

**2021 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2283**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Room JW216, State Capitol

SB 2283  
2/4/2021

<b>Relating to the duties of Attorney General.</b>
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**Chair Vedaa** opened the hearing at 9:45 a.m. with Sen Vedaa, Meyer, Elkin, K Roers, Wobbema, Weber, and Marcellais present.

**Discussion Topics:**

- Controlled substance classification
- Criminal justice
- Lottery debt

**Sen Meyer, Dist 18** - introduced the bill.

**Troy Seibel, Deputy Attorney General** – testified in support and offered an amendment. #5464.

**Sen K Roers:** I move Amendment 21.0920.01001

**Sen. Meyer:** I second.

**Voice Vote was taken. Amendment Motion Passed**

**Sen Meyer:** I move a Do Pass as Amended.

**Sen K. Roers:** I second

**Roll Call Vote: 7 -- YES 0 -- NO -0-ab Motion Passed**

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

**Sen Meyer will carry the bill**

Adjourned at 9:59 a.m.

*Pam Dever, Committee Clerk*

February 4, 2021

SAK  
2/4

PROPOSED AMENDMENTS TO SENATE BILL NO. 2283

Page 1, line 3, after the third comma insert "section 29-04-02,"

Page 1, line 5, after "general" insert "and the prosecution of a felony"

Page 3, after line 28, insert:

**"SECTION 5. AMENDMENT.** Section 29-04-02 of the North Dakota Century Code is amended and reenacted as follows:

**29-04-02. Prosecution for felony other than murder within three years.**

Except as otherwise provided by law, a prosecution for any felony other than murder must be commenced within three years after its commission. Prosecution of felony offenses under chapter 12.1-23 or 50-24.8 must be commenced within the later of three years of commission of the last act that is an element of the offense, three years of discovery of the stolen property, or three years of discovery of the loss of the property or services. Nothing in this section prevents a person prosecuted for murder from being found guilty of any included offense and punished accordingly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2283: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Sixth order on the calendar.

Page 1, line 3, after the third comma insert "section 29-04-02,"

Page 1, line 5, after "general" insert "and the prosecution of a felony"

Page 3, after line 28, insert:

**"SECTION 5. AMENDMENT.** Section 29-04-02 of the North Dakota Century Code is amended and reenacted as follows:

**29-04-02. Prosecution for felony other than murder within three years.**

Except as otherwise provided by law, a prosecution for any felony other than murder must be commenced within three years after its commission. Prosecution of felony offenses under chapter 12.1-23 or 50-24.8 must be commenced within the later of three years of commission of the last act that is an element of the offense, three years of discovery of the stolen property, or three years of discovery of the loss of the property or services. Nothing in this section prevents a person prosecuted for murder from being found guilty of any included offense and punished accordingly."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2283

Page 1, line 3, after "19-03.1-23.1," insert "section 29-04-02"

Page 3, after line 28, insert

**"SECTION 5. AMENDMENT.** Section 29-04-02 of the North Dakota Century Code is amended and reenacted as follows:

**29-04-02. Prosecution for felony other than murder within three years.**

Except as otherwise provided by law, a prosecution for any felony other than murder must be commenced within three years after its commission. Prosecution of felony offenses under chapter 12.1-23 or 50-24.8 must be commenced within the later of three years of commission of the last act that is an element of the offense, three years of discovery of the stolen property, or three years of discovery of the loss of the property or services. Nothing in this section prevents a person prosecuted for murder from being found guilty of any included offense and punished accordingly."

Renumber accordingly

**2021 HOUSE JUDICIARY**

**SB 2283**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Judiciary

Room JW327B, State Capitol

SB 2283

3/23/2021

Relating to duties of the attorney general and the prosecution of a felony.
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**Chairman Klemin** called the hearing at 10:30 AM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter. Absent: Cory

### Discussion Topics:

- Clean up bill
- Post Board
- Control Substance Act
- Statute of Limitations
- Lottery Debt Set-off

**Senator Meyer:** Introduced the bill. Testimony #10425

**Troy Seibold, Chief Deputy Attorney General:** Verbal testimony 10:33

**Chairman Klemin** closed the hearing at 10:41.

**Rep. Vetter:** Do Pass Motion

**Rep. Christensen:** Seconded

Roll Call Vote:

<b>Representatives</b>	<b>Vote</b>
Chairman Klemin	Y
Vice Chairman Karls	Y
Rep Becker	Y
Rep. Christensen	Y
Rep. Cory	A
Rep T. Jones	Y
Rep Magrum	Y
Rep Paulson	Y
Rep Paur	Y
Rep Roers Jones	Y
Rep B. Satrom	Y
Rep Vetter	Y
Rep Buffalo	Y
Rep K. Hanson	Y

13-0-1 Carrier: Rep. Vetter

Stopped 10:44.

DeLores D. Shimek  
Committee Clerk



**REPORT OF STANDING COMMITTEE**

**SB 2283, as engrossed: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2283 was placed on the Fourteenth order on the calendar.

March 23, 2021



## North Dakota Senate

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Senator  
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Committees:  
Finance and Taxation  
Government and Veterans  
Affairs

MR. CHAIRMAN AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE. SB 2283 IS PRIMARILY A CLEAN UP BILL FOR THE ATTORNEY GENERAL'S OFFICE WITH TECHNICAL CORRECTIONS WHERE INCONSISTENCIES WERE IDENTIFIED IN CENTURY CODE

I'LL WALK YOU THROUGH THE BILL, AND I'LL HAVE DEPUTY ATTORNEY GENERAL SEIBEL PROVIDE FURTHER DETAIL TO THE CHANGES.

### SECTION 1

DELETES THE OBSOLETE REQUIREMENT OF BCI TO PROVIDE PRINTED COPIES OF ITS RULES & REGULATIONS, AS THEY ARE NOW PROVIDED ELECTRONICALLY.

### SECTION 2

NEW REQUIREMENT FROM DOJ THAT REQUIRES LOCAL LAW ENFORCEMENT AGENCY IN ORDER TO APPLY FOR GRANTS, THEY MUST RECEIVE A CERTIFICATION FROM A STATE AGENCY, IN THIS CASE IT WOULD BE THE AG'S OFFICE.

### SECTION 3

DEALS WITH INCONSISTENCIES IN THE CRIMINAL CODE IN REGARD TO MARIJUANA. POSSESSION PENALTIES WERE LOWERED LAST SESSION, BUT A FEW PLACES WERE MISSED IN CODE RELATING TO THE CONTROLLED SUBSTANCE ACT

### SECTION 4

SIMILARILY TO SECTION 3 IT ADDRESSES INCONSISTENCIES IN REGARD TO THE CONTROLLED SUBSTANCE ACT AND BRINGS IT IN LINE WITH CRIMINAL CODE, AND ALSO TO MATCH LEGISLATION FROM LAST SESSION

### SECTION 5

THIS CHANGE IS DEALING WITH THEFT AND INCLUDING SECTION 50-24.8 DEALING WITH THE MEDICAID FRAUD UNIT, AS MOST FRAUD UNDER THAT SECTION IS THEFT

### SECTION 6

DELETES THE REQUIREMENT OF THE AG'S OFFICE TO PROVIDE A COPY OF THE BACKGROUND CHECK TO THE INDIVIDUAL PERSON, AND JUST PROVIDE THE REPORT TO THE AGENCY THAT REQUESTED

## SECTION 7

THIS SECTION IS ADDRESSING THE LOTTERY AND DEBT SET OFF. IN TESTIMONY FROM THE AG'S OFFICE, VERY RARELY IN A LOTTERY WIN DOES THE PARTICIPANT TAKE THE ANNUITY OPTION OVER THE CASH OPTION.

THIS GIVES THE LOTTERY THE AUTHORITY TO A DEBT SET OFF CHECK EACH YEAR WHEN ANNUITY PAYMENTS ARE MADE

## SECTION 8

ADDS AUTHORITY TO THE ATTORNEY GENERAL TO DESIGNATE SOMEONE TO APPROVE PEACE OFFICER'S APPLICATIONS FOR ACCESS TO THE CJSS OR CRIMINAL JUSTIC SHARING SYSTEM

CURRENTLY THE AG WOULD HAVE TO APPROVE, BUT THIS JUST ALLOWS THE AG OR A DESIGNEE OF THE AG TO APPROVE THESE APPLICATIONS

MR. CHAIRMAN, I RESPECTFULLY REQUEST A DO PASS RECOMMENDATION, AND WILL STAND FOR ANY QUESTIONS.