

# ALCOHOLIC BEVERAGES

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## CHAPTER 90

H.B. No. 511  
(Committee on Delayed Bills)

### PROHIBITING MANUFACTURE OF ALCOHOLIC BEVERAGES

#### AN ACT

To amend and reenact section 5-01-04 of the North Dakota Century Code, relating to the manufacture of alcoholic beverages.

**Be It Enacted by the Legislative Assembly of the State of North Dakota:**

**Section 1. Amendment.)** Section 5-01-04 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**5-01-04. Manufacture of Alcoholic Beverages Prohibited—Exception.)** Any person manufacturing alcoholic beverages within this state is guilty of a misdemeanor and property used for same is subject to disposition by the court except any person may establish a brewery for the manufacture of malt beverages or a distillery or other plant for the distilling, manufacturing, or processing of liquor within this state if he has secured a license from the state treasurer. Such license shall be issued on a calendar-year basis with a fee of five hundred dollars. Said license shall allow sale to only licensed wholesalers.

Approved March 25, 1969.

## CHAPTER 91

S. B. No. 286  
(Chesrown, Freed)

PROVIDING ASSISTANCE TO  
PUBLICLY INTOXICATED PERSONS

## AN ACT

To create and enact a section of the North Dakota Century Code to provide assistance and medical care for public intoxication; to provide a penalty for disturbing the public peace or disorderly conduct; to eliminate punishment for public intoxication; to repeal section 5-01-05, relating to the penalty for public intoxication; and to create subsection 6 to section 29-06-15 of the North Dakota Century Code, relating to arrest without a warrant for driving or having control of a motor vehicle while under the influence of alcoholic beverages.

**Be It Enacted by the Legislative Assembly of the State of  
North Dakota:**

**Section 1. Public Intoxication—Assistance—Medical Care.)**

A peace officer shall have authority to take any apparently intoxicated person to his home, to a local hospital, or, whenever such person constitutes a danger to himself or others, to a jail for purposes of detoxification. A duly licensed physician of such local hospital shall have authority to hold such person for treatment up to seventy-two hours. Such intoxicated person shall not be held in jail because of intoxication more than twenty-four hours. An intoxicated person shall not be placed in a jail unless a jailer is constantly present within hearing distance and medical services are provided when the need is indicated. Upon placing such person in a hospital or jail, said peace officer shall notify the intoxicated person's family as soon as possible. Any additional costs incurred by the city or county on account of an intoxicated person shall be recoverable from such person.

**Section 2. Disturbing the Peace—Disorderly Conduct—Penalty.)** Any person who commits an act which disturbs the public peace or constitutes disorderly conduct is guilty of a misdemeanor.

**Section 3. No Prosecution for Intoxication.)** No person shall be prosecuted in any court solely for public intoxication. Law enforcement officers may utilize standard identification

procedures on all persons given assistance because of apparent intoxication.

**Section 4.)** Subsection 6 of section 29-06-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

6. On a charge, made upon reasonable cause, of driving or being in actual physical control of a vehicle while under the influence of alcoholic beverages.

**Section 5. Repeal.)** Section 5-01-05 of the North Dakota Century Code is hereby repealed.

Approved March 29, 1969.

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## CHAPTER 92

S. B. No. 235  
(Wenstrom)

### COUNTIES AND CITIES MAY PROVIDE SERVICES TO ALCOHOLICS

#### AN ACT

Authorizing counties and cities to provide services for alcoholics.

**Be It Enacted by the Legislative Assembly of the State of North Dakota:**

**Section 1. Informational, Counseling, and Referral Centers for Alcoholism.)** Any county or city within the state at the discretion of their governing bodies, either individually or jointly, may establish or provide office space, including personnel, for informational, counseling, and referral services for alcoholics and their families.

Approved March 5, 1969.

S. B. No. 456  
(Rait)

**ISSUANCE OF TOWNSHIP BEER  
AND LIQUOR LICENSES**

**AN ACT**

To amend and reenact section 5-01-07 of the North Dakota Century Code, to provide that no retail beer or liquor license shall be renewed in any organized township without the written consent of the board of township supervisors.

**Be It Enacted by the Legislative Assembly of the State of North Dakota:**

**Section 1. Amendment.)** Section 5-01-07 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**5-01-07. Township Beer or Liquor Licenses.)** No retail beer or liquor license shall be issued in any organized township without the written consent of the board of township supervisors. Every third renewal of such license shall be reviewed and subject to approval by the board of township supervisors.

Approved March 13, 1969.

## CHAPTER 94

H. B. No. 425  
(Hentges)

SALE OF ALCOHOLIC BEVERAGES  
ON SUNDAY

## AN ACT

To create and enact subsection 11 of section 12-21.1-03, subsection 29 of section 12-21.1-04 of the 1967 Supplement to the North Dakota Century Code, to amend and reenact section 5-02-05 of the 1967 Supplement to the North Dakota Century Code, relating to the sale of beer and alcoholic beverages during certain hours on Sundays.

**Be It Enacted by the Legislative Assembly of the State of  
North Dakota:**

**Section 1.)** Subsection 11 of section 12-21.1-03 of the 1967 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

11. Beer and alcoholic beverages but only until 1:00 a.m.

**Section 2.)** Subsection 29 of section 12-21.1-04 of the 1967 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

29. Premises licensed to dispense beer and alcoholic beverages within the limits prescribed in section 5-02-05 of the North Dakota Century Code.

**Section 3. Amendment.)** Section 5-02-05 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**5-02-05. Disposal Prohibited on Certain Days—Penalty.)** Anyone who dispenses or permits the consumption of alcoholic beverages on licensed premises after one o'clock a.m. on Sundays, before eight o'clock a.m. on Mondays, or between the hours of one o'clock a.m. and eight o'clock a.m. on all other days of the week, or who so dispenses or permits such consumption on Memorial Day, Good Friday, Christmas Day, or after six o'clock p.m. on Christmas Eve, or between the hours of one o'clock a.m. and eight o'clock p.m. on the day of any statewide,

county or other election provided for in this Code affecting the electors of any city or township within which such licensed premises are located is guilty of a misdemeanor.

Approved March 25, 1969.

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## CHAPTER 95

S. B. No. 239  
(Becker, Wilhite)

### ALCOHOLIC BEVERAGE PRIVILEGE TAX

#### AN ACT

To amend and reenact sections 5-03-04 and 5-03-07 of the North Dakota Century Code to provide for a privilege tax on alcoholic beverage wholesalers computed on gallonage sold and to eliminate the tax on sales between wholesalers and retailers, and declaring an emergency.

**Be It Enacted by the Legislative Assembly of the State of North Dakota:**

**Section 1. Amendment.)** Section 5-03-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**5-03-04. Collection of Taxes.)** The taxes imposed by this chapter shall be paid by wholesalers to the state treasurer on or before the fifteenth day of each month. Liquor wholesalers shall make such payments based on the total gallonage sold the preceding calendar month. Beer wholesalers shall make such payments based on the total gallonage purchased from brewers the preceding calendar month. Sales of beer of an alcoholic content of not more than 3.2 percent by weight to military exchanges shall be excluded from the computation of gallonage tax due from wholesalers. Upon satisfactory proof a tax credit shall be allowed beer wholesalers for beer purchased, but which cannot be sold in North Dakota. A tax credit shall be allowed wholesalers on bad accounts which are charged off for income tax purposes, but a pro rata tax shall again be paid on any accounts subsequently collected. If any wholesaler makes an overpayment of taxes due, the state treasurer shall issue a credit applicable to future obligations

or certify such amount to the department of accounts and purchases for a refund. Any remittance within one dollar of the correct amount due may be accepted by the state treasurer as the correct amount due.

**Section 2. Amendment.)** Section 5-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**5-03-07. Imposition of Tax—Rate.)** A tax is hereby imposed upon all alcoholic beverage wholesalers for the privilege of doing business in this state. The amount of such tax shall be determined by the gallonage sold by wholesalers according to the following schedule:

Beer in bulk containers — per wine gallon	\$ .08
Beer in bottles and cans — per wine gallon	\$ .16
Wine containing less than 17% alcohol by volume — per wine gallon	\$ .50
Wine containing 17% — 24% alcohol by volume — per wine gallon	\$ .60
Sparkling wine — per wine gallon	\$1.00
Distilled spirits — per wine gallon	\$2.50
Alcohol — per wine gallon	\$4.05

**Section 3. Emergency.)** This Act is declared to be an emergency and shall be in effect from and after its passage.

Approved March 7, 1969.