

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1263

2005 HOUSE FINANCE AND TAXATION

HB 1263

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1263**

House Finance and Taxation Committee

☐ Conference Committee

Hearing Date **January 17, 2005**

Tape Number	Side A	Side B	Meter #
1	x		11

Committee Clerk Signature

Janice Stein

Minutes:

REP. WES BELTER, CHAIRMAN Called the committee hearing to order.

JOHN WALL, DIST. 25, RICHLAND COUNTY, COLFAX, ND Introduced the bill.

This bill is drafted to address a problem of hazardous substances in schools. The problem is at the Colfax School. The State School Board Association supports broadening the bill to include hazardous substances along with the mercury.

REP. BELTER We have removed the word "asbestos," doesn't mercury fall under hazardous substances?

REP. WALL I believe it would, I asked Legislative Council about that wording, and they felt it should be this way. I am not certain why mercury is singled out, except, in this particular instance, the problem is mercury.

WAYNE ULVEN, SUPT. OF RICHLAND 44 AT COLFAX, Testified in support of the bill.

See written testimony. Answered Rep. Belter's question regarding "mercury". Mercury is a

hazardous substance. Mr. Ulvin also read a letter from the Enderlin School District who stated their support of the bill. These school district does not levy enough to pay for the removal or encapsulating of the mercury in their floors. It was unknown that the floor had mercury in it when it was installed in 1980. When you look at a floor such as this floor, if you don't take care of it before it starts breaking up, you not only have to encapsulate it, but you have to remove it. Our floor is not to the point of breaking up. They use the term "gummy floors", if it gets to the point of being gummy, you have to remove the substance before you would put another floor on. The process you have to do this, is the same as with asbestos.

REP. BELTER In these cases, if your floor is in good condition, are you being forced to change your floor, or is this problem only involved at the point where they need to be replaced?

WAYNE ULVEN The time limit we don't know, right now, we are not forced to do anything, until you start looking at the floor. We had someone come in and look at the floor, and they said, the floor is okay, until it starts to get gummy, but when that happens, then you have to encapsulate and remove it. If they do not allow for incineration here, it has to be transported to Oklahoma, and the cost of \$50,000 will be quite a bit more.

REP. KELSH Is the manufacturer of the original floor still in operation?

WAYNE ULVEN Not that I can find.

REP. DROVDAL I thought you had to eat mercury or get it into your system, which removing it isn't quite as hazardous, you said when you have to take it out is when it starts decomposing, if you encapsulate it, are you safe for another twenty to thirty years?

WAYNE ULVEN When they encapsulate it, they put a wrap over the tartan floor, so it will not allow the floor further decomposing, then they put another floor on top. In answer to the question about ingesting it, I asked the same thing, I asked why we can't remove it ourselves. It comes under the North Dakota Health Department regulations, you have to have the HASMAT training to do that.

REP. CONRAD Why doesn't mercury come under the hazardous substance definition?

WAYNE ULVEN I thought we could do this last year under NDCC 15-15-17.1, that is the way I read it. When I visited with Mr. Decker, and he went to the Attorney General, I have a letter from the Attorney General which says, mercury does not fall under this bill. At that point, I asked to get mercury placed under this bill, so it would be read the same way as asbestos.

REP. CONRAD Are there other things that would come under the hazardous waste program which do not fall under the definition of hazardous substance, which we should be concerned about?

WAYNE ULVEN I can't answer that. You research what affects you, and that's what I did.

REP. IVERSON Wouldn't it be better to include mercury and other hazardous substances along with asbestos?

REP. BELTER What we might consider, is putting mercury under the category of hazardous substance.

REP. GRANDE In what we are talking about is another fifteen mills, so do we have fifteen mills for asbestos, fifteen for lead, fifteen for mercury, or is this all included underneath hazardous substances?

WAYNE ULVEN The way I understood it, it is fifteen mills for all.

DOUG JOHNSON, OF THE NORTH DAKOTA COUNCIL OF EDUCATIONAL ADM.

Testified in support of the bill. We believe this bill helps clean up the problem which many school districts may have in dealing with hazardous materials, by including hazardous materials to include other things such as asbestos, and allow more school districts to use this bill to levy a mill levy if they have a problem. It places an undue burden on school districts if they did not fall into those categories when they run into material that is not included in the list. This bill will help clarify that.

JERRY COLEMAN, DEPARTMENT OF PUBLIC INSTRUCTION Answered some questions of the committee.

REP. BELTER Do you know the reason for not just listing mercury as a hazardous material instead of separately in the bill?

JERRY COLEMAN I don't know why, I am sure you could check with Legislative Council for that.

REP. BRANDENBURG Are there any other school with this same problem?

JERRY COLEMAN I am not aware of any other schools with this same problem.

With no further testimony, the committee hearing was closed.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1263**

House Finance and Taxation Committee

☐ Conference Committee

Hearing Date **January 24, 2005**

Tape Number	Side A	Side B	Meter #
1		X	11

Committee Clerk Signature

Minutes:

COMMITTEE ACTION

REP. DROVDAL Reviewed the bill for committee members.

REP. CONRAD Made a motion for a **DO PASS**.

REP. WEILER Second the motion. **MOTION CARRIED.**

9 YES 1 NO 4 ABSENT

REP. SCHMIDT Was given the floor assignment.

1-24-05
11 Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. **HB 1263**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

Representatives
BELTER, WES, CHAIRMAN
DROVDAL, DAVID, V-CHAIR
BRANDENBURG, MICHAEL
CONRAD, KARI
FROELICH, ROD
GRANDE, BETTE
HEADLAND, CRAIG
IVERSON, RONALD
KELSH, SCOT
NICHOLAS, EUGENE
OWENS, MARK
SCHMIDT, ARLO
WEILER, DAVE
WRANGHAM, DWIGHT

Yes No

Representatives

Yes No

Total (Yes)

No

Absent

Floor Assignment

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

REPORT OF STANDING COMMITTEE (410)
January 24, 2005 3:57 p.m.

Module No: HR-15-0959
Carrier: Schmidt
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1263: Finance and Taxation Committee (Rep. Belter, Chairman) recommends DO PASS (9 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HB 1263 was placed on the Eleventh order on the calendar.

2005 SENATE FINANCE AND TAXATION

HB 1263

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1263**

Senate Finance and Taxation Committee

☐ Conference Committee

Hearing Date **March 15, 2005**

Tape Number	Side A	Side B	Meter #
#1	X		33.3 - 58.8

Committee Clerk Signature



Minutes:

CHAIRMAN URLACHER CALLED THE COMMITTEE TO ORDER AND OPENED THE HEARING ON HB 1263.

REP. WALL: appeared as prime sponsor with written testimony.

SEN. URLACHER: have you recognized any other districts that relate to that problem?

ANSWER; I believe mention the only one in the State that we've heard of is Enderlin, ND that may have a similar problem.

WAYNE ULVEN: Superintendent of Richland Public School appeared in support with written testimony.

SEN. URLACHER: where did the mercury come from? How did it happen to be there?

ANSWER; I asked the question myself, from my understanding the mercury was in there to help with the elasticity of the substance. That's the only way from visiting with 4 vendors, when it was first installed it said it had a buoyancy of a, so if you bounced on it, it was a rating of about

20 and as time progressed, it gets harder and harder and now we have an ability to bounce of about 3 and as time goes on it will get like cement.

SEN. URLACHER: is there some other hazardous problems they've identified that might be a potential problem?

ANSWER: we had someone come out and check the floor and they told us it was mercury and the Health Dept. Verified it

SEN. WARDNER: do you have any parts in the school where this shows up causing problems other than the targent floor in your gymnasium?

ANSWER; no

SEN. EVERY: how does it become harmful to my health, do I breathe it?

ANSWER; I don't really know, I asked and they said we have to handle it as hazardous waste.

SEN. WARDNER: its by contact, if you touch the floor with your hands, damp hand, that's how you pick it up.

SEN. BERCIER: there are a lot of schools with these targent floors, are you aware of any class action suits against companies?

ANSWER; I don't know of any.

SEN. COOK: is it possible to have these floors put in today with mercury in them?

ANSWER; not anymore, no mercury

SEN. COOK: this would allow Richland County School District to raise their mill levy without a vote of the people, which requires a 2/3rds vote by the Board, how much of a, how large of a mill increase would you be required to levy to remove this floor?

ANSWER; we were looking at in our case about 4 mills at the most over a 5 year or 4 year period, which ever it would take us to get it. We're not looking at a Cadillac, we're just looking at something that will take care of our needs for school district.

SEN. COOK: so with these 4 mills, you can pay for the removal and putting in the new floor?

ANSWER; no, what they will do is encapsulate it and put the new floor over the top of it.

\$80,000 was the most expensive bid.

SEN. URLACHER; I guess I'm looking for how broad this could move out, lead paint, asbestos, wall boards, I don't know if there is a lot of schools out there that fall in that category or not, maybe you have some idea.

ANSWER: any building that's built back, I'm sure its going to have lead paint on it.

SEN. BERCIER: you mentioned school, but that doesn't mean a gym?

ANSWER: the gym was not, the floor was not part of it simply because of the cost factor.

SEN. BERCIER: how old is that floor?

ANSWER: 1980, it was replaced then because of a tornado that went through

BEV NIELSEN: School Board Association appeared in supports stating we're in favor of the bill because we think it sticks with the original purpose of that special levy. Its not a new levy.

MARY WAHL: ND Council of Educator Leaders appeared in support stating this is an important way for school districts who are strapped with their funding especially in their building fund to be able to address this issue to be able to assess in this way.

TOM DECKER: DPI appeared in support basically stating me too from previous testimony.

Closed the hearing.

SEN. COOK: made a **MOTION FOR DO PASS**, seconded by Sen. Bercier.

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Senate Finance and Taxation Committee

Bill/Resolution Number HB 1263

Hearing Date March 15, 2005

ROLL CALL VOTE: 5-0-1

Sen. Bercier will carry the bill

Date: 3.15.05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1263

Senate

Finance and Taxation

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass
Cook

Motion Made By

Seconded By

Bercier

Senators	Yes	No	Senators	Yes	No
Sen. Urlacher	✓		Sen. Bercier	✓	
Sen. Wardner	✓		Sen. Every	✓	
Sen. Cook	✓				
Sen. Tollefson					

Total (Yes)

5

No

0

Absent

1

Floor Assignment

Bercier

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

REPORT OF STANDING COMMITTEE (410)
March 15, 2005 11:08 a.m.

Module No: SR-47-4977
Carrier: Bercier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1263: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1263 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1263

House Bill No. 1263
Introduced by
Representative John Wall
Senator Russell Thane

Fort Totten Hearing Room
Representative Belter, Chairman
Finance & Tax Committee
Date: January 17, 2005

Rational:

- 1. Mercury is regulated by the Hazardous Waste Program**
 - a. Mercury is considered hazardous if it exceeds 0.2 ppm.**
 - b. Richland School Districts Tartan floor mercury content is 1.83 parts per million (ppm).**
- 2. Adding mercury to NDCC 57-15-17.1 would permit school districts to levy mills for removal and/or encapsulate mercury.**
- 3. Contractors who do removal must have HASMAT training and the closest legal mercury dump is located in Oklahoma.**
- 4. Most schools do not have adequate available funding to absorb a major expense such as hazardous waste removal and /or encapsulating. Removal alone would be \$50,000 for an average gym floor. Encapsulating and covering an average gym floor would be \$ 80,000.**
- 5. Tartan floors have an average floor life of twenty years. Elasticity, substance maintenance, and general floor conditions are the main reasons for removal and /or encapsulating a tartan floor.**

Conclusion: Allowing mercury to be part of NDCC 15-15-17.1 would give school districts the option to levy mills to address this safety and maintenance issue. This Bill would allow schools to be proactive to the problem.

**TESTIMONY
HB 1263
BY REP. JOHN WALL
DISTRICT 25
SENATE FINANCE AND TAXATION COMMITTEE
LEWIS & CLARK ROOM
MARCH 15, 2005**

Good morning Chairman Urlacher and members of the Senate Finance and Tax Committee. For the record, I am Representative John Wall from District 25 which encompasses much of Richland County, and I am here today to speak in support of HB 1263 as its passage will have a positive impact on one of the schools in District 25 – that being the Richland 44 High School at Colfax.

Due to a dangerously high mercury level in their gymnasium floor, a potential health hazard exists at this school. Available options are encapsulating and covering the existing floor or removal of the floor and reconstruction. Both options are expensive and without passage of this bill perhaps prohibitive.

Giving this bill favorable consideration will offer some relief to Superintendent Ulven and the patrons of Richland 44. I ask that you give favorable consideration to HB 1263, and I will stand for any questions you might have; however, Superintendent Ulven will speak more to the specifics of this bill in his testimony.

House Bill No. 1263
Introduced by
Senator Russell Thane
Representative John Wall

Lewis and Clark Room
Senator Urlacher
Senate Finance & Tax Committee
Date: March 1, 2005

Rational:

1. Mercury is regulated by the Hazardous Waste Program
 - a. Mercury is considered Hazardous if it exceeds 0.2 ppm.
 - b. Richland School District's Tartan floor Mercury content is 1.83 parts per million (ppm).
2. Adding mercury to NDCC 57-15-17.1 would permit school districts to levy mills for removal and/or encapsulate mercury.
3. Contractors who do removal must have HASMAT Training and the closest legal mercury dump is located in Oklahoma.
4. Most schools do not have adequate available funding to absorb a major expense such as hazardous waste removal and /or encapsulating. Removal alone would be \$50,000 for an average gym floor. Encapsulating and covering an average gym floor would be \$ 80,000.
5. Tartan floors have an average floor life of twenty years. Elasticity, substance maintenance, and general floor conditions are the main reasons for removal and /or encapsulating a tartan floor.

Conclusion: Allowing mercury to be part of NDCC 15-15-17.1 would give school districts the option to levy mills to address safety issues that occur due to hazardous waste removal and /or encapsulating.

By: Wayne Ulven, Secretary