

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the  
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,  
one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2437  
(Senators Tallackson, Grindberg, Klein, T. Mathern)  
(Representatives Herbel, Maragos)  
(Approved by the Delayed Bills Committee)

AN ACT to create and enact a new section to chapter 23-15 of the North Dakota Century Code, relating to fireworks sales for New Year's Eve 2000; and to amend and reenact section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 23-15-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-15-01. Fireworks defined - Sale of fireworks.** The term fireworks means ~~and includes~~ any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, ~~and. The term includes any blank cartridges cartridge, toy pistols pistol, toy cannons cannon, toy canes cane, or toy guns gun in which explosives an explosive other than a toy paper caps are cap is used, the type of balloons which require; balloon that requires fire underneath to propel the same, firecrackers balloon; firecracker, torpedoes torpedo, skyrockets skyrocket, Roman candles candle, daygo bombs bomb, sparklers sparkler, or other fireworks item of like construction; any fireworks; item~~ containing any explosive or flammable compound; or any ~~tablets tablet~~ or other device containing any explosive substance. ~~Nothing in this regulation may be construed as applying~~ This section does not apply to any toy paper ~~caps cap~~ containing not more than twenty-five hundredths of a grain [16.20 milligrams] of explosive composition per cap.

Any person, ~~firm, corporation, or limited liability company having operated~~ operating a retail business ~~wherein in which~~ merchandise was assessed by the local taxing authority; on April first ~~immediately preceding thereto, and having of that year and which has~~ a retail license as provided in section 23-15-04 may offer for sale and sell at retail that year, to persons of any individual who is at least twelve years of age ~~or more, only during the period beginning June twenty-seventh and ending through July fifth, both dates inclusive,~~ the following items:

1. ~~Star lights~~ A star light, with wood spike cemented in one end, total pyrotechnic composition not to exceed twenty grams each in weight (10 ball).
2. ~~Helicopter~~ A helicopter type flyers flyer, total pyrotechnic composition not to exceed twenty grams each in weight.
3. ~~Cylindrical fountains~~ A cylindrical fountain, total pyrotechnic composition not to exceed seventy-five grams each in weight. The inside tube diameter may not exceed three-fourths inch [19.05 millimeters].
4. ~~Cone fountains~~ A cone fountain, total pyrotechnic composition not to exceed fifty grams each in weight.
5. ~~Wheels~~ A wheel, total pyrotechnic composition not to exceed sixty grams in weight, for each driver unit, but there may be any number of drivers on any one wheel. The inside bore of ~~a driver tubes tube~~ may not be over one-half inch [12.7 millimeters].
6. ~~Illuminating torches and~~ An illuminating torch or a colored fire in any form, total pyrotechnic composition not to exceed one hundred grams each in weight.

7. ~~Sparklers and~~ A sparkler or a dipped ~~sticks~~ stick, total pyrotechnic composition not to exceed one hundred grams each in weight. Pyrotechnic composition containing any chlorate may not exceed five grams.
8. ~~Comets and shells~~ A comet or shell, of which the mortar is an integral part, except ~~these~~ a comet or shell designed to produce an audible effect, total pyrotechnic composition not to exceed forty grams each in weight.
9. ~~Soft~~ A soft shell ~~firecrackers~~ firecracker not to exceed one and one-half inches [38.1 millimeters] in length and one-fourth inch [6.35 millimeters] in diameter, total pyrotechnic composition not to exceed fifty milligrams each in weight.
10. ~~Whistles~~ A whistle without report, total pyrotechnic composition not to exceed forty grams each in weight.

**SECTION 2.** A new section to chapter 23-15 of the North Dakota Century Code is created and enacted as follows:

**Sale of fireworks - New Year's Eve 2000.** Notwithstanding the date limitations relating to the sale of fireworks under section 23-15-01, a person otherwise able to sell fireworks under section 23-15-01 may sell fireworks during the period December 26, 1999, through January 1, 2000.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2437.

Senate Vote:      Yeas    43          Nays    3          Absent    3

House Vote:      Yeas    92          Nays    1          Absent    5

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1999,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State