

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

2124

2001 SENATE HUMAN SERVICES

SB 2124

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2124

Senate Human Services Committee

Conference Committee

Hearing Date January 16, 2001

Tape Number	Side A	Side B	Meter #
1	X		40
1/17/01 1		X	50
Committee Clerk Signature <i>David Kalodziejchuk</i>			

Minutes:

The hearing was opened by SENATOR LEE.

JEFF BURGESS, Director of the ND Department of Health, Division of Air Quality, introduced the bill and supports it. (Written testimony) SENATOR LEE: Do we have to send testing to Minnesota. Do we have any labs here? MR. BURGESS: We have the capability. The state lab does testing; our problem is not having enough trained people to inspect homes. SENATOR KILZER: Do we have any cases of lead poisoning in the state? MR. BURGESS: We do have elevated lead count in children. SENATOR KILZER: What are the levels. MR. BURGESS: Anything greater than 10 micrograms is a concern. SENATOR KILZER: Is this primarily from eating? MR. BURGESS: Yes, from ingestion.. Repainting over surfaces is a safeguard until it starts flaking. There are several abatement techniques: removal, temporary recapping - any way to prevent lead from getting into children There are different methods being tested.

MICHAEL SPLETTO, HOME Program Manager with the ND Division of Community Services, supports bill (written testimony). SENATOR POLOVITZ: What happens if you don't meet the deadline? MR. SPLETTO: Programs will be halted or reduced 50-60%. SENATOR ERBELE: What triggers an inspection? MR. SPLETTO: The likelihood of a child living there. SENATOR ERBELE: How do you know what to inspect? MR. SPLETTO: Low income families, rental units. SENATOR MATHERN: What prevented us from doing this years ago? MR.. SPLETTO: Without legislation we cannot inspect. The Safeguard Policy is in place; no child has been tested for lead.

CLAUS LEMBKE, Realtors, supports bill (written testimony)

KRISTI PFLIGER KELLER supports bill. There is definitely a shortage of workers. The state has the best interest in protect our children.

The hearing was closed on SB 2124

Discussion was resumed on 1/17/01, Tape 1, Side B, Meter 50. Tape 2

SENATOR MATHERN moved a DO PASS and rerefer to Apporpriations Committee.

SENATOR KILZER seconded it. Roll call vote carried 6-0. SENATOR LEE will carry the bill.

**FISCAL NOTE**  
 Requested by Legislative Council  
 03/29/2001

Bill/Resolution No.:

Amendment to:           Engrossed  
                                   SB 2124

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>				\$117,000		\$121,150
<b>Expenditures</b>				\$130,000		\$130,000
<b>Appropriations</b>				\$117,000		\$130,000

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

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

The lead-based paint program is a new program which will require lead-based paint contractors and workers to be licensed. Start-up costs will be required from the general fund for the 2001-2003 biennium and used to match U.S. EPA funds at 90% federal / 10% matching funds. **The amendments in the House have removed the general funds.** In subsequent bienniums, general funds will be offset by fees collected from certification of workers and licensing of contractors and were expected to be sufficient to meet the state's portion of matching fund requirements. **Amendments in the House have established a fee schedule of \$100 for contractors and \$25 for each worker.** Operating costs for the program are expected to be \$130,000 per biennium with \$117,000 coming from federal funds and \$13,000 from matching funds. This program will require one additional FTE (full time employee).

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.*

For the 2001-2003 biennium, \$117,000 will come from federal funds and will be matched with \$13,000 from general funds. **Amendments made in the House have removed the general funds.** For the 2003-2005 biennium, \$117,000.00 will come from federal funds and matching funds will come from fees.

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.*

In order to carryout this program, the program will require one additional FTE. Expenses are estimated at \$130,000.00 per biennium and include salary, fringe, travel, training and general operating expenses.

**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.*

The lead-based paint program is a new program and start-up costs will be required from the general fund for the 2001-2003 biennium to match U.S. EPA funds at 90% federal / 10% matching funds. After the 2001-03 biennium, fees collected from certification of workers and licensing of contractors were expected to be sufficient to meet the matching portion. This program will require one additional FTE. This program is not included in the Department's current appropriation bill SB 2004.

<b>Name:</b>	Kathy J. Albin	<b>Agency:</b>	Department of Health
<b>Phone Number:</b>	328-2392	<b>Date Prepared:</b>	03/29/2001

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

Bill/Resolution No.: SB 2124

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>				\$117,000		\$130,000
<b>Expenditures</b>			\$13,000	\$117,000		\$130,000
<b>Appropriations</b>			\$13,000	\$117,000		\$130,000

**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

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

The lead-based paint program is a new program which will require lead-based paint contractors and workers to be licensed. Start-up costs will be required from the general fund for the 2001-2003 biennium and used to match U.S. EPA funds at 90% federal / 10% matching funds. In subsequent bienniums, general funds will be offset by fees collected from certification of workers and licensing of contractors and should be sufficient to meet the state's portion of matching fund requirement. Operating costs for the program are expected to be \$130,000 per biennium with \$117,000 coming from federal funds and \$13,000 from matching funds. This program will require one additional FTE (full time employee).

**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.*

For the 2001-2003 biennium, \$117,000 will come from federal funds and will be matched with \$13,000 from general funds. For the 2003-2005 biennium, \$117,000.00 will come from federal funds and matching funds of \$13,000 will come from fees.

**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.*

In order to carryout this program, the program will require one additional FTE. Expenses are estimated at \$130,000.00 per biennium and include salary, fringe, travel, training and general operating expenses.

**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.*

The lead-based paint program is a new program and start-up costs will be required from the general fund for the 2001-2003 biennium to match U.S. EPA funds at 90% federal / 10% matching funds. After the 2001-03 biennium, fees collected from certification of workers and licensing of contractors should be sufficient to meet the matching portion. This program will require one additional FTE. This program is not included in the Department's current appropriation bill SB 2004.

<b>Name:</b>	Robert A. Barnett	<b>Agency:</b>	Health
<b>Phone Number:</b>	328-2392	<b>Date Prepared:</b>	01/03/2001



Roll Call Vote #: 1 Date: 1/17/01

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2124**

Senate HUMAN SERVICES Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

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

Action Taken Do Pass

Motion Made By Sen Mathern Seconded By Sen Kilzer

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Lee

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

**REPORT OF STANDING COMMITTEE (410)**  
January 17, 2001 4:06 p.m.

**Module No: SR-08-1164**  
**Carrier: Lee**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2124: Human Services Committee (Sen. Lee, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was rereferred to the Appropriations Committee.**

2001 SENATE APPROPRIATIONS

SB 2124

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2124

Senate Appropriations Committee

Conference Committee

Hearing Date January 30, 2001

Tape Number	Side A	Side B	Meter #
Tape #1	x		0.0 - 22.4
Committee Clerk Signature <i>Donnie Petch</i>			

Minutes:

Senator Nething, Chair; opened the hearing on SB2124.

Jeff Burgess, Director of the North Dakota Department of Health, Division of Air Quality, testified in favor of SB2124 (a copy of his written testimony is attached).

Senator Andrist: Does this involve the EPA? Do they police it now as they do asbestos problem?

Jeff Burgess: This involves primarily the low-income housing; those eligible for assistance; they need to comply with lead-based standards. Additional personnel from the Department are here to assist in the answers (Ken Wangler, Francis Schwindt).

Ken Wangler, North Dakota Department of Health: The rules are not as strict as those involving asbestos; certified workers are required.

Senator Andrist: For any project? Only for the low-income housing? Is there a need to call ahead and see if there is a lead problem?

Ken Wangler: Low-income residents who are receiving assistance are required. Individuals not on assistance who are doing general upkeep are not regulated.

Senator Thane: Did this come too late to be included in governor's budget?

Francis Schwindt: Too late into the process when the decision was made on this project.

Senator Bowman: No additional funds after this biennium? Grants come and do this to us -- what's the cost 10 years from now? Have you checked this out?

Francis Schwindt: It's only been in existence 3 to 4 years at the most. One of the reasons we have a fee system set up so we will have the match for federal funds. Records indicate that the EPA funds haven't disappeared in the past; so no need to think they will now.

Senator Solberg: 13 thousand in your testimony -- 130 thousand on the bill -- 13 thousand correct?

Jeff Burgess: Yes. It is a 90-10 match.

Senator Thane: Is lead-based solder a reality? Scare tactic?

Francis Schwindt: It exists; 6-8 years ago the EPA drinking water standards established.

Senator Andrist: As owner -- what's my responsibility?

Francis Schwindt: You need a certified contractor only if you are renovating or remodeling the premises -- disturbing the paint already there.

Senator Andrist: What if doing a window replacement?

Francis Schwindt: Your own home -- nothing. Federally subsidized housing needs a certified contractor.

Senator Andrist: Could mean bringing a specialist 250 miles?

