

# ALCOHOLIC BEVERAGES

## CHAPTER 75

### SENATE BILL NO. 2106

(Industry, Business and Labor Committee)

(At the request of the Attorney General)

## RETAIL ALCOHOL LICENSEE BACKGROUND CHECKS

AN ACT to create and enact a new subsection to section 5-02-02 of the North Dakota Century Code, relating to payment of background check costs.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new subsection to section 5-02-02 of the North Dakota Century Code is created and enacted as follows:

As a condition precedent to a background check, the attorney general may require the applicant to pay, in advance, an estimated additional fee necessary to defray the actual cost of a background check of a person for whom adequate background information sources are not readily available. The estimated additional fee must be placed in the attorney general's refund fund for use to defray the actual expenses of the background check. The remainder of the funds must be returned to the person within thirty days of the conclusion of the background check. In addition, the attorney general may require the applicant or such other person subject to a background check to execute a written consent if needed by the attorney general to obtain background or criminal history information.

Approved April 1, 1997

Filed April 2, 1997

## CHAPTER 76

### HOUSE BILL NO. 1114

(Industry, Business and Labor Committee)  
(At the request of the Attorney General)

### BEER KEG MARKETING

AN ACT to amend and reenact subsections 1 and 3 of section 5-02-07.2 of the North Dakota Century Code, relating to registration and marketing of beer sold in kegs.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsections 1 and 3 of section 5-02-07.2 of the North Dakota Century Code are amended and reenacted as follows:

1. Any retail alcoholic beverage licensee who sells beer in a container with a liquid capacity greater than six gallons [22.71 liters] must place a ~~distinctive symbol, notation, or mark unique to the licensee~~ the licensee's state retail alcoholic beverage license number on the container and also must mark the container with a "registration" number or letters, or both, unique to that container. The paint or ink used to mark the containers or other manner of marking the containers must be approved by the attorney general.
3. Each retail alcoholic beverage licensee shall ~~register his or her unique identification symbol, notation, or mark with the attorney general and shall~~ permit any law enforcement officer to inspect the records required to be kept pursuant to this section during times the retail establishment is normally open for business or at other reasonable times.

Approved January 31, 1997  
Filed January 31, 1997

## CHAPTER 77

### HOUSE BILL NO. 1371 (Representatives DeKrey, Weisz)

#### LOCAL ALCOHOL REGULATIONS

AN ACT to amend and reenact section 5-02-09 of the North Dakota Century Code, relating to the establishment of local regulations.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 5-02-09 of the North Dakota Century Code is amended and reenacted as follows:

**5-02-09. Local regulations.** The local governing body by ordinance or resolution may regulate or restrict the operation of licensees including among other things determining the number of licenses to be granted, establishing health and safety standards for licensed premises, setting of hours and ~~prohibition~~ regulation of open door policies by fraternal organizations or private clubs, and regulation of dancing or various forms of entertainment on the premises.

Approved March 25, 1997

Filed March 26, 1997