

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

2119

2001 SENATE JUDICIARY

SB 2119

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2119

Senate Judiciary Committee

Conference Committee

Hearing Date January 23rd, 2001

Tape Number	Side A	Side B	Meter #
1	X		15.5-24.4
Committee Clerk Signature			

Minutes: Senator Watne opened the hearing on SB 2119: A BILL FOR AN ACT TO CREATE AND ENACT SEVERAL SECTIONS TO CHAPTER 19-20.2 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO TRANSPORTATION AND TAMPERING WITH CONTAINERS OF ANHYDROUS AMMONIA; TO AMEND AND REENACT SECTION 19-20.2-10 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO A PENALTY FOR VIOLATION OF THE CHAPTER; AND TO PROVIDE A PENALTY.

**Robert Bennett**, representing the Attorney General, opposes SB 2119. (Testimony attached)

**Senator Lyson** what we're trying to do here will be covered in another bill.

**Robert Bennett** I don't know for sure.

**Senator Lyson** so we're trying not to get farmers in trouble with the law.

**Robert Bennett** yes.

**Senator Traynor** closed the hearing on SB 2119.

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Senate Judiciary Committee

Bill/Resolution Number SB 2119

Hearing Date January 23rd, 2001

**MOTION WAS MADE BY SENATOR NELSON TO AMEND LINE 11 AND 14; TO REMOVE "MAINTAINED." VOTE INDICATED 2 YEAS, 5 NAYS, AND 0 ABSENT AND NOT VOTING. A SECOND MOTION WAS MADE BY SENATOR LYSON TO DO NOT PASS. SECONDED BY SENATOR TRENBEATH. VOTE INDICATED 5 YEAS, 2 NAYS, AND 0 ABSENT AND NOT VOTING.**

Date: 1/23/01  
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2119

Senate Judiciary Committee

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

Legislative Council Amendment Number Amend line 11 & 14; "maintain": remove

Action Taken \_\_\_\_\_

Motion Made By Nelson Seconded By Bercier

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman		X	Bercier, D.	X	
Watne, D. Vice Chairman		X	Nelson, C.	X	
Dever, D.		X			
Lyson, S.		X			
Trenbeath, T.		X			

Total (Yes) 2 No 5

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 1/23/01  
 Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. S/B 2119

Senate Judiciary Committee

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

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

Action Taken ~~Pass~~ ~~Pass~~ ~~Pass~~ Do Not Pass

Motion Made By ~~Lyson~~ Lyson Seconded By ~~Trenbeath~~ Trenbeath

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.		X
Watne, D. Vice Chairman	X		Nelson, C.		X
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Lyson

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

**REPORT OF STANDING COMMITTEE (410)**  
January 23, 2001 12:56 p.m.

**Module No: SR-11-1426**  
**Carrier: Lyson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2119: Judiciary Committee (Sen. Traynor, Chairman) recommends DO NOT PASS**  
**(5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the**  
**Eleventh order on the calendar.**

2001 TESTIMONY

SB 2119



**SB 2119** – The bill creates a new crime for the transportation of anhydrous ammonia in a container not designed and constructed for the storage and transportation for the substance. Any individual who violates the provisions of the section will be guilty of a Class C felony.

Anhydrous ammonia is one of the key chemicals used to make methamphetamine. While the intent of the bill was to provide a criminal penalty for the stealing anhydrous ammonia, it has an unintended consequence of creating a criminal sanction for farmers who fail to use a proper container as designated by federal code.

Additionally, present law provides that an individual is guilty of a class c felony if a container were used to transport anhydrous ammonia for the purpose of manufacturing methamphetamine under the drug paraphernalia statute (Chapter 12.1-31.1). Thus it would seem that the bill's intent is addressed in existing law.

Finally, the real issue in the war against methamphetamine will not be fought in farm fields against farmers who may inadvertently violate this law, but rather by enacting a comprehensive drug enforcement and treatment plan. Shortly, I plan to have legislation introduced that will serve as a key component in my comprehensive program. Other parts of this program will be implemented administratively. Our goal is to focus not only on enforcement issues, but also to coordinate our efforts with health officials to

provide more effective treatment alternatives. With this in mind, I believe that SB 2119 is unnecessary.

**SB 2133** – The theft of anhydrous ammonia is added to 12.1-23-05, and makes it a class C felony in this bill. The discussion regarding my comprehensive drug program is applicable here (See, SB 2119). The law enforcement community has also informed me that in instances where anhydrous ammonia is being illegally taken for the purpose of drug manufacturing its value usually exceeds \$500. Consequently the crime would be covered under subsection 2 (a) of the section. As such the addition of anhydrous ammonia to the section is unnecessary.