

**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, skyrocketes 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~~ in which merchandise was assessed by the local taxing authority; on April first ~~immediately preceding thereto, and having of that year and which has~~ 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~~ a driver 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 sticks~~ A sparkler or a dipped 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 shell firecrackers~~ A soft shell 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

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