

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2444

2001 SENATE JUDICIARY

SB 2444

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2444

Senate Judiciary Committee

Conference Committee

Hearing Date February 14th, 2001

Tape Number	Side A	Side B	Meter #
1	x		0.0-20.6
Committee Clerk Signature			

Minutes: **Senator Watne** opened the hearing on SB 2444: A BILL FOR AN ACT TO CREATE AND ENACT SECTION 19-03.4 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO VOLATILE CHEMICALS AND DRUG PARAPHERNALIA; TO AMEND AND REENACT SUBSECTION 1 OF SECTION 15.1-24-05, SUBSECTION 7 OF SECTION 19-03.1-23.2, SECTION 19-03.1-23.2, SUBSECTION 6 OF SECTION 19-03.1-36, AND SUBSECTION 4 OF SECTION 19-03.1-37 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO DRUG OFFENSES; TO REPEAL SECTION 12.1-31-06 AND CHAPTER 12.1-31.1 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO VOLATILE CHEMICALS AND DRUG PARAPHERNALIA; AND TO PROVIDE A PENALTY.

**Senator G. Nelson**, representing district 22, the prime sponsor of the bill. Very supportive of all the bills being heard today in the judiciary committee. SB 2444, 4018, 4019 and 2445.

**Senator Bercier**, I can't allow the majority leader off the hook this morning....Happy Valentines Day!

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Senate Judiciary Committee

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**Senator G. Nelson**, you too! You just made my day.

**Wayne Stenchjem**, Attorney General for ND, testifies in favor of SB 2444. (testimony attached) 8 goals he would like to reach; 1, stop importation of illegal drugs; 2, stop the clandestine manufacture of drugs in ND; 3, create a broad public awareness; 4, identify groups; 5, give North Dakotans assistance by helping family members with drug problems; 6, keep high quality law enforcement officers in ND; 7, ensure all drug programs are trying to reduce the drug problem in ND; 8, make public accountability for drug control programs.

**Senator Trenbeath**, on page 7, determining whether it is drug paraphernalia line 12 bothers me. That means when Osco Drug sells too many cigarette paper, they need to stop. Isn't that a problem about criminal law, defining criminal activity.

**Senator Nelson**, in section 3, we had evaluations of drug addictions, now we are saying they are necessary in felonies.

**Wayne Stenchjem**, the courts have been careful of evaluations.

**Senator Dever**, section 1 where the law enforcement shall notify a school principle, does that work both ways.

**Wayne Stenchjem**, we want to get everyone involved. We wanted to do this in a proper way to get everyone involved.

**Senator Bercler**, where is education going to be addressed in? Another bill?

**Wayne Stenchjem**, a lot of education programs are already active now. Working in schools is an important part of prevention. When we have agents in schools, that means they are not out in the field arresting criminals. I talked about the problem with drugs to crowd around ND, and most people didn't know the specifics about drugs.

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**John Olson**, representing peace officers and state attorneys, supports the bill. Only comment is that this is a multifaceted issue.

**Howard Anderson**, executive director of the Board of Pharmacy, went on the record in support of this bill.

**Senator Watne** closed the hearing on SB 2444.

**SENATOR NELSON MOTIONED TO AMEND THE BILL, SECONDED BY SENATOR LYSON. VOTE INDICATED 6 YEAS, 0 NAYS AND 1 ABSENT AND NOT VOTING.**

**SENATOR NELSON MOTIONED TO DO PASS AS AMENDED, SECONDED BY SENATOR BERCIER. VOTE INDICATED 6 YEAS, 0 NAYS AND 1 ABSENT AND NOT VOTING. SENATOR NELSON VOLUNTEERED TO CARRY THE BILL.**

PROPOSED AMENDMENTS TO SENATE BILL NO. 2444

Page 1, line 7, remove the second "and" and after "penalty" insert "; and <sup>to</sup> declaring <sup>e.</sup> an  
emergency"

Page 8, after line 13, insert:

**Section 10. Emergency.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 2/14  
Roll Call Vote #: |

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2404

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

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

Action Taken Amend 2404 Emergency Clause

Motion Made By Nelson Seconded By Lyson

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

Total (Yes) 6 No 0

Absent 1

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

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

Date: 2/14/01  
 Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. SB 2444

Senate Judiciary Committee

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

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

Action Taken Do Pass as Amended

Motion Made By Nelson Seconded By Bercier

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

Total (Yes) 6 No 0

Absent 1

Floor Assignment C. Nelson

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



**REPORT OF STANDING COMMITTEE**

**SB 2444: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2444 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the second "and" and after "penalty" insert "; and to declare an emergency"

Page 8, after line 13, insert:

"**SECTION 10. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2001 HOUSE JUDICIARY

SB 2444

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2444

House Judiciary Committee

Conference Committee

Hearing Date 03-05-01

Tape Number	Side A	Side B	Meter #
TAPE I	8		01 to 4380
Committee Clerk Signature <i>Joan Deans</i>			

Minutes: Chairman DeKrey opened the hearing on SB 2444. Relating to volatile chemicals and drug paraphernalia; relating to drug offenses; relating to volatile chemicals and drug paraphernalia; to provide a penalty and to declare an emergency.

Wayne Stenehjem: Attorney General (see attached testimony).

Chairman DeKrey: I have a question, a farmer I know has sever allergies, he buys medicine by the case, and needles etc, if he had a son that was involved in making illegal substances, but the farmer is not, what will happen to the farmer and his land.

Wayne Stenehjem: We have a concern about the innocent people, if they have a logically explanation, they would not be prosecuted. If the son was the user, that may be more complicated, but the farmer would still have the use of the courts.

Rep Eckre: Why is meth becoming the "in" thing?

Wayne Stenehjem: There are a couple of reasons, the cost and the high lasts longer. It can be made at home, but meth is viciously addictive.

Rep Eckre: In the bill, written instructions are mentioned, what happens if a kid gets it off the Internet and he ran off the material and brought it to school just to be cool. Now what happens/

Wayne Stenehjem: There is nothing going to be wrong with that, if you look at that section many of the ingredients can be bought legitimately. Having the recipe isn't going to be a problem.

Rep Eckre: Sometimes kid just do stupid things.

Wayne Stenehjem: What this bill is talking about is not a single act.

Rep Eckre: I worry about an over zealous officer.

Wayne Stenehjem: I had some of the same concern, but I have not seen any of that.

Rep Klemin: In section seven on line 10, you said beyond a reasonable doubt, I don't see that.

Wayne Stenehjem: He explains the section to Rep Klemin.

Rep Klemin: ON page seven line 9, what is constructive possession , can you give an example.

Wayne Stenehjem: What about a bookmark on the computer?

Rep Klemin: I know what constructive notice is, but I am still a little fuzzy.

Wayne Stenehjem: That is still the best I can come up with.

Rep Klemin: Do you have anyway to track back on the Internet to do something about it.

Wayne Stenehjem: Maybe it is possible, but very hard to do.

Rep Klemin: Makes a comment about violating the copy right law.

Wayne Stenehjem: He laughs and explains the copy right law.

Rep Onstad: In section one, where it talks about notification, does that include the BIA?

Wayne Stenehjem: We are going to try and educate people, the public would be better served this way.

Rep Onstad: What happens if they fail to do so?

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Hearing Date 03-05-01

Wayne Stenehjem: I don't know.

Rep Onstad: I know on other practices, they do not report.

Wayne Stenehjem: A large part of the drug problem in on the reservation.

Vice Chr Kretschmar: If there any agencies of the state that are doing any thing to reduce the market?

Wayne Stenehjem: Yes, there are. there is "Drug Free School" but we want to go further.

Vice Chr Kretschmar: How wide spread is the use by minors?

Wayne Stenehjem: I saw a list of a report of a survey. in junior high it is about 8% and 11% in the high school, but those numbers are higher then the national average. It frightens me when I drive by a high school and know that one in ten of those have tried meth.

Vice Chr Kretschmar: There was some report that I saw just recently that meth can cause permanent brain damage.

Wayne Stenehjem: Yes, it causes permanent damage and their brain centers will be altered for life.

Chairman DeKrey: If there are no further questions, thank you for appearing. Anyone wishing to appear in support, in opposition of SB 2444.

Rep Lid Lloyd: District 19, voiced his concerns with the bill and the effect that would have on the experiment stations that are connected to the state colleges.

Chairman DeKrey: If there are no questions, thank you for appearing.

Bob Bennett: Assistant Attorney General (see attached testimony).

Rep Klemin: You reference a dangerous special offender on the second to the last page and then on the top of the next page it is special dangerous offender, is that a typo?

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Hearing Date 03-05-01

Bob Bennett: Yes, I will fix that with an amendment or a new amendment.

Chairman DeKrey: If there are no questions, thank you for appearing before the committee.

Anyone else wishing to testify for or against or neutral on SB 2444?

Wayne Stenchjem: I would like to respond to Rep Lloyd's concerns, they are already covered under current law. That language has been on the books since 1981.

Howard Anderson Jr: Executive Director of the Board of Pharmacy, testified in support of SB 2444.

Chairman DeKrey: Anyone else wish to testify on SB 2444. We will close the hearing on SB 2444.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2444b

House Judiciary Committee

Conference Committee

Hearing Date 03-12-01

Tape Number	Side A	Side B	Meter #
TAPE 1		x	3622 to 3903
Committee Clerk Signature <i>John DeKrey</i>			

Minutes: Chairman DeKrey called the committee to order on SB 2444.

DISCUSSION

Rep Delmore there are some amendments.

Chairman DeKrey: We will table this bill until such time as the amendments are brought to the committee.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2444c

House Judiciary Committee

Conference Committee

Hearing Date 03-14-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		4830 to 5274
TAPE I		x	536 to 1070
Committee Clerk Signature <i>Joan Buss</i>			

Minutes: Chairman DeKrey called the committee to order on SB 2444.

DISCUSSION

Chairman DeKrey: We need to get someone from the Attorney General's Office to see what is needed for amendments. We will come back this afternoon and take up this bill.

TAPE I SIDE B

Chairman DeKrey: called the committee back to order.

Bob Bennet: Assistant Attorney General was called to the committee to explain the amendments.

Chairman DeKrey: we need someone to move the Attorney General's amendments.

Rep Maragos: I move the amendments, seconded by Rep Delmore.

Chairman DeKrey: we will take a voice vote on the amendments, motion carries.

DISCUSSION

Chairman DeKrey: What are the wishes of the committee. Rep Wrangham moved a DO PASS motion on SB 2444, seconded by Rep Delmore.



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Hearing Date 03-14-01

DISCUSSION

Chairman DeKrey: the clerk will call the roll on a DO PASS motion on SB 2444. The motion passes by a vote of 13 YES, 0 NO and 2 ABSENT. Carrier Vice Chr Kretschmar.

