

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1368

That the Senate recede from its amendments as printed on pages 1272 and 1273 of the House Journal and pages 879 and 880 of the Senate Journal and that Reengrossed House Bill No. 1368 be further amended as follows:

Page 1, line 8, replace "state tax commissioner" with "attorney general"

Page 1, line 9, replace "and affix stamps on" with "or sell"

Page 2, line 17, replace "**Penalty**" with "**Seizure**"

Page 4, line 17, remove "Any manufacturer who fails to make copies of these reports"

Page 4, remove lines 18 through 20

Page 5, line 2, remove "the wholesale or retail dealers can establish that state"

Page 5, line 3, remove "tax stamps were affixed to the cigarettes before August 1, 2010, and if"

Page 5, after line 15, insert:

"9. If any law enforcement personnel or duly authorized representative of the state fire marshal discovers any cigarettes for which no certification has been filed as required by section 18-13-03, or which have not been marked as required by section 18-13-04, that personnel or representative may seize and take possession of the cigarettes. Cigarettes seized under this subsection must be destroyed; provided, however, that before the destruction of the cigarettes, the true holder of the trademark rights in the cigarette brand is permitted to inspect the cigarette."

Page 6, line 9, replace "two" with "one", remove "fifty", and remove "The state fire marshal may"

Page 6, remove lines 10 and 11

Page 7, line 31, replace "**Penalties**" with "**Penalty**"

Page 8, line 1, remove "1." and remove ", wholesale dealer, agent, or any other person"

Page 8, line 3, remove "for a first offense" and replace "ten" with "two"

Page 8, line 4, remove ", and for a subsequent offense is subject to a civil"

Page 8, remove lines 5 and 6

Page 8, line 7, remove "thirty-day period"

Page 8, remove lines 8 through 31

Page 9, remove lines 1 through 15

Renumber accordingly