

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

2190

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Deanna Hall
Operator's Signature

10/17/03
Date

2003 SENATE POLITICAL SUBDIVISIONS

SB 2190

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10/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2190

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 23, 2003

Tape Number	Side A	Side B	Meter #
1	X		5593 - End
Committee Clerk Signature			

Minutes:

CHAIRMAN COOK called the committee to order. All members (6) were in attendance

SENATOR COOK opened the hearing on SB 2190, which is a bill relating to persons under twenty-one years of age and licensed premises where alcohol beverages are sold.

SENATOR KLEIN, District 14 introduced SB 2190. The bill came to him through the North Dakota Grocers. What they want to do is allow the merchants who have a connecting alcohol sales outlet to have the opportunity to use their own people to police the industry. This bill is patterned after the Minnesota law.

Tom Woodmansee, President of North Dakota Grocers Association, spoke in support of SB 2190. (See attached testimony)

No testimony in opposition or neutral of SB 2190.

CHAIRMAN COOK closed the hearing on SB2190.

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10/17/03
Date

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Senate Political Subdivisions Committee

Bill/Resolution Number SB 2190

Hearing Date January 23, 2003

Discussion:

SENATOR COOK asked for questions.

SENATOR SYVERSON had a question on a licensed premises where beer is sold or displayed, such as the Fargo Dome or Alerus. According to the way he read this it would be breaking the law if they entered the Dome or Alerus if beer were being sold.

TeLisa Nemek said that this is explained on page 3 of the bill in 5-02-02.1

Tom Miller, Bismarck Civic Center concessions, did not have rules made on this at this point.

SENATOR SYVERSON moved a DO PASS on SB 2190

SENATOR JUDY LEE seconded the motion.

Roll Call: 6 Yes 0 No 0 Absent

SENATOR CHRISTENSON will be the carrier SB 2190.

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10/17/03
Date

Date: 1-23-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2190

Do Pass

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Syverson Seconded By Senator Judy Lee

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Christenson

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

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Deanne Hollister
Operator's Signature

10/17/03
Date

REPORT OF STANDING COMMITTEE (410)
January 23, 2003 3:06 p.m.

Module No: SR-13-1012
Carrier: Christenson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2190: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-13-1012

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Deanne Hall
Operator's Signature

10/17/03
Date

2003 HOUSE JUDICIARY

SB 2190

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Deanna Wallick
Operator's Signature

10/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2190

House Judiciary Committee

☐ Conference Committee

Hearing Date 3-10-03

Tape Number	Side A	Side B	Meter #
1	xx		13.5-22.8
Committee Clerk Signature <i>Al Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Klemin)

Chairman DeKrey: We will open the hearing on SB 2190.

Tom Woodmansee, President, ND Grocers Association: Introduced the bill, support (see attached testimony and amendments from AG's office). This bill was at the request of one of our retailers who has an off-sale liquor establishment in conjunction with his grocery store. Sen. Klein was kind enough to introduce a bill for us. We have talked to law enforcement in this particular case, Mr. Olson, they have no problem with the bill. What this simply does is make ND law available so that an independent retailer may hire or have someone under the age of 21, under the direct supervision of somebody 21 or older, attempt to purchase product in that retail store, for the sole purpose of seeing if their employees are following procedures that they are supposed to follow and card, and do the proper procedures so they do not have to deal with law enforcement. Under state law, you are allowed to do that with tobacco, but they always notify the local law enforcement authorities prior to doing this. It does not give them the authority to

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Operator's Signature *Deanna Hall*

01/17/03
Date

Page 2
House Judiciary Committee
Bill/Resolution Number SB 2190
Hearing Date 3-10-03

check anybody else's establishment, with under age people, it simply allows them to make sure their own employees are following the training that they received, in the proper procedure in checking on minors. In the amendments that were prepared by Mr. Bennett, in the legal term, he said these amendments would confirm all six of the ND Century Code, so that it would not just say a restaurant, or off-sale or on-sale liquor store. It gives us the opportunity to have ourselves self-policed so that we don't have to deal with license restrictions, violations and fines.

Chairman DeKrey: I spoke with the prime sponsor, so all the amendments do is make sure we get it clear throughout the Century Code for the section that deals with that, so that the industry can self-police itself.

Mr. Woodmansee: Yes, that's correct.

Chairman DeKrey: And they have to notify local law enforcement is they are going to do it before they do it.

Mr. Woodmansee: Yes, that's correct. They cannot go over a do it to a competitor and check on them. It only applies to their own establishment.

Chairman DeKrey: Thank you. Further testimony in support.

John Sundlie, student at BSC: I am here representing minors. I thought this bill meant that the police department was going to regulate this, which I think would probably be a better idea, because of the increase in the restrictions on tobacco, we're getting minors with the sale of tobacco, and I think that it would actually be safer to get the police department to regulate it, to keep corrupt people from being employed by honest businessmen and entrepreneurs, who would rather sell their products to people who are of age to use them by law, than people who can get them in trouble, such as minors and would also keep minors in a safer position, knowing that

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House Judiciary Committee
Bill/Resolution Number SB 2190
Hearing Date 3-10-03

there are legal consequences, by the law catching them in the act, than sometimes just by reprimand by an owner. I just think it would be better for the safety of the people my age to be policed by the police, then by somebody in a store.

Chairman DeKrey: Thank you. Any further testimony in opposition. We will close the hearing. What are the committee's wishes in regard to SB 2190.

Rep. Maragos: I move the proposed amendments to SB 2190.

Rep. Delmore: Seconded.

Chairman DeKrey: Further discussion on the amendments.

Voice vote: Carried.

Chairman DeKrey: We will hear comments from Mr. Bennett.

Bob Bennett, AG's Office: I noticed on SB 2190 after it left the Senate, that unfortunately it didn't do what I wanted it to do. In section 1, it allowed the person under 21 years of age to be in the premises, but under section 2, it did not allow the owner of the premises to allow them in, unless they had a restaurant, and there is a difference between a restaurant that serves liquor, and a bar that also serves food. Amendments were prepared and I don't know if these are the amendments I prepared for Sen. Klein. We saw problems in enforcement down the road.

Chairman DeKrey: Thank you. Further discussion on the bill as amended.

Rep. Maragos: I move a Do Pass as amended.

Rep. Boehning: Seconded.

12 YES 0 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. Wrangham

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Deanne Wall
Operator's Signature

10/17/03
Date

Bob Bennett

PROPOSED AMENDMENTS TO SENATE BILL NO. 2190

Page 1, line 10, remove "1."

Page 1, line 17, replace the underscored period with an underscored comma and immediately thereafter insert "or"

Page 1, line 18, remove "2. A person under twenty-one years of age may not"

Page 1, line 19, remove the overstrike over the comma

Page 1, line 21, after "entering" insert "who"

Page 2, line 3, remove "3."

Page 2, line 4, remove "4."

Page 2, line 12, remove "1."

Page 2, line 17, remove "2."

Page 2, line 18, remove the overstrike over "if" and remove the underscored colon

Page 2, line 19, remove "a." and "if"

Page 2, line 21, after the overstruck comma and insert "or"

Page 2, line 21, remove the overstrike over "if" and remove the underscored semicolon

Page 2, line 22, remove "b." and "if"

Page 2, line 25, replace the underscored semicolon with an underscored period and insert immediately thereafter "A person may enter and remain on the licensed premises if"

Page 2, line 26, remove "c." and "if"

Page 2, line 27, after the overstruck period remove the underscored semicolon

Page 2, line 27, after "or" insert "if"

Page 2, line 28, remove "d." and "if"

Page 3, line 1, remove "3."

Page 3, line 4, remove "4."

Renumber accordingly

2

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Operator's Signature

Deanne Bell

10/17/03

Date

Date: 3/10/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2190

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30353.0101.0200

Action Taken Do Pass as Amended

Motion Made By Rep. Maragos Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	AB				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Wrangham

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

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Deanne Hall
Operator's Signature

01/17/03
Date

REPORT OF STANDING COMMITTEE (410)
March 11, 2003 8:38 a.m.

Module No: HR-43-4419
Carrier: Wrangham
Insert LC: 30353.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2190: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2190 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "1."

Page 1, line 15, overstrike "or"

Page 1, line 17, replace the underscored period with ", or"

Page 1, line 18, remove "2. A person under twenty-one years of age may not"

Page 1, line 19, remove the overstrike over the overstruck comma

Page 1, line 21, after "~~entering~~" insert "who"

Page 2, line 3, remove "3."

Page 2, line 4, remove "4."

Page 2, line 12, remove "1."

Page 2, line 17, remove "2."

Page 2, line 18, remove the overstrike over "#" and remove the underscored colon

Page 2, line 19, remove "a. If"

Page 2, line 21, remove the overstrike over the overstruck comma and insert immediately thereafter "or", remove the overstrike over "#", and remove the underscored semicolon

Page 2, line 22, remove "b. If"

Page 2, line 25, replace the underscored semicolon with ". A person may enter and remain on the licensed premises if"

Page 2, line 26, remove "c. If"

Page 2, line 27, remove the underscored semicolon and after "or" insert "If"

Page 2, line 28, remove "d. If"

Page 3, line 1, remove "3."

Page 3, line 4, remove "4."

Renumber accordingly

2003 SENATE POLITICAL SUBDIVISIONS

CONFERENCE COMMITTEE

SB 2190

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Deanne Halliwell
Operator's Signature

10/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 2190

Senate Political Subdivisions Committee

☒ Conference Committee

Hearing Date April 1, 2003

Tape Number	Side A	Side B	Meter #
1	X		0- 532
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

SENATOR JUDY LEE called the conference committee on SB 2190 to order. All members (6) present. She asked Representative Grande to explain the amendments the house put on SB 2190. REPRESENTATIVE GRANDE said the intention of the bill is that a store owner would be able to do a sting operation themselves so they could monitor their own store employees before they were fined by the law enforcement. This is what the house thought they had done with the amendment.

SENATOR JUDY LEE said that is what the senate thought when the bill left the senate.

REPRESENTATIVE ECKRE asked if the amendments were proposed in the attorney generals office by Bob Bennett.

REPRESENTATIVE GRANDE answered yes and said that Bob Bennett from the AG's Office said that the amendment did not do what he wanted it to do. His concern being that there needs

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Dianne Hall
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10/17/03
Date

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Senate Political Subdivisions Committee
Bill/Resolution Number SB 2190
Hearing Date April 1, 2003

to be a difference between a restaurant that serves liquor and a bar that serves food. The house attached these amendments to the bill.

REPRESENTATIVE ECKRE said he can see why he wanted that in the amendment. He thinks it is a good deal.

REPRESENTATIVE GRANDE said that the intent of this bill is not that we are opening this up so that the kids get to hang out in the bar with their parents. This allows for the owner of the establishment to do some checking before they get caught by the law enforcement.

SENATOR JUDY LEE asked if there were any concerns from the senators.

SENATOR SYVERSON said he is comfortable with the amendments if the attorney generals office feels this clarifies the issue and allows them to achieve what they initially wanted to achieve.

SENATOR SYVERSON moved that the conference committee on SB 2190 accede to the house amendments.

SENATOR CHRISTENSON seconded the motion.

Roll call vote: Yes 6 No 0 Absent 0

Carrier: SENATOR CHRISTENSON

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10/17/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2190 Conference Committee

Senate Political Subdivisions Committee

☒ Conference Committee

Hearing Date April 16, 2003

Tape Number	Side A	Side B	Meter #
1	X		0 - 650
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

SENATOR JUDY LEE called the conference committee on SB 2190 to order. All members (6) present.

SENATOR JUDY LEE Bob Bennett from the attorney generals office will explain the amendment that needs to be done. There is a spot on page 2 in which restaurants needs to be changed to premises.

Bob Bennett, Attorney Generals Office, explained the amendment change. Page 2, Line 18 .

The word restaurant needs to be changed to premises.

REPRESENTATIVE GRANDE moved that the House recede from the house amendments and further amend.

REPRESENTATIVE ECKRE seconded the motion.

Roll call vote: Yes 6 No 0 Absent 0

Carrier: **SENATOR CHRISTENSON**

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Deanne Hall
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01/17/03
Date

Date: 4-1-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Political Subdivisions Committee

☒ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Senate Accede to House Amendments

Motion Made By Senator Syverson Seconded By Senator Christenson

Senators	Yes	No	Representatives	Yes	No
Senator Judy Lee	X		Rep. Betty Grande	X	
Senator Linda Christenson	X		Rep. Bruce Eckre	X	
Senator Syverson	X		Rep. Randy Boehning	X	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Christenson

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

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10/17/03
Date

REPORT OF CONFERENCE COMMITTEE (420)
April 1, 2003 12:02 p.m.

Module No: SR-58-6317

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

SB 2190: Your conference committee (Sens. J. Lee, Christenson, Syverson and Reps. Grande, Eckre, Boehning) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 770-771 and place SB 2190 on the Seventh order.

SB 2190 was placed on the Seventh order of business on the calendar.

(2) DESK, (2) COMM

Page No. 1

SR-58-6317

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Deanne Hollist
Operator's Signature

10/17/03
Date

C3
4-16-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2190

That the House recede from its amendments as printed on pages 770 and 771 of the Senate Journal and on pages 859 and 860 of the House Journal and that Senate Bill No. 2190 be amended as follows:

Page 1, line 10, remove "1."

Page 1, line 15, overstrike "or"

Page 1, line 17, replace the underscored period with "or"

Page 1, line 18, remove "2. A person under twenty-one years of age may not"

Page 1, line 19, remove the overstrike over the overstruck comma

Page 1, line 21, after "~~entering~~" insert "who"

Page 2, line 3, remove "3."

Page 2, line 4, remove "4."

Page 2, line 12, remove "1."

Page 2, line 17, remove "2."

Page 2, line 18, remove the overstrike over "if" and remove the underscored colon

Page 2, line 19, remove "a. if"

Page 2, line 21, remove the overstrike over the overstruck comma and insert immediately thereafter "or", remove the overstrike over "if", and remove the underscored semicolon

Page 2, line 22, remove "b. if"

Page 2, line 25, replace the underscored semicolon with ". A person may enter and remain on the licensed premises if"

Page 2, line 26, remove "c. if"

Page 2, line 27, remove the underscored semicolon and after "or" insert "if"

Page 2, line 28, remove "d. if" and replace "restaurant" with "licensed premises"

Page 3, line 1, remove "3."

Page 3, line 4, remove "4."

Renumber accordingly

Date: 4-16-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Political Subdivisions Committee

☒ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Recede from House Amendments and further Amend

Motion Made By Representative Grande Seconded By Rep. Eckre

Senators	Yes	No	Representatives	Yes	No
Senator Judy Lee	✓		Rep. Betty Grande	✓	
Senator Linda Christenson	✓		Rep. Bruce Eckre	✓	
Senator Syverson	✓		Rep. Randy Boehning	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Christenson

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

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Deanne Hall
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10/17/03
Date

REPORT OF CONFERENCE COMMITTEE (420)
April 17, 2003 11:03 a.m.

Module No: SR-70-7839

Insert LC: 30353.0102

REPORT OF CONFERENCE COMMITTEE

SB 2190: Your conference committee (Sens. J. Lee, Syverson, Christenson and Reps. Grande, Boehning, Eckre) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 770-771, adopt amendments as follows, and place SB 2190 on the Seventh order:

That the House recede from its amendments as printed on pages 770 and 771 of the Senate Journal and on pages 859 and 860 of the House Journal and that Senate Bill No. 2190 be amended as follows:

Page 1, line 10, remove "1."

Page 1, line 15, overstrike "or"

Page 1, line 17, replace the underscored period with "or"

Page 1, line 18, remove "2. A person under twenty-one years of age may not"

Page 1, line 19, remove the overstrike over the overstruck comma

Page 1, line 21, after "~~entering~~" insert "who"

Page 2, line 3, remove "3."

Page 2, line 4, remove "4."

Page 2, line 12, remove "1."

Page 2, line 17, remove "2."

Page 2, line 18, remove the overstrike over "if" and remove the underscored colon

Page 2, line 19, remove "a. If"

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Page 2, line 22, remove "b. If"

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Page 2, line 26, remove "c. If"

Page 2, line 27, remove the underscored semicolon and after "or" insert "if"

Page 2, line 28, remove "d. If" and replace "restaurant" with "licensed premises"

Page 3, line 1, remove "3."

Page 3, line 4, remove "4."

Renumber accordingly

SB 2190 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY

SB 2190

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Deanne Halliwell
Operator's Signature

10/17/03
Date



SB-2190

January 22, 2003

Tom Woodmansee
North Dakota Grocers Association
PO Box 758
Bismarck, North Dakota 58502

Mr. Tom Woodmansee,

As we discussed over the phone, Coborn's Incorporated conducts in-house tobacco and alcohol compliance tests using supervised under-age testers in Minnesota, where most of our stores are located. In Minnesota there are specific allowances in the statutes that give us the authority to conduct such tests. North Dakota Century Code allows us to do this for tobacco, but it is silent on the subject for alcohol, and I would like to see such an allowance written into the Century Code.

Our alcohol and tobacco compliance programs have been very effective, and our in-house testing has been a major portion of that program. In the stores where we are allowed to conduct compliance tests, we conduct an average of more than ten tests for every one test conducted by a government entity. I believe that these tests serve two purposes.

First, they greatly heighten the awareness of our employees to the problem of under-age access. We are in the stores often enough to insure that the issue stays at the top of our employees' minds. This keeps our staff from becoming relaxed in relation to the subject. We reward every cashier that handles an attempt to purchase correctly, and we take appropriate corrective action on the rare occasion that our employee makes a sale to a minor in a test situation. The follow-up insures that we get the maximum exposure for each test. We also tie a portion of our managers' bonus to the compliance of their staff.

Second, I feel that the frequency in which we conduct our tests gives us a better chance of identifying a problem quickly. There are unfortunately people out there that will always take the path that they perceive as the easiest. Sometimes we can do the training and emphasize the significance of the issue, but when confronted with a person of questionable age they still won't ask for proper identification. Some people think that it is just too much of a hassle to ask, or they are afraid that they will have to deal with an upset customer. If we hire an employee that is not initially willing to follow state law and company policy, they are much more likely to be quickly identified so that the proper correction can be made.

Our goal is to do everything that we can to keep alcohol out of the hands of minors. For us, in-house compliance tests have been very helpful at doing that. To be able to lawfully conduct alcohol compliance tests in North Dakota will help us reduce minor access to alcohol. Therefore I would like verbiage in North Dakota Century Code that specifically protects retailers and our testers if they are conducting compliance tests for alcohol. If there is anything that I can do to help create such an allowance, I would be happy to do whatever it takes.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matthew Larson", with a long horizontal line extending to the right.

Matthew Larson
Coborn's Inc. Director of Loss Prevention

1445 East Highway 23, St. Cloud, MN 56304 P.O. Box 6146, St. Cloud, MN 56302
(320) 252-4222 Fax: (320) 252-0014

5-01-08. Persons under twenty-one years of age prohibited from manufacturing, purchasing, consuming, or possessing alcoholic beverages or entering licensed premises- Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction. Except as permitted in this section and section 5-02-06, any a person under twenty-one years of age manufacturing may not manufacture or attempting attempt to manufacture alcoholic beverages, purchasing purchase or attempting attempt to purchase alcoholic beverages, consuming consume or having have recently consumed alcoholic beverages other than during a religious service, being be under the influence of alcoholic beverages, or being be in possession of alcoholic beverages, or furnishing furnish money to any person for such the purchase of ,or entering of an alcoholic beverage, or enter any licensed premises where alcoholic beverages are being sold or displayed, except a restaurant when accompanied by a parent or legal guardian, or in accordance with section 5-02-06, or if the person is a law enforcement officer or other public official entering who enters the premises in the performance of official duty, or if the person enters the premises for training, education, or research purposes under the supervision of a person twenty-one or more years of age with prior notification of the local licensing authority. A violation of this section is guilty of a class B misdemeanor. The court may, under this section, refer the person to an outpatient addiction facility licensed by the state department of human services for evaluation and appropriate counseling or treatment. The offense of consumption occurs in the county of consumption or the county where the offender is arrested.

5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty - Exceptions. Except as permitted in this section, any licensee who dispenses alcoholic beverages to a person under twenty-one years of age, or who permits such a person to remain on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person under twenty-one years of age may remain in a restaurant where alcoholic beverages are being sold if the restaurant is separated from the room in which alcoholic beverages are opened or mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which are

consumed in the dining area, or if the person is employed by the restaurant as a food waiter, food waitress, busboy, or busgirl under the direct supervision of a person twenty-one or more years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic beverages, or A person may enter and remain on the licensed premises if the person is a law enforcement officer or other public official entering who enters the premises in the performance of official duty or if the person enters the premises for training, education, or research purposes under the supervision of a person twenty-one or more years of age with prior notification of the local licensing authority. Any person under twenty-one years of age may remain in an area of a site where beer, wine, or sparkling wine is sold in accordance with the conditions of an event permit issued pursuant to section 5-02-01.1. Any person who is nineteen years of age or older but under twenty-one years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person twenty-one or more years of age, but may not be engaged in mixing, dispensing, or consuming alcoholic beverages. Any establishment where alcoholic beverages are sold may employ persons from eighteen to twenty-one years of age to work in the capacity of musicians under the direct supervision of a person twenty-one or more years of age.