

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1346

2005 HOUSE JUDICIARY

HB 1346

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1346

House Judiciary Committee

☐ Conference Committee

Hearing Date 1/24/05

Tape Number	Side A	Side B	Meter #
1	xx		20.9-41.7
1		xx	39.9-47
Committee Clerk Signature <i>Dawn Penrose</i>			

Minutes: 14 members present.

Chairman DeKrey: We will open the hearing on HB 1346.

Wayne Stenehjem, Attorney General: Explained the bill (see written testimony).

Representative Klemin: I have a clarification question, on video surveillance. There is nothing in here that requires that they tape it. Is that the intent, or just to have a camera there so if somebody happens to be looking at the same time that somebody happens to be shoplifting.

Wayne Stenehjem: The intent is that they would tape it, because that is what they do. That's a good point, I think all of the stores that do the video surveillance do keep tapes of it, because nobody is sitting and watching those video devices on a continuous basis.

Representative Klemin: So would it be more clear if it said, "the video surveillance had to be recorded in some format".

Wayne Stenehjem: Yes, that would be a good point.

Representative Kretschmar: Is there somewhere in our statutes where there is a definition of meth and precursors.

Wayne Stenehjem: Yes.

Representative Charging: So for the small town and tiny drugstore, that don't have the video surveillance, their option would be to remove it from the shelf.

Wayne Stenehjem: They could put it behind the counter, or right in front of where the cash register is, or they can decide to just put out one package out on the shelf, and when someone comes in to buy it, replenish it. They can video if they want, but it would probably be too expensive for them.

Representative Kingsbury: Some of these aren't really drugs, like the lithium batteries. Has there been some restrictions on the number of batteries you can buy.

Wayne Stenehjem: No, state statutory restrictions on the purchase of any of the other items; but we have trained many of them to watch out for what it is they're buying and to get in touch with us if they think it is something that is suspicious, so that we can look further into it. We decided when we were looking at this bill in the first place, two years ago, the one thing you have to have is the cold medicine. The other things, would be too hard to get a handle on it.

Representative Boehning: I noticed over the last two years, after the bills last session were approved, and especially in the last few month, that the grocery stores have moved the cold medicines to make them more inaccessible. We are moving in the right direction.

Wayne Stenehjem: Let me mention another thing. Pfizer drug company has come up with a formulation, that they just introduced in the last week, of a cold medicine and I haven't seen it, that does not contain pseudophedrine. It's been used for several years in Europe, now available

in US and if that is the case, and it proves to be something that the public finds to useful in accommodating their cold, this can really be a help for us.

Representative Zaiser: You indicated that you cooperated with the retail outlets, that sold some of the items that weren't necessarily an ingredient. How do you track if they bought too many batteries, or come in frequently for batteries. They don't write their names down, so what methods do you use to track.

Wayne Stenehjem: We had an agent who went to K-Mart to buy this kit for me, because I go out and give this talk so often on meth. He went to K-Mart and bought the items, and nobody said anything to him when he was buying all of those materials. He brought that kit up to the office, went back to headquarters, and by the time he got there, the security manager at K-Mart had called and said this seedy looking guy was in here, they had a description of him and the year, make and model of his car. Let's the kind of volunteer help that we are getting from the stores across ND, they want to help. Once the clerks know what to look for, are willing to help us.

Representative Zaiser: Is there that kind of awareness across the board in almost all of the retail outlets that sell these items.

Wayne Stenehjem: Some of the areas where the problems are most severe, have been very helpful. We did the training, video, local law enforcement will go around and talk to store managers and if this bill passes, my plan is to do another series of workshops around the state, talk to them about the further restrictions, not just in the cold medicines, but the other things people are buying and what they can do to help. I also caution them about things they should not do. We want to make sure that they are not placing themselves in danger.

Chairman DeKrey: Thank you.

Sen. David O'Connell: I support this bill. I think this bill will help keep kids out of jail. The AG is going a great job on the meth program. He's been working hard on it.

Chairman DeKrey: This probably tracks the same as it does for sexual predators, they shop around and find states that aren't really hard on them, and they have a tendency to go to those states. We certainly don't want to become one of those states when it comes meth. We are in the forefront of the county for meth and sexual predator laws.

Rep. Thoreson: I support this bill. I think we need to go a bit further in the fight against meth. During the last session, we heard the horrors of meth and what it is doing to our communities and in the interim since that time, I have seen the impact in my own district where another meth lab home was found within a block of an elementary school in our district. I think this bill will give our state and law enforcement some extra tools to make it harder for these people to use this product to make meth.

Chairman DeKrey: Thank you.

Tom Woodmansee, ND Grocers Association: We support this bill.

Chairman DeKrey: Thank you. Further testimony in support, testimony in opposition. We will close the hearing.

(Reopened later in the same session).

Chairman DeKrey: What are the committee's wishes in regard to HB 1346.

Representative Klemin: I move the amendment, page 1, line 20, after "continuous" insert "recorded".

Representative Delmore: Second.

Page 5

House Judiciary Committee

Bill/Resolution Number HB 1346

Hearing Date 1/24/05

Chairman DeKrey: Motion carried.

Representative Klemin: I move a Do Pass as amended.

Representative Zaiser: Second.

12 YES 0 NO 2 ABSENT DO PASS AS AMENDED CARRIER: Rep. Kingsbury

58274.0101
Title.0200

Adopted by the Judiciary Committee
January 24, 2005

VK
1/24/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1346 JUD 1-25-05

Page 1, line 20, after "continuous" insert "recorded"

Renumber accordingly

Date: 1/24/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1346

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Klemin Seconded By Rep. Zaiser

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	✓		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	A	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	✓				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	A				
Representative Kretschmar	✓				

Total (Yes) 12 No 6

Absent 2

Floor Assignment Rep. Kingsbury

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2005 12:22 p.m.

Module No: HR-16-0979
Carrier: Kingsbury
Insert LC: 58274.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1346: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1346 was placed on the Sixth order on the calendar.

Page 1, line 20, after "continuous" insert "recorded"

Renumber accordingly

2005 SENATE JUDICIARY

HB 1346

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1346

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 1, 2005

Tape Number	Side A	Side B	Meter #
1	X		2600 - End
		X	0.0 - 400
Committee Clerk Signature <i>Maria L. Solberg</i>			

Minutes: Relating to retail sale of meth amphetamine precursor drug; penalty.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All

Senators were present. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Wayne Stenehjem, Attorney General of ND - Introduced the bill (meter 2600) Gave Testimony -

Att.#1 Two years ago we were in the forefront of having some of the most stringent plans to fight Meth. Showed the committee the products to make the drugs. The only thing that can't be interchanged is the cold medicine that contains ephedrine. Showed the chart of ND County Meth Lab seizures. Att. #2 Reviewed bill. The meth was that you could not make meth out of liquid or gel caps, they have now found a way to do it. Meth is the most serious problem facing ND today. Prison population has doubled in seven years 60% of males in our prisons are in there because of Meth. I am asking you to take this bold step and pass this legislation. Discussed Oklahoma law. Referred to bar chart Att. #3 to compare there tough laws and how the Meth lab

seizures decline as a direct influence to there tough regulations. Not a day goes by that a parent, relative, or friend of someone hooked on Meth comes to me telling me how this has effected them. Please consider my amendments. Sited a case where his wife bought a toolbox and upon purchasing it found boxes and boxes of empty packets of cold medicine. This is a Midwest and West problem moving slowly to the Eastern states. Border states will have to do the same. Montana Attorney General thanked me for sending him our "cookers", in response I told him that this is now his problem, my concern is ND.

Sen. Traynor sited a case of a family moving into ND to produce meth and the children are "ill" from the production process and exposure of drugs. Is this a new trend. Mr. Stenchjem sited the family issues evolving from the drug from chemical exposure to absentee parents.

Senator Triplett asked if the A.G. had his amendments. No, I was waiting for directives from you that you are interested. A.G.'s office will supply this.

Sen. Nelson discussed section 1's change of liquid medicine and the referral of size and dosages.

Sen. Trenbeath stated that he had great concerns on this amendment with out the retailers input on how this will effect there business. I have spoken with some of them. The bottom line is what we have done is not enough and need to do more. **Sen. Trenbeath** would like to hear more from them.

Discussed the success of the anhydrous legislation passed last session. University of Iowa is making an additive that you can add to anhydrous so they can not use it to make meth. **Sen.**

Trenbeath stated that we should make this a voluntarily done program for the stores. The

Attorney General stated that the stores really do not want to make money on a product that is used illegally.

Tony Grindberg, Dist. # 41 Gave his support (meter 4928) Due to the rise in the costs of this issue I support this legislation. On Fox news they showed the Oklahoma success. There is no Gray area with this drug. We have to treat it like it is "black and white" if we want to eliminate it. MN has spent \$190 Million on this drug. Our budgets have doubled. We deal with this issue in appropriations \$1 million at a time. Soon the Federal Government will have to get involved. I support the amendments.

Sen. Larry Robinson, Dist. #24 (meter 5258) Sited the great cost of this drug and his fear of the worse is yet to come. Someone came up to me and stated that they did not have this issue. They are blind to it. Talked about his visit to the women's prison. The retail community inconvenience is minor to the challenges this drug has on our system and the great costs. This is so big that if you have not been directly effected by this, you will soon. We need to put out this powerful message with this legislation. This is not the only solution to this problem but it is a good step.

Sen. Trenbeath stated that his comments were not directed to the amendments but to the legislative process.

Sen. Aaron Krouter, Dist. #31 (meter 6092) As a member of Appropriations we see much of our work as a reactive response. This legislation is a proactive action to a problem. The three things we are doing in this legislation that is proactive are: Pilot Program - Treatment, Civil Commitment, Education. Reactive part of this is this picture of this girl and how she looks during the progression of her drug addiction to meth. The treatment facility beds are full. The problem is financially growing. Share testimony of Adult and Juvenile drug of choice is Meth.

Page 4

Senate Judiciary Committee

Bill/Resolution Number HB 1346

Hearing Date March 1, 2005

Sen David O'Connell, Dist. #6 Gave his support (meter 363) We need to be proactive. I

commend the Attorney General is his stance.

Deb Ness, Bismarck Police Chief, Sited her support.

Testimony in Opposition of the Bill:

none

Senator John (Jack) T. Traynor, Chairman closed the Hearing

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1346

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 27, 2005

Tape Number	Side A	Side B	Meter #
1		X	3661 - 6030
Committee Clerk Signature			

Minutes: Relating to the retail sale of meth amphetamine precursor drug; penalty.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Tom Woodmansee, ND Grocery Association and on behalf of Mr. Hanson with the Growing Marketers. (meter 3820) We have in the past been in communications with the Attorney Generals office on this type of legislation in the past. The current legislation before us today has not been run by us. We have not had a chance to discuss the proposed changes with all of our members or our executive board. The one that I have talked to on our board who is also in the Senate, is not at all in the favor of it. We have made an effort to work in cooperation with the A.G.'s office and they have worked very well with us. Our retailers have responded to the "hot" line when ever they have had issues. We think this is the right process to go down. It is our position that the current bill, without the amendments, is moving in the right direction. We are doing our part

as a retailer even as far as voluntarily doing things they did not have to; i.e. putting the cold medicine behind the counters. We would like to continue to do this type of voluntary stuff and next session if we need to do the things on the amendments submitted. Too time consuming to do it now.

Senator Hacker (meter 4129) Asked if they objected the non-liquor portion? No

Sen. Nelson asked if they objected to the emergency clause? No but all the rest of them. They may not have a problem with it but I have not had the time to run this past them yet.

Sen. Trenbeath if we amended this with the A.G.'s amendments and putting a "sunset" clause on it? The Attorney General states that once this is in place the results are immediate and tractable. If this is not the case then the sunset would no longer make it law. **Mr. Woodmansee** responded that the issues are in the rural area pharmacies and we are running out of room behind the counters. Discussed the time process for a retailer would go through compared to what they are already doing for checking I.D.'s. Discussed the minor registry of the past that the bar owners did if they thought someone underage was in the bar. **Senator Syverson** discussed how this bill would help prevent the "shop lifting" of the drugs.

Discussion of how trouble to selling a product may outweigh the benefits of having the product on the shelf. At what point will the retailers draw that line.

Blair Thorsan, Dist.# 44 - I am a prime sponsor and am in support of this bill

Senator John (Jack) T. Traynor, Chairman closed the Hearing

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1346

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 2, 2005

Tape Number	Side A	Side B	Meter #
2	X		5300 - end
2		X	0.0 - 250
Committee Clerk Signature <i>Moria L. Selberg</i>			

Minutes: Relating to retail sale of meth amphetamine precursor drug; penalty.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following discussion:

Committee discussed the hardship and the burden this places on the retailers. **Senator Triplett** discussed the routine verification a retailer does for a check. **Sen. Trenbeath** felt this was an erroneous bill, citing the small town gas station. The logs being filled out would be reviewed by who? The Federal Government needs to get involved.

Senator Triplett made the motion to DO PASS the Attorney Generals Amendment with the emergency clause **Sen. Nelson** seconded the motion. All except **Senator Syverson** and **Sen. Trenbeath** were for the amendment.

Sen. Trenbeath made the motion to put a "Sunset Clause" and **Senator Syverson** seconded the motion. All members were in favor and motion passes.

Page 2

Senate Judiciary Committee

Bill/Resolution Number HB 1346

Hearing Date March 2, 2005

Senator Triplett made the motion to DO PASS as Amended and **Senator Hacker** seconded the motion. All members except **Senator Syverson** were in favor and motion passes.

Carrier: **Senator Triplett**

Senator John (Jack) T. Traynor, Chairman closed the Hearing

Revised
3/2/05

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1346

Page 1, line 2, remove "and"

Page 1, line 2, after "penalty", insert "; to provide an effective date; and to declare an emergency"

Page 1, line 8, remove "nonliquid"

Page 1, line 18, after "shall" insert "require, obtain, and make a written record of the identification of the person purchasing the methamphetamine precursor drug, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 5, and shall"

Page 1, line 24, after the semicolon, insert "or"

Page 2, remove lines 1 and 2

Page 2, line 3, replace "d." with "c."

Page 2, line 4, replace the semicolon with a period

Page 2, line 4, remove "or"

Page 2, remove lines 5 through 8

Page 3, after line 22, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on June 1, 2005.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 3/2/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1346

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend with A.G.'s Amendment + Emergency Clause

Motion Made By Senator Triplett Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson		X	Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath		X			

Total (Yes) 4 No 2

Absent _____ 0

Floor Assignment Senator

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

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1346

Page 1, line 2, remove "and" and after "penalty" insert "; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 8, overstrike "nonliquid"

Page 1, line 18, after "shall" insert "require, obtain, and make a written record of the identification of the person purchasing the methamphetamine precursor drug, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 5, and shall"

Page 1, line 24, after the underscored semicolon insert "or"

Page 2, remove lines 1 and 2

Page 2, line 3, replace "d." with "c."

Page 2, line 4, replace "; or" with an underscored period

Page 2, remove lines 5 through 8

Page 3, after line 22, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on June 1, 2005.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2007, and after that date is ineffective.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 3/2/05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1346

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Sunset Clause - July 31, 07

Motion Made By Senator Trenbeath Seconded By Senator Syverson

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator _____

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

Date: 3/2/05
Roll Call Vote #: 3

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1346

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As dx Amended

Motion Made By Senator Triplett Seconded By Senator Hacker

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson		✓	Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 56 No 1 0

Absent _____ 0

Floor Assignment Senator Triplett

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

REPORT OF STANDING COMMITTEE

HB 1346, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1346 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "penalty" insert "; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 8, overstrike "nonliquid"

Page 1, line 18, after "shall" insert "require, obtain, and make a written record of the identification of the person purchasing the methamphetamine precursor drug, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 5, and shall"

Page 1, line 24, after the underscored semicolon insert "or"

Page 2, remove lines 1 and 2

Page 2, line 3, replace "d." with "c."

Page 2, line 4, replace "; or" with an underscored period

Page 2, remove lines 5 through 8

Page 3, after line 22, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on June 1, 2005.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2007, and after that date is ineffective.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2005 HOUSE JUDICIARY

CONFERENCE COMMITTEE

HB 1346

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1346/A

House Judiciary Committee

☒ Conference Committee

Hearing Date 4/6/05

Tape Number	Side A	Side B	Meter #
1	xx		2.9-10
Committee Clerk Signature <i>Shawn Penrose</i>			

Minutes: 6 members present.

Representative Klemin: Attendance was taken. Called the meeting to order. The bill was amended in the Senate and the House did not concur with that amendment. The amendment that we're referring to is the one that required the merchant in the retail store to make a written record of the identification of the person buying a meth precursor drug and I have handed out a proposed amendment to this bill, that has been prepared by AG's office. The Attorney General, Wayne Stenehjem is here.

Wayne Stenehjem, Attorney General: As I listened to the debate on the House side on this bill, I think that the major issues that arose was the question about the privacy of the records that are maintained by the merchants. I think the folks that I heard debating, where wanting to make certain that this is not to be used for private or commercial purposes, but was in fact a private record. So the amendment we've prepared and that I ran by Representative Klemin, would provide that the records were not to be used for any private or commercial purpose. These

are to be disclosed to law enforcement or pursuant to law, which would include a court order or subpoena, or search warrant, etc. The other question that came up in visiting with some merchants, was how long do they have to keep the record. Do they have to keep them indefinitely, and so the amendment would provide an answer to that question, the answer would be three years. The reason for three years, is that's the statute of limitations for a felony.

Representative Klemin: Then after that time, they would be destroyed.

Wayne Stenehjem, Attorney General: After that, they would have to be destroyed and I think that addresses the concerns that the House had, and frankly, I'm quite comfortable with it. I didn't ever think that a store would want to, or take an opportunity to do something with those records, to do telemarketing, or I suppose conceivably, that is possible, so I think the concerns raised in the House are well taken. These amendments will solve that problem. It will also answer the unanswered question of how long should the records be kept, so this will make it clear that if there's a court order, or if some law requires its disclosure, or a law enforcement officer comes in to get the list, that it will be available to them.

Rep. DeKrey: For discussion purposes, I will move that the House accede to the Senate Amendments and further amend with the Klemin amendment.

Sen. Triplett: Seconded.

Representative Klemin: Any discussion on the proposed amendment.

Sen. Trenbeath: This amendment as presented is a proposed amendment to the engrossed House bill.

Representative Klemin: That's correct.

Sen. Trenbeath: As opposed to the Engrossed House Bill with Senate amendments.

Representative Klemin: Actually, it is intended to be an amendment to the Engrossed House with Senate amendments. So the Senate amendment would not change, this would be added.

Sen. Hacker: The amendment in the first line, "The record of identification obtained as required by this subsection must" they forgot the word "be".

Representative Klemin: Good point, "be" should be there. Any other discussion on the motion.

Sen. Trenbeath: If I could, it's taking me a little longer to organize my thoughts. Obviously this motion is going to be voted on, let me tell you the motion that I would prefer: That the Senate recede from its amendments and be amended on the bill as it originally came out of the house. That would, in effect, allow the merchant an election from amongst 4 alternatives, rather than the present bill which would be a mandate of the record, plus one of the other three alternatives.

Representative Klemin: So what you're saying is that we wouldn't, the merchant would not be making a record of this unless the merchant wanted to.

Sen. Trenbeath: If this is the election that the merchant made amongst the four alternatives.

Sen. Hacker: Just to clarify, (couldn't hear what he said) before we had amended it in the Senate.

Sen. Trenbeath: What I would prefer would be a motion that allowed the Senate to recede from its amendments, and then further amend, so that would bring you back to the First Engrossment of Engrossed HB 1346, adopting the AG's amendment to that. So you would be left with the original bill as it came to us, which offered the merchant four alternatives, this would be five. Five alternatives and then would add to that alternative regarding keeping the

written record. This requirement, with respect to how it's going to be used and how long it's to be kept, rather than the Senate bill, which now says keep the record and elect an additional alternative.

Rep. DeKrey: Wasn't the testimony we received, that the amendment that the Senate put on, is the amendment that caused the 80% drop in the number of meth labs busted in Oklahoma.

Sen. Trenbeath: That, I think, is an overstatement of what the situation was down there. Their law was to restrict the sale of this stuff, in the first place, to drug stores. So it's one of those situations where we take one variable and add a result to it, which doesn't always, as a matter of fact, almost never, follows, with the other variables involved.

Sen. Triplett: I think Rep. DeKrey's point is, that whether you put an exact number to it or not, that by restricting the sales in Oklahoma, the meth problem was significantly improved. Granted, we're not proposing to restrict it as much here, as they did in Oklahoma, and so we might not see quite as much of a drop, but I think the general direction is still there, that significant restrictions on this vital precursor to meth, has been proven to make a difference. I'm in favor of keeping the Senate amendments, as well.

Sen. Trenbeath: My comments, of course, are based on the rural mom & pops, they're now mandated to keep these records, plus provide surveillance, or keep it behind the counter, or whatever. That can be onerous.

Representative Klemin: Further discussion, we have a motion that's been made and seconded that the House accede to the Senate Amendment and that the bill be further amended as proposed today. The clerk will call the vote on the motion.

**** 5 YES 1 NO 0 ABSENT

Representative Klemin: Motion carried.

Sen. Trenbeath: Just for the record, I'm square with Jerry Klein on this.

Representative Delmore: I think Jerry Klein will find a way to make this work. I really do.

Representative Klemin: There being nothing further for the conference committee, then we are concluded and adjourned.

****** The motion made by Rep. DeKrey and seconded by Sen. Triplett, that the House accede to Senate amendments and further amend, passed by a vote of 5 yes/1 no. In preparing the amendments at Legislative Council, LC changed the wording. It was changed to: Senate recede from Senate amendments and adopt amendments. Sen. Trenbeath approved changing his vote from no to a yes. An additional conference committee meeting was not called.**

Conference Committee Amendments to Engrossed HB 1346 (58274.0203) - 04/06/2005

That the Senate recede from its amendments as printed on page 941 of the House Journal and pages 711 and 712 of the Senate Journal and that Engrossed House Bill No. 1346 be amended as follows:

Page 1, line 2, remove "and" and after "penalty" insert "; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 8, overstrike "nonliquid"

Page 1, line 18, after "3." insert "a." and after "shall" insert "require, obtain, and make a written record of the identification of the person purchasing the methamphetamine precursor drug, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 5, and shall"

Page 1, line 20, replace "a." with "(1)"

Page 1, line 23, replace "b." with "(2)"

Page 1, line 24, after the underscored semicolon insert "or"

Conference Committee Amendments to Engrossed HB 1346 (58274.0203) - 04/06/2005

Page 2, remove lines 1 and 2

Page 2, line 3, replace "d." with "(3)"

Page 2, line 4, replace "; or" with: "."

- b. The person shall maintain the record of identification required by this subsection for three years, after which the record must be destroyed. The person may not use or maintain the record for any private or commercial purpose or disclose the record to any person, except as required by law. The person shall disclose the record, upon request, to a law enforcement agency for a law enforcement purpose.

Page 2, remove lines 5 through 8

Page 3, after line 22, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on June 1, 2005.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2007, and after that date is ineffective.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number **1346**, as engrossed:

Date: April 6, 2005

Your Conference Committee **House Judiciary**

For the Senate:

For the House:

	YES / NO		YES / NO
Sen. Trenbeath	x	Rep. Klemin	x
Sen. Hacker	x	Rep. DeKrey	x
Sen. Triplett	x	Rep. Delmore	x

recommends that the SENATE RECEDE from
the Senate amendments on HJ page(s) 941

____, and place _____ on the Seventh order.

**XXX, adopt amendments as follows, and place HB 1346 on the
Seventh order:**

____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

Engrossed HB 1346 was placed on the Seventh order of business on the calendar.

DATE: 4/6/05

CARRIER: Rep. Klemin

LC NO. 58274.0203	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Rep. DeKrey

SECONDED BY: Sen. Triplett

VOTE COUNT 6 YES 0 NO 0 ABSENT

SENATE RECEDE FROM SENATE AMENDMENT AND AMEND

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number **1346**, as engrossed:

Date: April 6, 2005

Your Conference Committee **House Judiciary**

For the Senate:

For the House:

	YES / NO		YES / NO
Sen. Trenbeath **	x	Rep. Klemin	x
Sen. Hacker	x	Rep. DeKrey	x
Sen. Triplett	x	Rep. Delmore	x

recommends that the SENATE RECEDE from
the Senate amendments on HJ page(s) 941

**

**

____, and place _____ on the Seventh order.

XXX, adopt amendments as follows, and place HB 1346 on the
Seventh order:

**

____, having been unable to agree, recommends that the committee be discharged
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Engrossed HB 1346 was placed on the Seventh order of business on the calendar.

DATE: 4/6/05

CARRIER: Rep. Klemin

LC NO. 58274.0203	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Rep. DeKrey **

SECONDED BY: Sen. Triplett **

VOTE COUNT 6 YES 0 NO 0 ABSENT **

SENATE RECEDE FROM SENATE AMENDMENT AND AMEND **

** The motion made by Rep. DeKrey and seconded by Sen. Triplett, that the House accede to Senate amendments and further amend, passed by a vote of 5 yes/1 no. It was later changed by Legislative Council that the Senate recede from Senate amendments and amend. Sen. Trenbeath approved changing his vote from no to a yes.

REPORT OF CONFERENCE COMMITTEE

HB 1346, as engrossed: Your conference committee (Sens. Trenbeath, Hacker, Triplett and Reps. Klemin, DeKrey, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 941, adopt amendments as follows, and place HB 1346 on the Seventh order:

That the Senate recede from its amendments as printed on page 941 of the House Journal and pages 711 and 712 of the Senate Journal and that Engrossed House Bill No. 1346 be amended as follows:

Page 1, line 2, remove "and" and after "penalty" insert "; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 8, overstrike "nonliquid"

Page 1, line 18, after "3." insert "a." and after "shall" insert "require, obtain, and make a written record of the identification of the person purchasing the methamphetamine precursor drug, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 5, and shall"

Page 1, line 20, replace "a." with "(1)"

Page 1, line 23, replace "b." with "(2)"

Page 1, line 24, after the underscored semicolon insert "or"

Page 2, remove lines 1 and 2

Page 2, line 3, replace "d." with "(3)"

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b. The person shall maintain the record of identification required by this subsection for three years, after which the record must be destroyed. The person may not use or maintain the record for any private or commercial purpose or disclose the record to any person, except as required by law. The person shall disclose the record, upon request, to a law enforcement agency for a law enforcement purpose."

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Page 3, after line 22, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on June 1, 2005.

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SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1346 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

HB 1346

Testimony of Wayne Stenehjem
Attorney General
HB 1346
January 24, 2005

House Bill 1346 deals with the retail sale of methamphetamine precursor drugs and is a follow-up to the bill you passed during the 2003 session. The bill does two things – first, it reduces the number of grams per package from three to two; and second, it requires retailers to adopt one of five options to limit accessibility to meth precursor drug products.

Since your historic first steps last session wherein you passed one of the toughest retail sale of methamphetamine precursor bills in the nation, other states have followed suit. Oklahoma now has the toughest law, placing many limitations on the sale of cold products. Several of the items in this bill were taken from the Oklahoma law.

How has your 2003 legislation worked? While it is too early to predict a trend, for the first time since the late 90's when this epidemic began in our state, we saw a decrease in meth lab busts. In 2004 our agents dismantled 260 labs as compared to 297 labs in 2003 and 275 labs in 2002. We attribute this marked success to several actions taken by the legislature and by our office and law enforcement across the state. First, we received additional agents to work with local multi-jurisdictional task forces. The greater presence in some of our rural areas greatly aided our intelligence gathering capabilities. Second, we worked closely with retailers using our retail meth watch program to educate employees about the tell-tale signs of meth-cooking purchases. Our agents spent over 860 hours providing community drug awareness training to 25,112 adults and children during 2003 and 2004. And finally, our pilot program to place locks on anhydrous ammonia tanks in the northwest quadrant of the state has been successful. The tanks that were locked remained locked. We are looking for financial contributions to the program to pay for additional locks for distribution in order to expand the program.

Regardless of our apparent success, however, we can not rest on our laurels. During the interim, the North Dakota Commission on Drugs and Alcohol continued to examine ways to curb the illegal use of drugs in our state. We have a series of bills ... in fact 3 in this committee today ... all of which provide new ideas for moving forward to not only restrict the sale of ephedrine, but also to place more controls over the activities of individuals once they are arrested, and to expand treatment options.

House Bill 1346 reduces the number of grams of one or more methamphetamine precursor drugs per package from three to two. This was done in order to stop the sale of 96 count packages. Our reason for making this recommendation is simple ... two 96 count packages is half way to having enough ephedrine to make a small

batch of meth. Our goal must be to build as many road blocks as possible to curb the local manufacture of meth. While these measures will not stop the importation of meth from the super labs located elsewhere, as we continue to limit the number of local labs we will free agents to work on intelligence gathering. This is a key step to our success in stopping the importation from other areas.

The second part of the bill places restrictions on the location of meth precursor drug products in stores. The bill provides that a retailer must do one of the following five options:

- a) maintain continuous video surveillance of the area where the product is displayed and place signs giving notice of the surveillance;
- b) place the precursor product behind a counter and accessible only to the store clerk;
- c) place the precursor product in the line of sight of the clerk;
- d) display only one package of any brand or type in an area accessible to the public; or
- e) obtain written record of the identification of the person buying the product.

These options will greatly curb shop-lifting and provide additional opportunities for store clerks to assist task force agents in identifying cookers or their mules. I am supporting these new restrictions because in retail establishments where there has been voluntary compliance, retailers report fewer problems with theft and fewer suspicious purchases. We have discussed these changes with the retailers and they do not disagree with this next step.

In closing, I appreciate that these types of intrusions create some impediments for consumers. I ask you, however, what is a little inconvenience when faced with a drug which creates such havoc and devastation to families in our state and which bears such an enormous cost to our social service, health-care and criminal justice system? I encourage a do pass on the bill.



North Dakota Retailers Meth Watch Program **Suspicious Transaction Report**

Clandestine methamphetamine manufacturers utilize legal over the counter products and other necessary items located within your store, in the illegal production of methamphetamine. If you suspect someone involved in the illegal production of methamphetamine, please complete the following information. Upon completion, please contact the **Northwest Narcotics Task Force at 572-6739 or the North Dakota Bureau of Criminal Investigation at 1-800-472-2185**. Thank you for your cooperation.

Business Name, Store Number, and Store Location: _____

Employee Name, Date and Time of Contact: _____

Security Photo/Video Available: Yes: _____ or No: _____

Suspect Description: Height: _____ Weight: _____ Age: _____ Race: _____ Sex: _____

Hair Color: _____ Hair Length: _____ Facial Hair: _____

Other Information: _____

Payment Information: Cash Payment: _____ Receipt: _____

Check Payment: _____ Name: _____ Address: _____

Credit Payment: _____ Name: _____ Credit Card/#: _____

Vehicle Information: Make: _____ Model: _____ Color: _____ License # _____

State: _____ Other Information: _____

Chemical Purchased: Ephedrine/PseudoEphedrine: _____ Lithium Batteries: _____ Heet: _____

Starting Fluid/Ether: _____ Camp Fuel: _____ Naptha: _____ Acetone: _____ Sulfuric Acid: _____

Rock/Table Salt: _____ Drain Cleaner: _____ Paint Thinner: _____ Muriatic Acid: _____

Toluene: _____ Coffee Filters: _____ Aluminum Foil: _____ Glassware: _____ Funnels: _____

Tubing: _____ Jars: _____ Matches: _____ Iodine: _____ Gas Cans: _____ Propane Tanks: _____

Other Information: _____

AA #1

Testimony of Wayne Stenehjem
Attorney General
HB 1346
March 1, 2005

House Bill 1346 deals with the retail sale of methamphetamine precursor drugs and is a follow-up to the bill you passed during the 2003 session. The bill does two things – first, it reduces the number of grams per package from three to two; and second, it requires retailers to adopt one of five options to limit accessibility to meth precursor drug products.

Since your historic first steps last session wherein you passed one of the toughest retail sale of methamphetamine precursor bills in the nation, other states have followed suit. Oklahoma now has the toughest law, placing many limitations on the sale of cold products. Several of the items in this bill were taken from the Oklahoma law.

How has your 2003 legislation worked? While it is too early to predict a trend, for the first time since the late 90's when this epidemic began in our state, we saw a decrease in meth lab busts. In 2004 our agents dismantled 255 labs as compared to 297 labs in 2003 and 275 labs in 2002. We attribute this marked success to several actions taken by the legislature and by our office and law enforcement across the state. First, we received additional agents to work with local multi-jurisdictional task forces. The greater presence in some of our rural areas greatly aided our intelligence gathering capabilities. Second, we worked closely with retailers using our retail meth watch program to educate employees about the tell-tale signs of meth-cooking purchases. Our agents spent over 860 hours providing community drug awareness training to 25,112 adults and children during 2003 and 2004. And finally, our pilot program to place locks on anhydrous ammonia tanks in the northwest quadrant of the state has been successful. The tanks that were locked remained locked. We are looking for financial contributions to the program to pay for additional locks for distribution in order to expand the program.

Regardless of our apparent success, however, we can not rest on our laurels. During the interim, the North Dakota Commission on Drugs and Alcohol continued to examine ways to curb the illegal use of drugs in our state. We have a series of bills ... in fact 3 in here today ... all of which provide new ideas for moving forward to not only restrict the sale of ephedrine, but also to place more controls over the activities of individuals once they are arrested, and to expand treatment options.

House Bill 1346 reduces the number of grams of one or more methamphetamine precursor drugs per package from three to two. This was done in order to stop the sale of 96 count packages. Our reason for making this recommendation is simple ... two 96 count packages is half way to having enough ephedrine to make a small batch of meth. Our goal must be to build as many road blocks as possible to curb the local manufacture of meth. While these measures will not stop the importation

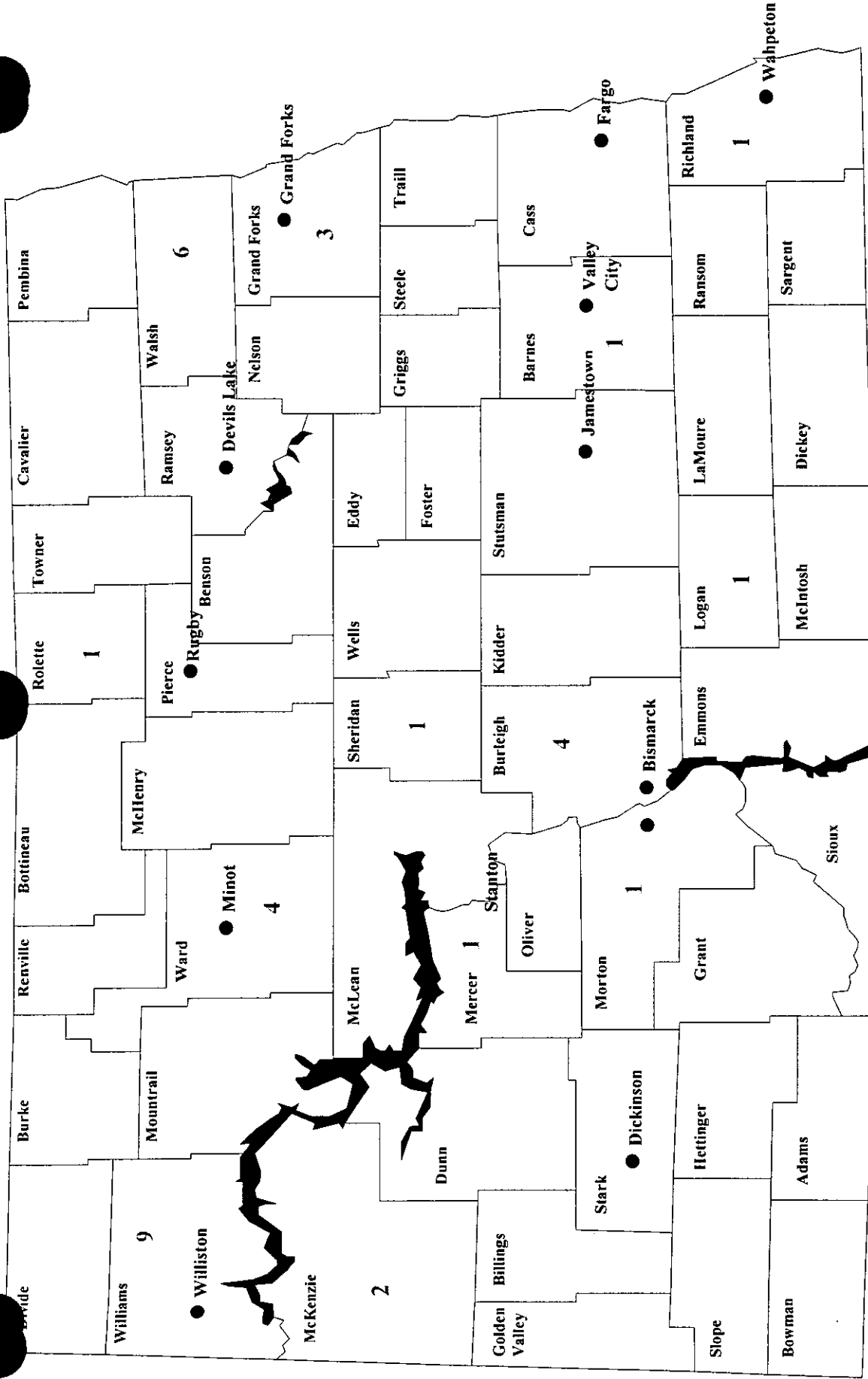
of meth from the super labs located elsewhere, as we continue to limit the number of local labs we will free agents to work on intelligence gathering. This is a key step to our success in stopping the importation from other areas.

The second part of the bill places restrictions on the location of meth precursor drug products in stores. The House passed new restrictions requiring retailers to do one of the following five options:

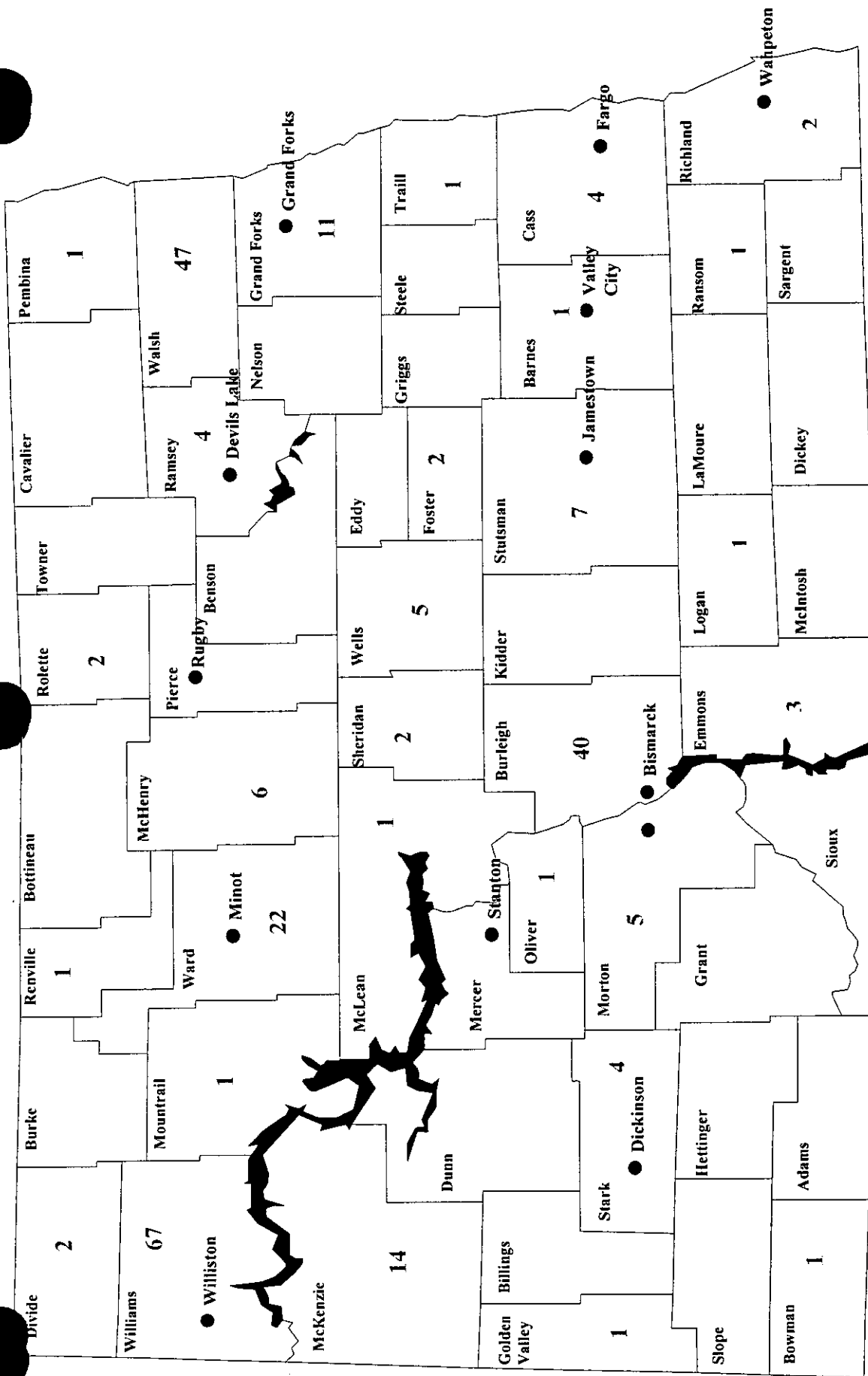
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- b) place the precursor product behind a counter and accessible only to the store clerk;
- c) place the precursor product in the line of sight of the clerk;
- d) display only one package of any brand or type in an area accessible to the public; or
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These options will help us curb shop-lifting of the product and provide additional opportunities for store clerks to assist task force agents in identifying cooks or their mules.

In closing, I appreciate that these types of intrusions create some impediments for consumers. I ask you, however, what is a little inconvenience when faced with a drug that creates such havoc and devastation to families in our state and which bears such an enormous cost to our social service, health-care and criminal justice system? I encourage a do pass on the bill.



NORTH DAKOTA Clandestine Methamphetamine Laboratory Seizures CY2004

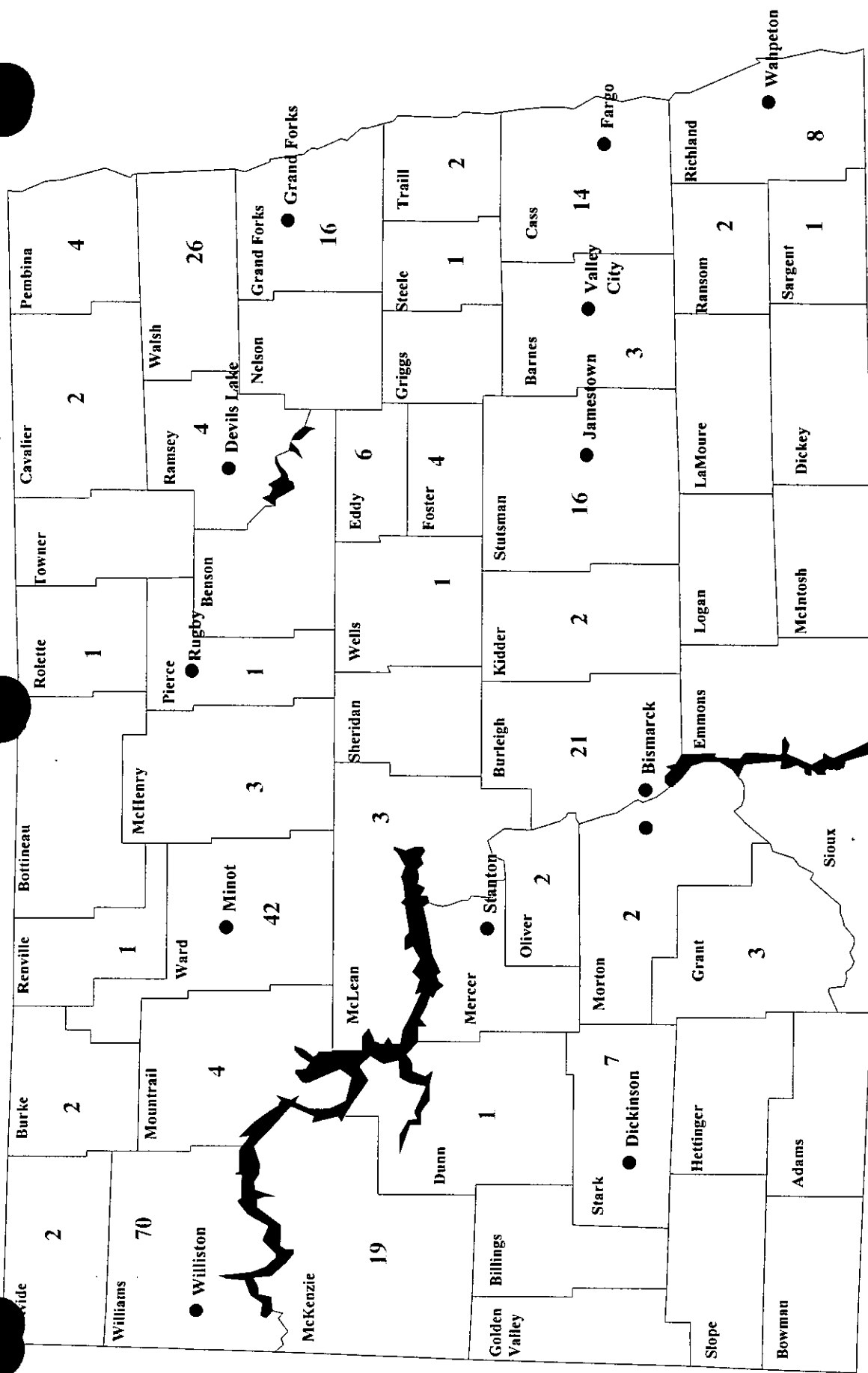


260 Lab Seizures

These figures reflect the number of Clandestine Methamphetamine Lab incidents that have been submitted to EPIC by NDBCI.

Clandestine Methamphetamine lab seizures include operational labs, non-operational labs, chemical/equipment/glassware seizures, and dumpsites.

NORTH DAKOTA Clandestine Methamphetamine Laboratory Seizures CY2003

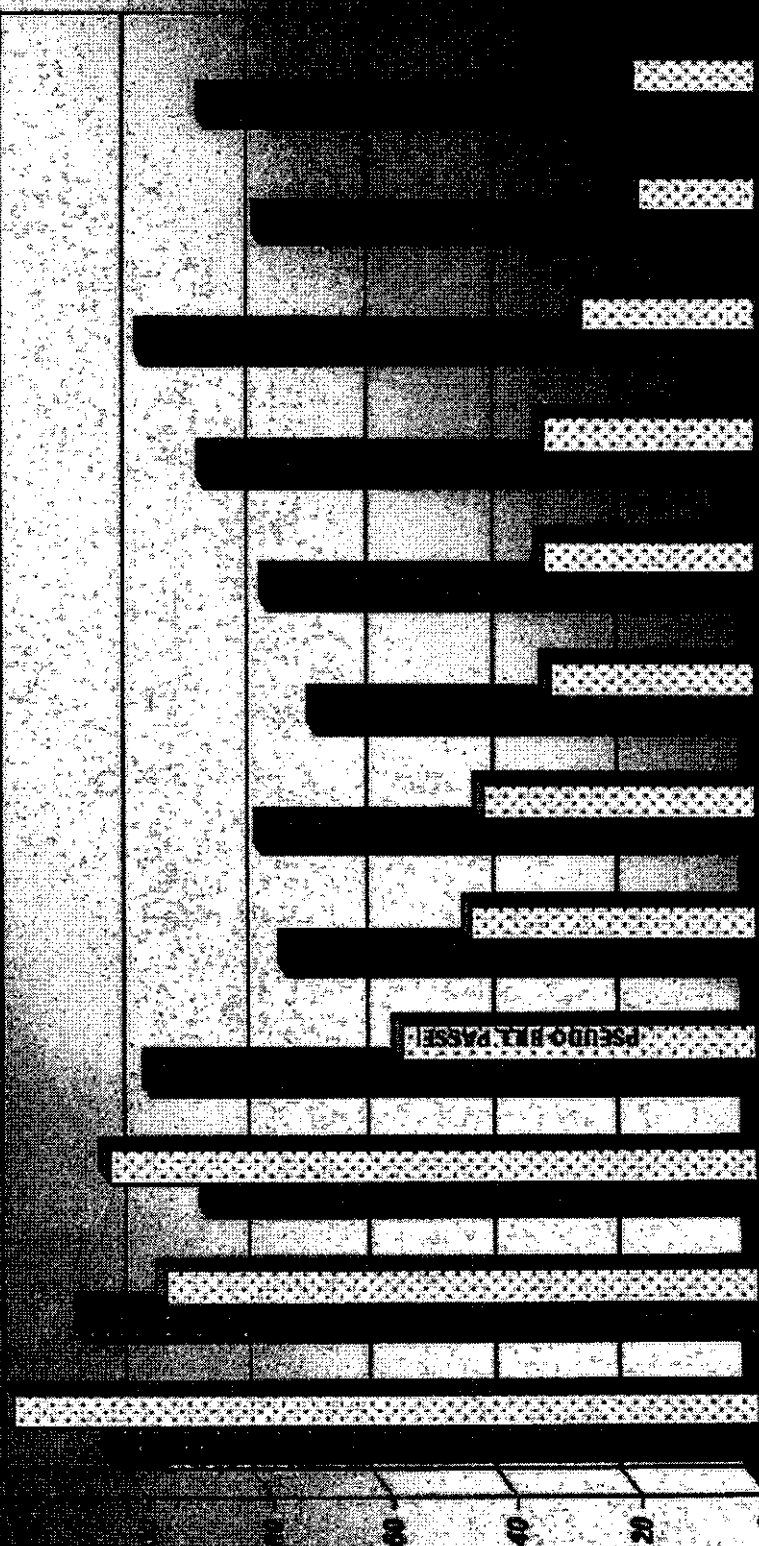


297 Lab Seizures

These figures reflect the number of Clandestine Methamphetamine Lab incidents that have been submitted to EPIC by NDBCI.

Clandestine Methamphetamine lab seizures include operational labs, non-operational labs, chemical/equipment/glassware seizures, and dumpsites.

FLORIDA



OSD/DC
January 14, 2004
P. Matros

Klemin Amendment

PROPOSED AMENDMENT TO ENGROSSED HOUSE BILL NO. 1346

Page 2, after line 7, insert:

"The record of identification obtained as required by this subsection must be kept separate from other records of the retail establishment and must be maintained for a period of three years, after which it must be destroyed. A person may not use or maintain the record for any private or commercial purpose or disclose the record to any person or entity except as required by law. The record must be disclosed, upon request, to a law enforcement agency for a law enforcement purpose."

Renumber accordingly