

2015 SENATE JUDICIARY

SB 2333

2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2333
2/4/2015
23169

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

1

Ch. Hogue: We will open the hearing on SB 2333.

Sen. Erin Oban: Sponsor, support (see attached 1).

Sen. Luick: What would be the issue here if the bar restaurant owner had their own children cooking in this facility. What would happen to them if they were cooking and working in there past 9:00 pm and they were underage?

Sen. Erin Oban: I don't know what all of the employment restrictions are with regard to who can even be on those premises based on a certain time. I would defer to those with knowledge of employment rules better than I do.

Sen. Nelson: Would local liquor license rules overrule this particular law if they said no. It wouldn't even be an option; it would just say that if you want this kind of liquor license, the kids don't come into the premises.

Sen. Erin Oban: Rudy Martinson knows the licensing details better than I do. I believe liquor licenses are based on the percentage of sales of food, so I think this would probably take care of that issue. Obviously it just can't be somebody who's going to put up a pizza oven and consider that a kitchen worthy of having people coming in to eat at their facility. There are examples all over the place, of establishments who are already doing this.

Ch. Hogue: You mentioned with your constituent that is a proponent isn't here, but can you tell us a little bit about what his situation is in terms of why he wanted this.

Sen. Erin Oban: It is my understanding that he has a lake home in ND that is very near to a very small community that probably only has a bar and he wants to be able to take his grandson for a burger and there just isn't that option. In discussions with other senators about this specific legislation, their responses were that they are doing that in MN all the time. I also know plenty of examples in my discussions with fellow legislators that frankly this law is being broken and while I don't feel that just because people are breaking a law that that means we should change a law. It does maybe bring up the need to have a discussion whether or not this is what is best for people living in those communities; especially if it is permissive language.

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. Neutral testimony.

Rudy Martinson, Exec. Director, ND Hospitality Association: We are the trade association for ND's restaurant, lodging and retail beverage industries. We at the Hospitality Association have an official neutral position on this legislation. My membership can't seem to agree on it, to the point where one former member of my board of directors notably told me once that he didn't agree with himself on this particular issue.

Sen. Armstrong: Even to make it possibly potentially more permissive, would there be a way to do this where you would say that we would give them this language but then it would have to get approved locally.

Rudy Martinson: I suppose you could specify that in the state law. There's also the rule that local government can always make a law that's more restrictive than the state law, but not one that is less restrictive. I think that option exists anyway but if you were going to spell it out that would be okay.

Sen. Armstrong: That would be my second point; what works in Fargo and works in Regent are two very different locales.

Rudy Martinson: That's part of the source of debate within my association and the lack of a conclusion on this issue is that fact exactly.

Sen. Armstrong: How does Applebee's do it? I know Ground Round has a separate bar and restaurant. The Applebee's in Dickinson has a separate bar and restaurant but it's the same room. How do they do it?

Rudy Martinson: First of all I think part of the source of this bill and why we keep talking about it is the fact that in the larger areas like Dickinson, Fargo or any of those larger cities, the local government has a licensing structure that allows for a basic bar license. There are various categories of restaurant licenses. That structure is set up by the local government. Some of those restaurant licenses have food requirements in terms that you have sell 55% food to get a restaurant license in Bismarck, for example. I think that part of the genesis of this bill and why we keep hearing this complaint about it, is that often times the smaller areas that were referenced, just don't have that same licensing infrastructure. They haven't anticipated that sort of licensing. They just default to the state law, which says if you are under the age of 21 you can't come in to the bar. The second part of the answer is that in state law it says that if you have a bar and restaurant, you can people under 21 in the restaurant area, meaning that you can't have people under 21 in the area where alcoholic beverages are dispensed. That's sort of the keyword. Applebee's divides off the bar area where beverages are dispensed and then there is the restaurant area where they are not.

Sen. Armstrong: In Dickinson, the local Applebee's' barrier is two steps and a non-solid partition.

Rudy Martinson: I believe that Applebee's has probably consulted with the local government and that satisfies them to the extent that it is necessary to operate.

Ch. Hogue: Were you here in 2011 when this bill apparently failed in the Senate.

Rudy Martinson: I was.

Ch. Hogue: Can you refresh our memory as to why we defeated it.

Rudy Martinson: There was similar debate over this issue in the Senate as there has been certainly within my own association, which is there was talk about setting a population limit on this; there is a smaller town vs. larger city issue here and that conversation all took place and the Senate determined that it wasn't workable in its form at that time. This is a slightly different form than it was back then.

Sen. Nelson: Back to the Applebee's' situation, and of course, every Applebee's is different because the north side and the south side restaurants

have different setups. They have a bar, but then in the restaurant you can serve liquor, and you have kids over there but there is a wall between, even though there are windows in the wall that are open, there is still a partition piece, but in Bisby, ND their best bet would be just to keep their mouth shut. I think that was also a part of our discussion last time around. Why did you bring this in if you are doing it and nobody is saying anything? They got a pizza grill, but when it's nice outside they have an outside grill and make burgers and hotdogs. They serve them inside but it's the only place in town to eat, when the Chocolate Shop's not open. Small town problems. They asked them last time about why did they bring this, why did you bring it to light, you've been doing this for 40, 50 or 60 years and nobody has complained at home, just do it.

Ch. Hogue: Any additional Neutral testimony. We will close the hearing.

2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2333
2/10/2015
24214

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

Ch. Hogue: Let's take a look at SB 2333, which is the bill to permit minors to be in an establishment that has a grill before the hour of 9:00 pm if they are accompanied by their parent or legal guardian. Some of you may have received the adverse testimony via email from a West Fargo police chief; who basically said this wasn't necessary in larger communities where people have access to a number of restaurants, so he was opposed to it. I've got an amendment here that basically would further limit the idea to a city or township with a population of less than 2,500 people. So if you recall Sen. Oban's testimony she was offering this bill for somebody who wanted to go to a restaurant near their lake cabin, and of course, it is the only restaurant around. If he couldn't take him there, he really couldn't be in the premises.

Sen. Luick: I had conversations with a couple of different establishments in my district and they are asking to change the 9:00 pm to 10:00 pm or when they close their grill. In my area, there is only place to eat, at Fairmont, and they close the grill at 9:30 pm; that gives them a half hour (30 min) to eat. So they were asking for the change to 10:00 pm.

Sen. Armstrong: In response to Chief Ritan's email, I was going to offer an amendment that essentially said in order to do this, it would need permissive language in the state code, but you had to get local approval. You would have to go to your local county board or local city board and make your case. If we would pass it, absolutely no one could do it unless they went to their local municipality and got approval from either the city commission or their county commission. That way, if somebody in West Fargo tries to do it, they can come in and say we have 150 restaurants; we don't need to let kids in bars. But if somebody at Regent wanted to do it, they'd have to go to their city commission and make the case that they can do it there. In order to get it

done, you would have to get an affirmative local requirement. We would write the bill along the lines that will allow it provided you get approval from the local liquor licensing agency, whether that is county or city commissions.

Sen. Luick: I really like that idea, then they are the ones that are monitoring those at a local level and if there is a problem, then they can take it up with that establishment at that place and time.

Ch. Hogue: How big is Fairmont?

Sen. Luick: About 300 people. It is very large with agriculture.

Sen. Grabinger: I would agree with that. That seems to be a logical way to go about this. By doing that, they are also the governing board that issues the license and the Sunday permits, etc. so they are already taking up those issues. I think that's a good way to go about it.

Ch. Hogue: It sounds like there is support for that amendment. Is there support for the bill with that amendment on it? Rather than look at population, you would get approval from the local city or county authority that issued the liquor license.

Sen. Armstrong: I think as a practical aspect, none of the big cities in ND are going to say yes. You might get to have some of these interesting conversations about why Ma and Pa's Bar and Grill can't be open, but somebody with a team of lawyers that lives in Vermont can be.

Ch. Hogue: Maybe that's the second question. Do we want to authorize the Fargo and Grand Forks and bigger cities to do this?

Sen. Armstrong: I would support a population limit on it; I would probably want it a little higher than 2,500 people. I think that gets to be the problem with the population limit, where do you go. I don't think there is any reason for the large cities to be able to do this. I think there is a need to be able to eat out in smaller communities that doesn't exist now.

Sen. Grabinger: Do we get into any trouble with federal laws regarding a step like this. They require the 21 years of age, otherwise we would lose federal funding. Is that a conflict?

Sen. Armstrong: My only answer to that is that a lot of other states do it. I am assuming "no".

Sen. Casper: The drinking age is tied to federal transportation funding, not access to a facility. That's strictly the 21 years ago for consumption.

Ch. Hogue: You are comfortable with 5,000.

Sen. Armstrong: Yes. I think the population limit on it is a good idea.

Ch. Hogue: I'm pretty sure that this is going to go through the House. It's going to need something. The people that might oppose this will be the restaurant/hospitality industry, although we know that they were split on it when they came before our committee.

Sen. Luick: I was just wondering if you have this facility out in the middle of the sticks that is monitored by an authority that is more than 5,000 people, which would be Wahpeton, in this particular case. Would they have the authority, because they go to them to get their liquor license, to determine whether that establishment would work or not.

Ch. Hogue: The bill, with amendments, is still going to have these requirements and if we adopted your amendment, it would be until 10:00 pm as opposed to 9:00 pm. It is going to put this in the hands of the licensing authority.

Sen. Armstrong: My amendment is going to have an additional requirement. All this will stay in place; it will just have an additional requirement that you have to get approval from your local licensing authority. My question is, is that a city license or not a county license. If you are outside of the extra-territorial zone of the city, typically the license is issued from the county and not the city. Which would mean that population wouldn't be an issue.

Sen. Grabinger: In Jamestown, even those in the extra-territorial limit are governed by the county, not the city when it comes to licensing for liquor establishments.

Sen. Luick: I think it gets back to the fact that if there is someone that is abusing the situation, the local people have the authority to rein them in.

Sen. Armstrong: I agree with Sen. Nelson that we probably don't need the population limit, and I agree with the Chairman, that I would really like something like this bill for the small communities. But if putting in a population maximum gets it through the Senate that will be great.

Sen. Grabinger: Maybe they will have their argument over the number of people for the community.

Ch. Hogue: It sounds like we are in support of Sen. Armstrong's amendments. We're going to change it to 10:00 pm and put a 5,000 population, so we can't finish this today.

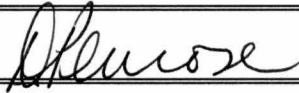
2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2333
2/11/2015
24215

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Minutes:

1

Ch. Hogue: We will take up SB 2333.

Sen. Armstrong: As we spoke yesterday, the amendment is pretty simple (explained the amendments, see attached 1) 15.0839.03001.

Sen. Grabinger: I move amendment 15.0839.03001.

Sen. Nelson: Second the motion.

Ch. Hogue: We will take a voice vote. Motion carried. We now have the bill before us as amended.

Sen. Armstrong: I move a Do Pass as amended.

Sen. Grabinger: Second the motion.

6 YES 0 NO 0 ABSENT DO PASS AS AMENDED

CARRIER: Sen. Armstrong

February 10, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2333

TV
2/11/15

Page 1, line 23, remove "and"

Page 1, line 24, replace "nine" with "ten"

Page 1, line 24, after "p.m." insert "; and

- e. The owner of the licensed premises receives permission of the local licensing authority for individuals to be in the premises as allowed under this section and the licensed premises is located in a city with a population of five thousand or fewer people, or the licensed premises is not located in a city.

Renumber accordingly

Date: 2/11/15
Voice Vote # 1

2015 SENATE STANDING COMMITTEE
VOICE VOTE
BILL/RESOLUTION NO. 2333

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 15.0839.03001

Recommendation: ☒ Adopt Amendment

☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation

☐ As Amended ☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Seconded By

Motion Made By Sen Grabinger Sen. Nelson

Senators	Yes	No	Senators	Yes	No
Ch. Hogue			Sen. Grabinger		
Sen. Armstrong			Sen. C. Nelson		
Sen. Casper					
Sen. Luick					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice Vote- Motion Carried.

Date: 2-11-15

Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTE

BILL/RESOLUTION NO. 2333

Senate

JUDICIARY

Committee

☐ Subcommittee

Amendment LC# or Description: 15.0839-03001 04000

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. Armstrong Seconded By Sen. Grabinger

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong	✓		Sen. C. Nelson	✓	
Sen. Casper	✓				
Sen. Luick	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Armstrong

REPORT OF STANDING COMMITTEE

SB 2333: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Sixth order on the calendar.

Page 1, line 23, remove "and"

Page 1, line 24, replace "nine" with "ten"

Page 1, line 24, after "p.m." insert "; and

- e. The owner of the licensed premises receives permission of the local licensing authority for individuals to be in the premises as allowed under this section and the licensed premises is located in a city with a population of five thousand or fewer people, or the licensed premises is not located in a city."

Renumber accordingly

2015 HOUSE JUDICIARY

SB 2333

2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2333
3/16/2015
24887

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to individuals under 21 years of age allowed in alcoholic beverage establishments.

Minutes:

Handout #1, email #2

Chairman K. Koppelman: Opened the hearing on SB 2333.

Senator Armstrong: Introduced the bill. You have to be with a parent or guardian. Each community can make a determination on their own. This is because in a small town the only place you can get a meal is in a bar. There are two places to eat a meal in Regent. The Cannonball Saloon and the Pheasant Café and it close at about midafternoon. So there is nowhere else to go if you are in Regent the Cannonball Saloon has fantastic food. When we got it was wide open in Senate judiciary and we restricted it in several ways. You have to be with a parent or guardian; it has to be before 10PM; the town has to be smaller than 5000 people and this language is permissive only. If this bill passes they still have to go to their licensing board and get permission so each community can make the determination on their own based on what kind of facility it is. We took some advice from local law enforcement in larger communities and tried to narrow the scope as much as possible. This bill is for going to dinner with your parents.

Rep. K. Hawken: When we looked at this bill before an issue was when they do switching of buses on varying spots and that was one of the rational why this bill was up. They can't even go in and wait if it is -30 degrees. Did you guys talk about that at all?

Senator Armstrong: No we didn't.

Rep. K. Hawken: Would this preclude that?

Senator Armstrong: That would go to what your legal guardian is. We tried to narrow it as much as possible. That would be what your legal guardian is in subsection a of subsection 2, but I don't understand how it would preclude any more than we have now. It is an absolute band now. I use the example of Applebee's in Dickinson has a bar and restraint and it is one room. They happen to be a franchise with numerous attorneys who

can get the language right to be sure they really require it. There is no barrier in this bar at all.

Chairman K. Koppelman: I cannot imagine anyone prosecuting someone warm up inside when it is -30 below outside.

Rep. Maragos: There should be ability, if the local organization decides if it is a safety issue.

Rep. L. Klemin: There are lots of places where it seems to put a lot of responsibility on the bar owners. On page 1, line 15 at the discretion of the owner; that must be individual case. Is that what is intended there?

Senator Armstrong: So we would pass this and I use Regent since I do spend a lot of time there. These decisions are best made at the local level.

Rep. L. Klemin: The owner must receive permission from the local licensing authority. Even if the owner has received that permission the owner still would have the discretion on an individual case to say no you can't come in here or you can or what?

Senator Armstrong: They have that discretion now for anybody.

Rep. L. Klemin: After 10PM now the owner has responsibility for kicking minors out if the clock strikes 10?

Senator Armstrong: Yes if you don't have the owner of the place buy into this it is not going to work well. They would do it to generate business.

Rep. L. Klemin: Your threshold is under 5,000 so that takes in most of the cities in ND.

Senator Armstrong: We used that number because those are the communities that don't have fast food restaurants so that is why we left this up to the local levels.

Rep. Lois Delmore: We certainly would see those communities in western ND as the population has grown but the businesses haven't been able to find employees to do some of the things to keep restaurants open etc.

Senator Armstrong: that is correct. Obviously the real small communities that would only have one place.

Chairman K. Koppelman: Most cities in ND of 5,000 that is a pretty good sized town for ND. I don't know what threshold it takes to foster a lot of eating places but most anywhere approaching that population would have more options than a bar, I would think.

Senator Armstrong: That is why we gave the permissive language to local authorities. We should allow them a way to get compliant.

Chairman K. Koppelman: Subsection 2 a; you used the word parent or guardian. Is there a reason that parent isn't there?

Senator Armstrong: We sure could add that. It should probably be in there.

Chairman K. Koppelman: You define the term guardian right after mentioning it. I don't see that in bills before. Normally definitions are at the front of the section. Is that OK?

Senator Armstrong: In Century Code we will take a word that is generally defined and define it specifically for a particular session. It was about being with your family and going to get a burger in small town ND.

Chairman K. Koppelman: Is the coach and bus driver would you consider them guardians then?

Senator Armstrong: Yes I would say if you are driving from A to Z the coach would be the guardian. You could see it another way; we are playing here and we are coming home; it is a Monday night and there is not going to be anybody in the place and it is the best place to stop so I need written permission from every parent saying that we can eat there otherwise we are not going to get a meal on the way.

Rep. Brabandt: Name a town in ND that is on the border of 5,000?

Senator Armstrong: We don't have a lot of them so that is why we picked the higher number of 5,000. We just picked a number that excluded all the major municipalities in ND where we didn't think this was appropriate legislation because there are so many places to eat.

Chairman K. Koppelman: Is it needed in Ruby?

Senator Armstrong: Let them decide at the local level.

Rep. P. Anderson: Even in Rugby you might have a local cafe that closes at 6 PM. You might have a dairy queen that closes at 5 or 6 so there really isn't any place to eat past six except the bar.

Senator Armstrong: I have been in a lot of these small town bars. They set up more like a bar restaurant better than Applebee's in Dickinson. They have a side room removed from the saloon. That is a lot more separated than a lot of places that have managed to meet this requirement because they have high top counters on the low and low top tables on the top.

Chairman K. Koppelman: That describes my hometown.

Vice Chairman Karls: I am thinking of my home town that has a church or bar. Are they going to be pressured now to serve more food? They have gaming in that bar so if they serve a certain percentage of food there is something tied to being allowed to have gaming and how much you earn from alcohol and how much you earn from food.

Senator Armstrong: The hot stuff pizza would not qualify under this. They have to have a kitchen and a grill. Regard to the gaming; to be honest if this passes there will be gaming facilities that qualify. The bar pizza's don't qualify. You have to be in the business of serving food.

Opposition:

Tom Volk, private citizen: I provided an email on this. My concern is that you are allowing minors into a bar. (Mike not on)

Rep. Maragos: Are you aware that this law is in existence in SD. (mike not on)

Tom Volk: (mike not on) (Handout #1)

Rep. Maragos: This is now encouraging drinking or gambling. It is allowing you to eat. In Applebee's if a restaurant

Tom Volk: I am originally from Ray, ND. (Mike not on)

Rep. K. Wallman: Does it say in this study that allowing minors into bars increases uses because of access?

Tom Volk: I was actually a bartender and I did just (mike not on)

Rep. Maragos: (mike not on)

Tom Volk: (mike not on)

Rep. Maragos: (mike not on) You have been in Applebee's and they have access to minors.

Neutral:

Ruddy Martinson, Director of Hospitality Association: No position on this bill. (Mike not on)

Rep. Karls: What is the demarcation between the amounts of alcohol served versus food served versus charitable gaming allowed in bars?

Ruddy Martinson: Bismarck issues restaurant licenses to 50% has to be food. (Mike not on)

Rep. Brabandt: Do you see any changes you would propose to this bill?

Ruddy Martinson: I think what the Senate did is pretty good. In 2011 it did not have the local piece. I like that piece.(mike not on)

Rep. G. Paur: In my area there is a local bar that has a grill and serves a large diner to a large number of people and then it shuts down at 2PM. This is aimed at evening meals. Do you think that bar would still fit the criteria?

Ruddy Martinson: (mike not on)

Chairman K. Koppelman: What are the restrictions with respect to gaming establishments versus alcohol serving in terms of access to people?

Ruddy Martinson: That is the same. There are some provisions for a bingo hall I don't believe you have to be 21. (Mike not on)

Chairman K. Koppelman: Why is it you are deadlocked on this?

Ruddy Martinson: There is an urban versus rural on this. (Mike not on)

Chairman K. Koppelman: Mr. Volk testified even as a bartender he sees problem with this.

Ruddy Martinson: Some of them do. (Mike not on)

Chairman K. Koppelman: Do you also have members that feel that kids should not be there even if they do serve food to patrons even if they are in a small town in ND. If this was passed and they did this and a competitor across the street felt pressured to do this even if it was against their better judgment.

Ruddy Martinson: I think every market is different. (Mike not on)

Rep. L. Klemin: I think there are some areas in this bill that leave the bar owner open for a Class A misdemeanor. It could be some minor still in the bar after 10PM. Maybe some of your members don't like this has a lot of vague things in it. It could result in them being held guilty of a Class A misdemeanor.

Laura Anderson, Dept. of Human Services: I am here in Pam Sadness's place since she is out ill. (Email from Pamela Sagness #2)

Rep. Lois Delmore: A lot of focus especially with young people should be watching role models that drink responsibly be it at a home or if they are setting in Applebee's watching people or whatever. Are there any studies that show this? When we look at European counties they don't seem to have the problems we do with teen agers drinking because they are allowed to have a glass of wine. Do you have any studies that show there can be a positive effect?

Laura Anderson: I don't have that information on me but I can get that information to your committee.

Chairman K. Koppelman: This seems to be the same study as Mr. Volk mentioned in his email.

Hearing closed.

2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

SB 2333
3/31/2015
25637

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Minutes:

Chairman K. Koppelman: Reopened the meeting on SB 2333. This is the bill that deals with minors being allowed under some circumstances in establishments that serve alcohol. I have a suggestion. On Line 17 I think it should read parent or guardian.

Rep. Anderson: Moves that on Line 17 between the words "a" and "guardian," add the words "parent or".

Rep. Delmore: Seconded the motion.

Voice vote. Motion carries.

Rep. Delmore: Once upon a time we looked at Line 21--the individuals in the premises to consume a meal or in an emergency situation. I will move that.

Rep. Maragos: Seconded the motion.

Voice vote. Motion carries.

Chairman K. Koppelman: On Line 3, Page 2, in a city with a population of 5,000 or fewer. In North Dakota, 5,000 is still a pretty good size town.

Rep. Klemin: There are only about 10 cities that are bigger than that. That was a concern of mine too.

Rep. Anderson: I move we amend to 2,500. In a city of 2,500 it would probably be more likely that the bar might be one of the few eating places available.

Rep. Klemin: We are talking about an emergency too.

Rep. Wallman: If I understood the intentions of the bill, it was for the cities that only had one place to eat. What if you said that--cities in North Dakota that only have one eating establishment.

Rep. Klemin: Getting away from the population. On Page 1, Line 18, I move we replace "a" with "the".

Rep. Maragos: Seconded the motion.

Rep. Hawken: We did talk at length about the places to eat, and I get that. I think originally one of the other reasons was so there was a place they could stand inside to get picked up by another bus, and I don't know that this addresses that at this moment.

Chairman K. Koppelman: Rep. Delmore's amendment on Line 21 we did say "or in an emergency situation".

Rep. Hawken: Would that count?

Chairman K. Koppelman: I don't think it would care for the casual situation where you just want to go somewhere, but I think it would care for it is cold outside, it is the middle of winter.

Rep. Hawken: Cold would be?

Chairman K. Koppelman: I think so.

Rep. Paur: I think in a lot of these medium-sized towns, they may have two or three restaurants, but most of the time they close at 3:00. I think we can stay up in size and not affect the intent of the bill.

Chairman K. Koppelman: I do have a concern about the population issue, but I will leave that to the committee if you want to make a motion.

Rep. Klemin: I would like to discuss that issue a little more, but I would like to take care of this motion.

Chairman K. Koppelman: The Klemin motion is to replace the word "a" at the end of Line 18 with the word "the". We had a second by Rep. Maragos, and we have had discussion.

Voice vote. Motion carries.

Rep. Klemin: The whole idea of this bill was not that we have someplace to go because we are stranded or not because we have someplace to go because we want to get picked up. It is so that a person under 21 can go out to dinner with his parent or guardian and there may be alcohol served there. I don't like this bill at all.

Chairman K. Koppelman: Rep. Anderson did make a motion that we change the 5,000 to 2,500. Is there a second?

Rep. Paur: Seconded the motion.

Rep. Klemin: I think that is too many people. I am going to vote against the motion on the grounds that it is still too high.

Rep. Brabandt: 2,500 is too high. I would like to see about 1,500.

Voice vote. The chair is in doubt.

A roll call vote was taken. 7 Yeas, 6 Nays, 0 Absent. Motion carries.

Rep. Klemin: Moved to amend the population to 1,500.

Rep. Brabandt: Seconded the motion.

Chairman K. Koppelman: I suspect in the western part of the state that we would be adding a few, but in the central and east part of the state, I think a lot of the towns that use to be 1,500 or 2,000 are now 600-800.

Rep. Delmore: One of the things that Senator Armstrong made a case for is that in some of the towns in western North Dakota even though they are a little larger, there is not a workforce there to work the restaurant, so if it is later at night, the only place open might be a bar.

Chairman K. Koppelman: That leads to the question of if you support the bill, what do you really want the bill to do? Is it supposed to be a last resort kind of activity for these small towns, or is it designed to be a convenience for even the towns that are a little bit larger?

Rep. Anderson: As I read the bill, the bar still has to determine whether they want to follow it, and the city council has to determine whether they are even going to let the bar, to think about it.

Rep. Hawken: We only compare ourselves to other states when the person who is making the comparison wants it to be that way, but most other states _ this. The world isn't going to end if we do this.

Rep. Brabandt: I grew up in McHenry County and every city in McHenry County is less than 1,500 people.

Voice vote. Chair is in doubt.

A roll call vote was taken. 7 Yeas, 6 Nays, 0 Absent.

Rep. Maragos: Made a motion for a DO PASS AS AMENDED.

Rep. Brabandt: Seconded the motion.

Chairman K. Koppelman: I found the testimony of the bartender very compelling who said it might happen on occasion, but it just isn't the right thing to encourage kids to be in these establishments. I am struggling with that issue.

Rep. Delmore: It was also brought up that if you go into Applebees, you surround that now. We can protect our children from as many things as we can, but probably a friendlier group in a small town where everybody knows everybody anyway than in Applebees.

Chairman K. Koppelman: There is still an element as mentioned of local control and parental choice here.

A roll call vote was taken. 8 Yeas, 5 Nays, 0 Absent.

Rep. Hawken will carry the bill.

March 31, 2015

SJL
10 3/31/15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2333

Page 1, line 17, after "a" insert "parent or"

Page 1, line 18, replace "a" with "the"

Page 1, line 21, replace the first "in" with "on"

Page 1, line 21, after "meal" insert "or in an emergency situation"

Page 1, line 24, replace "in" with "on"

Page 2, line 2, replace "in" with "on"

Page 2, line 3, replace "five" with "one"

Page 2, line 3, after "thousand" insert "five hundred"

Renumber accordingly

Date: 3-31-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2333

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Anderson Seconded By Rep. Delmore

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Line 17 between the words a & guardian,
add the words parent or

Date: 3-31-15
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 5B2333

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Dalmon Seconded By Rep. Maragos

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Line 21 after meal we add or in an emergency situation

Date: 3-31-15
Roll Call Vote #: 3

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 582333

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: Klemin Motion

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Klemin Seconded By Rep. Maragos

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Item 18, a to the
Page 1

Date: 3-31-15
Roll Call Vote #: 4

2015 HOUSE STANDING COMMITTEE

ROLL CALL VOTES
BILL/RESOLUTION NO. SB2333

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: Anderson

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Anderson Seconded By Rep. Powers

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	✓		Rep. Pamela Anderson	✓	
Vice Chairman Karls		✓	Rep. Delmore	✓	
Rep. Brabandt		✓	Rep. K. Wallman		✓
Rep. Hawken	✓				
Rep. Mary Johnson	✓				
Rep. Klemin		✓			
Rep. Kretschmar		✓			
Rep. D. Larson		✓			
Rep. Maragos	✓				
Rep. Paur	✓				

Total (Yes) 7 No 6

Absent 0

Floor Assignment

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

Ground it to: P92, line 3 -
5,000 to
2,500

Date: 3-31-15
Roll Call Vote #: 5

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES 5B
BILL/RESOLUTION NO. 2333

House JUDICIARY Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: Population Change.

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Klemin Seconded By Rep. Brabandt

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	✓		Rep. Pamela Anderson		✓
Vice Chairman Karls	✓		Rep. Delmore		✓
Rep. Brabandt	✓		Rep. K. Wallman	✓	
Rep. Hawken		✓			
Rep. Mary Johnson	✓				
Rep. Klemin	✓				
Rep. Kretschmar		✓			
Rep. D. Larson	✓				
Rep. Maragos		✓			
Rep. Paur		✓			

Total (Yes) 7 No 6

Absent 0

Floor Assignment _____

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

2,500 to 1500

Date: 3-31-13
Roll Call Vote #: 6

2015 HOUSE STANDING COMMITTEE

ROLL CALL VOTES

BILL/RESOLUTION NO. SB2333

House JUDICIARY

Committee

☐ Subcommittee

☐ Conference Committee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment

☒ Do Pass

☐ Do Not Pass

☐ Without Committee Recommendation

☒ As Amended

☐ Rerefer to Appropriations

Other Actions:

☐ Reconsider

☐ _____

Motion Made By

Rep. Maragos

Seconded By

Rep. Barboni

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman		✓	Rep. Pamela Anderson	✓	
Vice Chairman Karls		✓	Rep. Delmore	✓	
Rep. Brabandt	✓		Rep. K. Wallman		✓
Rep. Hawken	✓				
Rep. Mary Johnson	✓				
Rep. Klemin		✓			
Rep. Kretschmar	✓				
Rep. D. Larson		✓			
Rep. Maragos	✓				
Rep. Paur	✓				

Total (Yes) 8 No 5

Absent 0

Floor Assignment

Rep. Hawken

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

REPORT OF STANDING COMMITTEE

SB 2333, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2333
was placed on the Sixth order on the calendar.

Page 1, line 17, after "a" insert "parent or"

Page 1, line 18, replace "a" with "the"

Page 1, line 21, replace the first "in" with "on"

Page 1, line 21, after "meal" insert "or in an emergency situation"

Page 1, line 24, replace "in" with "on"

Page 2, line 2, replace "in" with "on"

Page 2, line 3, replace "five" with "one"

Page 2, line 3, after "thousand" insert "five hundred"

Renumber accordingly

2015 CONFERENCE COMMITTEE

SB 2333

2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2333
4/10/2015
26001

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature



Minutes:

1,2

Sen. Casper: Called the meeting to order. All members present. Let's recap the issue; the size of the city. We had set the number at 5,000; from a policy perspective our thinking was that it was good to allow the cities to be able to make a decision for themselves, whether this is something they want to move forward this. We were trying to give the smaller communities in the state, a vast majority of them, the ability to set their own rules where we think there is a potential need. The 5,000 limit passed through the Senate and I see it was amended down to 1,500 in the House. Why was it reduced to 1,500; when I look at the list of cities, it seems to add another 20 cities or so to the list.

Rep. Karls: We heard testimony from Pam Sagness about the binge drinking issue that we have with our young people and the concerns there (see attached #1,2). Our discussion about the population, in looking at the list, the cities by population, and 5,000 would only cut off the top 13, which includes Minot Air Force Base. We felt that the cities of that population and lower had many alternatives for eating establishments, not just a loan bar in a little town. We actually got it down to 1,500. At one point we were at 500 for the population; we went up a little from that.

Rep. Klemin: We had received a handout about underage drinking, drinking laws. It might be said that the family in a little city wants to go out to eat and then they are there rubbing elbows with the guys who are getting drunk at the next table. It's not a very good environment until 10:00 pm. We thought that there are other alternatives including staying home to eat your dinner. There are usually some other towns close by. With the population at 5,000 there are only a dozen cities that are over that and out of the 279 cities, that takes care of 97% of them would be covered under the 5,000 level. We thought that 1,500 would be a little better demarcation and that still includes the vast

majority of the cities in ND are 1,500 or less. Most of the other ones do have alternatives. I'm concerned about the example that is being set by having kids go to bars and sit with adults at the next table who are getting drunk while they are supposedly having dinner at 10:00 pm at night. That was our thought.

Sen. Armstrong: I think it is important to note that this is still only permissive language. They have to approve it locally. So those communities that have those concerns have the on the ground, in their community, licensing boards, city commission where they get to make that same pitch. Secondly, I don't personally see why it would be any different than the Applebee's in Dickinson. We have these artificial distinctions and these large chains in cities are very good at putting up a couple of brass poles to mark off the drinking area. They are completely legal and they have a bar and a restaurant. The difference is that they are a chain who has lawyers that figure out how to comply with the law vs. the Canon Ball Saloon, which also has a separate dining room. It just isn't franchised yet. By making the number lower there is nothing in this legislation that addresses what happens if when you get your permit you are under the number and three years later, your city population is over the number. So one of the reasons we picked a higher number is we actually agreed with Rep. Klemin. Those cities that are close to that 5,000 have a lot of varying places where they can go and eat.

Rep. Klemin: I think there is a big distinction between Applebee's and the bar in a local town. A bar in a local town is primarily there for drinking and Applebee's is primarily there for eating. They may have a bar area that's separated by a brass rail, but people don't sit there and drink all night. Most of the time they would also be eating in the bar area. People go there and eat and have a drink and leave. I've been in a lot of local bars where people are falling off the stools. That doesn't happen in your typical Applebee's. I think there is a distinction there. North Dakota is pretty well known for having a problem with youth drinking. I think that allowing this certainly to the extent of 5,000 is just going to exacerbate the situation. It's certainly not according with the best practices for preventing youth access to alcohol. Right next to me is someone who is getting sloshed and setting a bad example for my kids. I don't like the bill to start with, and it did fail in the House two sessions ago for good reason. I am willing to go along with this if there is a reasonable population limit set. But allowing this to be done in 97% of the towns in ND is not something I could agree with.

Sen. Grabinger: In many of these communities this is a place to go and eat. It's the only place. I grew up in a very small town where the only thing in town

was the bar. If I wanted a candy bar I had to go to the bar and get it. Every time I walked in there I was breaking the law. They were breaking the law selling to me, but that was the only place in town and that's the idea behind this. If I wanted a hamburger, that's where I went and got a hamburger. I couldn't drive to Jamestown, 16 miles away to get a hamburger. I went to the bar and got a hamburger. Like Sen. Armstrong said, we wanted to put this in the hands of the local communities to make those decisions. They are already making the decision whether they are going to allow a license for drinking, whether they are going to allow it on Sunday, they make all those decisions. We felt this was a decision they can make too; whether or not it was needed in this area or this community as far as the drinking next to somebody. I understand the problems with underage and binge drinking in our state. I don't think I have a problem because I grew up with that. I have to agree with Sen. Armstrong, we have Applebee's, TGIF, restaurant with bar right there. My wife and my daughter sitting here and there is somebody on the other side of this post; drinking and getting sloshed. That's just the nature of the businesses; it's okay for some but we're going to say not for others. I think we leave that we leave that up to the locals to decide that. That's my position.

Rep. Wallman: I voted against the bill because I think the data is pretty clear that the more kids are exposed to that, the more likely they are to do it. Some say that in European countries you can bring your kids to the Pub. They have terrible drinking problems there. It's not something to hold up and say look how great they are a doing at this. Pam brought really good information and I don't know if the Senate side got it. More kids who are exposed to that are more likely to be drinkers themselves. I take my kids to Applebee's, a restaurant that is also a bar; but we actually ask to sit far away from it. I don't want to expose my children to people who are being obnoxious and binge drinking. There is a choice there. A bar is a bar; you can't get away from it. The issue I have with it is that we don't make the law for the people that are going to do the right thing. We have to set a minimum so that the people who will abuse it are less likely to do that. I'm all for local control. If you have a small town it's in the bar's best interest to allow that because there is more business. If a person can't leave their children at home and they want to go and sit at the bar, or drink for three hours and bring their kids and put a grilled cheese in front of them, they can do that. At the very minimum I think 1,500 is reasonable. I don't like the bill altogether but I think it's a good compromise because as Rep. Klemin said, that covers 97% of the cities and towns in ND; I mean if that's the true thrust of the bill I don't see what that's not enough.

Rep. Klemin: I think the issue is the population size. Five thousand was not acceptable to the House, but 1,500 wasn't acceptable to the Senate. If we look at the list Rep. Karls had obtained from the League of Cities, the 1,500 line is drawn right below #36 on the list and the list goes to over 200+ and some because there are many cities are in the same population when you get to the low numbers. If it's not 1,500 or 5,000, what is the number?

Sen. Casper: What about 2,500 and 9:00 pm instead of 10:00 pm.

Rep. Klemin: Looking at the list, 2,500 would add six more cities that are not included. If we went down to 2,000 - that would be 27 cities that are not included out of the 370. How about 2,000.

Sen. Grabinger: I'd rather not mess with it for that. I move that the Senate accede to House amendments.

Rep. Klemin: Second the motion.

6 YES 0 NO 0 ABSENT

SENATE ACCEDE TO HOUSE AMENDMENTS

CARRIER: Sen. Armstrong:

CARRIER: Rep. Karls

Conference Committee on SB 2332 is dissolve.

Date: 4/10/15
Roll Call Vote #: 1

2015 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2333 as (re) engrossed

Senate Judiciary Committee

- Action Taken ☒ **SENATE accede to House Amendments**
☐ **SENATE accede to House Amendments and further amend**
☐ **HOUSE recede from House amendments**
☐ **HOUSE recede from House amendments and amend as follows**

☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Grabinger Seconded by: Rep. Klemm

Senators	4/10			Yes	No	Representatives	4/10			Yes	No
<u>Sen. Casper</u>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<u>Reps. Karls</u>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
<u>Armstrong</u>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<u>Klemm</u>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
<u>Grabinger</u>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<u>Wallman</u>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Total Senate Vote						Total Rep. Vote					

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Sen. Armstrong House Carrier Rep. Karls

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted: _____

Statement of purpose of amendment: _____

REPORT OF CONFERENCE COMMITTEE

SB 2333, as engrossed: Your conference committee (Sens. Casper, Armstrong, Grabinger and Reps. Karls, Klemin, Wallman) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1140 and place SB 2333 on the Seventh order.

Engrossed SB 2333 was placed on the Seventh order of business on the calendar.

2015 TESTIMONY

SB 2333

SB 2333

Wednesday, February 4, 2015 - 9:15 am
Senate Judiciary Committee

Chairman Hogue, members of the Committee - for the record, I'm Erin Oban, Senator from District 35 here in the middle of Bismarck. I'm with you this morning to introduce SB 2333, bill language quite similar to that which was introduced as a House bill in 2011, passed that chamber, and ran into a roadblock in the Senate.

I say this only to remind or inform the committee that this isn't a new concept, but one that perhaps deserves revisiting again after a request from a constituent to sponsor this legislation.

Some of the language I included in drafting SB 2333 was chosen as a compromise with opposing views to these previous efforts.

As proposed, SB 2333 would essentially give permission to - not require - the owner of any bar that serves tabletop food prepared in a kitchen (which would exclude locations that only fancy themselves with a pizza or microwave oven) to allow minors on the premises...

- Only until 9:00 pm;
- If the minor is accompanied by a guardian, which we defined in a way that was meant to include people like parents and grandparents but exclude, for example, older siblings, friends, or a 21-year-old boyfriend from bringing his 20-year-old girlfriend in the bar with him; and
- The minor is there to eat a meal.

This bill would not force anyone to allow kids in their establishments. Should bar owners who DO choose to open their doors to those under the age of 21, this bill would allow families to make the decision whether or not they bring their children in.

While I don't feel this bill will have much, if any, impact on the establishments within my own district, I did grow up in a small town and waited tables for many years in a local restaurant/bar, so I understand the opportunity this would provide to many of our smaller, more rural communities.

As a side note, I know there are plenty of states that use this permissive language, including our neighboring states to the east and west, but I failed in my attempts to get a full list of states with similar legislation prior to this hearing. Should I obtain that list in the coming days, I'll be sure to bring it forward to the committee for discussion.

Mr. Chairman, members of the committee, this concludes my brief testimony in support of SB 2333. I know my constituent is here to testify as well, but I'd be happy to answer any questions you might have for me at this time.

February 10, 2015

#1
2-11-15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2333

Page 1, line 23, remove "and"

Page 1, line 24, replace "nine" with "ten"

Page 1, line 24, after "p.m." insert "; and

- e. The owner of the licensed premises receives permission of the local licensing authority for individuals to be in the premises as allowed under this section and the licensed premises is located in a city with a population of five thousand or fewer people, or the licensed premises is not located in a city.

Renumber accordingly

#1

5B2333

3-11-15



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Regulatory Strategies for Preventing Youth Access to Alcohol: BEST PRACTICES

Prepared by

Pacific Institute

FOR RESEARCH AND EVALUATION

In support of the

**OJJDP Enforcing Underage
Drinking Laws Program**

Best Practices

Each section of the guide includes “best practice” recommendations. By scanning the best practices, a State or community can identify gaps and areas for improvement, as well as strengths upon which effective enforcement campaigns can be built.

Following are the best practices for each regulatory category.

Commercial Availability

BEST PRACTICE #1: Ban commercial sales and gifts to minors.

Prohibit all commercial sales, gifts, or other methods of furnishing alcohol to minors without exception, and provide vendors an affirmative defense regarding apparently valid, but false, identification.

BEST PRACTICE #2: Restrict the location of alcohol outlets.

Limit the number of outlets that can be licensed within a given area; that is, limit outlet density.

BEST PRACTICE #3: Restrict alcohol sales at community events.

Strictly limit alcohol sales and alcohol industry sponsorships at youth- and family-oriented community events; impose strict conditions designed to reduce youth access at special events where alcohol is sold.

BEST PRACTICE #4: Restrict the age of alcohol servers and sellers.

Require that all retail alcohol outlet employees who are engaged in the sale or service of alcohol be at least 21 years of age.

BEST PRACTICE #5: Restrict minors' access to bars and nightclubs.

Prohibit minors from entering bars and nightclubs, which should be clearly distinguished from restaurants.

BEST PRACTICE #6: Regulate home delivery and Internet/ mail-order sales.

Prohibit home delivery of alcohol, and either prohibit or strictly regulate Internet/mail-order alcohol sales.

BEST PRACTICE #7: Mandate responsible beverage service programs.

Initiate, and over time, mandate communitywide responsible beverage service programs designed in conjunction with compliance checks and other policy interventions.

BEST PRACTICE #8: Carry out compliance check programs.

Institute comprehensive compliance check programs that are ongoing and communitywide; include a media advocacy component, and follow strict guidelines to ensure fairness.

BEST PRACTICE #9: Impose appropriate penalties for commercial violations.

Impose strict administrative penalties on retail licensees for violations of sales-to-minors laws, which increase with severity for repeated offenses. Complement administrative penalties in serious cases by permitting civil liability lawsuits against licensees based on common law negligence principles and by imposing criminal sanctions.

Social/Public Availability

BEST PRACTICE #10: Restrict noncommercial furnishing of alcohol to minors.

Prohibit any person from furnishing alcohol to a minor, with very few exceptions.

BEST PRACTICE #11: Implement beer keg registration.

Enact beer keg registration laws that apply to beer containers of 4 gallons or larger; require a minimum \$50 deposit and technology that deters identification tag removal.

BEST PRACTICE #12: Implement “shoulder-tap” enforcement programs.

Implement shoulder-tap enforcement programs to deter adult strangers from buying alcohol for minors. Programs should target problematic locales. Instruct retailers regarding their role in preventing shoulder tapping; if the practice continues repeatedly outside a retail establishment and the retailer refuses to take action despite instruction and warning, utilize public nuisance regulations to impose sanctions.

BEST PRACTICE #13: Implement teen party ordinances.

Prohibit teen drinking parties at private residences, and impose fines and fees on homeowners or renters for law enforcement services.

BEST PRACTICE #14: Restrict and monitor teen parties at motels and hotels.

Develop community programs to ensure that teen parties do not occur in hotels and motels; if minibars are permitted, the establishments should be required to strictly monitor their use by young people.

BEST PRACTICE #15: Establish alcohol restrictions in public locations.

Prohibit or strictly limit alcohol consumption and open containers in unsupervised public locations such as beaches, parks, parking lots, and recreation facilities. Require hosts who serve alcohol at private functions in these venues to obtain permits that include responsible beverage service guidelines and a refundable deposit to cover any enforcement costs.

BEST PRACTICE #16: Apply appropriate penalties to illegal transactions in noncommercial settings.

Impose civil penalties where applicable; impose a range of criminal penalties and civil liability, either separately or in addition to applicable civil penalties. To increase the penalties’ deterrent effects, establish streamlined procedures for imposing sanctions in cases that do not involve serious community disruption, large teen parties, or bodily injury.

Minors in Possession of Alcohol

BEST PRACTICE #17: Ban possession by minors in public and private locations.

Prohibit possession by minors (unless incidental to employment) in public and private locations, with a possible exception in private residences when a parent or spouse is present.

BEST PRACTICE #18: Implement and enforce zero-tolerance laws.

Prohibit minors with any measurable blood alcohol level from driving a motor vehicle; authorize immediate seizure of the young offender’s drivers license at the scene of arrest as part of an administrative license revocation procedure.

BEST PRACTICE #19: Ban false identification.

Prohibit the production, distribution, possession, and use of false identification.

BEST PRACTICE #20: Apply appropriate penalties to minors in possession.

Impose administrative license revocation and other administrative and civil penalties where applicable, for violations of zero-tolerance laws. Establish streamlined criminal procedures, and experiment with nontraditional forms of punishment. In more serious cases, impose criminal penalties applicable to the crimes committed as a result of youth possession and purchase. Resist proposals to increase the severity of criminal penalties for youth possession or purchase not associated with other crimes.

Some communities use methods other than designating a cordoned-off area to prevent sales to minors at community events. These include issuing wristbands to people over 21 to indicate that they can buy alcohol. Such strategies are easily subverted. Restricting access to the area where alcohol is sold is the most effective means of reducing access to alcohol by minors at community events.

Regulations for Serving and Selling Practices

Age of Server and Seller

States impose varying limits on the minimum age of employees working in commercial alcohol outlets, with many States distinguishing between those who serve alcohol (e.g., bartenders and waitresses in on-premise establishments) and those who sell it (e.g., clerks in off-premise establishments). Virginia and North Carolina impose no age limit for off-premise employees but set a minimum age of 18 (Virginia) and 21 (North Carolina) for alcohol servers.

Minimum ages vary from 16 to 21 years of age in other States, with the large majority designating 18 as the minimum age for either sales or service. Some States, including California, allow 18-year-olds to sell alcohol, provided they are continuously supervised by someone over age 21. Other States distinguish between bartenders and grocery store employees (National Alcohol Beverage Control Association [NABCA], 1998). In most States, the age limits do not apply to employees who are not engaged in selling or serving alcohol.

Research confirms the observations of many people involved in enforcing laws prohibiting sales to minors and implementing responsible beverage service programs: underage sellers and servers have a greater difficulty refusing sales to underage buyers because they are more likely to misjudge the customer's age, make exceptions for friends and acquaintances, and respond to peer pressure (Forster et al., 1994; Inspector General, 1991; Mosher, 1991; Wagenaar et al., 1993; Wolfson, Wagenaar, & Hornseth, 1995).

BEST PRACTICE 4

Restrict the age of alcohol servers and sellers.

Require that all retail alcohol outlet employees who are engaged in the sale or service of alcohol be at least 21 years of age.

Unfortunately, economic interests, particularly those of the restaurant industry, are lobbying for legislation to ease server and seller age limits. New Mexico, for example, lowered its age limit from 21 to 19 (except for bartenders) in March 1999 as a means to create jobs for young people (*Alcoholic Beverage Control*, 1999). This lobbying effort is occurring despite a recent national survey that found that nearly 80 percent of respondents favor laws that require all servers and sellers to be at least 21 years old (Harwood, Wagenaar, & Zander, 1998).

Restrictions on Minors' Access to Public Drinking Establishments

State and local regulations vary widely in the extent to which they permit minors to enter on-sale retail alcohol outlets (Inspector General, 1991). Most States restrict minors' access to bars and nightclubs and allow them to enter restaurants, and some States prohibit minors from entering any licensed establishment. If the distinction between a bar and a restaurant is blurred, problems can result. California law, for example, permits minors to enter licensed restaurants, but restaurants are required only to have the *capacity* to serve meals, and many maintain bars on the premises and function more as nightclubs, particularly late at night (California Business & Professions Code §§ 23787, 25665).

Allowing minors into drinking establishments such as bars and nightclubs is, in the words of one enforcement official, "a regulator's nightmare" (Inspector General, 1991). It creates numerous difficulties for servers, who must conduct repeated identification checks and continuously track who is actually drinking the beverages being served. If minors are barred from the establishment, age identification checks can occur primarily at the door,

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conducted by a trained employee using proper tools and lighting, thus greatly reducing the ability of minors to obtain alcohol on the premises. The restaurant exception should be applied only to bona fide restaurants that provide table service, maintain a high ratio of food to alcohol sales, and do not have a separate bar or drinking section accessible to minors.

BEST PRACTICE 5

Restrict minors' access to bars and nightclubs.

Prohibit minors from entering bars and nightclubs, which should be clearly distinguished from restaurants.

Home Delivery and Internet sales

Underage youth use home delivery services to purchase alcohol. Ten percent of 12th graders and 7% of 18- to 20-year-olds in 15 Midwestern communities reported that they obtained alcohol through delivery services in the last year. Use of delivery services was more prevalent among young males and more frequent, heavier drinkers (Fletcher et al. 2000).

As these findings suggest, home deliveries open an additional avenue for youth access to alcohol. Delivery personnel are not monitored by management, surveillance cameras, or law enforcement, so they may be less likely to inspect identification; and young people may also feel less risk of exposure or penalties for these purchases. If asked for identification, they can simply say the person ordering the alcohol is not present. Home delivery may also be one means to supply teen parties in private residences, which often involve large quantities of alcohol, including kegs.

Internet and mail-order sales raise similar concerns, and there have been numerous reports of shippers leaving alcohol addressed to children at private residences (e.g., Armstrong, 1995). Controls are even less likely in these cases, since the deliveries are being made by firms whose normal business is

not alcohol sales, thereby making them less familiar with legal requirements regarding underage sales and proper identification. No research has been published on the prevalence of young people ordering alcohol through the Internet or by mail order, however, and the risk appears smaller than that for home delivery for at least three reasons: (1) this method of purchase takes a long time (at least a week in most cases); (2) credit cards are usually required; and (3) the products being offered are more likely to be expensive.

Internet and mail-order sales have stimulated a contentious political battle, however, not only because they might increase access to minors but also because State tax agencies are concerned about lost tax revenues, and alcohol wholesalers are concerned that their markets may be undermined. The wholesalers have joined with several organizations including public health groups to form Americans for Responsible Alcohol Access (ARAA). This coalition seeks to prohibit Internet/mail-order alcohol sales, arguing that they increase alcohol access to minors (ARAA, 1999; *Kane's Beverage Week*, 1997). Small wineries, which oppose regulation, argue that restrictions violate their constitutional rights under the interstate commerce clause. They also contend that wholesalers are seeking controls not because of risks of selling to minors but because they want to maintain a monopoly on all alcohol distribution in their territories (*NBC News Online*, 1997). Congress and many State legislatures are now grappling with these conflicting economic, interstate commerce, and health agendas.

If States permit either home delivery or Internet/mail-order sales, they can reduce the risk of youth access by establishing strict procedures similar to those used in beer keg sales (see chapter 2). As a condition of sale, the deliverer should be required to fill out a form that includes the amount of alcohol being purchased, the purchaser's drivers license or State identification card number, and an affidavit signed by the purchaser confirming that he or she is

From: Sagness, Pamela T.
Sent: Tuesday, March 17, 2015 10:18 PM
To: Koppelman, Kim A.
Cc: NDLA, H JUD - Shimek, Delores
Subject: SB 2333 - Response from Department of Human Services
Attachments: YouthDrinkingRatesAndProblems.pdf; LocalAlcoholEnvironment_2013.pdf
Importance: High

Chairman Koppelman,

Below are answers to the questions asked of Laura Anderson from the Department of Human Services during the hearing for SB 2333 on Monday.

Representative Wallman asked if the UDET Best Practices Document was shared on the Senate side. It was not presented to my knowledge,

Representative Delmore had asked a question regarding whether there is a positive effect for youth to see adults model responsible alcohol use and also whether European drinking rates were lower since their drinking ages are lower. Below is a summary and resources are attached to answer this question:

- **Youth Drinking Rates and Problems** (attachment)
 - o In comparison with young people in the United States:
 - A greater percentage of young people from nearly all European countries report drinking in the past 30 days;
 - A majority of the European countries have higher intoxication rates among young people than do youth from the United States; and
 - For a majority of these European countries, a greater percentage of young people report having been intoxicated before the age of 13.

Based on this analysis, the comparison of drinking rates and alcohol-related problems among young people in the United States and in European countries does not provide support for lowering the U.S. minimum drinking age or for the implementation of programs to teach responsible drinking to young people.
- **Local Alcohol Environment** (attachment)
 - o Adolescent alcohol use and heavy drinking are related to characteristics of the local alcohol environment, including alcohol control policies, enforcement, adult drinking and bar density.
- **Journal of Studies on Alcohol and Drugs, Influence of Family Factors and Supervised Alcohol Use on Adolescent Alcohol Use and Harms: Similarities Between Youth in Different Alcohol Policy Contexts**
<http://www.jsad.com/doi/full/10.15288/jsad.2011.72.418>;
 - o According to the Journal of Studies on Alcohol and Drugs, researchers found that parental supervision of alcohol consumption has *no effect* on a teenagers ability to drink responsibly. Even more startling, allowing your teen to drink at home can actually cause them to drink *more*.

Please contact me with any further questions.

Thank you,

Pam

Pamela Sagness, LAC
Program Administrator, Substance Abuse Lead
Division of Mental Health & Substance Abuse Services

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North Dakota Cities by Population

Get a list of North Dakota cities by population. The data is from the US Census. Below are 400 North Dakota cities ranked 1 through 290. You can copy and paste this list directly into your favorite spreadsheet program. Don't you just adore lovely numbers listed nicely in columns & rows? We do!

North Dakota Cities by Population Rank	City	Population
1	Fargo	113,658
2	Bismarck	67,034
3	Grand Forks	54,932
4	Minot	46,321
5	West Fargo	29,878
6	Williston	20,850

7	Dickinson	20,826
8	Mandan	19,887
9	Jamestown	15,440
10	Wahpeton	7,853
11	Devils Lake	7,256
12	Valley City	6,699
13	Minot AFB	5,774
<hr/>		
14	Grafton	4,324
15	Beulah	3,304
16	Watford City	3,284
17	Lincoln	3,099
18	Rugby	2,939
19	Horace	2,543
20	Casselton	2,491
21	Grand Forks AFB	2,432
22	Hazen	2,404
23	New Town	2,363
24	Bottineau	2,341
25	Lisbon	2,172
26	Carrington	2,075
27	Stanley	2,060
28	Mayville	1,905
29	Belcourt	1,851
30	Oakes	1,843

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31	Langdon	1,829
32	Harvey	1,789
33	Bowman	1,668
34	Hillsboro	1,609
35	Tioga	1,565
36	Garrison	1,552
37	New Rockford	1,399
38	Park River	1,390
39	Larimore	1,385
40	Ellendale	1,367
41	Rolla	1,337
42	Washburn	1,324
43	Crosby and Shell Valley	1,298
44	Fort Totten	1,266
45	Cavalier	1,262
46	Velva	1,241
47	Hettinger	1,236
48	Parshall	1,216
49	Cando	1,149
50	Surrey	1,133
51	Kenmare	1,108
52	Beach	1,103
53	Linton	1,067
54	Burlington	1,051

55	<u>Thompson</u>	1,018
56	<u>Wishek</u>	987
57	<u>Belfield</u> and <u>Killdeer</u>	975
58	<u>Walhalla</u>	963
59	<u>Northwood</u>	953
60	<u>LaMoure</u>	935
61	<u>Cooperstown</u>	933
62	<u>New Salem</u>	914
63	<u>Hankinson</u>	899
64	<u>Cannon Ball</u>	889
65	<u>Enderlin</u>	888
66	<u>Mapleton</u>	853
67	<u>Mohall</u>	819
68	<u>Dunseith</u>	797
69	<u>Gwinner</u>	795
70	<u>Drayton</u>	794
71	<u>Mott</u>	787
72	<u>Hatton</u>	786
73	<u>Napoleon</u>	781
74	<u>Mandaree</u> and <u>Glen Ullin</u>	780
75	<u>Underwood</u>	775
76	<u>Ray</u>	766
77	<u>Harwood</u>	750

78	<u>Wilton</u>	732
79	<u>Ashley</u>	726
80	<u>Kindred</u>	722
81	<u>Hebron</u>	721
82	<u>Steele</u>	712
83	<u>Lakota</u>	671
84	<u>Milnor</u>	658
85	<u>Lidgerwood</u>	637
86	<u>New England</u>	632
87	<u>Elgin</u>	620
88	<u>Minto and Portland</u>	607
89	<u>Rolette</u>	605
90	<u>Turtle Lake</u>	598
91	<u>Center and Reile's Acres</u>	581
92	<u>Pembina</u>	572
93	<u>Towner</u>	566
94	<u>Edgeley</u>	561
95	<u>Richardton</u>	524
96	<u>Forman</u>	509
97	<u>Berthold</u>	485
98	<u>Green Acres</u>	484
99	<u>Four Bears Village and Argusville</u>	483
100	<u>Fessenden</u>	474

101	East Dunseith	470
102	Glenburn	453
103	Finley	437
104	Emerado	436
105	Leeds	432
106	Westhope	427
107	Wyndmere	420
108	Strasburg	402
109	Maddock	391
110	Bowbells	387
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122	Arthur	346
123	McVille	345
124	Buxton	325

125	St. Thomas and Powers Lake	321
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131	Michigan City and Carson	291
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151	Ruthville	223
152	Riverdale	222
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154	Aneta	218
155	Frontier and Wimbledon	217
156	Halliday	214
157	Fordville	209
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217	Epping and Spiritwood Lake	94
218	Glenfield	92
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222	Mountain, Verona, and Montpelier	86
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235	Hague, Pekin, and Pettibone	69
236	Ardoch and Benedict	68
237	Golva	67
238	Balta and Warwick	66
239	Embsen	65
240	Grace City and Englevale	64
241	Mantador and Sentinel Butte	63
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243	Hamilton and Souris	60
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250	Kathryn	52
251	Barney	51
252	Inkster	50
253	Nekoma, Selz, Woodworth, and Tolley	49
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256	Fredonia	45
257	Regan, Courtenay, and Clifford	44
258	Manning, Canton City, and Cathay	43
259	Voltaire and Dickey	42
260	Bathgate and Alice	41
261	Landa	40
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265	Jessie and Alsen	34
266	Brooktree Park and Luverne	31
267	Wales, Lawton, Gardena, Sibley, and Kramer	30
268	Egeland	29
269	Balfour and Antler	28
270	Ambrose, Sarles, Bucyrus, and Cayuga	27
271	Springbrook, Knox, and Elliott	25
272	York, Ludden, Haynes, and Conway	23
273	Fortuna, Sutton, and Calio	22
274	Hamberg, Amidon, and Mylo	21
275	Calvin, Leal, and Braddock	20
276	Overly	19
277	Ayr and Denhoff	17
278	Loma, Gascoyne, Spiritwood, Heil, and Leith	16
279	Bantry, Auburn, and Hannah	15

280	Blanchard and Kief	14
281	Venturia	13
282	Dahlen, Pillsbury, Hansboro, and Churchs Ferry	12
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284	Loraine, Perth, and De Lamere	9
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