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ROLL NUMBER

DESCRIPTION

1416

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Yolanda Rickford
Operator's Signature

10/6/03
Date

2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1416

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10/6/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1416

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1-31-03

Tape Number	Side A	Side B	Meter #
1		x	6.1-end
2	x		0-8.8
Committee Clerk Signature <i>Joseph Rowke</i>			

Minutes: Chairman Klein: opened the hearing on HB 1416. All committee members were present.

Representative R. Kelsch: appeared in favor of HB 1416. It's a bill that has been before legislature in the past. The concept is somewhat similiar, the bill is different then the ones we have put in, in the past. It puts in to state statute that only property under the management of the parks director that borders the Missouri River. There is currently only one state park, and I believe there will only be one state park that is on the Missouri River, and that is Fort Abraham Lincoln. The way the bill has been put in the past would have opened it up so that you could have had alcoholic beverages on any of the state parks, whoever we think that Fort Abraham State Park is probably a little of a different situation, as far as their facilities that they utilize, and the location of the park. The reason for putting this bill in, is I know that some of you have been out to Fort Abraham Lincoln and had a social out there, I know that in the past when we have had the Mid Western Conference here that is one of the places that has been utilized. Also when we

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1416

Hearing Date 1-31-03

have had other interim meetings, the Republican Round-up, things like that they have held out at Fort Abraham Lincoln. The way that it works currently is that if you have a function out at the fort, the alcohol has to be free, in otherwards someone has to pay for the alcohol, whether it be a sponsor or somebody else, because they are not allowed to sell alcohol. So for example we go out for Custer Christmas which is a big event, we pay a ticket rate, and then you just drink all the alcohol you want, basically. There are other events that would like to be hosted out there, the Chamber of Commerce holds social events, and if for example a couple of years ago US Bank held a social and they weren't willing to host the bar, well having it at Fort Abraham Lincoln at the commissary there is no alcohol there, and not to say that you have to have a social where there is alcohol, however at least given the opportunity to purchase a beer or a glass of wine, is probably something that most people enjoy, and so unfortunately the social didn't last very long. This bill does provide flexibility, its kinda been a area in Fort Abraham Lincoln where there has been a lack in operations. One of the things I want to point out with this bill is by you passing this bill we are not allowing beer and wine to be sold at Fort Abraham Lincoln, we are putting it into state statute that they can do it, however Fort Abraham Lincoln still has to apply for all of the local permits and still comply with the state laws also the tourism director does have to set forth the guide lines that would have to go with it. Some of you might be familiar with Kit Henegar, Kits Landing, Lake Sakakawea, that is why that language was added, so that he was able to sell alcohol on the Corp of Engineers, we feel that this is a fairness issue, we are looking forward to a big tourism season this summer, Fort Abraham is one of the biggest tourist attraction for this area, I think it would be good for their business, I think you would see a lot more people in this area utilizing for social functions.

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10/16/03
Date

Page 3

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1416

Hearing Date 1-31-03

Chairman Klein: The question I have is does this only address Fort Lincoln?

Representative Kelsch: It only addresses Fort Lincoln, its the only State Park that is on the Missouri River.

Representative Devlin: Are you talking about having a private enterprise business do this, or are you talking about the state park itself?

Representative Kelsch: the way it would work that whoever the concessionaire would be, would have to get the state and local permit. It's just authorizing that it can be sold there.

Representative Kasper: are you saying that Kit's Landings is currently able to sell beer and wine under the current law?

Representative Kelsch: correct, a few sessions ago, they addressed this issue, I used him as an example because I'm really familiar with him, and probably know the people involved, so yes, he is able to do that and it is in code already.

Representative Kasper: would there be any other entity along the Camp land, would also be able to market the beer and wine with a license?

Representative Kelsch: I guess I don't know, I'm not familiar with the area up there, I've been up and seen Kit's Landing, but I'm under the assumption because of what it says is any of the properties leased by the properties of the Corp of Engineers. So I'm assuming that any of the concessionaires would be allowed to do that. His is the most familiar one.

Representative Sitte: so Cross Ranch State Park is Federal, and what is that park on the north side of the Dam, and another one below the Dam, and the one on the north side is that not a state park?

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House Government and Veterans Affairs Committee
Bill/Resolution Number HB 1416
Hearing Date 1-31-03

Tracy Potter, Excutive Director, Fort Abraham State Park; appeared in favor of HB 1416 and I have clearly led Representative Kelsch astray. We sat in the Legislative Council and tried to figure out how we can specify Fort Lincoln only. Cross Ranch State Park is also on the Missouri River, I have led her astray and I am sorry for it. This bill does very little too, but it does it all in less than one sentence, we should be able to get our arms around it. It does one thing, it will allow people to come to the commissary for a pitchfork fondue, or another kind of meal function and buy a glass of beer or wine, and thats all it would do.

For the last 10 years there have been 50.000 people and probably more that have used the commissary for functions, the typical one is a national conference, holding a couple hundred people coming for a dinner. These are very nice events and are great advertising for the state of North Dakota, and people have come from all over the world. People are going out for a nice dinner in a nice place. A lot of people like to have a glass of beer or wine when the go out for a nice dinner in a nice place. This bill is not much of a change in the law, as we already have in law, it only adds Fort Lincoln and apparently the Cross Ranch to the list of state parks where beer and wine sales are legal. And so even thou this would allow it to take place at Cross Ranch there are no concessionaires currently functioning at Cross Ranch doing this kind of thing there so it really is specific to Fort Lincoln in it implementation. What would happen next if the bill passes, our foundation will then ask the parks director to establish rules of operation, requesting the ability for license and insured caterers to sell beer and wine by the drink we would close off sale we would not want anybody to buy beer or 6 pack and go back to their camp ground, that is not the intent of legislation, we would hope the director would make rules to enforce this for a number of reasons. We have been in fairly serious dicussions with a number of different

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1416

Hearing Date 1-31-03

restaurant tours of adding a regular daily lunch service. A dinner theatre type restaurant, to Fort Lincoln. If we can keep someone an extra half hour the chances of them reaching the Montana border before the end of the day diminish and they are more likely to spend the night in a North Dakota motel. We would like to provide this customer service.

Chairman Klein: would you and Representative Kelsch get us language that specifly addresses Fort Lincoln I'm thinking some of us are concerned where some of this is going, and as things develop up river, we sort of don't want to open the barn door.

Tracy Potter: we exist to increase the business for the private sector. The only advantage to us having a restaurant over somebody else is that we are used to losing money at our operation. So we would be willing to take some hits if we provide that service. We host about 30 events a year.

Shannon Gangle, Seven Seas: appeared in favor of HB 1416. I cater a majority of events out at Fort Lincoln. As a great tourist attraction out there, its a great selling point to get regional and national events to the area, to North Dakota, its a least a detriment when they find out they can't offer cash facilities for alcoholic beverages.

John Von Ruden: appeared in favor of HB 1416. What's in it for ND? The Custer House costed one half of a million dollars to build, for the people for ND. This Fort Abraham Lincoln, will be one of the main things in US history, you wait. There are two, Pearl Harbor did it, the battle of the Alamo, best known in western history right after it is CUSTER whether you like him or not. We get a lot of report cards, do you know what they say? NO BEER! Hey, social events are part of the tourist experience, we'll never let any dishonor come from over extending the alcohol.

Representative Williams: why don't we open it as stated instead of just Fort Lincoln .

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House Government and Veterans Affairs Committee
Bill/Resolution Number HB 1416
Hearing Date 1-31-03

Representative Klein: We don't know what other areas we'd get into and what kind of control they would have and what the communities and the local ordinances are. When you get into some of these smaller towns along the river, I'm sure if they do have a need they will come back to us. Let's not open the barn door.

Patty Lewis, Hospitality Association: The points brought up in HB 1416 are extremely valid it is difficult to bring in events to Fort Lincoln when you don't have a cash bar everybody does understand that point, the gray area the problem that we have coming is how will we be assured that the gaming institution will not compete with businesses in the Bismarck-Mandan community and that's where my real fear is. So that being said I hope there will be some guarantee that if somebody goes in there that it will be for that business profit only, and not a part of Fort Abraham Lincoln.

Doug Prchal, Director of ND Parks and Recreation: I appear in opposition of HB 1416 on behalf of Cross Ranch and also the park users. There is concern on their part. **(SEE ATTACHED TESTIMONY).**

Jo Zschomler, Director, OMB Risk Management Division: appeared in opposition of HB 1416. **(SEE ATTACHED TESTIMONY).**

Testimony ended.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1416

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 2-07-03

Tape Number	Side A	Side B	Meter #
2	x		39.0-50.5

Committee Clerk Signature *Joseph Beniko*

Minutes: Chairman Klein: opened the hearing on HB 1416. All committee members were present.

Representative Potter: made a motion to **AMEND** HB 1416.

Representative Haas: **SECOND** the motion to amend HB 1416. (line 7 and line 9, 14 events and on sale only).

Representative Haas: made a **DO PASS AS AMENDED** motion on HB 1416.

Representative Potter: **SECOND** the motion to do pass as amended.

VOTE: 14 YES 0 NO 0 ABSENT.

Motion carried.

Representative Klemin: will carry the bill to the floor.

FISCAL NOTE
 Requested by Legislative Council
 03/25/2003

Amendment to: HB 1416

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The Department has no further information regarding a fiscal note for the engrossed version, at this time.

It is difficult to prepare a fiscal note on possible impact to the state, counties, or cities. Direct revenue impact to the state and county would include all alcohol sales and associated taxes. Direct expenditure related impact to the department would include costs associated with staff time to develop, monitor and enforce alcohol associated policies, agreements for alcohol sales, possible increased risk management premiums, increased outside security expense, etc. Indirect and/or direct fiscal impact to the state and/or county includes the liability impact associated with alcohol sales, raising many issues of responsibility, accountability, and park visitor safety. An accurate fiscal note is indeterminate at this time.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

See narrative above

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

See narrative above

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Not included in executive recommendation. Would need to be adjusted accordingly

Name: Dorothy Streyle	Agency: ND Parks & Recreation Department
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10/16/03
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Phone Number: 328-5360

Date Prepared: 03/25/2003

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10/16/03
Date

FISCAL NOTE
 Requested by Legislative Council
 02/11/2003

Amendment to: HB 1416

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

See narrative above

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

See narrative above

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Not included in executive recommendation. Would need to be adjusted accordingly

Name: Dorothy Streyle	Agency: NDPRD
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10/16/03
 Date

Phone Number: 328-5360

Date Prepared: 02/13/2003

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FISCAL NOTE
 Requested by Legislative Council
 01/21/2003

Bill/Resolution No.: HB 1416

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

It is difficult to prepare a fiscal note on possible impact to the state, counties, or cities. Direct revenue impact to the state and county would include all alcohol sales and associated taxes.

Direct expenditure related impact to the department would include costs associated with staff time to develop, monitor and enforce alcohol associated policies, agreements for alcohol sales, possible increased risk management premiums, increased outside security expense, etc.

Indirect and/or direct fiscal impact to the state and/or county includes the liability impact associated with alcohol sales, raising many issues of responsibility, accountability, and park visitor safety.

An accurate fiscal note is indeterminable at this time.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

See narrative above

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

See narrative above

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive

La Costa Richard
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10/16/03
 Date

budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Not included in executive recommendation. Would need to be adjusted accordingly

Name:	Dorothy Streyle	Agency:	ND Parks & Recreation
Phone Number:	328-5360	Date Prepared:	01/23/2003

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Richard Costa
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10/10/03
Date

30598.0102
Title.0200

Adopted by the Government and Veterans
Affairs Committee
February 4, 2003

VR
2/7/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1416 GVA 2-10-03

Page 1, line 7, after "sale" insert "at on-sale" and after "concessionaires" insert "for fourteen events per year"

Page 1, line 9, after "river" insert "and which is within fifteen miles [24.14 kilometers] of a city with a population in excess of twenty thousand"

Renumber accordingly

Page No. 1

30598.0102

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10/6/03
Date

LR

Date: 2-7-03

Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1416

House GOVERNMENT AND VETERANS AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend line 7 & line 9 (14 events) (on sale)

Motion Made By Rep. Potter Seconded By Rep. Haas

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein			B. Amerman		
Vice Chairman B.B. Grande			L. Potter		
W.R. Devlin			C. Williams		
C.B. Haas			L. Winrich		
J. Kasper					
L.R. Klemin					
L. Meier					
M. Sitte					
W.W. Tieman					
R.H. Wikenheiser					

Total (Yes) 14 No 0

Absent _____

Floor Assignment _____

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

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Salosta Richardson 10/6/03
Operator's Signature Date

Roll Call Vote #: _____ Date: 2-7-03

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1416

House GOVERNMENT AND VETERANS AFFAIRS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken D.P. as amended

Motion Made By Rep. Haas Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin	X		C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemin	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Klemin

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

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10/16/03
Date

REPORT OF STANDING COMMITTEE (410)
February 10, 2003 8:56 a.m.

Module No: HR-25-2081
Carrier: M. Klein
Insert LC: 30598.0102 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1416: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1416 was placed on the Sixth order on the calendar.

Page 1, line 7, after "sale" insert "at on-sale" and after "concessionaires" insert "for fourteen events per year"

Page 1, line 9, after "river" insert "and which is within fifteen miles [24.14 kilometers] of a city with a population in excess of twenty thousand"

Renumber accordingly

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2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1416

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1416

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 03/13/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		3380- to end
Tape 1		x	0-2390
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Senator Karen Krebsbach, Chairman opens HB 1416. All senators present.

Tracy Potter, Executive Director, Fort Lincoln Abraham Foundation (Testimony attached)

Representative Reanne Kelsch, sponsor of the bill. Some of the good reasons for this bill is events there require you to have a hosted bar but, some businesses don't want to host a bar and this would give the opportunity to still have beer and wine available for sale. We are just allowing this to happen. They don't necessarily get a license they would have to go through apply for license. The Lewis and Clark bicentennial celebration. This would not allow off sale. The question asked would be who would be responsible, it would be that of the concessionaire.

Senator Nelson : An event, could it include the whole Lewis and Clark celebration as one event?

Kelsch: Probably

Senator Dever : Why just Ft. Lincoln. this seems to be a good thing for all state parks.

Kelsch: Before other state parks did not want this.

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[Signature]
Operator's Signature

10/16/03
Date

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number HB 1416

Hearing Date 03/13/03

Senator Brown: What do you think about having a restaurant out there?

Kelsch: I think it would be a good idea.

Senator Wardner : It is our understanding that the house amended out that part and just allowed 14 events.

Kelsch: In my mind, if it was a dinner theater that ran through the summer that would just consist of one event.

Senator Krebsbach : Do you have the foundation do events or is it catered out?

Potter: Catered

Patti Lewis, ND Hospitality Association: We support this bill, the only problem we have is that we would want it to be a profit concessionaire, no a nonprofit agency. (Hands out amendment attached)

Senator Dever : If we change 15 to 30 it would include the Cross Ranch, do you think it would promote business there?

Lewis: I would think that would benefit functions at the Cross Ranch

Doug Prchal, Director of ND Parks and Recreation Department (Testimony and information attached)in opposition

Senator Brown: you are talking about the commissary, this is not really at the campground.

When was this survey taken?

Prchal: About 4 years ago.

Senator Brown: I think the campers are not the same as the people who are at the commissary.

If we can define 14 events a little more then this I would be more comfortable about this.

Senator Dever: Aren't we by leaving it vague then you can set the rules.

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number HB 1416

Hearing Date 03/13/03

Prchal If that understanding is there then that would be okay.

Jo Zschomler, (Testimony attached) In neutral position OMB Risk Management Director

Opposition, **Cheryl Stockert**, (Testimony attached)

Closed HB 1416

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1416

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date 03/21/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		800-1850
Committee Clerk Signature			

Minutes:

Committee discussion on HB 1416. Senator Brown is absent.

Senator Krebsbach hands out hoghouse amendment she worked on.

Senator Nelson moves to adopt hoghouse amendment

Senator Wardner 2nd

5 Yes 0 No 1 Absent

Senator Wardner moves a Do Pass as amended

Senator Dever 2nd

5 yes 0 no 1 absent

Carrier: Senator Dever

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Ja Costa Richardson
Operator's Signature

10/16/03
Date

30598.0201
Title.0300

Adopted by the Government and Veterans
Affairs Committee
March 21, 2003

JZ
3-21-03
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1416

Page 1, line 1, remove "subsection 6 of"

Page 1, replace lines 5 through 13 with:

"SECTION 1. AMENDMENT. Section 55-08-05 of the North Dakota Century Code is amended and reenacted as follows:

55-08-05. Charges for services. The director ~~is hereby authorized to~~ may provide special services within state parks, state campgrounds, state recreation areas, and reserves; provide special technical assistance services; and ~~to make rules and regulations~~ for the use of ~~such~~ those services. The director shall establish and cause to be collected charges, fees, and rentals for the use of all ~~such~~ special services, and shall revise the same, when necessary, in ~~such~~ the manner that the revenue derived ~~therefrom~~ will be sufficient to pay the cost of providing each ~~such~~ service and to pay the principal of and interest on all bonds issued for projects furnishing the facilities for ~~any such~~ the services, and to maintain a reserve for the security of ~~said~~ the bonds ~~as herein provided~~. The director may waive the collection of charges, fees, and rentals for the use of ~~all such~~ special services by health care-related charitable organizations conducting group camp activities without charge to participants. However, the director shall waive the collection of charges, fees, and rentals for the use of all special services by any care-related charitable organization sponsoring or conducting summer group camp activities without charge for fourteen days for children from age eight through age fourteen who have diabetes. Nothing in this section requires the director to provide camp services if the camp facilities are otherwise closed due to adverse administrative or fiscal impacts upon the department. Specifically, ~~but without limitation of said general authorization,~~ the director may:

1. Provide special parking space for automobiles or other motor-driven vehicles in any state park or state recreation area.
2. Provide special parking spurs and campgrounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for ~~such~~ the space according to the daily rate which must be determined and fixed by the director consistent with the type of facility provided for the accommodation of visitors in any particular park and with similar facilities offered for tourist camping in the area.
3. Charge a fee for entrance to any pageant grounds ~~which may be~~ created in any state park, state recreation area, or reserve for the purpose of having historical or other pageants conducted by the agent of any authorized agency.
4. Provide water, sewer, and electric service to trailer or tent campsites and buildings and structures included in projects authorized by the legislative assembly.
5. Provide facilities for the sale to the public of food, nonintoxicating beverages, except beer and wine sales as provided in ~~subsection~~ subsections 6 and 7, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the lease of ~~any such~~ the buildings, structures, and facilities to a concessionaire to be operated on ~~such~~ the terms and compensation basis as the director determines to be in the best interest of the state. A bond must be required of each concessionaire in ~~such~~ the amount ~~as~~ the director determines,

Page No. 1

30598.0201

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Richard Costa
Operator's Signature

10/16/03
Date

conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds. 2012

6. Allow the sale of beer and wine by concessionaires on property leased to the department by the United States department of the army, corps of engineers, provided if the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.
7. Allow the sale of on-sale beer and wine by operating, liquor-licensed concessionaires for fourteen events per year on property under the management of the director which borders the Missouri river and which is within fifteen miles [24.14 kilometers] of a city with a population in excess of twenty thousand, if the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.
8. Charge and collect motor vehicle permit fees in the amounts prescribed by the legislative assembly, which fees are and must be imposed for the sole purposes of paying capital costs of projects required to provide the special services herein described and referred to, and of meeting the principal and interest and reserve requirements of bonds issued to finance such projects.
8. 9. Charge a fee for providing special technical assistance to groups requesting information from the natural heritage inventory data base."

Renumber accordingly

Date: 3/21/03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1416

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 30598.0201 Title .0300

Action Taken Do Pass as amended

Motion Made By Wardner Seconded By Dever

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield	✓	
Senator Dick Dever, Vice Chr.	✓		Senator Carolyn Nelson	✓	
Senator Richard Brown					
Senator Rich Wardner	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Dever

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

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Richard Costa Operator's Signature 10/16/03 Date

REPORT OF STANDING COMMITTEE (410)
March 24, 2003 8:29 a.m.

Module No: SR-52-5483
Carrier: Dever
Insert LC: 30598.0201 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1416, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1416 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 6 of"

Page 1, replace lines 5 through 13 with:

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4. Provide water, sewer, and electric service to trailer or tent campsites and buildings and structures included in projects authorized by the legislative assembly.
5. Provide facilities for the sale to the public of food, nonintoxicating beverages, except beer and wine sales as provided in ~~subsection~~ subsections 6 and 7, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the lease of ~~any such~~ the buildings, structures, and facilities to a concessionaire to be operated on ~~such~~ the terms and compensation basis as the director determines to be in the best interest of the state. A bond must be required of each concessionaire in ~~such~~ the amount ~~as~~ the

(2) DESK, (3) COMM

Page No. 1

SR-52-5483

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Operator's Signature

10/16/03
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REPORT OF STANDING COMMITTEE (410)
March 24, 2003 8:29 a.m.

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Insert LC: 30598.0201 Title: .0300

director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.

6. Allow the sale of beer and wine by concessionaires on property leased to the department by the United States department of the army, corps of engineers, ~~provided~~ if the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.
7. Allow the sale of on-sale beer and wine by operating, liquor-licensed concessionaires for fourteen events per year on property under the management of the director which borders the Missouri river and which is within fifteen miles [24.14 kilometers] of a city with a population in excess of twenty thousand, if the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.
8. Charge and collect motor vehicle permit fees in the amounts prescribed by the legislative assembly, which fees are and must be imposed for the sole purposes of paying capital costs of projects required to provide the special services herein described and referred to, and of meeting the principal and interest and reserve requirements of bonds issued to finance such projects.
9. Charge a fee for providing special technical assistance to groups requesting information from the natural heritage inventory data base."

Renumber accordingly

2003 TESTIMONY

HB 1416

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Salveta Richardson
Operator's Signature

10/16/03
Date

R

**TESTIMONY - HOUSE BILL 1416
HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
JANUARY 31, 2003 - 8:30 AM
FORT UNION ROOM**

Mr. Chairman and members of the House Government and Veterans Affairs Committee, I am Doug Prchal, Director of the North Dakota Parks and Recreation Department. I appear representing our constituency, the park users. We value user input in operations of the state park system. Their view, regarding alcohol sales, is in opposition.

The bill before you is a modification of one presented in the 97-99 session. That bill failed, and this one should also be based on public opinion from park users. Time to gather public opinion regarding alcohol sales was not afforded in 1997. After the bill failed, a public survey was conducted through our summer visitor newspaper asking whether the policy should be amended.

Results of that survey are attached providing an indication that park users did not see alcohol sales as acceptable in the parks. Responses indicated that roughly 50% were in opposition to the sale of alcohol and another 30% felt current policy should remain in place. In the past week park visitors and local law enforcement have responded with current views on the present bill. Copies of those responses are attached for your review and reference substantiating the previous view that alcohol sales are not an appropriate or supported activity in state parks. Citizens and industry are also here to speak further supporting this position.

The state park system offers a family focused experience. Numerous special events are held annually with family participation as a focus. Those events are conducted without the presence of alcohol offering enlightening, relaxed experiences the public expects. However, if you are not aware, alcohol consumption is permitted in the parks, again by public request. Policy also permits alcohol to be served with catered meals. These uses are done within managed settings and within our ability. The visitor bringing in the alcohol bears the burden of risk. In all cases these policies are in accord with state risk management overview. We have also attached data collected from surrounding states within our region to provide a perspective of what happens elsewhere. North Dakota's state park system permits a more liberal use than these regional states, however not far apart from their policies. Note that alcohol sales are limited to food concessions and marina operations while cash bars or beer gardens are not permitted activities in these states.

Current law does permit alcohol sales by concessionaires on the lake parks. That statute was created to comply with federal policy and for the purpose of encouraging opportunity for resort development. Those developments have not materialized. Currently, no sales of alcohol occur in any of the state parks on Lake Sakakawea. A primary reason for this is the reluctance of county jurisdictions to issue permits and the lack of requests. Since my tenure as Director I have not received a request from business for alcohol sales or has concern been expressed from private catering business to expand current policy.

Privatization for the purpose of enhancing park and recreation services is supported and has been implemented by the agency. Will the sale of alcohol enhance the park system? According to the documentation provided this law is not supported by the public, and in their view it will not enhance the state park system. It changes the image of the state parks along with adding exposure to state liability. Therefore, we ask, on behalf of park users, private business and local law enforcement for a do not pass. That concludes testimony and I would be pleased to answer any questions the committee may have.

Survey Results—Alcohol Sales in North Dakota State Parks
Spring/Summer 1998 ND State Parks Discover Newspaper

<u>Choice</u>	<u>Results*</u>
1. Do not change current policies	29.7%
2. Do not allow alcohol sales	49.7%
3. Cash bar at social events	11.7%
4. Off-sale at concessions/campstores	9.0%

*Results may not equal 100% as multiple responses allowed.



Alcohol Sales in North Dakota State Parks

Questionnaire

We value your opinion and want to know your impressions on various concerns that may arise about our department's programs and services. Please take a moment to complete this questionnaire and return it to:

*North Dakota Parks & Recreation Dept.
1835 Bismarck Expressway, Bismarck, ND 58504*

On occasion, we receive requests from groups or businesses who would like to sell alcoholic beverages in North Dakota's state parks, either at a special event or as part of a concession operation.

Under current North Dakota law, the sale of alcoholic beverages (beer and wine only) by concessionaires is restricted to our three state parks on Lake Sakakawea, and only if the concessionaire obtains the appropriate local and state licenses. This provision was drafted to encourage the possible development of restaurants in park marinas.

Do you support legislation that would allow the sale of alcohol in any of the following circumstances? Please check all categories that you agree with.

- Do not change current policies.
- Alcoholic beverage sales should not be allowed in state parks.
- Cash bar at social gatherings (ie, office picnics, reunions, receptions, etc.).
- Off-sale at concessions/campstores.
- Other _____

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LaCosta Rickford
Operator's signature

10/16/03
Date

Park Alcohol Policies in Surrounding States

Colorado

Colorado does not allow sale of alcohol in their state parks. Concessionaires not permitted to serve or sell alcohol. Personal consumption is limited to 3.2% beer.

Iowa

No alcohol sales or dispensing at any state park. They do have a privately owned marina within one state park, and a department-owned conservation education center where wine and beer service is allowed. Beer and light wine (both under 5% alcohol) can be consumed for personal use. Keg parties need permits and are not allowed in campgrounds or beach area. No hard liquor allowed.

Idaho

Beer/wine package sales are allowed in private concession operations. However, Idaho currently is operating their own concessions and park employees are not allowed to sell alcohol, so in effect, they do not have any alcohol sales in state parks. The park system currently has no restaurant concessions. In other instances, permission to serve beer and wine is on a case-by-case basis. Permission to serve hard liquor, even with a meal, is generally not granted. Before permission is granted to serve alcoholic beverages, applicant must provide proof of insurance, state/local liquor licenses and other criteria.

Minnesota

Minnesota state parks do not allow the consumption of "intoxicating" beverages in their parks (3.2% beer is considered non-intoxicating, but strong beer or wine consumption are prohibited). No cash bars allowed at functions. The only exception is at the Itasca State Park restaurant, which is owned and operated by the department, where alcoholic beverages are sold in conjunction with food sales.

Montana

Allows beer-only package sales by marina concessionaires. Kegs allowed, with permission, for organized groups with consumption by their members only. Oppose beer stands at events open to the general public. Private use has not been a major problem so have not restricted consumption in campgrounds.

Nebraska

Prohibits consumption of any alcohol at campsites. Nebraska experienced conflicts between state park policies and federal regulations for land they lease from various federal agencies. However, they amended the leases so the "no alcohol" policy applies to land leased from the feds. In other park areas, alcohol is banned with the following exceptions:

- Groups can serve alcohol within designated indoor structures, with advance approval and no charge for drinks (does not allow cash bars to be set up for functions).
- Do allow beer/wine sales by the glass with meals to be served at long-term restaurant concessions within parks with appropriate state/local licenses.

South Dakota

Allows long-term concessionaires who operate a restaurant to sell alcohol with meals, with licenses and liability insurance. SD would oppose any changes that would allow beer gardens, etc., and feel their state risk management people would also block any attempt due to liability issues. No cash bars allowed—SD State Parks has a prohibition against commercial activities in state parks. Kegs are allowed at functions, such as wedding receptions, as long as there is no charge to invited attendees.

Wyoming

Wyoming's alcohol policies are fairly lenient and each request is considered on a case-by-case basis. Requires groups to apply for a special park use permit, insurance and appropriate local liquor licenses. They scrutinize the proof of insurance closely. The one exception is for long-term concessionaires in their marina parks on land leased from BOR, where the sale of alcohol must be listed in the park master plans, because of BOR policies.

January 30, 2003

Hon. Matthew M. Klein, Chairman
Government & Veterans Affairs Committee

Dear Representative Klein
and Committee Members,

My name is Arthur Link and I rise in opposition to HB 1416.

House Bill 1416 would allow the sale of distilled spirits, beer and wine by concessionaires on property under control of the state parks director at times and dates as the director determines.

First of all, let's not forget what distilled spirits, beer and wine are. They are alcoholic beverages that can cause intoxication. About half of North Dakota highway fatalities are alcohol related.

Passage of House Bill 1416 would make products available in places far removed from regular law enforcement services.

The provisions of the bill place an unfair burden of responsibility upon the Parks Director.

It exposes the State to untold liability in cases of damages, injury or death related to alcohol obtained at Park sanctioned outlets.

North Dakota has the dubious distinction of the greatest percentage of teenage drinkers in the Nation. We must turn that image around.

Those of us who have had or presently have the opportunity to serve in the Legislature establish the policies that together create the image of our State.

North Dakota is blessed with a healthy, family oriented environment in our parks. Let's keep it that way by voting Do Not Pass on H.B. 1416.

Thank you for this opportunity.

Arthur A. Link

Arthur A. Link

January 28, 2003

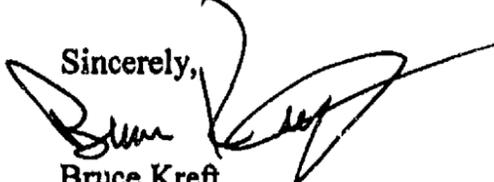
Doug Prchal
ND Parks and Recreation
1835 Bismarck Expressway
Bismarck, ND 58504

Re: House Bill No. 1416

Dear Mr. Prchal:

I have become aware of House Bill No. 1416 which would allow the sale of beer and wine by concessionaires on state park lands. It is my belief that the ND State Parks and Recreation Department needs to OPPOSE this bill. State Parks provide areas for quality family recreation without the commercialization of alcoholic beverages, which is so popular among our mass media. I believe allowing this bill to be passed would be a detriment to the atmosphere the state park system promotes. If people utilizing the facilities need or want alcoholic beverages they can pack it with the rest of their supplies. With that said, I would like to see quality outdoor experiences sustained within our parks through the opposition of this bill. Therefore, I recommend a DO NOT PASS for House Bill No. 1416

Sincerely,



Bruce Kreft
423 West Century Ave.
Apt. #302
Bismarck, ND 58503

La Costa Rickford
Operator's Signature

10/16/03
Date

JAN 30 2003

Doug Prchal
ND Parks and Recreation
1835 Bismarck Expressway
Bismarck, ND 58504

Re: House Bill No. 1416

Dear Mr. Prchal:

I am writing you this note to oppose House Bill 1416. I think I can claim to be a beer drinker, maybe even a beer lover. This might not be something to be proud of but it does lend credibility to my position. Drinking, as long as you don't negatively effect others is your own choice. However, I don't believe we need to "push" alcohol within our parks. We still have the ability to bring in our own if we choose. Additional vendors have the potential to negatively effect the park's atmosphere and focus - outdoor and family recreation.

Sincerely

Chris Churdoff

9700 Sycamore Lane

Bismarck, ND
58504

Prchal, Douglass A.

From: drsjmstac@msn.com
Sent: Wednesday, January 29, 2003 9:30 PM
To: dprchal@state.nd.us
Subject: HB 1416

Dear Mr. Doug Prchal, Parks Director,

I have heard that this House Bill is to pernnit the sale of alcohol in our ND State parks. Please do not ru!n the one place I can take my kids and not have to worry about drunks spolling our family day out!

The revenue earned from the sale of alcohol will not replace the lack of attendance by famillies who would llke to enjoy something of nature's beauty.

Dave Stacey
Bismarck, ND

1/30/2003

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Yolanda Rickford
Operator's Signature

10/16/03
Date

Prchal, Douglass A.

From: Gary R Miller [justi.miller@juno.com]
Sent: Wednesday, January 29, 2003 10:18 PM
To: dprchal@state.nd.us
Subject: HB 1416

Dear Mr. Prchal,

I oppose HB 1416. State parks are used by people of all ages. It would be very difficult to control the sale or distribution of alcoholic beverages to minors. And I do not enjoy taking my children around people who are drinking, and getting loud and rowdy. Furthermore, the use of alcohol is associated with more vandalism and littering. State parks have better uses for their limited funds than policing underage drinkers, repairing vandalism, and collecting litter. Let's keep state parks enjoyable for families and those who appreciate nature and history. People who want to drink can go to a bar.

Barbara Jo Miller
409 7th Ave NW
Mandan, ND 58554
701 663-1667
District 34

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Jim and Jan FritzHuspen
206 Cheyenne Ave.
Bismarck, ND 58501

January 27, 2003

Mr. Doug Prchal, Director
North Dakota State Parks and Recreation Dept
1835 Bismarck Expressway
Bismarck, ND 58504

Mr. Prchal,

This is to register my opposition to HB 1416 regarding liquor sales in the state parks along the Missouri River.

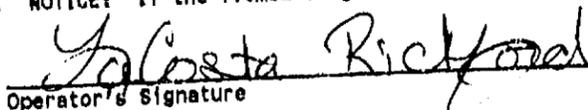
My family and I regularly visit Fort Lincoln and Cross Ranch State Parks throughout the year, and often visit the lake parks during the summer. I can see no reason for a change in the policies currently in place at these parks. I believe that allowing the sale of liquor in any expanded way would be a detriment to the experiences we have at these parks.

Please represent my views to the state legislature, and especially to the members of the House Government and Veterans Affairs Committee.

Sincerely,


Jim FritzHuspen

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Operator's Signature

10/16/03
Date

North Dakota Parks and Recreation
1835 Bismarck Expressway

North Dakota Parks Director
Doug Prchal:

I am writing this letter in regards to liquor sales at our state parks. It is a deep concern to me as a camper and outdoors person. My family spends time at our state parks and it is something I cherish. A weekend spent with family and friends in a safe environment is and always will be a number one goal to me. Family means adults and most of the time children and pets. Children and pets that presume they are in a safe place. Parents should not have to worry about impaired drivers that cannot react in time to prevent running over a child or pet. An accident or death is something we cannot let happen at our state parks especially if it was a cause of alcohol.

Functions that are scheduled at our parks should be alcohol free. Drinking brings all sorts of problems into an area that should be set aside for safe family gatherings. Drinking makes people become irrational and causes people to become difficult to control. One person that drinks and drives in a state park is an accident waiting to happen.

Our society doesn't need to demonstrate to our youngsters that you need to get drunk or need liquor to socialize. I think it is time to demonstrate an absence of liquor at places where the public goes to get away and enjoy the outdoors. There are many places where drinking alcoholic beverages is fine. I have no hard feelings about drinking in general but not at state parks and absolutely no selling of alcoholic beverages at our family entertainment location.

My honest opinion is don't allow sales of any alcoholic beverage at state parks. Mandan is full of liquor establishments and if you want to drink go and buy your liquor there. Please don't jeopardize the life of innocent people that use our state parks for family outings. It is time to make sure liquor does not ruin a weekend because of something that could have been prevented by using common sense. Let's stop it before we regret allowing our parks to become the playground of drunks and unruly people that are impaired by alcohol that was bought at the state park. Alcohol sales in state parks is an invitation for trouble and unforeseen problems.

Thank you for giving me the opportunity to express my feelings on this subject. Please let our state parks be used by people that enjoy life and feel that there is a right place for everything. The sale of liquor at our state parks definitely isn't one of them.

Sincerely yours,
George J. Belohlavek

Prchal, Douglass A.

Doug: Regarding a bill proposal to allow the sale of liquor in state parks, I would be against this bill for the following reasons:

1) I would prefer that state parks don't become a place whereby vendors capitalize on the number of people who seek to get away from this type of commercialization.

2) I don't think we need to promote liquor use/sales in parks beyond what is currently available.

I do enjoy drinking beer or an occasional mixed drink when I am camping, I can bring these drinks with me.

I am sure that the intent of the law is to allow for liquor sales within the compound of Ft Lincoln Calvary museum area. Is the intent to make more money or is someone laying on a line that implies that more people would come to Ft Lincoln if they could buy booze? I doubt that a change in law would do this. Dennis Rohr

Prchal, Douglass A.

From: Dennis [hfg@gcentral.com]
Sent: Tuesday, January 28, 2003 9:05 AM
To: dprchal@state.nd.us
Cc: Aaron Krauter
Subject: DBFE0100.pdf

1-28-03

Mr. Doug Prchal
Parks Director
Ft. Lincoln State Park
Mandan, ND

Dear Mr. Prchal,

As you know, HB 1416, will have possible great impact on the ND State Park system; as we currently know it.

Our family has used many of the State Park sites for camping, family reunions and general recreation and see only negative implications in allowing the sale of beer & wine by concessionaires. The possible enforcement headaches combined with the potential liability issues are items that indeed can be avoided by defeating this bill.

As you may know, many State Parks around the United States allow "No" alcohol, whereas North Dakota State Parks do allow one to bring their own "beer cooler," etc. for their respective private use. I see no advantage to having the current Century Code amended. I also see the family atmosphere, created by HB1416, as having more negative implications than positive ones.

You may use this letter to present to the respective committee that are reviewing this respective House Bill.

Sincerely,

Dennis A. Huber
1533 Country West Rd.
Bismarck, ND 58503

1/28/2003

JAN 30 2003

January 27, 2003

DAVE SHIPMAN
DETECTIVE

Doug Prchal
Director, North Dakota Parks and Recreation
1835 Bismarck Expressway
Bismarck, ND 58504

(701) 667-3250

205 1st Ave. N.W.
MANDAN, ND 58554

Dear Mr. Prchal,

This letter is in regard to HB1416, allowing the sale of beer and wine by concessionaires on property under the management of the director which borders the Missouri River.

As Law Enforcement Officers and employees of law enforcement agencies in and around the Bismarck-Mandan area, we oppose the above bill. We do not feel that any alcoholic beverage should be sold on property belonging to the State of North Dakota or any recreational site, including the Fort Abraham Lincoln State Park.

The Fort Abraham Lincoln State Park is visited by thousands of people throughout the summer months. Those people include tourists visiting our great state and our very own residents. Many of those people include law enforcement personnel. Many of us take time to visit and spend the weekend with our spouses and children at Fort Abraham Lincoln State Park. We do not feel a recreational site such as the Fort Abraham Lincoln State Park is a place where alcoholic beverages should be sold.

For the above reasons, we oppose HB1416.

Dave Shipman
 Paul Jiny
 Lonnie Grabowles
 Glen Tans
 Dan B. Mills
 Vesta Rohr
 Bill [unclear]
 Jerry M. McClure
 [unclear]
 Ami Snider

[unclear]
 [unclear]
 Pat Salstad
 Bryan D. Kuchmeier
 Cheryl Koch
 Kenneth Johnson
 [unclear]
 Kurt Statman
 [unclear]
 Laurie Kuchmeier
 [unclear]
 Bob [unclear]

Kelly W. Wimmer
 Brent [unclear]
 Corey [unclear]
 [unclear]
 Bryan [unclear]
 Robert [unclear]
 Pat [unclear]
 Brian [unclear]
 [unclear]
 Jay [unclear]
 [unclear]
 [unclear]

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Yolanda Rickford
 Operator's Signature

10/16/03
 Date

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Christopher Hill

Janice D. Horn

Richard Phelan

Tim Bled

M. L. Strout

By John

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Sal Costa Rickford
Operator's Signature

10/16/03
Date

Prchal, Douglass A.

From: Patsy THOMPSON [pthomp2078@msn.com]
Sent: Thursday, January 30, 2003 2:43 PM
To: mklein@state.nd.us
Cc: Doug_Prchal
Subject: No on HB 1416

Dear Representative Klein:

I encourage you as Chairman of the Government and Veterans Affairs Committee to recommend a NO vote on HB #1416.

Changing the provision for alcohol sales on state park property will not enhance the mission of the state park system but may instead detract from the refuge that many people seek in visiting the state parks.

Please vote NO on HB #1416

Sincerely,
Patsy Thompson

1/30/2003

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Loleta Rickford
Operator's Signature

10/16/03
Date

FEB 03 2003

January 31, 2003

My name is Jo Ann Koenecke. I am a residence of Bismarck, North Dakota and on the board of the Friends of Recreation for Sakakawea State Park. I am testifying today because I feel this bill should not be passed.

My family has enjoyed the state parks for the last ten years. The experience has left us with many happy memories. The State Parks provide areas for quality family recreation without the need for the selling of alcoholic beverages. I feel that it would change the quality of why we continue to go to the parks. The families that come to the parks come to enjoy the fishing, recreation and freedom of being in a natural setting. The parents have the peace of mind that their children are safe and experiencing nature and a way of life that is good and wholesome.

The State Parks are short staffed because of the budget cuts, but continue to maintain a clean and well-run park for the public to enjoy. The possible enforcement headaches combined with the potential liability issues are just some of the reasons for defeating this bill.

Therefore, I recommend a DO NOT PASS for House Bill No. 1416.

Thank you for listening.

Jo Ann Koenecke

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Jo Costa Rickford
Operator's Signature

10/16/03
Date

January 30, 2003

Doug Prchal
Director
North Dakota Parks and Recreation Department
1835 Bismarck Expressway,
Bismarck, North Dakota 58504

Dear Mr. Prchal:

As you are probably aware, the legislature is considering a bill, HB 1416, that would allow the sale of liquor in certain state parks. I am opposed to this idea.

One of the nice things about our state parks is that they are "family friendly." By offering the sale of liquor I think we are sending the wrong message as to what family recreation is all about. This is especially true if the State Parks Department itself sells the liquor, although I am also uncomfortable with the prospect of allowing private businesses into our parks. Either way the perception of the ND Parks Department promoting the use of liquor is unacceptable.

I see no benefit to park visitors if the state parks begin selling liquor, since people are allowed to bring their own if they so desire. I do, however, see the potential for increased law enforcement actions, increased noise and disturbance complaints, and a diminished positive experience for families.

I urge you to oppose this legislation.

Sincerely,

Wayde Schafer
3305 Hillside Road
Mandan, North Dakota 58554

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Yolanda Richardson
Operator's signature

10/16/03
Date

**TESTIMONY BY JO ZSCHOMLER, DIRECTOR
OMB Risk Management Division
Government and Veterans Affairs Committee
January 31, 2003**

Mr. Chairman, and members of Government and Veterans Affairs Committee, my name is Jo Zschomler. I am the Director of the Risk Management Division of OMB.

Liability coverage for the state of North Dakota, its agencies and employees is provided by the Risk Management Fund. The State Tort Claims Act, N.D.C.C. ch. 32-12.2, enacted by the 1995 Legislature, governs the administration of the Fund. The day-to-day activities of the Risk Management Division include administering tort claims and lawsuits filed against the State and state employees, providing for the defense of the State or an employee of the State, and providing loss control services.

A liability exposure to the State could be created if House Bill 1416 is passed allowing the sale of beer and wine by concessionaires on property under the management of the director which borders the Missouri River. That exposure can be mitigated by requiring a concessionaire to obtain the appropriate licenses, to provide proof of adequate liability insurance including liquor liability coverage, and requiring that documentation be provided that the state of North Dakota is named as an additional insured under that coverage. Our office will assist Parks and Recreation to implement procedures to ensure concessionaires comply with these requirements. However, there can be no guaranty that all exposure to the State can be transferred.

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Jo Costa Richardson
Operator's Signature

10/16/03
Date

Testimony of Tracy Potter on HB 1416

Mister Chairman and members of the Senate Government and Veterans Affairs Committee, my name is Tracy Potter. I am the executive director of the Fort Abraham Lincoln Foundation. Our foundation asked Rep. Kelsch and Senators Nething, Krauter and Cook to sponsor this legislation.

At Fort Lincoln State Park we host a lot of groups in the Commissary Great Room. There are lunch meetings, workshops, and most often and most relevant to this bill, we host evening pitchfork fondues, barbecues and other catered meals. National and regional conventions include a night at Fort Lincoln in their Bismarck and Mandan convention plans. Most often the sponsors of the dinner functions would like to offer a glass of beer or wine with the meal. They can. They can do that now and many do. The problem with it is that because state law prohibits the sale of alcoholic beverages in most of our state parks, the beer or wine, or cocktails have to be free. This bill will make it possible for adults to pay for their glass of beer or wine.

It's a very little bill that does very little. It does not establish precedent. State law currently exempts three state parks from the prohibition on the sale of beer and wine. They are the three state parks on Lake Sakakawea. This bill adds one more park to the list.

The bill does not allow for off-sale, and we don't want there to be any. It also won't allow the establishment of a restaurant serving beer or wine in the Commissary and we're a little disappointed in that. That's due to the amendment added in the House which limits the sale of wine or beer to fourteen events per year. I believe that the amendment was offered to insure that the Fort Abraham Lincoln Foundation will not open and operate its own restaurant there. The state Hospitality Association objected to the bill on that basis, that a non-profit foundation would be in competition with for-profit restaurants. That was never our intention, anyway, but it was a remote possibility. I say remote because my board of directors didn't like the idea. We think a restaurant serving lunches to tourists and our staff would be a very good thing. We think someone who knows how to run restaurants should do it. That brings us back to the bill. Those experts we've talked to are in unanimous agreement: if a restaurant was to have a chance to succeed in such a seasonal place as Fort Lincoln, it would need to be able to serve beer or wine with meals. If we are going to do something like this, naturally, no time could be better than in 2004.

In summary, as is, this bill is a good thing for Fort Lincoln and, consequently, for North Dakota. It could improved. We urge your support for HB 1416.

Thank you.

R

TESTIMONY - HOUSE BILL 1416
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
March 13, 2003 - 10:15am
MISSOURI RIVER ROOM

Madam Chair and members of the Senate Government and Veterans Affairs Committee, I am Doug Prochal, Director of the North Dakota Parks and Recreation Department. I appear before you representing our constituency, the park users. We value user input in operations of the state park system. Their view, regarding alcohol sales, is in opposition.

The bill before you has been amended from original introduction and even with changes sales of alcohol in state parks is not supported by park users. A modified bill presented in 97-99 session failed as this one should also be based on public opinion from park users. Time to gather public opinion regarding alcohol sales was not afforded in 1997. After the bill failed, a public survey was conducted through our summer visitor newspaper asking whether the policy should be amended.

Results of that survey are attached providing an indication that park users did not see alcohol sales as acceptable in the parks. Responses indicated that roughly 50% were in opposition to the sale of alcohol and another 30% felt current policy should remain in place. In the past weeks park visitors and local law enforcement have responded with current views on the present bill. Copies of those responses are attached for your review and reference substantiating the previous view that alcohol sales are not an appropriate or supported activity in state parks. Citizens are also here to speak further on these positions.

The state park system offers a family focused experience. Numerous special events are held annually with family participation as a focus. Those events are conducted without the presence of alcohol offering enlightening, relaxed experiences the public expects. If you are not aware, alcohol consumption is permitted in the parks, again by public request. Policy also permits alcohol to be served with catered meals. These uses are done within managed settings and within our ability to monitor activity. The visitor bringing in the alcohol bears the burden of risk. In all cases these policies are in accord with state risk management overview. We have also attached data collected from surrounding states within our region to provide a perspective of what happens elsewhere. North Dakota's state park system permits a more liberal use than these regional states, however not far apart from their policies. Note that alcohol sales are limited to food concessions and marina operations while cash bars or beer gardens are not permitted activities in these other states.

Current law does permit alcohol sales by concessionaires on the lake parks. That statute was created to comply with federal policy and for the purpose of encouraging opportunity for resort development. Those developments have not materialized. Currently, no sales of alcohol occur in any of the state parks on Lake Sakakawea. A primary reason for this is the reluctance of county jurisdictions to issue permits, liability issues and the lack of requests. Since my tenure as Director I have not received a request from business for alcohol sales or has concern been expressed from private catering business to expand current policy.

Privatization for the purpose of enhancing park and recreation services is supported and has been implemented by the agency. Will the sale of alcohol enhance the park system? According to the documentation provided this change in law is not supported by the public, and in their view it will not enhance the state park system. It changes the image of the state parks along with adding exposure to state liability. Therefore, on behalf of park users, private business and local law enforcement we ask for a do not pass. That concludes testimony and I would be pleased to answer any questions the committee may have.

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**Testimony
House Bill 1416
Senate Government & Veterans Affairs Committee
March 13, 2003, 10:15 a.m.**

Madam Chair and members of the committee, my name is Cheryl Stockert and I live in Bismarck.

I am here today to express my opposition to House Bill 1416.

My family and I have enjoyed our stay at every state park in North Dakota and many state and national parks throughout the United States. I have been camping for over 40 years and have not seen any on-sale of beer or wine at any of these parks. In fact, there are many state parks that have concessions with food and fun for the family.

This is not a good bill to pass for our state parks. I want our state parks to be places to relax and enjoy the outdoors, wildlife, family and friends. I want our state parks to promote family values and activities, not be promoted as places to party at "events". The state of North Dakota, through this legislation, should not promote drinking beer and/or wine at special events in our state parks.

State parks and campgrounds are places to go to enjoy a picnic, a walk along the beach, boating, fishing, hiking, and many other activities. If, during special events, beer and wine is offered, I am concerned that people will be driving in and out of the parks or campgrounds, possibly creating safety hazards and other disturbances. Campgrounds have very narrow roads and many people, including kids, use these roads to bike, roller blade, walk, etc.

As a frequent customer of our state parks, I have talked with many park rangers throughout the years. Their time is already at a premium in maintaining the parks, monitoring picnic/day use areas, and policing campers. They don't need policing the aftermath of drinking at these special events to add to their workload.

Your consideration of my comments is appreciated and I ask for a do not pass on House Bill 1416.

Thank you.

Cheryl Stockert
Operator's Signature

10/16/03
Date

**TESTIMONY BY JO ZSCHOMLER, DIRECTOR
OMB Risk Management Division
Government and Veterans Affairs Committee
March 13, 2003**

Madam Chairman, and members of Government and Veterans Affairs Committee, my name is Jo Zschomler. I am the Director of the Risk Management Division of OMB.

Liability coverage for the state of North Dakota, its agencies and employees is provided by the Risk Management Fund. The State Tort Claims Act, N.D.C.C. ch. 32-12.2, enacted by the 1995 Legislature, governs the administration of the Fund. The day-to-day activities of the Risk Management Division include administering tort claims and lawsuits filed against the State and state employees, providing for the defense of the State or an employee of the State, and providing loss control services.

A liability exposure to the State would be created if House Bill 1416 is passed allowing the sale of beer and wine by concessionaires on property under the management of the director which borders the Missouri River. That exposure can be mitigated by requiring a concessionaire to obtain the appropriate licenses, to provide proof of adequate liability insurance including liquor liability coverage, and requiring that documentation be provided that the state of North Dakota is named as an additional insured under the concessionaire's coverage to the extent possible.

However, there can be no guaranty that all exposure to the State can be transferred. Our office will assist Parks and Recreation to implement procedures to work with concessionaires to comply with these requirements. The current Parks and Recreation director and staff are supportive of risk management recommendations. If House Bill 1416 is adopted, they would be required to expend additional time and effort to administer an effective program to ensure the additional liability exposure is effectively transferred.

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Jo Costa Richardson
Operator's Signature

10/16/03
Date

Rough draft of Amendments to HB1414

55-08-05. Charges for services. The director is hereby authorized to provide special services within state parks, state campgrounds, state recreation areas, and reserves; provide special technical assistance services; and to make rules and regulations for the use of such services. The director shall establish and cause to be collected charges, fees, and rentals for the use of all such special services, and shall revise the same, when necessary, in such manner that the revenue derived therefrom will be sufficient to pay the cost of providing each such service and to pay the principal of and interest on all bonds issued for projects furnishing the facilities for any such services, and to maintain a reserve for the security of said bonds as herein provided. The director may waive the collection of charges, fees, and rentals for the use of all such special services by health care-related charitable organizations conducting group camp activities without charge to participants. However, the director shall waive the collection of charges, fees, and rentals for the use of all special services by any care-related charitable organization sponsoring or conducting summer group camp activities without charge for fourteen days for children from age eight through age fourteen who have diabetes. Nothing in this section requires the director to provide camp services if the camp facilities are otherwise closed due to adverse administrative or fiscal impacts upon the department. Specifically, but without limitation of said general authorization, the director may:

1. Provide special parking space for automobiles or other motor-driven vehicles in any state park or state recreation area.
2. Provide special parking spurs and campgrounds for automobiles and sites for tent camping and special auto trailer coach parking spaces for the use of the individual charged for such space according to the daily rate which must be determined and fixed by the director consistent with the type of facility provided for the accommodation of visitors in any particular park and with similar facilities offered for tourist camping in the area.
3. Charge a fee for entrance to any pageant grounds which may be created in any state park, state recreation area, or reserve for the purpose of having historical or other pageants conducted by the agent of any authorized agency.
4. Provide water, sewer, and electric service to trailer or tent campsites and buildings and structures included in projects authorized by the legislative assembly.
5. Provide facilities for the sale to the public of food, ^{and} nonintoxicating beverages, except beer and wine sales as provided in subsection 6, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the lease of any such buildings, structures, and facilities to a concessionaire to be operated on such terms and compensation basis as the director determines to be in the best interest of the state. A bond must be required of each concessionaire in such amount as the director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds.
6. Allow the sale of beer and wine by concessionaires on property leased to the department by the United States department of the army, corps of engineers, provided the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.

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Salvatore Riccardi
Operator's Signature

10/16/03
Date

7. Allow the sale of on-sale beer and wine by operating liquor licensed concessionaires for fourteen events per year on property under the management of the director which borders the Missouri river and which is within fifteen miles [24.14 kilometers] of a city with a population in excess of twenty thousand, provided the concessionaire also obtains the appropriate local and state licenses required by section 5-02-01.

8. Charge and collect motor vehicle permit fees in the amounts prescribed by the legislative assembly, which fees are and must be imposed for the sole purposes of paying capital costs of projects required to provide the special services herein described and referred to, and of meeting the principal and interest and reserve requirements of bonds issued to finance such projects.

9. Charge a fee for providing special technical assistance to groups requesting information from the natural heritage inventory data base.

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Yolanda Richardson
Operator's Signature

10/16/03
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