

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2067

2005 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2067

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2067

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 1-27-05

Tape Number	Side A	Side B	Meter #
1	xxx		131-end
1		xxx	0-end
Committee Clerk Signature <i>Lisa VanBerkom</i>			

Minutes: **Chairman Mutch** opened the hearing on SB 2067. **Senator Nething** and **Senator Heitkamp** were absent. SB 2067 relates to the use of alcohol by a person under twenty-one years of age.

Senator J. Lee, introduced the bill.

Senator Lee passed out a handout on binge drinking submitted at the request of Senator Nething, who was absent. See attached.

Senator Lee: North Dakota is second in the country in binge drinking. Second only to Wisconsin in the percentage of the population. Binge drinking is considered to be five or more drinks on one or more occasions in the past month. We all know that binge drinking is a problem, it's a concern, it's very difficult to legislate personal behavior and that is certainly part of the problem here. As well as educating young people about the dangers of binge drinking, as you can see from the information in front of you the larger issue for young people. But there is something that we can do in making sure that the bars are not serving people during that "power hour". This bill

says that liquor could not be served to someone that they wouldn't be technically twenty-one years old until 8:00 a.m. on that day. I'm going to allow the people coming behind me to testify, to give you a much more personal story than I can do, but I will answer any questions if I can.

Bill Shaloob, North Dakota Hospitality Association, spoke in support of the bill.

Bill: The association is in favor of this bill. We have always stood for responsible drinking, as it applies to that. We have many programs dealing with designated drivers. We encourage our members to have an individual policy that in fact goes in tandem with this law. We would encourage a DO PASS on this bill.

Ann Buchanan, spoke in support of the bill. See attached testimony.

Senator Klein : Do you see any way we could try to make the bar more responsible? I think they are trying to stay within some sort of guidelines.

Ann: With my son's incident, there were six "power hours" going on that night. And Jason's group was only ten feet away from the bar itself. They should have been aware that something was going on, it was a Sunday night. And that is what I mean by making bars more responsible. More aware of what is going on at the table. Twenty-one year olds out having a party at the bar, they are going to be loud, they are going to quietly consume twenty one drinks. Jason only had fifteen drinks.

Senator Espegard : Was it at twelve o'clock that they went in the bar, or earlier?

Ann: It was right at twelve o'clock, because it was a Sunday night and bars in Moorehead are only open until one o'clock on Sunday.

Dawn Olson, spoke in support of the bill. See written testimony.

Senator Klein : Do you think there is a way to educate kids to prevent this?

Dawn: The schools need to start educating kids in seventh and eighth grade on binge drinking.

Chairman Mutch : Was there ever any legal action taken? (Ann)

Ann: There were never any charges against the bar, but I am pursuing a civil suit.

Senator Krebsbach: Do you have any ideas for the education?

Ann: My son was usually the designated driver. We educated them on not drinking and driving, but we need to educate them on binge drinking.

Dawn: As parents, remembering how we celebrated our twenty first birthday, it is so much different now.

Senator Fairfield : My fear is that if this becomes law, they will consume just as much alcohol on the evening of their birthday in three hours, instead of one.

Dawn: Promoting power hour needs to go away.

Marsha Lemke, Director of Driver's License and Traffic Safety, spoke in support of the bill.

Marsha: I just want to share with you on the education. The traffic safety division is using your federal dollars on education. I can tell you it isn't just education, but we need stiff penalties and enforcement. This is one piece of the puzzle.

Chairman Mutch : Are you working with the schools?

Marsha: Yes, we have in place a really good program in the colleges. We do also have communities around the state expanding to Richland county. They work with the schools.

Senator Krebsbach: Why do you think North Dakota's rate in binge drinking is so high?

Marsha: I don't know the answer to that. In my experience, the culture of North Dakota. It's a privilege to have a beer. The bottom line is, our culture is that it is a right of passage, not at twenty one, but at nine and ten years old.

Senator Klein: I still can't figure out how we are going to have that responsibility.

Marsha: One thing I promote that makes a difference, we knew what our kids were doing and we knew they were okay.

The committee requests the opinion of Kristen Frank, high school student in audience.

Kristen: In a way, I think kids will be kids. Even if you will move it to eight o'clock a.m., then it might be a whole day long thing. They'll just do it that night. I don't think it will change a thing, in my opinion. Even if it's the next day, they are going to do what they want to do.

Senator Espegard: What I hear you saying is the education might be the most important thing.

Kristen: I think more education in junior high age. I learned from my parents, but in school there was not a lot of drinking education. Smoking, tons, but alcohol, not.

Senator Klein : Do you think the bartenders should just keep shoving the drinks your way?

Kristen: No, I think they are liable in a way.

At this time the hearing became open to all and unknown people gave comments at will.

(Go to tape).

After brief open discussion, Chairman Mutch closed the hearing. No action was taken.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2067

Senate Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 2-01-05

Tape Number	Side A	Side B	Meter #
3	XXXX		3000-3156
Committee Clerk Signature <i>Lisa VanBerkom</i>			

Minutes: **Chairman Mutch** allowed committee discussion on SB 2067. All Senators were present. SB 2067 relates to the use of alcohol by a person under twenty-one years of age.

Senator Krebsbach moved to amend the bill by adding an emergency clause.

Senator Klein seconded.

Roll Call Vote: 7 yes. 0 no. 0 absent.

Senator Espegard moved a DO PASS AS AMENDED.

Senator Klein seconded.

Roll Call Vote: 7 yes. 0 no. 0 absent.

Carrier: Senator Heitkamp

Date: 2-1-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2067

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken move emergency clause

Motion Made By Krebsbach Seconded By Klein

Senators	Yes	No	Senators	Yes	No
Senator Mutch, Chairman	X		Senator Fairfield	X	
Senator Klein, Vice Chairman	X		Senator Heitkamp	X	
Senator Krebsbach	X				
Senator Nething	X				
Senator Espegard	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 2-1-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2067

Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do Pass As Amended

Motion Made By

Espegard

Seconded By

Klein

Senators	Yes	No	Senators	Yes	No
Senator Mutch, Chairman	X		Senator Fairfield	X	
Senator Klein, Vice Chairman	X		Senator Heitkamp	X	
Senator Krebsbach	X				
Senator Nething	X				
Senator Espegard	X				

Total (Yes)

7

No

0

Absent

0

Floor Assignment

Heitkamp

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

REPORT OF STANDING COMMITTEE

SB 2067: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Sixth order on the calendar.

Page 1, line 2, after "age" insert "; and to declare an emergency"

Page 3, after line 13, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2005 HOUSE JUDICIARY

SB 2067

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2067

House Judiciary Committee

☐ Conference Committee

Hearing Date 2/28/05

Tape Number	Side A	Side B	Meter #
1	xx		45-end
1		xx	0-22.3, 24.9-28
2	xx		30.3-38
Committee Clerk Signature <i>Raun Penrose</i>			

Minutes: 13 members present, 1 member absent (Rep. Bernstein).

Chairman DeKrey: We will open the hearing on SB 2067.

Nicki Weissman, Executive Director, ND Hospitality Association: Support (see written testimony).

Chairman DeKrey: We've already passed a bill out of the House with a power hour on it, and we've got 3:00 a.m. on their bill, and they've got 8:00 am on here, does it matter whether it is 3:00 a.m. or 8:00 a.m.

Nicki Weissman: There's no preference because the bars aren't open at that time.

Representative Boehning: In going through the bill, does it say anything in here that you're talking about consuming large amounts of alcohol. Is there anything in the bill that says how much alcohol we can consume or not consume.

Nicki Weissman: Not really. It's more or less a body weight, but when they're promoting this, it's like 21 drinks at one time.

Representative Boehning: I guess when I turned 21, back in the '80s, I never heard about the power hour until a couple of years ago. I've never practiced it, and I never saw anyone try it.

The bill doesn't say you can't drink 21 drinks in an hour or two hours.

Nicki Weissman: That has just kind of come along, it's been a bar promotion type thing, and the responsible drinking people would like to have that eliminated. It is a promotion I think.

Representative Onstad: Is it an obligation of bar owners, that they themselves be more responsible in not promoting it.

Nicki Weissman: They were, and in that part of the association we would like to see it not happen, because we do want responsible drinking and our members are for that. But there are some out there that don't.

Chairman DeKrey: Thank you. Further testimony in support.

Donna Fishbeck, ND Consortium for Substance Abuse Prevention in Higher Education:
Support (see written testimony).

Representative Maragos: What is Minnesota's law on power hour.

Donna Fishbeck: I am not aware of what MN's law is on power hour.

Representative Maragos: So you're not aware if they have even have one.

Donna Fishbeck: Yes, I'm not aware if they have one.

Representative Maragos: We could inadvertently, if they don't have a comparable law, because of that little imaginary line, would we drive these kids over to Morehead to accomplish the same thing, and make it an even worse situation probably.

Donna Fishbeck: That's a potential in terms of if they're not going to have the opportunity to do it in a local establishment, will they go to their own home. I think what this is doing, they

could go to another bar or you can do 21 power hour in their own apartment, and so forth. I think this is just one piece of the puzzle, that as you put law enforcement together, that you are trying to reduce a behavior that is potentially dangerous for them, because it is a highly done practice for those of you who haven't heard about power hour. It is something that peer pressure that you will go in. I'm not sure, but are there laws in terms of what establishment's are responsible for and are they looking out for this. I would say yes, they are working with you and making sure you are not over serving, but when 20 of my friends are purchasing drinks separately and bring them to the table, I don't know if you are able to watch that.

Representative Delmore: You seem a little harsh on an industry that I think has gone a long way in the last several years to make sure that everything from drinking, to driving, I'm just wondering where families are. It seems to me like we put a lot of stake in what an industry does such as this, because they can serve alcohol and we know what the effects are of someone having too much alcohol. Where do families fit into this, you've got some good statistics and those things, but I guess I think, our core values really do come from home.

Donna Fishbeck: I think we work with those establishments and I understand that there are server ordinances and laws in the Fargo area. We're just supporting that the one hour, when someone turns 21 and if we could make that to 8:00 am, reduce some of that behavior by not allowing them at the 12:00 to come in. I think we are working with the establishment, not necessarily working against them.

Representative Galvin: I wondered what would stop these young men or ladies, if they want to go to through this ceremony, they would just move it to the next day, would they not. I don't think this would stop them if they wanted to have that celebration.

Donna Fishbeck: I don't think this one thing is going to stop them, but as we look at prevention efforts in the last 20 years, it is a combination of strategies that you put in place. This is one of those components that you're taking away an hour opportunity for them to consume 21 drinks. For some they may go elsewhere, others will not because that opportunity isn't there. As we promote and implement other strategies within ND to change that culture, this is just one component or one of the strategies.

Chairman DeKrey: Thank you.

Sen. Joel Heitkamp: Prime sponsor of the bill, the bill comes to you as an answer. Hopefully as a piece of the answer for a situation that is occurring. Historically, I don't think the bill matters as much that it's 21, or 18 or 19, when I was 18 years old, it was legal for me living 5 miles north of SD to go to SD to drink 3-2 beer. It was legal at 19, when I was 19, to go to MN and drink anything they allowed me to drink. So I hope you don't as committee members, get wrapped up into the age of responsibility, whether that be 21 or whether that be 43. I think what we're talking about here, is the hour and it gets to what Representative Galvin just said, of what's going to stop them from doing this ceremony the next day. I would contend that it is, the fact that it is a whole day. You're not cramming what they perceive to be a whole bunch of activity into one hour, and that's where the problem lies. That's what happening. In the old days, we used to watch each other's back. You'd go out with that person on 21, and you knew they were going to go out and maybe have a little too much of a good time, but you sure didn't try to kill them. I don't think it's the bar's responsibility in every sense, because I think that any one of us could buy a shot for somebody, and get it to that person and I don't know how you can blame the bar for that. I think they have a level of responsibility to try and keep an eye on it, but I don't

think that they are solely responsible. I think the individual should be responsible for themselves. I understand that, but that's an awful tough thing to do in a world of peer pressure. It's gotten to be that. So really the bill comes at you as a way of saying, look let's just take a clean look at this, you're not going to take one hour of activity and try to cram into what they perceive to be a whole night's worth of work into it. So they go in there and they do 21 shots in one hour and find themselves dead the next morning. I would contend that if they wake up the next morning, go out with their buddies to the bar, at whatsoever time they choose, when it gets open, you've got a whole day then to enjoy it, nobody is going to tell you, we've got to hurry up, we've got to hurry up. That's what is happening, that's why the bill is here. I don't like to bring any bill that takes away an individual's rights. I think government does that too much now. This bill does do some of that. There's no question about that. This bill takes away that right that they have now, but I would contend that history is proven that, at whatever age, it's not working so well in certain circumstances. So if taking away that one hour saves one life, I guess I'm okay with it. The other thing there was a question in regards to MN, my cosponsor has some information on that. On the Senate side, we meant to put clean up amendments that should have been on it, that that does what the bill's intentions are, they are more technical in nature. I think that when LC sent it down, they didn't get it down the way they necessarily wanted it, and in speaking with the AG's office, they've requested that these amendments go on. You're not going to see that they change the subject of the bill, you're going to see that they just fix it and let the bill do what it wants to do.

Chairman DeKrey: Do you have any problem if it goes to 3:00 am so it matches the bill that's coming over to the Senate.

Sen. Joel Heitkamp: None whatsoever. You know when the bars are closing. In fact, I think you need to have the debate over whether that hour is. There are people on both sides of that issue in regards to whether an extra hour adds more problems, or takes away problems. I think what you're seeing right now, is people going out and taking that one hour of opportunity and just cramming a whole bunch into it. This bill takes that away.

Representative Maragos: Is it illegal for bars to promote the one hour power hour.

Sen. Joel Heitkamp: I'm not sure, they are self-governing themselves. I know in Fargo they got behind it and the bars took a real hard stand on it. It is illegal for any bar to promote excessive drinking to the point that, bars have a responsibility of once you get to a certain point to not serve you alcohol anymore. I think that you're not seeing bars, I think that you're seeing bars take a real proactive, positive stance on how to address that. The other thing you could say is, are they going to go home and do it. You can't protect that. They might have been doing it at home since they were 16. I guess what's most disturbing to me, as I followed this issue, is the reaction that the friends, and I don't want to take away all the responsibility from the individual, but the friends that are encouraging them to do that. It used to be just the opposite. That was their night to start going out and have a little friend. They just turned 21, but the friends were there to look out for you. Now, those very same friends, in some instances, are the ones that are pushing it too far, when in fact they are supposed to have their back. That's why the bill is here.

Chairman DeKrey: Thank you. Further testimony in support.

Sen. Judy Lee: Support (see written testimony of Anne Buchanan, mother of Jason Reinhardt). Anne was unable to come today, she did testify at Citizens night on this bill on the Senate side. Jason only had 15 shots that night, there were 6 other power hours going on that

night in the bar, and five went home and they were fine. I was in Paradiso with friends a few months ago, a busy Friday night, lots of activity going on, and we realized at our table, that at the adjoining table there were about 7-8 young women who were sitting and they all ordered shots of Tequila and we saw what was going on was that they would buy another round, and as soon as the waitress left, all of those shots were pushed over to one of the girls sitting there. Pretty soon she was face down at the table, unable, at that point, to make a judgment about telling her friends, I'm not going to do this anymore. We told the waiter to watch what was going on, because the waitress was too busy to really be paying attention to whether or not the young ladies in front of whom the drinks were being placed, were actually consuming them, because they were being moved over in front of one young lady. Her birthday had just been celebrated by the people in the sombrero's all coming over and rattling their moraccas and singing "happy birthday" to her. It's not an ideal solution to a problem, but what was interesting about the testimony when we had citizen's night, is that Sen. Mutch, who was the chair of IBL, which is the committee that heard it in the Senate, asked for input from some of the students that were there. With a little encouragement, there were some of whom came forward. The first was a young lady from St. Mary's High School, and after she broke the ice, there were several others who responded and the interesting thing to all of us was that they said they all heard about the DARE program, they all know they shouldn't be drinking and driving, they are up to their earlobes in anti-smoking information, they all know they shouldn't smoke. They hear nothing about what alcohol does to the body, as far as alcohol poisoning. They didn't know what the body does, because that was discussed during part of the testimony; what is the body's response to this over consumption of alcohol. That's an area of improvement that we need to look forward

to doing, it's not necessarily the responsibility of your committee to do that, it was very interesting hearing from the young people there. They said it isn't going to stop at all, it doesn't mean that they won't go home and drink, it doesn't mean that they won't do something the next day, but as Sen. Heitkamp mentioned, it may spread it out over a longer period of time than just one hour. There is not a power hour type law in place in Minnesota right now, but my understanding from Ms. Buchanan, that she has been in communication with Representative Maury Lanning, from Moorhead and I believe that there is a potential introduction, if it hasn't already been done, of a bill that would do something comparable, because for us on the border, the Moorhead or East Grand Forks side of the river is an important component as well. So it isn't the ideal solution, but if it might make the difference in one life, it would be worth it.

Representative Maragos: While I certainly applaud every effort to try and get people to do rationale, proper, logical, sane things, I am very concerned about this idea that there's not a companion or a comparable situation across that imaginary line, the Red River. I am very concerned that what we're going to do is just transfer them across the river, because you know how kids are. If they want to do something, they generally will do it. I'm certainly going to support the bill, but I'm just very concerned about an imbalance again. I don't know what we can do about it, but I really don't want to see ND kick more over to Moorhead and having the same outcome.

Sen. Judy Lee: That's exactly what's happening, but the one thing that is different is that they have a 2:00 am closing and so it is actually having two hours than one hour. That's a small difference there. If we can have the option of the two hour, 2:00 am closing in ND, I think that will give us a little help there. I can't imagine 21 shots in 2 hours. I share your concern and

that's why Rep. Lanning is looking to do something in the MN legislature right now, because the Fargo/Moorhead issue is definitely a concern for all of us.

Representative Maragos: I hope you and your colleagues exercise the same judicious as we did in the House in regard to the 2:00 am opening.

Sen. Judy Lee: I will do my best to support that. I think that is a good idea.

Representative Boehning: In reading through this bill, there doesn't seem to be any penalty for someone over consuming alcohol, I mean if we had a 2:00 am opening, and you get 21 shots, or if you go at 8:00 am in the morning and get your 21 shots, there's no penalty for anybody in here, unless you are under 21 years of age. Maybe there should be some penalty in here that if your friends are taking you out, and forcing you to drink the 21 shots during the power hour, maybe we should have a penalty against those people, put them in jail, give them a penalty of some sort. We go after the bar owners all the time, because people are over consuming. Maybe the friends should be liable, not the bar owner.

Sen. Judy Lee: I agree that we need to be responsible for one another as friends, and as Sen. Heitkamp mentioned, the attitude of the friends has changed. It isn't that I have a perfect memory about what may have happened 40 years ago in my life, but I think that most of us would agree that when you are around 21, you think you're invincible, and it can't happen to you. I think that the guilt and the sense of responsibility that these friends of Jason's and friends of others who have died under these circumstances, will be with them for their entire lives. I don't know what we could possibly do to them that would be worse than the knowledge that they didn't check on him between 4:30 am and 12:30 p.m. They didn't know that he was struggling and he died alone. I can't imagine anything that would be a harsher punishment for them. It

would be very difficult to determine what over-consumption is, because over-consumption for one person is different for someone else. I don't know how you would regulate personal responsibility there, but there's a strong feeling that they should have done something and they didn't.

Chairman DeKrey: Thank you.

Sen. Dave Nething: I want to talk about binge drinking just a little bit. I think this power hour is somewhat the poster child of what binge drinking is all about. When I signed on to this bill, it was after I had received information that I think all of you incumbents might have received, from the Health Department that talked about binge drinking, and that ND is second in binge drinking in the country. The interesting thing about it is that there has been other information come out lately that says we're number 1. It's really something that we have to deal with. I think this bill helps. In 2003, the statistics were that the binge drinking was at the highest rate between the ages of 18 to 24. That's really the age group that we're looking at here. Males were 3x more likely to binge drink than were females. I thought that was an interesting statistic. The other thing that was somewhat disturbing is that binge drinking rates were high regardless of the educational background or household income. So it really leads me to believe that it's more of a statistic that hits home with binge drinking and that's the 18-24. The information did show that those over 65 were less likely to binge drink. Those are the comments that I wanted to make to focus on the binge drinking part of it. That is something that is really serious and as I said earlier, the power hour seems to be the poster child.

Chairman DeKrey: I know that Jamestown College had an example of this too, this year, because there was a lady in my Sunday School class that had to spend the night at the hospital

with her child, thank goodness she didn't die. I know it's a statewide problem. Thank you for appearing. Further testimony in support.

Bob Bennett, AG's Office: I appear for informational purposes to explain the amendment.

The way the bill is drafted at this point, this is the result of the drafting process where we have two large paragraphs that need to be sections of law, that were cut up into subsections, apparently for ease of reading. Unfortunately, when 5-02-06 was amended, which would be on the second page of the bill, it created a situation where a law enforcement officer or other public officials such as a fireman, or a building inspector, could enter a restaurant, if they are under 21, but they could never enter a bar, even on official business. Current law says that a law enforcement officer, even if they are 18, 19 years old can go into a bar on official business, a firefighter or public official should be able to do that, regardless of whether it is a restaurant or a bar. The way the current bill reads, it would prohibit and make it illegal for the bar owner to allow police officers to enter the premises or illegal for a police officer under 21 to do that as well. What the amendments will do, is restore this authority of individuals who are under 21 to enter the licensed premises, and not limited to just the restaurant.

Representative Koppelman: We had a bill earlier this session, that also would have allowed people to enter premises like a bar, if they are under 21, if they are repairing the AC, or something like that. How would your amendment act on that.

Bob Bennett, AG's Office: I believe I testified on that as well. I think that this bill was drafted before that one, and I think that bill has the proper language in that, because I think the bill you heard earlier, was the second bill drafted after it was pointed out what the problem was.

Representative Koppelman: Would you talk with LC to make sure that this is correct, so that we don't do something inadvertently to change that.

Bob Bennett, AG's Office: I think I was involved in that process, with the second bill that came in. This is the only one that had a problem.

Chairman DeKrey: Thank you. Further testimony in support, testimony in opposition. We will close the hearing.

(Reopened later in the same session)

Chairman DeKrey: What are the committee's wishes in regard to SB 2067.

Representative Maragos: I move the amendments .0201 dated February 25 by the AG's office.

Representative Delmore: Seconded.

Chairman DeKrey: Motion carried.

Representative Maragos: I move a Do Pass as amended.

Representative Zaiser: Seconded.

13 YES 0 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. Kingsbury

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2067

Page 2, line 18, after "sold" insert "except", remove the overstrike over "if", and remove "except:"

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

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

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

Page 2, line 25, remove the overstrike over the period and insert immediately thereafter "3." and remove the overstrike over "~~A person may enter and remain on the~~"

Page 2, line 26, remove the overstrike over "~~licensed premises if~~" and remove the underscored semicolon

Page 2, line 27, remove "c. If"

Page 2, line 28, remove the underscored semicolon and remove the overstrike over "if"

Page 2, line 29, remove "d. If"

Page 3, line 1, replace "3." with "4."

Page 3, line 4, replace "4." with "5."

Page 3, line 5, after "restaurant" insert "as provided in subsection 2"

Page 3, line 12, replace "5." with "6."

Renumber accordingly

Date: 2/28/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2067

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Maragos Seconded By Rep. Zaiser

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	/		Representative Delmore	/	
Representative Maragos	/		Representative Meyer	/	
Representative Bernstein	A		Representative Onstad	/	
Representative Boehning	/		Representative Zaiser	/	
Representative Charging	/				
Representative Galvin	/				
Representative Kingsbury	/				
Representative Klemin	/				
Representative Koppelman	/				
Representative Kretschmar	/				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Kingsbury

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

REPORT OF STANDING COMMITTEE

SB 2067, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2067 was placed on the Sixth order on the calendar.

Page 2, line 18, after "sold" insert "except", remove the overstrike over "#", and remove "except:"

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

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

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

Page 2, line 25, remove the overstrike over the period and insert immediately thereafter "3." and remove the overstrike over "~~A person may enter and remain on the~~"

Page 2, line 26, remove the overstrike over "~~licensed premises if~~" and remove the underscored semicolon

Page 2, line 27, remove "c. If"

Page 2, line 28, remove the underscored semicolon and remove the overstrike over "#"

Page 2, line 29, remove "d. If"

Page 3, line 1, replace "3." with "4."

Page 3, line 4, replace "4." with "5."

Page 3, line 5, after "restaurant" insert "as provided in subsection 2"

Page 3, line 12, replace "5." with "6."

Renumber accordingly

2005 TESTIMONY

SB 2067

HEALTHY NORTH DAKOTA



HIGHLIGHTS

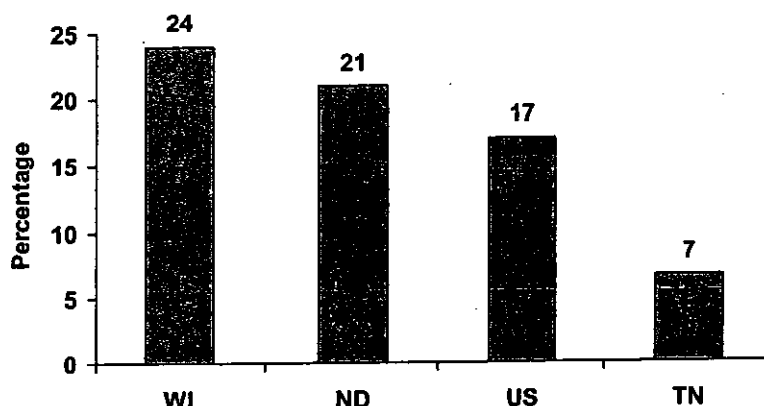
Volume 1, Number 3

December 2004

North Dakota is second in binge drinking

Excessive alcohol use causes diseases of the liver, heart, nervous system and pancreas, as well as some cancers. It is also associated with many social ills, including crime, motor vehicle crashes, homicide, suicide, domestic violence and work absenteeism. Alcohol consumption during pregnancy can cause fetal alcohol syndrome. In North Dakota about 6 percent of the population drinks in excess regularly, while 21 percent binge drink (drink five or more drinks on one or more occasions in the past month). In 2003, the North Dakota binge drinking rate (21%) was second only to that in Wisconsin (24%).

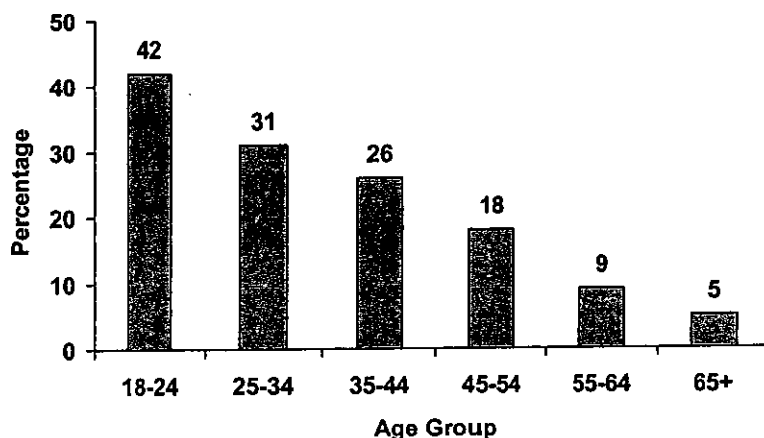
Figure 1: Percentage of Adults Who Binge Drink, for U.S. and Selected States, 2003



Binge drinking is worse among the young

- In 2003, young adults age 18 to 24 binge drank at a much higher rate (42%) than did older age groups.
- In 2003, males (33%) were three times more likely to binge drink than were females (10%).
- Binge drinking rates were high for both American Indians (29%) and whites (22%). (1996-2002)

Figure 2: Prevalence of Binge Drinking, by Age Group, 2003



Binge drinking rates were high regardless of educational background or household income.

To achieve the Healthy People 2010 objective: a comprehensive approach must be employed

The Healthy People 2010 objective is to decrease the binge drinking rate to 6 percent or less. There is a particular need to decrease alcohol misuse in young adults age 18 to 24, among whom the heavy drinking and binge drinking rates are the highest. This will require state and community intervention (policy change, social change, education and treatment).



NORTH DAKOTA
DEPARTMENT of HEALTH

"Healthy North Dakota - Highlights" is prepared by the Department of Community Medicine, University of North Dakota School of Medicine and Health Sciences for the North Dakota Department of Health.

To learn more about alcohol and other behavioral health risks in NORTH DAKOTA, contact the North Dakota Department of Health, 600 E. Boulevard Ave., Dept 301, Bismarck, ND 58505; 701.323.2372; or visit www.ndhealth.gov.



EFFECTIVE STRATEGIES

- Increase public awareness of the misuse of alcohol both statewide and in local communities.
- Increase community-based and worksite prevention education.
- Reduce out-of-pocket cost for alcohol-abuse treatment.
- Decrease discount drinking opportunities, such as "happy hours."
- Increase skill-building education to help people turn down drinks offered to them.
- Increase excise tax on alcohol.
- Increase health professional training regarding screening and counseling for alcohol misuse.

TECHNICAL NOTE

Data presented in this "Healthy North Dakota - Highlights" come from the North Dakota Behavioral Risk Factor Surveillance System (BRFSS) for year 2003. Every year since 1984, a random sample of adult (age 18 and older) North Dakotans has been interviewed about a wide variety of behavioral risks that are important to staying healthy. Full details of the survey method used to secure these data can be seen at www.cdc.gov/brfss. Whenever race-specific estimates for North Dakota American Indians are presented, a seven year aggregate BRFSS dataset (1996-2002) has been used; 438 respondents during this time period identified themselves as American Indian, and 14,127 as whites.

In 2003, there were 3,026 respondents to the North Dakota BRFSS. The responses described in this issue concern:

Binge drinking: persons who had five or more drinks on one or more occasion in the past month.

Heavy drinking: men who had more than two drinks a day, or women who had more than one drink a day, in the past month.

Suggested citation: Holzman GS, Sahmoun AE, Brosseau JD, Helgersson SD, Pickard SP. North Dakota is second in binge drinking. Healthy North Dakota-Highlights, 2004; 1(3):1-2.

I am Anne Buchanan. I am the mother of Jason Reinhardt who died on his 21st birthday after participating in "Power Hour". I support the 8:00am as the established time when a 21 year old may enter the bar. I would prefer that 12 noon would be the established time, but will support the 8:00am.

Jason was home the night before his birthday, washed his clothes and had dinner with the family. We talked about "Power Hour" and that he needed to be careful. He told me that his friends would watch out for him and make sure nothing bad would happen. We gave each other a hug and a kiss and said "I love you". That was the last time that I saw Jason. Jason did not drink before he went into the bar and did not drink after he left the bar. He went back to the Fraternity house, played with the dog and went to bed. His friends checked on him at 4:30am. He responded and they didn't check on him again until about 12:30pm. He and some of the guys had made plans to go out for lunch so they were trying to wake him and realized that he was dead.

Jason died from alcohol poisoning. He appeared sober when he left the bar (the alcohol was consumed so quickly that he didn't have time to show signs of being drunk). Jason's system slowly shut down, his breathing became shallow and his heart stopped.

We need to stop "Power Hour" and need to educate society on responsible drinking, alcohol poisoning and make bars responsible...

I would be happy to answer any questions. Thank you for your time.

Anne Buchanan
Testimony SB 2067
January 27, 2005

TESTIMONY FOR SB2067

January 27, 2005

Industry, Business, and Labor Committee

Chairman Mutch and members of the committee. My name is Dawn Olson, I live in Bismarck and I speak today on behalf of my concern as a citizen and parent. The bill before you today will establish an individual's 21st birthday at 8:00 am on their birth date. I support this change in legislation. One of the main reasons legislation such as this is so important is because of the practice by liquor establishments to allow patrons, who turn 21 at 12:01 AM on their birthdates, to be served several shots of alcohol for the remaining hour of business. To this generation, this has become known as their "Power Hour." The goal of Power Hour commonly is promoted as drinking as much alcohol (21 shots of alcohol) within that hour.

I support establishing this time for the following reasons:

1. I am a parent of a soon-to-be 21 year old daughter. Even with my best advice, her knowledge and education, and most importantly well intentions, if she chooses to participate in the practice of power hour, all logical judgment goes by the wayside as the level of alcohol content in her body goes up. All responsible behavior, well being, and decision making abilities is left in the hands of well meaning friends. The peer pressure at for this activity is unimaginable to most of us. Well intended friends promise to try to keep you from getting in trouble by providing you with safe transportation, helping you get you into bed, and letting you "sleep" it off. Leaving someone unattended can have deadly outcomes as you have heard.
2. We all can appreciate and understand the significance of turning 21. It is a rite of passage, you are finally legal. You may patronize a bar and purchase alcohol with proper and legal identification. It is, in a sense, a new chapter in a young adult's life. In today's world, however, young people are entertained by fast pace and extreme activities. Video

games and television ads target this audience with extreme sports, extreme drinks, and extreme makeovers. The practice of Power Hour (21 shots of alcohol) is an extreme and a potentially deadly event, one that should be prevented at every opportunity.

During the 1960s and 1970s, many states responded to the growing political liberalism and Vietnam war-era arguments that the drinking age should parallel the draft and lowered their drinking age. North Dakota chose to maintain the 21 year old minimum drinking age law, despite the surrounding states lowering theirs. Laws are made to protect the innocent. Let North Dakota continue to be a leader when it comes to protecting our young people by establishing this requirement for celebrating their 21st birthday without the added pressures and expectations that now exists. Let's promote "Empowerment" for youth and not "Power Hour."

I ask for your approval on this bill and I appreciate the opportunity to testify on this legislation. I will be happy to take any questions.



*ND's Restaurant, Lodging &
Beverage Association*

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ND Hospitality Association Testimony
House Judiciary Committee
Nicki Weissman
Senate Bill 2067

Mr. Chairman and members of the committee, my name is Nicki Weissman and I am the Executive Director of the ND Hospitality Association. The association is appearing in support of Senate Bill # 2067 representing the association's 400 members. The members of the association are for responsible drinking. Bill # 2067 demonstrates that issue. No person just turning 21 or anyone of an older age can tolerate that large amount of liquor in that short period of time.

Mr. Chairman and committee members the association would encourage a DO PASS vote recommendation, for Senate Bill # 2067.

That concludes my testimony if you have any questions, I would be happy to answer them.

Senate Bill No. 2067 Power Hour

The North Dakota Consortium for Substance Abuse Prevention in Higher Education has taken a position in support for Senate Bill No. 2067: A person is not twenty-one years of age, until eight a.m. on that person's twenty-first birthday. The Youth Risk Behavior Surveillance (2003) shows that North Dakota is #1 in the following: youth binge drinking, having had a drink in the past 30 days, drinking and driving, and driving with someone who has been drinking. The National Survey on Drug Use and Health (2003), identifies that in the past month among all persons ages 12 or older, ND had the highest rate of binge drinking. In an article reporting estimates of binge drinking in 18-24 year olds, in metropolitan-areas in the United States, three of ND's cities appear in the top 20 list out of 120 metropolitan-areas studied: Grand Forks (23.4%) ranks second, Bismarck (18.6%) ranks seventeenth, and Fargo (17.7%) ranks twentieth (Nelson, Naimi, Brewer, Bolen & Wells, 2004). Also included in this age group are college students, with ND colleges enrollment consisting of 76% of students 24 years old or younger.

The excessive consumption of alcohol in North Dakota appears to be a tradition. A tradition of drinking that, in a sense, has developed into a culture—beliefs and customs—entrenched in every level of North Dakota's environment. Customs handed down through generations that reinforce the expectation that alcohol is a necessary ingredient for social success. These beliefs and the expectations they engender exert a powerful influence over an individuals' behavior toward drinking, particularly our youth. This includes the tradition of "power hour" a practice where those turning 21 enter a bar at midnight on their birthdays and try to consume 21 drinks of alcohol before the bar closes an hour later. This practice is blamed for the deaths and alcohol poisoning of two North Dakotans' coming of age: Jason Reinhardt – at Moorhead State in 2004 and Lance Jerstad – at NDUS in 2002 (5 week coma).

According to the Department of Education's Higher Education Center, one of the chief lessons taught by nearly two decades of prevention research is the need for a comprehensive approach, one that not only addresses the specific educational needs of individuals but also seeks to bring about basic change at the institutional, community, and public policy level. This approach is grounded in the firmly established principle that the decisions that people make about alcohol will be shaped by the physical, social, economic, and legal environment that in turn can be shaped by a committed group of local prevention advocates, governmental leaders, higher education officials, state administration, and others.

Sources of mixed messages are abundant in our communities: liquor stores that fail to check for proof-of-age identification; local bars that offer "happy hours" and other low-price promotions or that serve intoxicated patrons and turn their backs on "power hour" drinking; advertisements for beer and other alcoholic beverages that promote excess; lax enforcement of regulations, local ordinances, or state and federal laws. How can we expect North Dakota individuals, especially our young, to say "no" to high-risk drinking when their environment tells them "yes."

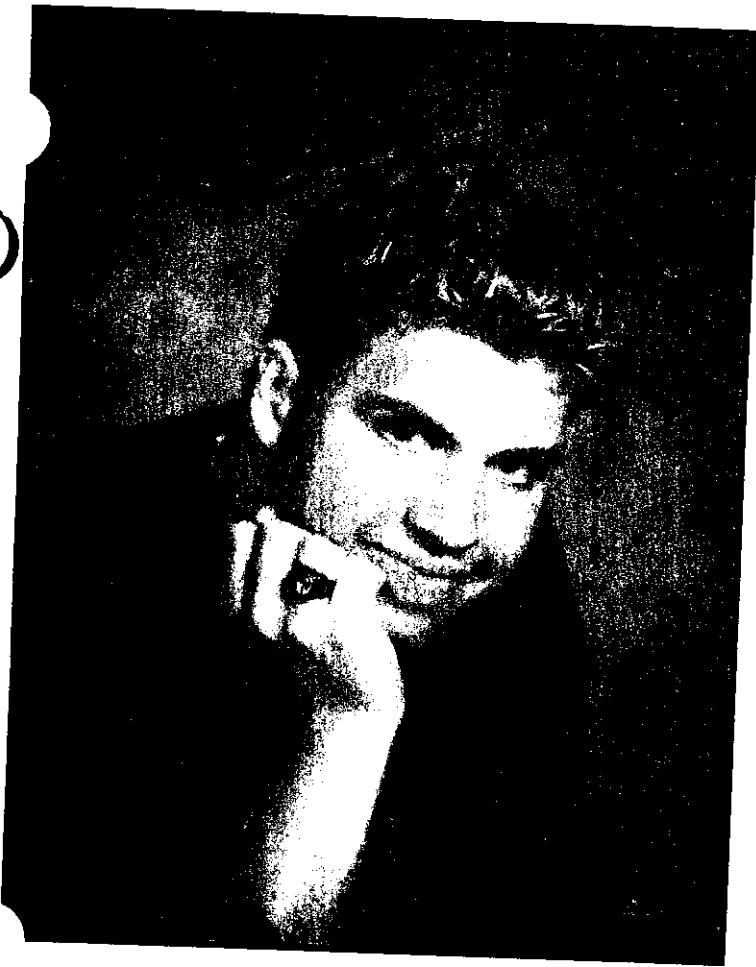
The passing of this bill will directly help to support the safety of our coming of age citizens, but also assist in changing this very serious social perception.

Thank you for the opportunity to testify.

References

- National Survey on Drug Use and Health (2003). Substance Abuse and Mental Health Services Administration. U.S. Department of Health and Human Services.
- Nelson, D.E., Naimi, T.S., Brewer, R.D., Bolen, J., & Wells, H.E. (2004). Metropolitan-area estimates of binge drinking in the United States. *American Journal of Public Health* (94)4, 663-671.
- Youth Risk Behavior Surveillance – United States (2003). Retrieved from <http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5302a1.htm>.

SB 2067
Anne Buchanan



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We need to stop "Power Hour" and need to educate society on responsible drinking, alcohol poisoning and make bars responsible...

I would be happy to answer any questions. Thank you for your time.

Anne Buchanan
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Fargo, ND 58102
701-261-9391
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I support the passage of Senate Bill 2067 and would be happy to respond to any questions the committee members may have.