Prepared by the Legislative Council staff

January 3, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1038

Page 1, line 3, after "reenact" insert "subsection 9 of section 12.1-31-01.2, subsection 8 of section 12.1-31.2-01,"

Page 1, line 4, after the third comma insert "paragraph 1 of subdivision a of subsection 2 of section 19-24.1-01, paragraph 1 of subdivision b of subsection 2 of section 19-24.1-01, subsection 8 of section 23-09-01,"

Page 1, line 6, replace the first "section" with "sections 37-01-16 and"

Page 1, line 7, replace the third comma with "and"

Page 1, line 7, after the fourth comma insert "subsection 11 of section 43-23-06.1, sections"

Page 1, line 10, after "references" insert "; and to provide a penalty"

Page 1, after line 11, insert:

"**SECTION 1. AMENDMENT.** Subsection 9 of section 12.1-31-01.2 of the North Dakota Century Code is amended and reenacted as follows:

9. If the respondent knows of an order issued under subsections 4 and 5, or subsection 6, violation of the order is a class A misdemeanor and also constitutes contempt of court. A second or subsequent violation of a protection order is a class C felony. If the existence of an order issued under subsection ~~3~~4, or subsections ~~4~~5 and ~~5~~6 can be verified by a peace officer, the officer, without a warrant, may arrest and take into custody an individual whom the peace officer has probable cause to believe has violated the order.

SECTION 2. AMENDMENT. Subsection 8 of section 12.1-31.2-01 of the North Dakota Century Code is amended and reenacted as follows:

8. If the respondent knows of an order issued under subsection 4 or 5, violation of the order is a class A misdemeanor. If the existence of an order issued under subsection ~~3~~4 or ~~4~~5 can be verified by a peace officer, the officer, without a warrant, may arrest and take into custody an individual whom the peace officer has probable cause to believe has violated the order."

Page 2, after line 11, insert:

"**SECTION 6. AMENDMENT.** Paragraph 1 of subdivision a of subsection 2 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

(1) During a thirty-day period, a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than two and one-half ounces [70.87 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.

SECTION 7. AMENDMENT. Paragraph 1 of subdivision b of subsection 2 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

(1) During a thirty-day period a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than six ounces [170.01 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.

SECTION 8. AMENDMENT. Subsection 8 of section 23-09-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Lodging establishment" includes every building or structure, or any part thereof, which is kept, used, maintained, or held out to the public as a place where sleeping accommodations are furnished for pay to transient guests. The term does not include a facility providing personal care services directly or through contract services as ~~defined in~~provided under section 23-09.3-01 or 50-32-01."

Page 3, after line 29, insert:

"**SECTION 14. AMENDMENT.** Section 37-01-16 of the North Dakota Century Code is amended and reenacted as follows:

37-01-16. Unlawful conversion of military property - Unlawful wearing of uniforms and devices indicating rank - Penalty.

~~Any~~It is a class B misdemeanor for a person ~~who shall~~to:

1. Secretly sell, dispose of, offer for sale, purchase, retain after a demand made by a commissioned officer of the national guard, or in any manner pawn or pledge any arms, uniforms, equipment, or other military property issued under the provisions of this title; or

2. Wear any uniform or any device, strap, knot, or insignia of any design or character used as a designation of grade, rank, or office, prescribed by law, or by general regulation duly promulgated, for the use of the national guard, or any device, strap, knot, or insignia similar thereto, unless the person is a member of the army or navy of the United States or of the national guard of this or any other state, a member of an association wholly composed of soldiers who have been honorably discharged from the service of the United States, or a member of the order of sons of veterans~~,~~

~~is guilty of a class B misdemeanor~~."

Page 7, after line 21, insert:

"**SECTION 21. AMENDMENT.** Subsection 11 of section 43-23-06.1 of the North Dakota Century Code is amended and reenacted as follows:

11. "Real estate salesperson" means any person that for a fee, compensation, salary, or other consideration, or in the expectation or upon the promise of that compensation, is employed or engaged by a licensed real estate

broker to do any act or deal in any transaction as provided in subsection ~~6~~9 for or on behalf of such licensed real estate broker."

Renumber accordingly