

2025 HOUSE POLITICAL SUBDIVISIONS

HB 1375

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1375
2/6/2025

Relating to the time frame to file a complaint against a licensed retailer of alcoholic beverages; and to provide a penalty.

8:58 a.m. Chairman Longmuir called the meeting to order.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Members Absent: Representative Hager

Discussion Topics:

- Expectation of privacy for licensed bars
- Licensed bar compliance checks
- Penalties for use and possession of a false ID

9:02 a.m. Representative Ben Koppelman, North Dakota Representative for District 16, introduced the bill and provided testimony #35846.

9:26 a.m. Chuck Ilogu, Fargo business owner, testified in favor.

9:42 a.m. Terry Effertz, City of Fargo, testified in opposition and provided testimony #35735.

9:51 a.m. Stephanie Engebretson, North Dakota League of Cities, testified in opposition.

9:58 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

Testimony in Opposition - HB 1375
House Political Subdivisions Committee
February 6, 2025

In Opposition to HB 1375

Chairman Longmuir, members of the committee, my name is Terry Effertz, and I am here today on behalf of the City of Fargo to oppose HB 1375. This legislation presents serious public safety risks, undermines local control over alcohol regulation, and imposes unnecessary restrictions on law enforcement's ability to ensure compliance with state and local liquor laws.

Public Safety Concerns

HB 1375 places an arbitrary limit of two compliance checks per month per licensed establishment and prohibits law enforcement from conducting additional investigations unless specific evidence of a violation is provided by an identified source. This restriction severely hampers the ability of local officials to monitor and enforce compliance with liquor laws effectively. Preventing proactive policing measures creates an environment in which underage drinking and other violations can persist with minimal oversight.

The Fargo Police Department has emphasized that unrestricted compliance checks are an essential tool in deterring illegal alcohol sales and maintaining safe environments for residents and visitors. By restricting these efforts, HB 1375 sends the wrong message—that oversight and enforcement should be weakened rather than strengthened.

Erosion of Local Control

This bill also nullifies any local ordinance that conflicts with its provisions, including those enacted under a home rule charter. Fargo, like many municipalities, has carefully crafted its ordinances to reflect the needs of the community and to balance business interests with public safety. Stripping cities of their ability to enforce their own liquor laws is a direct affront to local governance and unnecessarily centralizes control at the state level.

For example, Fargo's existing ordinances allow for law enforcement officers and health inspectors to enter a licensed premises at any time to ensure compliance with liquor laws and health regulations. This long-standing authority has been a cornerstone of effective alcohol regulation. HB 1375 would override these provisions, creating a weaker enforcement environment and potentially increasing violations.

Unworkable Timelines for Enforcement

HB 1375 also introduces an unreasonable 14-day window for filing a complaint against a license holder, measured from the date of the alleged violation rather than from the date of discovery. This provision fails to account for the practical realities of enforcement. Fargo's city commission,

which oversees licensing matters, meets only once per month. If a violation occurs early in the month and is not discovered until later, there may be no opportunity to initiate enforcement action within the proposed deadline. The current standard—allowing action upon notice of a violation—ensures that enforcement can be carried out fairly and effectively.

House Bill 1375 prioritizes the convenience of liquor license holders over the broader need for public safety and responsible alcohol regulation. It limits the ability of law enforcement to detect and prevent illegal activity, strips local governments of their authority to enact and enforce reasonable compliance measures, and imposes unrealistic timelines that hinder enforcement efforts.

For these reasons, I respectfully urge this committee to give House Bill 1375 a **DO NOT PASS** recommendation. Thank you for your time, and I am happy to answer any questions.

Congress.gov

Fourth Amendment

Fourth Amendment Explained

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1375
2/13/2025

Relating to the time frame to file a complaint against a licensed retailer of alcoholic beverages; and to provide a penalty.
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8:58 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hager, Hatlestad, Klemin, Motschenbacher, Ostlie, Warrey

Members Absent: Representatives Davis, Heilman, Toman

Discussion Topics:

- Committee work

8:58 a.m. Chairman asked for anyone testifying on bill and seeing none closed the hearing.

8:59 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1375
2/14/2025

Relating to the time frame to file a complaint against a licensed retailer of alcoholic beverages; and to provide a penalty.

9:27 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Warrey

Members Absent: Vice-Chairman Fegley, Representative Toman

Discussion Topics:

- Penalties for minors with fake identification
- Liquor control compliance checks
- Alcohol server training
- North Dakota compliance check protocols

9:27 a.m. Representative Ben Koppelman, North Dakota Representative for District 16, testified in favor and provided testimony #37719.

9:59 a.m. Representative Heilman moved to Adopt the Amendments provided in testimony #37719 and change class b misdemeanor back to an infraction, and strike alcohol server training on page 1 line 10, change "of" to "or" on page 1 line 13.

10:00 a.m. Representative Motschenbacher seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	A
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

10:02 a.m. Motion passed 11-0-2

10:03 a.m. Representative Heilman moved a Do Pass as Amended.

10:03 a.m. Representative Motschenbacher seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	N
Representative Clayton Fegley	A
Representative Jim Jonas	N
Representative Macy Bolinske	Y
Representative Jayme Davis	N
Representative LaurieBeth Hager	N
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	N
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	N
Representative Nathan Toman	A
Representative Jonathan Warrey	N

10:07 a.m. Motion failed 4-7-2

10:10 a.m. Representative Heilman moved to Amend and strike section 1.

10:10 a.m. Representative Warrey seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	N
Representative Clayton Fegley	A
Representative Jim Jonas	Y
Representative Macy Bolinske	N
Representative Jayme Davis	Y
Representative LaurieBeth Hager	N
Representative Patrick R. Hatlestad	N
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

10:14 a.m. Motion passed 7-4-2

10:15 a.m. Representative Heilman moved a Do Pass as Amended.

10:15 a.m. Representative Motschenbacher seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	A
Representative Jim Jonas	N
Representative Macy Bolinske	Y
Representative Jayme Davis	N
Representative LaurieBeth Hager	N
Representative Patrick R. Hatlestad	N
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

10:19 a.m. Motion passed 7-4-2

10:19 a.m. Representative Heilman will carry the bill.

10:20 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

February 14, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1375

Introduced by

Representatives Koppelman, D. Ruby, Grueneich, Headland, Kasper, Schatz, Steiner, Vetter
Senators Magrum, Paulson

2-14-25

JB 1063

1 A BILL for an Act to create and enact ~~two~~a new ~~sections~~section to chapter 5-02 of the North
2 Dakota Century Code, relating to a licensed premises serving alcohol, ~~compliance checks~~, and
3 failure to furnish a photo identification; to amend and reenact section 5-02-10 of the North
4 Dakota Century Code, relating to the time frame to file a complaint against a licensed retailer of
5 alcoholic beverages; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 ~~SECTION 1. A new section to chapter 5-02 of the North Dakota Century Code is created~~
8 ~~and enacted as follows:~~

9 ~~Licensed premises compliance check and random inquiry or investigation to detect~~
10 ~~illegal activity - Alcohol server training - Limitations:~~

11 ~~1. A local governing body may conduct two compliance checks per month per licensed~~
12 ~~premises.~~

13 ~~2. Without permission from an establishment owner subject to this section, a local~~
14 ~~governing body or a law enforcement agency may not exceed the compliance check~~
15 ~~limitation under subsection 1 or conduct a random inquiry of investigation to detect~~
16 ~~illegal activity within the establishment unless the governing body receives evidence~~
17 ~~from an identified source and the evidence establishes reasonable and articulable~~
18 ~~suspicion that a violation of this title or an equivalent ordinance has occurred.~~

19 ~~3. An ordinance enacted or adopted by a local governing body, including an ordinance~~
20 ~~enacted or adopted under a home rule charter, which conflicts with this section is void.~~

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

Evidence of an individual under twenty-one years of age in a licensed premises - Proof of identification - Refusal - Penalty.

1. If a peace officer has reasonable and articulable suspicion that an individual under the age of twenty-one is in a licensed premises for a purpose prohibited under section 5-02-06, the peace officer may request the individual to furnish a nondriver photo identification card or an operator's license to verify the individual's age.
2. An individual who fails to provide proof of identification upon request is guilty of an infraction.
3. If an individual charged with an infraction under this section produces a nondriver photo identification card or an operator's license before the final disposition of the infraction establishing the individual was twenty-one years of age or older at the time of the peace officer's request to furnish identification, the prosecuting attorney shall dismiss the infraction against the individual.

SECTION 2. AMENDMENT. Section 5-02-10 of the North Dakota Century Code is amended and reenacted as follows:

5-02-10. Hearing on alleged violations.

~~Any~~

1. If a person ~~having~~has information that a licensed retailer of alcoholic beverages has violated any ~~provisions~~provision of this title, the person may file with the attorney general, city attorney, or state's attorney an affidavit specifically ~~setting forth~~ such ~~explaining the violation within fourteen days of the date of the alleged violation.~~
~~Upon receipt of such~~
2. If a person timely files an affidavit under subsection 1, the city attorney or state's attorney shall set the matter for hearing not later than the next regular meeting of the local governing body or forward ~~such~~the affidavit to the attorney general. ~~Upon receipt of any such~~
3. If a person timely files an affidavit under subsection 1, the attorney general shall set the matter for hearing in the local county courthouse not less than ten days after

- 1 copies of the affidavit and notice of hearing have been mailed to the licensee by
- 2 registered mail.
- 3 4. If the hearing is held by the local governing body, a copy of ~~this~~the affidavit and notice
- 4 of hearing must be mailed to the licensee by registered mail not less than five days
- 5 before ~~such~~the hearing.
- 6 5. ~~A record of such hearings will be made~~hearing conducted under this section must be
- 7 recorded by stenographic notes or the use of an electronic recording device.

**REPORT OF STANDING COMMITTEE
HB 1375**

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **AMENDMENTS** ([25.0249.03002](#)) and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). HB 1375 was placed on the Sixth order on the calendar.

25.0249.03000

Koppelman
Amendments

HOUSE BILL NO. 1375

Sixty-ninth
Legislative Assembly
of North Dakota

Introduced by

Representatives Koppelman, D. Ruby, Grueneich, Headland, Kasper, Schatz, Steiner, Vetter
Senators Magrum, Paulson

1 A BILL for an Act to create and enact two new sections to chapter 5-02 of the North Dakota
2 Century Code, relating to a licensed premises serving alcohol, compliance checks, and failure
3 to furnish a photo identification; to amend and reenact section 5-02-10 of the North Dakota
4 Century Code, relating to the time frame to file a complaint against a licensed retailer of
5 alcoholic beverages; and to provide a penalty.

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

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

9 **Licensed premises compliance check and random inquiry or investigation to detect**
10 **illegal activity - Alcohol server training - Limitations.**

1. A local governing body may conduct two liquor control compliance checks per month per at a licensed premises.

2. Without permission from an establishment owner subject to this section, a local governing body or a law enforcement agency may not exceed the compliance check limitation under subsection 1 or conduct a random inquiry or investigation to detect illegal activity within the establishment unless the governing body receives evidence from an identified source and the evidence establishes reasonable and articulable suspicion that a violation of this title or an equivalent ordinance has occurred. This provision does not restrict a local governing body or law enforcement while exercising liquor control compliance checks as referenced in subsection 1.

3. An ordinance enacted or adopted by a local governing body, including an ordinance enacted or adopted under a home rule charter, which conflicts with this section is void.

19 **SECTION 2.** A new section to chapter 5-02 of the North Dakota Century Code is created
20 and enacted as follows:

1 **Evidence of an individual under twenty-one years of age in a licensed premises -**

2 **Proof of identification - Refusal - Penalty.**

3 1. If a peace officer has reasonable and articulable suspicion that an individual under the
4 age of twenty-one is in a licensed premises for a purpose prohibited under section
5 5-02-06, the peace officer may request the individual to furnish a nondriver photo
6 identification card or an operator's license to verify the individual's age.

7 2. An individual who fails to provide proof of identification upon request is guilty of an
8 infraction class B misdemeanor.

9 3. If an individual charged with an infraction class B misdemeanor under this section
10 produces a nondriver

11 photo identification card or an operator's license before the final disposition of the
12 infraction establishing the individual was twenty-one years of age or older at the time
13 of the peace officer's request to furnish identification, the prosecuting attorney shall
14 dismiss the infraction charge against the individual.

15 **SECTION 3. AMENDMENT.** Section 5-02-10 of the North Dakota Century Code is amended
16 and reenacted as follows:

17 **5-02-10. Hearing on alleged violations.**

18 Any

19 1. If a person havinghas information that a licensed retailer of alcoholic beverages has
20 violated any provisionsprovision of this title, the person may file with the attorney
21 general, city attorney, or state's attorney an affidavit specifically setting forth
22 suchexplaining the violation within fourteen days of the date of the alleged violation.
23 Upon receipt of such

24 2. If a person timely files an affidavit under subsection 1, the city attorney or state's
25 attorney shall set the matter for hearing not later than the next regular meeting of the
26 local governing body or forward suchthe affidavit to the attorney general. Upon receipt
27 of any such

28 3. If a person timely files an affidavit under subsection 1, the attorney general shall set
29 the matter for hearing in the local county courthouse not less than ten days after
30 copies of the affidavit and notice of hearing have been mailed to the licensee by
registered mail.

- 1 4. If the hearing is held by the local governing body, a copy of ~~this~~the affidavit and notice
- 2 of hearing must be mailed to the licensee by registered mail not less than five days
- 3 before ~~such~~the hearing.
- 4 5. ~~A record of such hearings will be made~~hearing conducted under this section must be
- 5 recorded by stenographic notes or the use of an electronic recording device.

2025 SENATE JUDICIARY

HB 1375

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1375
4/1/2025

Relating to a licensed premises serving alcohol and failure to furnish a photo identification and to the time frame to file a complaint against a licensed retailer of alcoholic beverages; and to provide a penalty.

8:59 a.m. Chair Larson opened the meeting.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Underage drinking regulations
- Identification verification requirements
- Penalties for fake ID usage

9:00 a.m. Representative Koppelman, District 16, introduced the bill.

9:20 a.m. Stephanie Engebretson, Staff Attorney, Chief of Police Association, testified in favor.

9:24 a.m. Jason Kraft, Captain, Ward County Sheriff's Department, testified in favor and submitted testimony #44502.

9:32 a.m. Chair Larson closed the hearing.

9:34 a.m. Senator Myrdal proposed a verbal amendment on page 1 line 15 strike 'fails' with 'refuses.'

9:34 a.m. Senator Myrdal moved verbal amendment, page 1 line 15 strike 'fails' with 'refuses.'

9:35 a.m. Senator Braunberger seconded.

9:35 a.m. Voice Vote - Motion Passed.

9:35 a.m. Senator Myrdal moved a Do Pass as amended.

9:35 a.m. Senator Castaneda seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Casteneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

9:35 a.m. Senator Cory will carry the bill.

9:35 a.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

April 1, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

CO
4/1/25
1042

ENGROSSED HOUSE BILL NO. 1375

Introduced by

Representatives Koppelman, D. Ruby, Grueneich, Headland, Kasper, Schatz, Steiner, Vetter
Senators Magrum, Paulson

1 A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century
2 Code, relating to a licensed premises serving alcohol and ~~failure~~ refusal to furnish a photo
3 identification; to amend and reenact section 5-02-10 of the North Dakota Century Code, relating
4 to the time frame to file a complaint against a licensed retailer of alcoholic beverages; and to
5 provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

9 **Evidence of an individual under twenty-one years of age in a licensed premises -**
10 **Proof of identification - Refusal - Penalty.**

- 11 1. If a peace officer has reasonable and articulable suspicion that an individual under the
12 age of twenty-one is in a licensed premises for a purpose prohibited under section
13 5-02-06, the peace officer may request the individual to furnish a nondriver photo
14 identification card or an operator's license to verify the individual's age.
- 15 2. An individual who ~~fails~~ refuses to provide proof of identification upon request is guilty of
16 an infraction.
- 17 3. If an individual charged with an infraction under this section produces a nondriver
18 photo identification card or an operator's license before the final disposition of the
19 infraction establishing the individual was twenty-one years of age or older at the time

1 of the peace officer's request to furnish identification, the prosecuting attorney shall
2 dismiss the infraction against the individual.

3 **SECTION 2. AMENDMENT.** Section 5-02-10 of the North Dakota Century Code is amended
4 and reenacted as follows:

5 **5-02-10. Hearing on alleged violations.**

6 ~~Any~~

7 1. ~~If a person having~~has information that a licensed retailer of alcoholic beverages has
8 violated any ~~provisions~~provision of this title, ~~the person~~ may file with the attorney
9 general, city attorney, or state's attorney an affidavit specifically ~~setting forth~~
10 ~~such~~explaining the violation within fourteen days of the date of the alleged violation.

11 ~~Upon receipt of such~~

12 2. ~~If a person timely files an~~ affidavit under subsection 1, the city attorney or state's
13 attorney shall set the matter for hearing not later than the next regular meeting of the
14 local governing body or forward ~~such~~the affidavit to the attorney general. ~~Upon receipt~~
15 ~~of any such~~

16 3. ~~If a person timely files an~~ affidavit under subsection 1, the attorney general shall set
17 the matter for hearing in the local county courthouse not less than ten days after
18 copies of the affidavit and notice of hearing have been mailed to the licensee by
19 registered mail.

20 4. If the hearing is held by the local governing body, a copy of ~~this~~the affidavit and notice
21 of hearing must be mailed to the licensee by registered mail not less than five days
22 before ~~such~~the hearing.

23 5. ~~A record of such hearings will be made~~hearing conducted under this section must be
24 recorded by stenographic notes or the use of an electronic recording device.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1375**

Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS** ([25.0249.04001](#)) and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1375 was placed on the Sixth order on the calendar. This bill does not affect workforce development.



Sheriff's Department



Robert Roed
Sheriff

April 1st, 2025

Chair Larson and members of the committee,

For the record my name is Jason Kraft, I am a Captain at the Ward County Sheriff's Department in Minot, and I am providing testimony in support of HB 1375. My duties include supervising and training our three sworn deputy divisions. I also provide direct assistance to the Sheriff on issues pertaining to operations, policy and personnel.

I'd like to first give some perspective on how things have changed recently and why a change in the law is necessary. In 2022, our department took in 3 fake ID's. In 2024, that number went to 21. Fake identification is low cost and easy to obtain. A simple google search revealed a site where you can purchase an ID of any state for \$120. Order more than one and you get a 20% discount.

So how are these fake identifications being used to exploit our current law? Currently, a person under the age of 21, can use their fake ID to gain entry into an establishment or to get served alcohol. The establishment checks the ID and believes it's valid because these are very convincing fakes. Then, for whatever reason, law enforcement does a walk through of the establishment and observes the same person. Law enforcement approaches the person and asks for an ID. Now, the person says I don't have it on me. They claim the establishment never asked them for ID. They claim they're 21 and provide some information to the officer such as name, date of birth, state of license, etc. They may also say they don't have a license in any state. Now the officer must try and vet out whether the person is less than 21 years old or not. Sometimes that is very difficult to do on scene. So instead of an arrest, the person will likely be told they need to leave. Free to find another establishment to do the same thing.

Section 1 will provide law enforcement an additional tool. With this language, when the person can't provide an ID and we reasonably believe they are under 21 years of age, they can be charged with an infraction. So, what happens if they're actually 21 or over? They simply take their ID to the prosecuting attorney's office and the charge is dismissed. This is the same process that has been used successfully for driving without proof of liability insurance for many years now.

Section 1 is an excellent addition to state law. Please support the passage of this language and I'll be happy to answer any questions you might have.

Sincerely,

Jason Kraft, Captain
Ward County Sheriff's Department