, line 13, after the period insert "For the purposes of this section, the term "willful" has the same meaning as "willfully" as defined in subsection 1 of section 12.1-02-02."

Page 3, remove lines 14 through 17

Page 3, line 18, remove "pertaining to the delivery of the article or animal to that person."

Renumber accordingly