

2011 HOUSE EDUCATION

HB 1212

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee
Pioneer Room, State Capitol

HB 1212
01/19/11
13029

☐ Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open the hearing on HB 1212.

Rep. Chuck Damschen: Sponsor. This bill attempts to prohibit the possession or sale of alcoholic beverages at college sporting events where minors are present. I want to clear up a few misperceptions. My purpose in introducing this legislation is really from a result of a testimony I heard from our human services commission. Some of the testimony pointed out that some of the reasons for underage drinking is underage people observing adults abusing alcohol. We have a problem in ND with underage drinking. This was an attempt to address one area of the problem. The testimony that sparked this was the formation of the governor's prevention and advisory council on drugs and alcohol. Some of the meetings indicated that there is a partial acceptance of underage drinking in ND. Until our attitude changes, this will continue to be a problem. A point of interest I'd like to point out is federal and state governments spend 60 times as much to clean up the devastation of substance abuse on children than they do on prevention and treatment. Some factors on why adolescents drink include environmental factors such as influence of parents and peers. Children with parents that drink heavily are more likely to do the same. Some say that sporting events where parents only drink only 1 or 2 teaches responsible drinking. Whatever it is that leads adolescents to drinking, it puts them at health risks. So do we want to take a chance with our kids? Underage drinking cost the citizens of ND 141,000 dollars in 2007. The focus I hope to raise with this legislation is that we need to start somewhere with teen drinking. This bill has really been misrepresented. We can go into a public venue and have some say on what happens. I have every confidence that the committee will get down to serious business with this.

Chairman RaeAnn Kelsch: Questions?

Rep. Phillip Mueller: Two parts. You outline athletic events. Do you not have a concern with other events such as concerts on a campus? And the second part has to do with the roads not creating a barrier to the continuity of the property. How far out do we go where alcohol cannot be served in the presence of minor?

Rep. Chuck Damschen: The road line is to say that if you have property divided by a road it would still be under this rule. I don't think it would apply to a restaurant or private property. What was first question?

Rep. Phillip Mueller: That may be your intent about the continuity with the way you referenced it, but that's not what the bills says. The other part is concerts.

Rep. Chuck Damschen: I agree that this is another area that should be addressed as well. Some people have compared this to a family that goes into a restaurant to serve alcohol but I think the atmosphere is pretty different. Concerts are probably something that should have been considered also. I don't disagree.

Rep. Corey Mock: I want to applaud your research and I think that alcohol has been placed on a pedestal in this society. When I looked at this I had to ask why college athletics and not just athletics in a whole?

Rep. Chuck Damschen: There is state money going into those college events.

Vice Chair Lisa Meier: My question is on nonpublic schools. Are you aware if there is a policy in place on prohibiting alcohol on the premise?

Rep. Chuck Damschen: Do you mean is there a policy for not selling for an example at the Englestad?

Vice Chair Lisa Meier: What I mean is for nonpublic higher education, is there any policy currently for sporting events that prohibit alcohol use?

Rep. Chuck Damschen: I don't know.

Chairman RaeAnn Kelsch: I can tell you that it used be an unwritten rule that tailgating at the University of Mary football games there wasn't visible alcohol in the parking lot and they don't sell any alcohol at their sporting events. I think some of that may have changed in the last couple of years at least in the parking lot but there is no selling of alcohol.

Rep. Joe Heilman: I agree with previous speakers saying that this is the type of dialogue we need to be having. My district includes NDSU and the Fargo Dome and we don't allow alcohol to be consumed or sold in the Fargo Dome during events, but it would be a problem with tailgating. The concern from my constituents is that this could be a whiplash effect that may help solve one problem but create another. Can you help me address this?

Rep. Chuck Damschen: That's an interesting issue. My thought is that is it that much of a sacrifice to give up a drink on that day? I guess you could screen everyone at the door. I'm not saying that is practical. The problem is if people have to drink to enjoy an event, then don't drink.

Rep. Karen Rohr: I applaud you for your courage to do this. My question is with the research. Are there any models out there regarding this strategy that has worked?

Rep. Chuck Damschen: I haven't come across a solution that has worked.

Rep. Bob Hunsakor: I commend you for your efforts. I think parents understand the importance of setting an example. I think because of this legislation, people are going to stop and think if they are making a good example.

Rep. Chuck Damschen: Thank you for that. I am not for one minute trying to accuse a parent of being a bad example.

Chairman RaeAnn Kelsch: Say we are going to the Ralph Englestad arena and they serve alcohol at two bar, but you have to be 21 to get into them. So would this bill say that the two bars in there would have to close or would it be that those bars could stay open but the alcohol would have to be consumed within those bars?

Rep. Chuck Damschen: As I read the bill, there would not be sale of alcohol allowed at the bars, so yes.

Chairman RaeAnn Kelsch: What about the boxes? They are big money makers and I know a lot of times people bring their families into those boxes. They are not selling alcohol but it's more of being in a home setting. I know minors are not receiving alcohol in those boxes but this would also affect those boxes as well?

Rep. Chuck Damschen: I believe so.

Chairman RaeAnn Kelsch: Questions? Support? Opposition? We will close hearing on 1212.

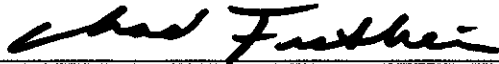
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House Education Committee
Pioneer Room, State Capitol

HB 1212
01/19/11
13101

☐ Conference Committee

Committee Clerk Signature



MINUTES:

Chairman RaeAnn Kelsch: We will open on HB 1212.

Rep. Joe Heilman: Move to do not pass.

Rep. Phillip Mueller: Second.

Chairman RaeAnn Kelsch: Committee discussion.

Rep. Joe Heilman: I commend the authors of the bill for bringing the issue to light. I'm concerned that this brings decision making out of the hands of the universities. I think the universities are better equipped to make these decisions. I think if drinking is going to be happening I'd rather have them on sight rather than off sight due to safety concerns of people relocating after they have been drinking alcohol.

Chairman RaeAnn Kelsch: We are going to have some governance issues. You will have to make up your minds whether it is the legislature's role to micromanage our campuses. Rep. Damschen was pleased with the committee with how we handled the bill.

Rep. Bob Hunsakor: I don't think legislative law is the way to handle the issue that Rep. Damschen is concerned about. However, I do support and applaud him on the issue of binge drinking. This did bring attention to the issue so that is why I think I will support him on this bill. Not that I necessarily agree with it or think it is right, but I like the fact that it was brought up for discussion.

Rep. David Rust: I think I am going to also support him even though as it is currently written, it needs some work. I think it needs to be recognized as a problem.

Chairman RaeAnn Kelsch: I think when legislation like this is introduced it makes those universities get into conversation. I think it was the student body that voted to have a dry campus at NDSU and I think that is the way it should be.

Rep. Karen Rohr: I agree that binge drinking should be addressed but is there a way to get the university to share their plan to address binge drinking on the campuses? Or is this something we need to amend?

Rep. Joe Heilman: I know UND has a similar board but NDSU has the president's council on alcohol and other drugs and they have a fairly extensive plan on addressing substance/alcohol abuse. I'm sure I could get you a copy of the strategic plan. I am quite confident that UND has a similar procedure.

Chairman RaeAnn Kelsch: All the campuses have policies and procedures regarding alcohol. UND also has made all fraternities and sororities dry and I've heard that a dry campus may be coming.

Rep. Corey Mock: UND just like all the other public and I'm sure private universities/colleges have policies in place to address alcohol on the campuses. To answer Rep. Karen Rohr's question, I'm sure the university system and Chancellor Goetz may have information on what the individual universities are doing to address alcohol on the campuses.

Rep. Karen Karls: I'm surprised that Rep. Corey Mock hasn't mentioned the youth council.

Rep. Corey Mock: In the ND Youth Council I was the legislative liaison to the health and wellness subcommittee. While alcohol was a concern for everyone from the ages of 16-24, it was deemed a societal issue. The laws are already there. There was really no recommendation legislatively to move forward.

Chairman RaeAnn Kelsch: This is an issue much like K-12. We would all like to see better parental involvement. If a parent takes their kids to an event and drinks, that is their choice and we can't do anything about it. Is it a double edged sword? I do know that if I took my kids to a sporting event and people were getting out of control we would use it as a life lesson.

Rep. Phillip Mueller: I think we all appreciate that the concept was great but I think what we have to do is look at what the bill is about and what it says. I see all kinds of enforcement problems, logistics problems, etc. Those things make this just about impossible to do. While I agree we need to take a better tact on binge drinking, I don't think this is going to fix that.

Chairman RaeAnn Kelsch: The boxes were a concern for me. The hockey arena and the Alerus Center have them too. They are a way for those places to offset costs. I worry about the prohibition of things like that and entrepreneurial spirit coming back to us and asking us for more money.

Rep. Karen Karls: I'm just sitting here thinking how ironic this is. If you were to substitute smoking for drinking and look how far that issue has gone down the road and what that did.

Chairman RaeAnn Kelsch: We don't have a state ban. It is a local control issue. It is the same as this. We are saying NDSU has done it, UND has not.

Rep. Karen Karls: What I'm predicting is that we will probably be farther down this road in a few sessions.

Chairman RaeAnn Kelsch: I'm guessing by that time it will be taken care of by the universities and that we won't have to govern them.

Rep. Joe Heilman: Just for more points of reference, an issue could be how do you define a sporting event? Is it the day of or kick off to buzzer? How do we determine time frame? Do you have to card everyone in the area to prove minors are present?

Chairman RaeAnn Kelsch: Further discussion. We have a do not pass motion on HB 1212. Motion carries. We will close on HB 1212.

13 YEAS 2 NAYS 0 ABSENT
CARRIER: Rep. Phillip Mueller

DO NOT PASS

Date: 01-19-11
Roll Call Vote #: _____

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1212

House EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By REP. HEILMAN Seconded By REP. MUELLER

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Rep. Hanson	X	
Vice Chairman Meier	X		Rep. Hunsakor		X
Rep. Heilman	X		Rep. Mock	X	
Rep. Heller	X		Rep. Mueller	X	
Rep. Johnson	X				
Rep. Karls	X				
Rep. Rohr	X				
Rep. Rust		X			
Rep. Sanford	X				
Rep. Schatz	X				
Rep. Wall	X				

Total (Yes) 13 No 2

Absent 0

Floor Assignment REP. MUELLER

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

REPORT OF STANDING COMMITTEE

HB 1212: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1212 was placed on the Eleventh order on the calendar.