

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2269

2007 SENATE POLITICAL SUBDIVISIONS

SB 2269

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2269**

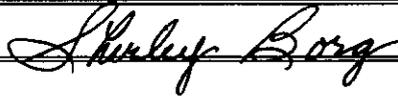
Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: **February 1, 2007**

Recorder Job Number: **2546 (Hearing) and 2651 (Action)**

Committee Clerk Signature



Minutes:

**Chairman Cook** called the Senate Political Subdivisions Committee to order. All members (5) present.

**Chairman Cook** opened the hearing on SB 2269 relating to drink discounting.

**Senator Grindberg**, District 41, Fargo, ND introduced SB 2269. The intention in the bill speaks for itself, it would restrict any free drink give a ways and functions after eleven o'clock at night. If ND passes such a law we would be at a disadvantage with Minnesota and offer that if you move this forward make it contingent with Minnesota law passage.

**Representative Gruchalla**, District 45, North Fargo, ND testified in support of SB 2546. He wanted to sign on to this bill because in his time in law enforcement he arrested over 1000 drunk drivers. Many of them were arrested after the bars were closed and many of these were college kids. This bill addresses not trying to encourage people during the last hour to drink in excess.

**Senator Flakoll**, District 44, Fargo, ND testified in support of SB 2269. (See Attachment #1)

**Laura Oster**, Director of Orientation and Student Success at NDSU and member of the ND Higher Education Consortium for Substance Abuse Prevention. (See attachment # 2)

Opposition to SB 2269

**Representative Thoreson**, District 44, Fargo, ND testified in opposition to SB 2269. Talked about two things we did in the previous legislative assembly in 2005. One was giving establishments the opportunity to stay open one hour later. Along with that extra hour came a lot more responsibility by the establishment owners. They realized that they were going to be under the microscope because a lot of people were expecting trouble and problems by giving that extra hour of time. As far as he has been able to determine by talking to law enforcement and the establishments we have not really seen that. There are problems with alcohol, but I do not think we have as big of problem in the industry as this bill addresses. The second thing is it was indicated that is kind of the way we dealt with methamphetamine. He was the prime sponsor on HB 1396 and that bill was designed to deal with bad actors who were criminals who were out there taking lives. He does not see this bill anything like that bill, these are law abiding people who own small businesses in our community and I think they are doing a good job policing themselves. I find it interesting that some one can't serve someone two glasses of wine but can sell them a whole bottle of wine. I don't think we can solve our problem with forty nine new lines in the century code.

**Ron Iverson**, private citizen, owner of Dempsey Public House, Fargo, ND. We are responsible bar owners. College age kids eighteen, nineteen, and twenty years old can not come into my establishment because it is against the law. The fact of the matter is when someone comes into his establishment, I in no way want to over serve them or harm that person. All our staff is mandated to go through a server training course which is mandated by law and if they do not, they are not allowed to work in my bar. We do market drink specials like any business markets their product. I think this bill is a solution in search of a problem.

**Robert Harms**, lobbyist for the ND Hospitality Association, testified in opposition of SB 2269.  
(See attachment #3)

**Connie Hofland**, ND Wholesale Liquor Dealers, testified on behalf of Rob Hansen in opposition of SB 2269. (See attachment # 4)

**Lisa Hixson**, Manager of City Sports Bar, Bismarck ND testified in opposition of SB 2269. Her bar also mandates that all her employees are trained before serving a drink. There is a lot more responsibility being taken by people that are drinking then is being given credit for.

No Further Testimony.

**Chairman Cook** closed the hearing on SB 2269.

**Chairman Cook** said that if SB 2269 were passed, they would have to do some drastic work to it.

**Senator Warner** moved a Do Not Pass

**Senator Olafson** seconded the motion.

Discussion

**Senator Anderson** said this is a law that is to easy to get around.

**Senator Warner** said that this is an issue that would better be served by local ordinance.

Roll call: Yes 5 No 0 Absent 0

Carrier: **Senator Warner**

Date: 2-1-07  
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2269

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Senator Warner Seconded By Senator Olafson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X		Senator Arden C. Anderson	X	
Senator Curtis Olafson, ViceChair	X		Senator John M. Warner	X	
Senator Nicholas P. Hacker	X				

Total Yes 5 No 0

Absent 0

Floor Assignment Senator Warner

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

**REPORT OF STANDING COMMITTEE**

**SB 2269: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2269 was placed on the Eleventh order on the calendar.**

2007 TESTIMONY

SB 2269

## SB 2269

### Senator Tim Flakoll

Good morning Chairman Cook and committee members.

Substance abuse is a dangerous and expensive problem.

At work, alcohol and drug abuse by employees causes many expensive problems ranging from lost productivity, injuries and an increase in health insurance claims. The **loss to companies** in the United States due to alcohol and drug-related abuse by employees totals more than **\$100 Billion per year**, according to the National Clearing House for Alcohol and Drug Information.

Let me briefly share with you a few pieces of information that highlight the problem:

- 1) In many workplaces, 20-25% of accidents at work involve intoxicated people injuring themselves and innocent victims.
- 2) A hospital emergency room study showed that 35% of patients with an occupational injury were at-risk drinkers.
- 3) In another emergency room study, breathalyzer tests detected alcohol in 16% of the people who were injured at work.
- 4) Absenteeism is 2-3 times higher for drug and alcohol users than for other employees.

- 5) Employees with chemical dependency problems may make as many as **3 times** as many sickness claims and as many as **5 times** as many workers' compensation claims.
- 6) A recent survey showed that 14% of surveyed employees had to redo work within the past year because of a co-worker's drinking problem.
- 7) 1,700 college students ages 18-24 die each year from alcohol related injuries.
- 8) A national study of a one year period showed that more than 696,000 students between the ages of 18-24 were assaulted by another student who had made poor drinking choices. That is more people who were assaulted than live in the entire state of North Dakota.

We live in an age where people watch a great deal of Television from CSI to Grey's Anatomy to Cold Case. The down side to that viewer ship is that people develop a line of thinking, that problems regardless of their size can be solved in 60 minutes or less.

It simply is not that easy. Dealing with complex issues such as substance abuse takes a holistic effort on many fronts to combat the issue. The problems are a result of numerous intertwined effectors and therefore require numerous points of attack to have measured success.

SB 2269 addresses one of those points. It targets a hotspot of the problem, that being late night drinking at establishments in our state.

Please note that at one time I was the holder of a liquor license at one of the largest capacity liquor serving locations in the state of North Dakota. We did not offer three for ones or five for ones that are prohibited during select times by this bill. Nor did we provide cut rate drinks during certain times. Why not? Well there are a couple of reasons. First if you have three for ones or five for ones your cost of product increases by the obvious rate of 3-5 times. Secondly it encourages people to drink to excess. People's level of alcohol consumption is limited by three general effectors 1) capacity (there is a limit to distention), 2) how much money they have to spend and 3) sense of knowing when to say "stop, I have had enough." The bill before you increases the importance of #2 in curbing excessive drinking.

We cannot afford to stand by quietly. We must engage everyone in the solution, because you are involved whether you use or abuse substances or not.

That concludes my testimony and I would be happy to stand for any questions.

# North Dakota University System

## TESTIMONY TO SENATE POLITICAL SUBDIVISIONS on SB-2269

*Laura Oster-Aaland, Director Orientation and Student Success  
North Dakota State University*

FEBRUARY 1, 2007

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Mr. Chairman and members of the Committee,

For the record, I am Laura Oster-Aaland, Director of Orientation and Student Success at North Dakota State University and member of the North Dakota Higher Education Consortium for Substance Abuse Prevention. I am testifying in the absence of Dr. Karin Walton, Director of the North Dakota Higher Education Consortium for Substance Abuse Prevention.

The Chancellor, the North Dakota University System and the North Dakota Consortium for Substance Abuse Prevention in Higher Education are taking a position in support for Senate Bill No. 2269: Excessive Drink Discounting.

Colleges and universities are working to identify effective strategies to address college drinking in an attempt to reduce alcohol-related problems, including death among this population. A parallel search for effective strategies to reduce alcohol-related problems is occurring in communities and states throughout the nation. Individual drinking behavior is influenced by a myriad of environmental factors, such as messages in the media, community norms and attitudes, public and institutional policies and practices, and economic factors (Wagenaar and Perry, 1994). Reductions in alcohol use and related problems may be achieved by changing such environmental factors (Toomey et al., 1993).

This bill is one such tactic that would be considered an effective environmental management strategy. The consortium operates at three levels in an attempt to change the aforementioned environmental factors: The campus level, which addresses campus issues; the community level, which addresses community issues; and the state level, which impacts public policy.

It is important to state that we are not a prohibition group. Rather, the consortium seeks campus communities where student safety and success is not jeopardized by the use of alcohol or other substances and advocates for stronger prevention policies, participates in campus-community partnerships, and the development of evidence-based prevention programs.

This includes the prevention of over-consumption of alcohol. Drink promotions, drink specials, such as happy hours, drinking contests, "all you can drink" specials, and the like, encourage over-consumption of alcohol by reducing prices – a compelling incentive to drinking large amounts of alcohol over a short period of time.

Research has documented that:

1. Alcohol consumption, intoxication and drinking/driving rates are sensitive to the price of alcoholic beverages (Chaloupka, et al., 2002).

2. Underage individuals and young adults are affected by the cost of alcohol and studies show that increasing the price of alcohol significantly reduces the number of drinks consumed by this population (Grossman, et al., 1998; Chaloupka, et al., 2002).
3. The research offers strong evidence for the negative health outcomes of happy hours and other drink specials practices, suggesting that policies restricting these practices could have a positive impact on public health.
  - a. In a happy hour research study (Babor, et al., 1978)
    - The experimental group was given a 50 percent price reduction for alcohol during a daily three-hour period in the afternoon.
    - The control group received full price drinks during the same daily three-hour period in the afternoon.
    - The results indicate that the casual and heavy drinkers in the happy hour group drank about twice as much as those in the non-happy hour group.
  - b. A College Alcohol Study by the Harvard School of Public Health studied the relationship between binge-drinking rates on college campuses and the availability of large volumes of alcohol, low sales prices, and frequent promotions and advertisements in the vicinity of campus. This included serving sizes, prices, and promotions (Kuo, et al., 2003).
    - They found that there is a significant correlation between lower drink prices and higher binge-drinking rates, which is defined as five or more drinks in a row in one sitting.
    - They also found that there was a reduction in self-reported drinking and driving rates when laws limited underage access to alcohol and high volume sales of alcohol (drink discounting) (Wechsler, et al., 2003).
    - Lastly they found that laws banning high volume sales contributed to lower rates of drinking and driving among college students, a group at risk for both binge drinking and alcohol-related traffic fatalities (Wechsler, et al., 2003; NHTSA, 2002; NHTSA, 2004).
  - c. Over half (27) of the States currently have laws that specifically prohibit happy hours, drink specials and other practices that encourage drinking to intoxication. Minnesota is working on similar legislation during the current legislative session.

Given North Dakota's national ranking for alcohol use, across all age groups, this issue reaches far beyond the college campus. The National Survey on Drug Use and Health (2004), identifies that in the past month among all persons ages 12 or older, ND had the highest rate of binge drinking, which again is drinking five or more drinks in a row in one sitting (and equivalent to the definition of heavy episodic drinking). I have included all age group comparisons in Tables 1 and 2 as supportive documentation to the prevalence of alcohol, tobacco and other drugs use in ND citizens.

There is a striking difference in the prevalence of alcohol compared to other drugs such as marijuana, methamphetamine, and all other illicit drug use combined. North Dakota citizens have a higher rate than the national rate for alcohol consumed in the past 30 days and heavy episodic drinking (5 or more in a row in a sitting) across all age groups youth, young adults, college age, and adults. Clearly, this is not merely a youth problem in our state.

**Table 1: National and State Use Rates in Percentage**

30-day Use	Youth (12-17)		Young Adult (18-25)		College (18-22)		Adult (26 +)	
	US	ND	US	ND	US	ND	US	ND
Alcohol 30 day use	43 <sup>a</sup>	49 <sup>a</sup>	55.7 <sup>b</sup>	73.0 <sup>c</sup>	32.4 <sup>b</sup>	75.6 <sup>d</sup>	49.5 <sup>b</sup>	59.4 <sup>c</sup>
Heavy Episodic or Binge Use	25 <sup>a</sup>	33.8 <sup>a</sup>	42.0 <sup>b</sup>	42.0 <sup>b</sup>	48.8 <sup>d</sup>	54.8 <sup>d</sup>	22.0 <sup>b</sup>	22.0 <sup>b</sup>
Tobacco 30 day	23.0 <sup>a</sup>	22.1 <sup>a</sup>	39.5 <sup>b</sup>	41.0 <sup>c</sup>	30.5 <sup>b</sup>	38.5 <sup>d</sup>	24.1 <sup>b</sup>	30.5 <sup>c</sup>
Marijuana	20.0 <sup>a</sup>	15.5 <sup>a</sup>	34.2 <sup>b</sup>	15.2 <sup>c</sup>	18.8 <sup>d</sup>	11.4 <sup>d</sup>	4.1 <sup>b</sup>	2.9 <sup>c</sup>
Methamphetamines*	6.2 <sup>a</sup>	5.4 <sup>a</sup>	1.6 <sup>b</sup>	NA	4.1 <sup>b</sup>	2.5 <sup>d</sup>	0.4 <sup>b</sup>	NA
Other Illicit Drugs‡	10.6 <sup>b</sup>	11.6 <sup>c</sup>	19.4 <sup>b</sup>	18.0 <sup>c</sup>	20.2 <sup>b</sup>	0.4	5.5 <sup>b</sup>	4.2 <sup>c</sup>
<b>ND Past Yr <sup>c</sup></b>								
	Youth (12-17)		Young Adult (18-25)		College (18-22)		Adult (26 +)	
Illicit Drug Dependence‡	3.2		4.4		NA		0.9	
Depend. or Abuse	5.9		7.3		NA		1.4	
Alcohol Dependence	3.3		8.4		NA		2.8	
Depend or Abuse	10.3		27.1		NA		7.5	
Need Treatment Illicit Drug	5.4		6.9		NA		1.3	
Need Treatment Alcohol	9.5		25.7		NA		6.7	

a -Youth Risk Behavior Survey, 2005; b - National Survey of Drug Use and Health, 2004; c- National Survey of Drug Use and Health, 2003; d- Core Alcohol and Drug Survey, 2005; \*Lifetime Use – 30 day use not available; ‡ All illicit drugs except marijuana

**Table 2: National and State Risk Factors in Percentage**

Risk Factors (YRBS)	National		North Dakota	
	2003	2005	2003	2005
Riding with a driver who had been drinking	30.2	28.5	42.8	37.4
Driving after drinking alcohol	12.1	10.0	26.7	22.0
First drink before age 13 years	27.8	25.6	25.4	19.7
Smoked a whole cigarette before age 13 years	18.3	16.0	18.7	17.3
Tried marijuana before age 13 years	9.9	8.7	7.9	6.7

In an article dated November 30, 2006 in the Grand Forks Herald, North Dakota ranked 7<sup>th</sup> on the Fatal Fifteen list, an annual ranking of states in which 41% or more of all traffic fatalities are alcohol-related. We are listed at 47% and have made this list twice in a four year period. A quote from that article by Lt. Kelly Rogers of the ND Highway Patrol states “What we see on the highway with drunk drivers is they are not social drinkers...they are suffering from alcohol abuse.” Drink discounting contributes to alcohol abuse as is documented in the studies I mentioned.

Aside from the previous data outlining North Dakota’s ranking in alcohol use and abuse, I would like to demonstrate our concern in retailers promoting alcohol at a discounted price, drink specials that promote all you can drink for one price, and free drinks for a period of time. Please see Attachment A for examples of Ad that demonstrate these practices.

For the record I think we need to talk about the definition of a standard drink. A standard drink is any drink that contains about 14 grams of pure alcohol (about 0.6 fluid ounces or 1.2 tablespoons). Attachment B is a description of standard drink equivalents as well as the number of standard drinks in different container sizes for each beverage. Scientists define a standard drink as one 12 ounce beer; 8-9 ounces of malt liquor; 5 ounces of table wine; or 1.5 ounces of 80-proof hard liquor.

As you can see there are several ads for Long Island Iced Teas at a reduced price (\$1.50 - \$2.00). Just for the record, I would like everyone here to be aware that there is no tea in a Long Island Iced Tea. A Long Island Iced Tea is typically 1 shot vodka (80 proof), 1 shot tequila (80 proof), 1 shot rum (80 proof), 1 shot gin (94 proof), 1 shot triple sec (60 proof) (a strong, sweet and colorless orange flavored liqueur), 1 1/2 shots sweet and sour mix and a splash Coca-Cola. That makes the alcohol content in one Long Island Iced Tea equivalent to 5 shots of alcohol (depending the proof of each of the shots it would be the equivalent to about 5 standard drinks).

A common phrase typically heard is, "I'm just gonna stop off and have a couple of drinks on my way home." Assuming that a "couple" is two – these two Long Island Iced Teas would contain 10 shots of alcohol, which is 10 standard drinks, which is not equal to 2 drinks rather equivalent to over a 1/2 pint of alcohol, all for the low price of \$3.00 to \$4.00, equal or less than the cost of a pack of cigarettes. Other ads demonstrate establishments that begin their discounting from 9:00 pm to close. And yet another ad references a dice game in which the winner gets a free drink. Based on the research, these practices have the potential to increase drinking quantity, and thus endanger individuals and the public.

The average 150 pound male can metabolize one standard drink per hour without becoming impaired. So serving two or more drinks at one time, or serving a high volume of drinks for a low price is speeding up the rate of impairment, risking individual and public safety.

The alcohol industry, specifically Anheuser Busch has a campaign titled "*Responsibility Matters.*" In attachment C you will see two letters from the Vice President of Consumer Affairs at Anheuser Busch; one dated January 2005 and addressed to President Charles Kupchella at the University of North Dakota and one dated May 2006 and addressed to Dr. Robert Potts, former Chancellor of the North Dakota University System. I would like to draw your attention to the 4<sup>th</sup> paragraph "Our company's position on college drinking is clear: if students are 21 and older and choose to drink, we want them to do so responsibly; if they are under 21, we want them to respect the law and not drink."

I also have a copy of a pamphlet from Anheuser Busch, Inc. titled "*Our Commitment: Community Programs to Promote Alcohol Awareness*". In attachment D, I would like to draw your attention to the underlined portion of this brochure. "Today, our national campaign – Responsibility Matters – provides a clear, concise reminder that one of the best solutions to addressing alcohol abuse is to emphasize personal responsibility. That means implementing effective education and awareness programs that promote responsibility and responsible behaviors – parents talking with their children about underage drinking, adults being designated drivers, retailers checking I.D.s to prevent sales to minors, and more."

We believe that "and more" includes responsibility by the retailers. Quite frankly, we really would rather not be here today. We would really prefer the alcohol industry police themselves -- however that is not the case as evidenced by the advertisements for drink specials you have just witnessed.

Responsibility does matter and this should be a joint effort between the consumer and the promoter. It creates an incredible contradiction of "*use our products in moderation*" or "*drink responsibly.*" It also creates a mixed message to our youth, who coming of age believe this is the manner in which you consume alcohol -- drink a large amount of alcohol, over a short period of time, at a reduced price. How do we expect our youth to say no when the environment around them says yes?

With all due respect, the alcohol industry is not our enemy it's our competition and the prevention field does not have the resources to compete with the revenue they generate. We simply want to be on an even playing field. Limiting excessive drink discounting by retailers is one step in which to even the playing field, not only between the industry and prevention, but also between retailers. Some retailers tell us that they would rather sell their drinks at full price, however, when their competitor down the street is discounting drinks or providing a discount to college students, and advertising those specials, retailers are pressured to use the same tactics.

I like to consider this bill similar to the legislation that was passed last session which placed a ban on the amount of pseudoephedrine that could be purchased at one time. Pseudoephedrine is the product in cold medicine that is used in the manufacturing of methamphetamine. This has been a successful environmental management tactic that has contributed to the reduction of Meth labs in North Dakota. Though we are not a prohibition group, and alcohol is legal, we must keep in mind that alcohol is also a drug. A drug that can be lethal when consumed rapidly, in large quantities.

The passing of this bill could also be a successful environmental management tactic that would contribute to decreasing heavy episodic drinking, drinking and driving fatalities, and the mixed messages in the community. It would also challenge the retailers to adhere to the statements of expected responsibility by the alcohol industry. Restricting these practices could have a positive impact on public health, because as we all know high risk drinking can be a life or death matter.

That completes my testimony. Thank you for your time. I would be pleased to attempt to answer any questions the committee might have.

## References

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**open**  
**3pm - 1am**

**Monday**  
**\$2 BIG Beers All Night**

**Tuesday**  
**Two-For-Ones**

**Wednesday**  
**\$1 Morgan Drinks & Bar Pours**

**Thursday**  
**Two-for-One Bottles and Well Drinks**

**Friday**  
**Drinkin for a Lincoln 9-11pm**  
**All the beer you can drink for \$5**

**Saturday**  
**\$2.50 Red Bull Drinks**

Dakota Student University of North Dakota January 12, 2007

On The Boardwalk  
East Grand Forks  
773-1831

**Whitey's**

**Monday Night Shakes**

Shake the dice against the Bartender  
and when you win your drink is FREE

Dakota Student University of North Dakota January 12, 2007

*Attachment  
A*

Thursday Nights: 1150 43 1/2 St. S  
(701) 893-9071

**LADIES NIGHT**  
\$5 all you can drink 9pm-12am  
\$3.50 Martinis 8pm-close

**Monday Nights**  
Big Birthday Monday  
The week of your birthday  
**FREE 42oz Monster Martini**  
Any Monday the Month of your birthday!

**Mr. G's**

**Happy Hour**  
MONDAY-THURSDAY 4-7PM:  
\$1.50 WELLS & 16 OZ. DOMESTIC TAPS  
\$3.50 MARTINIS  
FRIDAY AND SATURDAY 7-9 PM:  
\$3.50 MARTINIS  
\$1.50 WELLS, 16 OZ DOMESTICS TAPS, MORGANS

**Tuesday Nights**  
2-4-1 Wells, Morgans,  
Domestic Bottles & Taps

**Wednesday Nights**  
Domestic Beer Night  
\$2 Bottles and Taps

**Thursday Nights**  
Ladies Night 9-12  
\$5 all you can drink  
\$3.50 Martinis 8pm-close

**ROTTERSBAR**  
BLACKBERRY  
OFF SALE  
LIQUOR  
107 BROADWAY FARCO ND

**Monday**  
\$1.25 All 12oz Draws  
Karaoke

**Tuesday**  
\$1.75 All Domestic Bottles

**Wednesday**  
\$1.50 Morgan & Windsor

**Thursday**  
\$1.50 Long Island Teas  
\$6.00 All Beer Pitchers (Excludes Killians)  
Karaoke

**Saturday**  
Hangover Special  
\$1.75 Homemade Bloody Marys w/ Chaser 10-4pm  
\$1.25 All 12oz Draws 9pm-Midnight

DAILY  
HAPPY HOUR  
2-4-1/1st ROUND  
4:30-6:30  
FREE PEANUTS  
ROOTBEERS ALWAYS  
\$3.15

ALL SPECIALS END AT MIDNIGHT

**Ladies Night Sunday**

Ladies Drink Free All Wells & Taps  
9:00pm - 12:00am

**LIVE MUSIC**

Friday, January 16th -- Ice Breaker

Saturday, January 27th -- Ice Breaker

Sunday, January 28th -- Carmen The Cactus

*Fargo, ND*  
**WINDBREAK**  
SALOON

**FRIDAY**  
Happy Hour  
4-7pm

1-29 and 32nd Ave South

Get a free drink coupon at:  
[www.thewindbreak.com](http://www.thewindbreak.com)

## UPTOWN Dance Club

# \$ Dollar Drinks \$

*Different Special every hour*

*Wed-Sat 9pm-2am*

S.50 Taps 'til 11pm Wed-Sat

S2 U-Call, S3 Pitchers & S2 Bottles  
'til 11pm Fri-Sat, All Nite Wed-Thr

\*\*\*

Downtown: S2 U-Call, S2 bottles, S3 pitchers Fri-Sat all nite

*Dakota Student, University of North Dakota – January 12, 2007*

Grand Forks Herald, Friday, January 12, 2007

## Nightlife:

**Have a happy hour:** Here are the **top five** places in the Grand Cities to spend your happy hour based on how many happy hours per day, whether they are available throughout the whole restaurant or in the lounge only, whether they are available every day of the week, and finally, on selection:

**5. Boston's, The Gourmet Pizza** (3250 32 Ave. S.) 775-9000: 3 p.m. to 6 p.m. and 9 p.m. to close. Selected appetizers are half price. Drink specials include tap beers, house wines and Long Island teas. Specials run every day, in the lounge only.

**4. Blue Moose Bar And Grill** (507 2 St. NW, East Grand Forks.) (218) 773-6516: 4 p.m. to 6 p.m. Tap beers on special, weekdays only. After 9 p.m. on weekdays and 10 p.m. on weekends. Selected appetizers are half price and tap beers are on special.

**3. Green Mill Restaurant & Bar** (1930 S. Columbia Rd.) 780-9000: 3:30 p.m. to 7 p.m. Selected appetizers are half price, and drink specials include tap beers, house wines

and bar pours. Specials are available in the lounge only. 9:30 p.m. to 11 p.m. Same specials throughout the entire restaurant.

**2. Grizzly's Grill N' Saloon** (3000 32 Ave. S.) 335-2485: 4 p.m. to 7 p.m. Selected appetizers are half price and drink specials include domestic beers and rail drinks. Specials are available in the lounge only. 9 p.m. to close. The same specials are available throughout the entire restaurant. On Sundays, specials run all day throughout the entire restaurant.

**1. Applebee's Neighborhood Grill & Bar** (2851 Columbia Rd. S.) 795-5688; 415 2 St. NW, East Grand Forks, (218) 773-0990: 3 p.m. to 6 p.m. Appetizers are half-price. Drink specials include Long Island teas and all tall tap beers. 9 p.m. to close. All appetizers are buy one, get one free. Drink specials include Long Island teas and all tall tap beers. Happy hour specials run every day throughout the restaurant.

*Grand Forks Herald, Grand Forks, ND – January 12, 2007*

*Attachment B*

**What Is a Standard Drink?**

A standard drink is any drink that contains about 14 grams of pure alcohol (about 0.6 fluid ounces or 1.2 tablespoons). Below are standard drink equivalents as well as the number of standard drinks in different container sizes for each beverage. These are approximate, as different brands and types of beverages vary in their actual alcohol content.

STANDARD DRINK EQUIVALENTS	APPROXIMATE NUMBER OF STANDARD DRINKS IN:
<b>BEER or COOLER</b>	
<p>12 oz.</p>  <p>~5% alcohol</p>	<ul style="list-style-type: none"> <li>• 12 oz. = 1</li> <li>• 16 oz. = 1.3</li> <li>• 22 oz. = 2</li> <li>• 40 oz. = 3.3</li> </ul>
<b>MALT LIQUOR</b>	
<p>8-9 oz.</p>  <p>~7% alcohol</p>	<ul style="list-style-type: none"> <li>• 12 oz. = 1.5</li> <li>• 16 oz. = 2</li> <li>• 22 oz. = 2.5</li> <li>• 40 oz. = 4.5</li> </ul>
<b>TABLE WINE</b>	
<p>5 oz.</p>  <p>~12% alcohol</p>	<ul style="list-style-type: none"> <li>• a 750 mL (25 oz.) bottle = 5</li> </ul>
<b>80-proof SPIRITS (hard liquor)</b>	
<p>1.5 oz.</p>  <p>~40% alcohol</p>	<ul style="list-style-type: none"> <li>• a mixed drink = 1 or more*</li> <li>• a pint (16 oz.) = 11</li> <li>• a fifth (25 oz.) = 17</li> <li>• 1.75 L (59 oz.) = 39</li> </ul>

\*Note: Depending on factors such as the type of spirits and the recipe, one mixed drink can contain from one to three or more standard drinks.

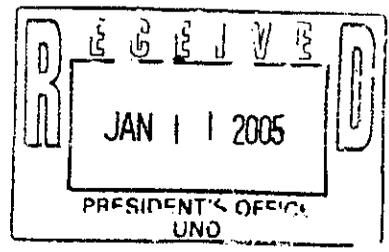


DR  
249

*Karin Walton*  
One Busch Place  
St. Louis, Missouri  
63118-1852  
tel: (314) 577-2000  
*Bob*

January 2005

Charles E Kupchella  
President/Box 8193  
University Of North Dakota  
P O Box 8176 #Und  
Grand Forks ND 58202



Dear President/Box 8193 Kupchella:

Each year Anheuser-Busch provides college and university administrators with a copy of our company's College Marketing Code as part of our commitment to responsible marketing. In addition, we've also included a copy of the Beer Institute Advertising and Marketing Code that lists the general advertising guidelines Anheuser-Busch follows.

The Anheuser-Busch College Marketing Code helps to ensure that our marketing activities are responsible and directed to legal-age consumers. Our company's sales and marketing personnel and our 600 independent wholesalers across the country use this code as their guideline when developing marketing activities at or near college campuses to help ensure that our efforts are in accordance with all applicable college regulations. The code, which was developed with the support and input of educators, also serves as an important complement to our advertising and community-based alcohol awareness and education programs that encourage responsible drinking among adults and discourage underage and abusive drinking.

These practices at the local level work in concert with our national media placement standards. We place our electronic and magazine advertising in programming and publications where at least 70 percent of the audience is adults 21 or older. As an example, our advertising in college football and basketball programming reaches an audience that is 88 percent adults 21 and older, according to 2004 Nielsen data.

Our company's position on college drinking is clear: if students are 21 and older and choose to drink, we want them to do so responsibly; if they are under 21, we want them to respect the law and not drink.

Anheuser-Busch has a long-standing commitment to addressing alcohol issues on the college campus through our support of such programs as the NCAA Foundation "Choices" program, which we established in 1990 through a \$2.75 million grant. This program has provided more than \$1.4 million to 146 universities around the country to support their campus-specific alcohol awareness programs in the past 14 years.



In addition, Anheuser-Busch contributes to the BACCHUS & GAMMA Peer Education Network, which brings together Greek houses, residence halls, higher education associations and government officials at campuses across the country to promote responsible attitudes toward alcohol beverages. Working with our local wholesalers, we also sponsor "TIPS for the University," a program that gives students the confidence and skills to effectively intervene with their peers who may not be consuming alcohol responsibly.

For the past five years, we have partnered with the National Association of State Universities and Land-Grant Colleges (NASULGC) to help take a positive norms message to college students across the country. As you may know, this kind of social norms marketing approach has been successful in changing abusive drinking behavior on campuses across the country, and we're pleased to be able to support such an important campaign. More information is also available at the National Social Norms Resource Center's web site, [www.socialnorm.org](http://www.socialnorm.org).

NASULGC has also endorsed our program "College Talk: A Parent's Guide on Talking to Your College-Bound Student About Drinking." We have enclosed the program's introductory brochure for your information. College Talk was developed by an advisory panel of authorities in education, family therapy, student health and wellness, alcohol treatment and social norms marketing, and through conversations with parents and students. The full parent guide is available online at [www.collegetalkonline.com](http://www.collegetalkonline.com), and we also offer a brief video that can be used to complement your campus alcohol issues presentation at parent orientation meetings.

In addition, we also partnered this year with the NCAA and NASULGC on a study that evaluated the celebration and tailgating habits of college students, 21 and older, on game days. In spite of what we see portrayed in the media, the study's key findings indicate that the majority of college students celebrate safely and responsibly at college sports events. Specifically, the data show:

- 93 percent say their behavior is responsible and safe during tailgating or pre-game parties;
- 91 percent of students look out for their friends during tailgating or pre-game parties to make sure everyone stays out of trouble;
- 87 percent of college students agree that attending college or university sports events is an integral part of college life.

In fact, misbehavior at college sports events is rare. According to the survey:

- 93 percent of students do not throw beverages;
- 92 percent of students do not fight with other fans; and
- 86 percent of students do not storm the field.

Respondents also reported following a number of steps to promote safe and responsible behavior at pre- and post-game parties. This includes arranging for designated drivers and transportation for those who may have had too much to drink, providing food for guests, limiting the number of guests at parties they host, and supervising guests' behavior. The survey summary is enclosed for your review.

Significant progress has been made in the fight against abusive and underage drinking on college campuses. According to the 2002 study conducted by the Core Institute at Southern Illinois University, nearly three-quarters of college students drink moderately, infrequently or not at all. According to the University of California-Los Angeles and the American Council on Education survey, drinking among college freshman has declined 39 percent since 1982 and is at its lowest level since this survey began in 1966.

If you have any questions about our College Marketing Code or if you're interested in learning more about any of our alcohol awareness and education programs, please contact us or visit our web site [www.beeresponsible.com](http://www.beeresponsible.com). By continuing to work together on efforts to address these issues, we can make a difference in the fight against alcohol abuse because *Responsibility Matters*.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Kaestner", with a horizontal line extending to the right from the end of the signature.

John T. Kaestner  
Vice President  
Consumer Affairs

*Enclosures*

**HEUSER**  **BUSCH**  
Companies



Mike  
One Busch Place  
St. Louis, Missouri  
63118-1852  
tel: (314) 577-2000

*Attachment*

May 2006

Robert L Potts  
Chancellor  
North Dakota Univ System Off  
600 E Boulevard Ave  
Bismarck ND 58505

Dear Chancellor Potts:

Each year, Anheuser-Busch provides college and university administrators with a copy of our company's College Marketing Code as part of our commitment to responsible marketing. In addition, we've also included a copy of the Beer Institute Advertising and Marketing Code that lists the general advertising and marketing guidelines Anheuser-Busch follows.

The Anheuser-Busch College Marketing Code helps to ensure that the marketing activities conducted by our company and our 600 independent wholesalers at or near college campuses are responsible and directed to legal-age consumers. In addition, we also abide by all applicable individual campus regulations. The code, which was developed with the support and input of higher education officials, also serves as an important complement to our alcohol awareness and education advertising and community-based programs that encourage responsible drinking among adults and discourage underage and abusive drinking.

These practices at the local level work in concert with our national media placement standards. We place our beer advertising in programming and publications where at least 70 percent of the audience is reasonably expected to be adults 21 or older, and we monitor these placements after-the-fact to ensure they remain within that target. As an example, according to Nielsen Media Research, our television advertising during the 2005 college football season reached an audience that was 89 percent adults 21 and older, while 2005-2006 college basketball reached an audience that was 86 percent adult.

Our company's position on college drinking is clear: if students are 21 and older and choose to drink, we want them to do so responsibly; if they are under 21, we want them to respect the law and not drink.

Anheuser-Busch has a long-standing commitment to addressing alcohol issues on the college campus through our support of such programs as the NCAA Foundation "Choices" program, a fully endowed grant, which we established in 1990 through a \$2.75 million donation to the NCAA Foundation. This program has provided grants to 161 universities around the country to support their campus-specific alcohol awareness programs in the past 15 years.

For the past eight years, we have worked with several universities across the country to support their social norms marketing programs. As you may know, this approach, recognized by the National Institute on Alcohol Abuse and Alcoholism as a promising practice, is realizing success in helping universities change high-risk drinking behaviors among their students. For example, Florida State University has seen a 22 percent decline in high-risk drinking among its students in three years through its social norms program. Likewise,

Michigan State University's program has led to a 26 percent decline in three years. More information on this approach and other success stories can be found at the National Social Norms Resource Center's web site, [www.socialnorm.org](http://www.socialnorm.org).

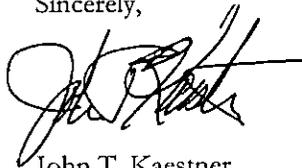
In addition, Anheuser-Busch contributes to the student-based BACCHUS Network, which is the nation's largest and oldest peer education organization on campus. It uses the power of the peer-to-peer approach to help students make healthy, safe choices about their behaviors regarding alcohol. We also sponsor "TIPS for the University," a program that gives students the confidence and skills to effectively intervene with their peers who may not be consuming alcohol responsibly.

We also offer "College Talk: A Parent's Guide on Talking to Your College-Bound Student About Drinking." We have enclosed the program's introductory brochure for your information. College Talk was developed by an advisory panel of authorities in education, family therapy, student health and wellness, alcohol treatment and social norms marketing, and through conversations with parents and students. The full parent guide is available online at [www.collegetalkonline.com](http://www.collegetalkonline.com), and we also offer a free video that may be used to complement your campus alcohol issues presentation at parent orientation meetings.

While we realize that more work needs to be done, significant progress has been made in the fight against abusive and underage drinking on college campuses. According to the 2004 study conducted by the Core Institute, three-quarters of college students drink moderately, infrequently or not at all. Likewise, according to the annual American Council on Education survey, beer drinking among college freshman has declined 41 percent since 1982 and is at its lowest level since this survey began in 1966.

If you have any questions about our College Marketing Code or if you're interested in learning more about any of our alcohol awareness and education programs, please contact us or visit our web site [www.beeresponsible.com](http://www.beeresponsible.com). By continuing to work together on efforts to address these issues, we can make a difference in the fight against alcohol abuse because *Responsibility Matters*.

Sincerely,



John T. Kaestner  
Vice President  
Consumer Affairs

Enclosures

# A Century of Working Together

For nearly a century, Anheuser-Busch has been at the forefront promoting personal responsibility. In fact, some of our very first ads carried the message "Budweiser Means Moderation," reminding Americans to drink responsibly. In 1982, when drunk-driving became a national concern, the company launched an aggressive campaign- *Know When To Say When* - to fight alcohol abuse, and was the first in the industry to take this message to network television in 1985.

Anheuser-Busch and our wholesalers also strongly oppose underage drinking. In 1990, we introduced a new campaign *Let's Stop Underage Drinking Before It Starts*. This campaign has evolved over the years to encompass a variety of programs, speakers and materials for parents, schools, and retailers to help in this important fight. These efforts work to impress upon young people that their decisions about drinking should be based on personal responsibility and abiding by the law.

Today, our national campaign- *Responsibility Matters* - provides a clear, concise reminder that one of the best solutions to addressing alcohol abuse is to emphasize personal responsibility. That means implementing

Attachment D

effective education and awareness programs that promote responsibility and responsible behaviors -  
parents talking with their children about underage drinking, adults being designated drivers, retailers checking I.D.s to prevent sales to minors,  
and more.

The United States has made great progress in the fight against alcohol abuse. Thanks to changes in social norms and the continued efforts of designated drivers, drunk driving is on the decline. Likewise, teen drinking also is declining. Anheuser-Busch and our nationwide network of more than 600 independent wholesalers have invested nearly half a billion dollars in community-based alcohol awareness and education programs, and we will continue our efforts to be part of the solution to these issues.



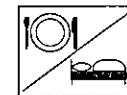
Anheuser-Busch, Inc.



Our Commitment: Community Programs to Promote Alcohol Awareness  
Anheuser-Busch, Inc. © 2004  
SM# 1029443



*ND's Restaurant, Lodging & Beverage Association*



P.O. Box 428 • Bismarck, ND 58502 • Phone: 701-223-3313 • Fax: 701-223-0215  
E-mail: ndha@btinet.net • www.ndhospitality.com

Political Subdivisions Committee  
North Dakota Senate  
February 1, 2007

**SB 2269 (drink discounts)**

Chairman Cook and members of the Committee, my name is Robert Harms and I am a lobbyist for the North Dakota Hospitality Association. We have 350 members in North Dakota who are engaged in the hospitality industry including the state's bars and restaurants.

The North Dakota Hospitality Association **opposes SB 2269** for the following reasons:

1. The bill is not necessary. The problems described by the proponents are not pervasive in North Dakota and appear to be limited to a few proprietors in a community or two, but are wide spread across our state. But, more importantly, IF a proprietor insists on running his business by giving away product (in whatever form its described—"happy hour", "two for one", "hunters opener" etc., they do so at their own risk, for the potential calamities that might follow. In other words they face potential liability for the results of such activities.
  
2. The bill invades the free enterprise system and interferes with a business person's ability to operate their own business as they see fit.

3. The bill is vague and unclear in its intent. For example, in Section 1, the licensee is to “maintain a schedule of the prices charged for all drinks”, but does not explain for what purpose; for how long the list is to be maintained, or when and under what circumstances the price list could be changed. (And what use of the price list, we can only imagine—but invasion of competitive issues is a concern as well).

4. Perhaps most importantly is the bill is overly broad and has consequences that were not intended. For example subsection 2 (a) prohibits serving two or more drinks at one time, which would prohibit a husband and wife from enjoying a last glass of wine and a glass of liqueur at the end of a nice dinner. Subsection 2(b) prohibits activities that would commonly be described as “beer gardens” at local fairs, fireman’s carnivals etc. Subsection (f) prohibits sale at a reduced price based on “a characteristic of a customer”, which then would prohibit special promotions for such things as:

- a hunting season opener (welcoming hunters to a community/tavern)
- celebrating an athletic event (all football players)
- veterans special (celebrating the nation’s veterans)
- golfing (opening golf season or establishment as part of a marketing promotion)

These are some of the reasons we feel SB 2269 is bad legislation and should be defeated, so we ask for a DO NOT PASS recommendation.

*Attachment #4*

## JOHNSON BROTHERS NORTHWEST BEVERAGES, INC.

1358 North 39th Street • Fargo, ND 58102 • (701) 282-4660 • Fax (701) 282-8869

To: Chairman Dwight Cook and Committee Members  
ND Senate Political Subdivisions Committee

RE: Testimony in Opposition to Senate Bill 2269

My name is Rob Hansen. I'm the General Manager of Johnson Brothers Liquor Company in Fargo and we do business in every community in the state. I am here on behalf of the ND Wine & Spirits Wholesalers Association to testify in opposition to SB 2269.

SB 2269 proposes to institute a state law to mandate specific rules about serving alcoholic beverages.

This is a community issue and should be addressed locally.

Each community/county has the ability to set and monitor the serving of alcoholic beverages through their local licensing authority. For example, local rules control the hours of operation, serving of alcoholic beverages on holidays, the licensing of beer/wine/spirits, the licensing of on/off premises sales and the establishment of the license classes.

As an illustration, consider the license classes. Fargo has more than 25 classes compared to the state which issues just two, one for Beer and one for Spirits/Wine. It is the option of the local licensing authority to institute more restrictive regulations, and Fargo has exercised this option by adding more detail to the classes of licenses. It is appropriate to keep this specific control a local option, rather than mandating this specificity statewide.

Drink specials, promotions and pricing are local concerns and are already regulated at the local level. Federal law does not address or attempt to control these details, neither should the state law. Rather, the control of the operations of retail establishments, that is this detailed and specific, should be left to local licensing authorities.

We urge a Do Not Pass on SB 2269. I would be pleased to try and answer any questions you might have for me.

Thank you.



Robert L. Hansen  
General Manager