

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

24441

2001 SENATE JUDICIARY

SB 2441

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2441

Senate Judiciary Committee

Conference Committee

Hearing Date February 13th, 2001

Tape Number	Side A	Side B	Meter #
1	x		0-13.7
Committee Clerk Signature			

Minutes: **Senator Watne** opened the hearing on SB 2441: A BILL FOR AN ACT TO AMEND AND REENACT SECTION 5-02-06 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE PERFORMANCE OF OFFICIAL DUTIES IN LICENSED ALCOHOLIC BEVERAGE PREMISES.

Senator Krebsbach, representing district 40, testifies in support of the bill. Alcohol establishments cannot allow firefighters under the age of 21 into the building. Would like to change this. (proposed amendments attached)

Senator Nelson, is there a way we can say fireman in a specific way?

Senator Kresbach, in the bill, there is something which limits the scope of administration.

Representive Bellew, rep. district 38, supports the bill. Good bill, allows firefighters into bars to fight fires.

Joel Hafesburg, director of ND fire chiefs association. This will provide the opportunity for firefighters under 21 to enter into a bar. Whether this be to fight a fire or check the bar's fire prevention.

Senator Nelson, how many firefighters do you have that are under twenty one?

Joel, in Bismarek none. In some communities there are fire fighters under 21 years.

Senator Bercier, what caused this problem?

Senator Krebsbach, there were fire fighters in Minot under the age of 21 that were not allowed into a bar to fight a fire.

Senator Lyson, what is a public official? I have a problem with a public official, it should be for emergencies only.

Senator Krebsbach, I can find out. I'm sure its a defined term.

Bill Schell, representing the hospitality association, has a question about public official. This bill should be strictly for emergency purposes.

Senator Trenbeath, these laws are not restrictive.

Senator Bercier, I could be 17 and a public official.

Senator Trenbeath, if the guy is an elected official, I would have no problem with him entering a bar on official business.

Senator Lyson, I guess I don't have a problem with public official.

Senator Watne opened the hearing on SB 2441.

SENATOR NELSON MOTIONED TO MOVE AMENDMENTS, SECONDED BY SENATOR TRENBEATH. VOTE INDICATED 6 YEAS, 0 NAYS AND 1 ABSENT AND NOT VOTING. SENATOR TRENBEATH MOTIONED TO DO PASS AS AMENDED, SECONDED BY SENATOR BERCIER. VOTE INDICATED 6 YEAS, 0 NAYS AND 0

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Senate Judiciary Committee
Bill/Resolution Number SB 2441
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**ABSENT AND NOT VOTING. SENATOR WATNE VOLUNTEERED TO CARRY THE
BILL.**

PROPOSED AMENDMENTS TO SENATE BILL NO. 2441

Page 1, line 1, replace "section" with "sections 5-01-08 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 5-01-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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 person under twenty-one years of age manufacturing or attempting to manufacture alcoholic beverages, purchasing or attempting to purchase alcoholic beverages, consuming or having recently consumed alcoholic beverages other than during a religious service, being under the influence of alcoholic beverages, or being in possession of alcoholic beverages, or furnishing money to any person for such purchase, or entering 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 the premises in the performance of official duty, 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."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2441: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2441 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 5-01-08 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 5-01-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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 person under twenty-one years of age manufacturing or attempting to manufacture alcoholic beverages, purchasing or attempting to purchase alcoholic beverages, consuming or having recently consumed alcoholic beverages other than during a religious service, being under the influence of alcoholic beverages, or being in possession of alcoholic beverages, or furnishing money to any person for such purchase, or entering 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 the premises in the performance of official duty, 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."

Renumber accordingly

2001 HOUSE JUDICIARY

SB 2441

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2441

House Judiciary Committee

Conference Committee

Hearing Date 03-13-01

Tape Number	Side A	Side B	Meter #
TAPE II	X		323 to 902
Committee Clerk Signature <i>Joan D. [unclear]</i>			

Minutes: Chairman DeKrey opened the hearing on SB 2441. Relating to the performance of official duties in licensed alcoholic beverage premises.

Senator Krebsbach: District 40, so-sponsor introduced the bill. This bill would allow other public officials to enter the premises in the performance of official duty. This would allow such people as fireman or emergency personnel to enter the premises in case of an emergency.

Chairman DeKrey: If there are no questions, thank you for appearing before this committee.

Joel Boespflug: City of Bismarek Fire and Inspections Chief and also Director with the North Dakota Fire Chief's Association. (see attached testimony).

Chairman DeKrey: If there are no questions, thank you for appearing before this committee.

Jerry Hjelemsted: North Dakota League of Cities, spoke in support of the bill.

Chairman DeKrey: If there anyone else wishing to testify in support, neutral or opposition, we will close the hearing on SB 2441.

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House Judiciary Committee
Bill/Resolution Number SB 2441
Hearing Date 03-13-01

COMMITTEE ACTION

Chairman DeKrey: what are your wishes. Rep Eekre moved a DO PASS, seconded by Rep Grande. The clerk will call the roll on a DO PASS motion on SB 2441. The motion passes with a vote of 13 YES, 0 NO and 2 ABSENT. Carrier Rep Eekre.

Date: 03-13-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB-244

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Eckre Seconded By Rep Grande

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke					
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield					
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep Eckre

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

REPORT OF STANDING COMMITTEE (410)
March 14, 2001 10:51 a.m.

Module No: HR-44-5554
Carrier: Eckre
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2441, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2441 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2441

Testimony on Senate Bill 2441
House Judiciary Committee
By Joel Boespflug
March 13, 2001

Mr. Chairman and members of the Committee, my name is Joel Boespflug, City of Bismarck Fire and Inspections Chief and also a Director with the North Dakota Fire Chief's Association. I appear before you today in favor of the engrossed version of Senate Bill 2441.

The insertion of "other public official" into the existing century code language will eliminate potential problems in the future for our department in Bismarck and for other departments throughout the state. The scope of the wording is strictly confined to the individual entering the premises in the performance of official duty. For the fire service, official duties conducted within such a business would include firefighting or other emergency, routine fire safety inspections, occupancy checks, and pre-fire familiarization and planning. The term "public official" is proper as it addresses the need of multiple agencies that provide other necessary services, such as health inspections and building code inspections.

Mr. Chairman and members of the committee, I urge you to give this bill a do pass recommendation and I will be happy to answer any questions that you might have.