

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2445

2001 SENATE JUDICIARY

SB 2445

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2445

Senate Judiciary Committee

☐ Conference Committee

Hearing Date February 14th, 2001

Tape Number	Side A	Side B	Meter #
1	x		20.6-29.9
Committee Clerk Signature			

Minutes: **Senator Watne** opened the hearing on SB 2445: A BILL FOR AN ACT TO CREATE AND ENACT A NEW SECTION TO CHAPTER 19-03.1 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO A COMPREHENSIVE STATUS AND TRENDS REPORT REGARDING UNLAWFUL CONTROLLED SUBSTANCE USE AND ABUSE TREATMENT AND ENFORCEMENT EFFORTS.

**Wayne Stenehjem**, Attorney General of ND, testifies in favor of SB 2445. (testimony attached/ amendments)

**Senator Nelson**, I have a question about the fiscal note. Are they already doing this? Have you discussed with the governor on who should receive this?

**Wayne Stenehjem**, we wanted a top level group to get this done, so that it would get done. Yes.

**Senator Dever**, do you have a feel for how big the problem is?

**Wayne Stenehjem**, yes I do.

**Senator Bercler**, he said 50% of kids use meth.

Page 2

Senate Judiciary Committee

Bill/Resolution Number SB 2445

Hearing Date 14 FEB 2001

**Wayne Stenejhem**, most meth used in ND, is made within the state itself.

**Senator Watne** closed the hearing on SB 2445.

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

## FISCAL NOTE

Requested by Legislative Council

02/09/2001

### REVISION

Bill/Resolution No.: SB 2445

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

There is no anticipated fiscal impact to the Department of Human Services, Department of Health and Consolidated Laboratories, the Office of Attorney General or the Department of Corrections and Rehabilitation as a result of this bill.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Jerald C. Kemmel/Kathy Roll	<b>Agency:</b>	Office of Attorney General
<b>Phone Number:</b>	701-328-5500	<b>Date Prepared:</b>	02/09/2001

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/30/2001

Bill/Resolution No.: SB 2445

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill causes no fiscal impact to our agency.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Jerald C. Kemmel/Kathy Roll	<b>Agency:</b>	Office of Attorney General
<b>Phone Number:</b>	701-328-5500	<b>Date Prepared:</b>	02/02/2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2445

Page 1, line 12, replace "a" with "the most"

Page 1, line 13, remove "and trafficking in their age groups"

Page 1, line 14, replace "unlawful" with "gateway and other illicit"

Page 1, line 15, replace "unlawful" with "gateway and other illicit" and replace "at school-related activities" with "on school property"

Page 1, line 16, replace "unlawful" with "gateway and other illicit" and <sup>replace</sup> ~~remove~~ "This report must" ~~with~~ <sup>it</sup> :

~~Page 1, remove lines 17 and 18~~

~~Page 1, after line 18, insert:~~

2. "The state crime laboratory shall provide a report that includes the type of each controlled substance tested and the number of times tests were run for each controlled substance."

Page 1, line 19, replace "2" with "3"

Page 1, line 20, remove ", sought treatment, or were referred for treatment for"

Page 1, line 21, remove "unlawful drug use" and replace "The availability and adequacy of treatment" with "The report ~~will~~ <sup>must</sup> include information about the variety of drugs, legal and illegal, for which people were treated."

Page 1, remove line 22

Page 1, line 23, replace "3" with "4"

Page 2, line 4, after the period insert "The report ~~must~~ <sup>also</sup> identify the number of people referred to <sup>treatment</sup> and treated as a condition of sentencing, probation, or parole."

Page 2, line 5, replace "4" with "5"

Renumber accordingly



Date: 2/14  
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2445**

Senate	Judiciary	Committee
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☐ Subcommittee on \_\_\_\_\_

**or**

☐ Conference Committee

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

Action Taken Move Amendments to 2945

Motion Made By Lyson Seconded By Nelson

[illegible]

Total (Yes) 6 No 0

**Absent**

**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. 2466

Senate Judiciary Committee

☐ Subcommittee on \_\_\_\_\_  
or

☐ Conference Committee

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

Action Taken Do Pass as Amended

Motion Made By Bercier 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 Lyson

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

**REPORT OF STANDING COMMITTEE**

**SB 2445: 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 2445 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "a" with "the most"

Page 1, line 13, remove "and trafficking in their age groups"

Page 1, line 14, replace "unlawful" with "gateway and other illicit"

Page 1, line 15, replace "unlawful" with "gateway and other illicit" and replace "at school-related activities" with "on school property"

Page 1, line 16, replace "unlawful" with "gateway and other illicit" and replace "This report must" with:

"2. The state crime laboratory shall provide a report that includes the type of each controlled substance tested and the number of times tests were run for each controlled substance."

Page 1, remove lines 17 and 18

Page 1, line 19, replace "2" with "3"

Page 1, line 20, remove ", sought treatment, or were referred for treatment for"

Page 1, line 21, remove "unlawful drug use" and replace "The availability and adequacy of treatment" with "The report must include information about the variety of drugs, legal and illegal, for which people were treated."

Page 1, remove line 22

Page 1, line 23, replace "3" with "4"

Page 2, line 4, after the period insert "The report also must identify the number of people referred to treatment and treated as a condition of sentencing, probation, or parole."

Page 2, line 5, replace "4" with "5"

Renumber accordingly

2001 HOUSE JUDICIARY

SB 2445

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2445

House Judiciary Committee

☐ Conference Committee

Hearing Date 03-05-01

Tape Number	Side A	Side B	Meter #
TAPE 1	x		4380 to 4744
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey opened the hearing on SB 2445. Relating to a comprehensive status and trends report regarding unlawful controlled substance use and abuse treatment and enforcement efforts.

Wayne Stenehjem: Attorney General of North Dakota, (see attached testimony).

Rep Delmore: I would hope that you would encourage the Health Department to use existing instruments that have been created so they we don't re invent the wheel.

Wayne Stenehjem: I think that they are.

Chairman DeKrey: If there no further questions, we hank you for appearing before our committee. Anyone else wishing to testify in support of SB 2445, in opposition or neutral, we will close the hearing on SB 2445.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2445b

House Judiciary Committee

☐ Conference Committee

Hearing Date 03-12-01

Tape Number	Side A	Side B	Meter #
TAPE I		x	3322 to 3622
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey called the committee to order on SB 2445.

COMMITTEE ACTION

Chairman DeKrey what are the wishes of the committee. Rep Delmore moved a DO PASS, seconded by Rep Grande.

DISCUSSION

Chairman DeKrey: the clerk will call the roll on a DO PASS motion on SB 2445. The motion passes with 13 YES, 0 NO, 2 ABSENT. Carrier Rep Disrud.

Date: 03-12-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB-2445

House JUDICIARY Committee

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

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

Action Taken Do Pass

Motion Made By Rep Delmore Seconded By Rep Grande

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke					
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield					
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep Disrud

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

**REPORT OF STANDING COMMITTEE (410)**  
March 12, 2001 12:21 p.m.

**Module No: HR-42-5329**  
**Carrier: Disrud**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2445, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2445 was placed on the Fourteenth order on the calendar.**



2001 TESTIMONY

SB 2445

**Testimony on SB 2445**  
**Presented by Attorney General Wayne Stenehjem**

A key component to my drug enforcement initiative is the systematic gathering of information regarding the successes or failures of the program. To ensure our success as we do our respective jobs, law enforcement, mental health professionals and the Legislature require accurate and comprehensive information regarding prevention, enforcement and treatment efforts. Senate Bill 2445 establishes a reporting mechanism that gathers information from each of the key entities involved in program. Through this centralized gathering, one agency – the Attorney General's office – will not only receive the information, but will also provide a comprehensive analysis of data with the help of experts from each agency

As with any bill requiring multi-agency reporting, clarifying the initial proposal has been necessary. I have submitted a list of amendments and a revised version of the bill for your consideration. The amendments were drafted after discussing the specific reporting requirements with representatives from Human Services, the Health Department and the Department of Corrections. We consider these friendly amendments, and a more detailed review of the specifics of each is provided below.

Under SB 2445 the health department will provide critical information regarding the accessibility and prevalence of gateway and other illicit drugs. The phrase "gateway drugs" includes tobacco, alcohol and marijuana. Studies have shown that in many instances these substances are the first step in a progression of life-long drug abuse. The health department's report will provide us with basic information regarding not only the types of drugs being used, but also about frequency of usage among our youth.

The state crime laboratory will provide a report detailing the type of controlled substances tested and frequency of testing. The information from Human Services will deal with treatment ... the number of individuals treated and a delineation of the types of substance abuse addressed during treatment.

From the Department of Corrections we will receive statistics on the number of people incarcerated or on probation guilty of violating Title 19, the controlled substance chapter. The department's report will include length of sentence, including probation, and the actual time served. It will also identify the number of people referred to and treated as a condition of sentencing, probation or parole.

Finally, my office will assemble statistics on the number of arrested for violating title 19 and information regarding the current enforcement efforts to combat unlawful drug trafficking and usage.

As you can see, by serving as a clearinghouse, the Office of Attorney General will be in a better position to formulate ideas and provide useful information to the Legislature during the interim. This information will prove to be invaluable to my office and to legislators as we design future drug enforcement policy.

Revised Senate Bill 2445

**Section 1.** A new section to chapter 19-03.1 of the North Dakota Century Code is created and enacted as follows:

**Comprehensive status and trends report.** On or before July first of each even-numbered year, the attorney general, or designee of the attorney general, shall report the current status and trends of unlawful drug use and abuse and drug control and enforcement efforts in this state. This report must be made to an interim legislative committee and must include the following information:

1. The state department of health shall provide the results of the most recent survey of the state's young people regarding drug usage. This survey must include information on the accessibility of gateway and other illicit drugs, the prevalence of gateway and other illicit drugs in schools or on school property, and the types and frequency of gateway and other illicit drugs used by young people.
2. The state crime laboratory shall provide a report that includes the type of each controlled substance tested and the number of times tests were ran for each controlled substance.
3. The department of human services shall provide a current status report of the number of people who were treated in the state. The report will include information about the variety of drugs, legal and illegal, for which people were treated.
4. The department of corrections and rehabilitation shall provide the current status of the number of people incarcerated or on probation in the state correctional system for violation of title 19. The report must specify the average length of sentence including probation, the average length of incarceration ordered by a court to be served, and the average actual time incarcerated for drug offenders sentenced to the custody of the department. The report must also identify the number of people referred to and treated as a condition of sentencing, probation or parole.
5. The attorney general shall provide the current status of the number of arrests for violation of title 19 and the current enforcement efforts to combat unlawful drug trafficking and usage.

## Amendments to SB 2445

1. Page 1, line 12, delete "a" and insert "the most"
2. Page 1, line 13, delete "and trafficking in their age groups"
3. Page 1, line 14, delete "unlawful" and insert "gateway and other illicit"
4. Page 1, line 15, delete "unlawful" and insert "gateway and other illicit"
5. Page 1, line 15, delete "at school-related activities" and insert "on school property"
6. Page 1, line 16, delete "unlawful" and insert "gateway and other illicit"
7. Page 1, line 16, delete "This report must"
8. Page 1, delete lines 17 and 18
9. Page 1, insert new subsection 2 which reads as follows:  
"The state crime laboratory shall provide a report that includes the type of each controlled substance tested and the number of times tests were ran for each controlled substance."
10. Page 1, delete lines 20, delete "sought treatment, or were referred for treatment for" and insert "in the state"
11. Page 1, delete lines 21 and 22, and insert the sentence "The report will include information about the variety of drugs, legal and illegal, for which people were treated."
12. Page 2, line 4, add the following sentence "The report must also identify the number of people referred to and treated as a condition of sentencing, probation or parole."

**Testimony on SB 2445**  
**Presented by Attorney General Wayne Stenehjem**

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