

**FISCAL NOTE**  
**Requested by Legislative Council**  
**03/20/2015**

Amendment to: HB 1434

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$130,560	\$12,440		
Expenditures						
Appropriations						

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Engrossed HB 1434, first engrossment with Senate floor amendments authorizes the selling of alcoholic beverages between 11:00 AM and noon on Sundays, but prohibits off-sale alcohol sales between 2:00 AM and noon on Sundays.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

If enacted, engrossed HB 1434 with Senate floor amendments is expected to increase sales tax revenues by an estimated \$143,000 during the 2015-17 biennium.

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.*

- 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.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

**Name:** Kathryn L. Strombeck

**Agency:** Office of Tax Commissioner

**Telephone:** 328-3402

**Date Prepared:** 03/23/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/29/2015**

Amendment to: HB 1434

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
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Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Engrossed HB 1434 authorizes the selling of alcoholic beverages between 11:00 AM and noon on Sundays.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

If enacted, engrossed HB 1434 is expected to increase sales tax revenues by an estimated \$143,000 during the 2015-17 biennium.

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- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

**Name:** Kathryn L. Strombeck

**Agency:** Office of Tax Commissioner

**Telephone:** 328-3402

**Date Prepared:** 01/30/2015

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/20/2015**

Bill/Resolution No.: HB 1434

- 1 A. **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.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$130,560	\$12,440		
Expenditures						
Appropriations						

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

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1434 authorizes the selling of alcoholic beverages with restaurant meals between 11:00 AM and noon on Sundays.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

If enacted, HB 1434 is expected to increase sales tax revenues by an estimated \$143,000 during the 2015-17 biennium.

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.*
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- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

**Name:** Kathryn L. Strombeck

**Agency:** Office of Tax Commissioner

**Telephone:** 328-3402

**Date Prepared:** 01/27/2015

**2015 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HB 1434**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee

Peace Garden Room, State Capitol

HB 1434

1/28/2015

22686

Subcommittee

Conference Committee

*Donna Wetham*

### Explanation or reason for introduction of bill/resolution:

Sales of alcohol on Sundays.

### Minutes:

Attachment # 1-2.

**Representative Keiser:** opened the hearing on HB 1434.

**Representative Marie Strinden:** District 18 in Grand Forks (See Attachment #1).  
Introduces HB 1434.

**4 :50**

**Representative Becker:** What do you think about having your bill limited to a one word change not limiting that to the restaurants. Why not just allow that at a restaurant or a bar?

**Strinden:** I would be open to that. I know there was a similar bill in the past and I wanted to take a small step forward so if you wanted to add that in you can.

**Representative Amerman:** As far as a definition of a restaurant, does this include bars that serve pizza and appetizers?

**Strinden:** It was my intention for full service restaurants so that is my understanding of this.

**Chairman Keiser:** Ordinances in communities are kind of tight so like in a place like Buffalo Wild Wings, there is a foot print that the ordinance addresses. There is a bar section that serves food that children cannot go in, there is a restaurant section that serves liquor but children can go in there. In a facility like that lunch would be served. Would both the bar and the restaurant be open?

**Strinden:** It was my intention that both the bar and restaurant would be able to serve alcohol. That is something we can get an amendment drafted as well.

**Representative Becker:** I believe it's either or, as long as you are ordering food on the bar side you should still be able to get a beverage.

**Rudy Martinson: Executive Director of the North Dakota Hospitality Association:** in support of HB 1434. We are the trade association for North Dakota's restaurants, lodging and beverage industries. I have also heard this complaint from my eastern membership and we would also be in favor of seeing this change.

**Representative Louser:** If this is passed, does this still restrict someone from getting a beer on the golf course from the cart at 11:30 am on Sunday?

**Martinson:** I would assume that given that cart is not serving a full lunch time service I would guess it does preclude that, yes.

**Representative Keiser:** Any other support of HB 1434? Any opposition to HB 1434? Anyone here to testify in a neutral position to HB 1434? Seeing none. Closed the hearing on HB 1434.

**Representative Becker:** I'm going to suggest an amendment. (See Attachment #2). I make a motion to amend HB 1434 by removing the underlined language on Line 10 and ending on Line 12.

**Representative Ruby:** seconded.

**Representative Boschee:** There were multiple bills on this last session.

**Chairman Keiser:** I do support the amendment because if we limit it to places that service lunch, everyone else will be saying what about me this is affecting my business just because I don't serve lunch.

**Representative Beadle:** Representative Louser made an interesting point about the golfing that with the cart driving by that they wouldn't serve a full lunch menu but it might be something that people who are out golfing at 11:00 am might partake in and this is coming from someone who doesn't drink period.

**Voice vote on the amendment. Motion Carried to amend HB 1434.**

**Representative Boschee: Moved Do Pass as Amended on HB 1434**

**Representative Becker: Seconded.**

**A Roll Call Vote was taken. Yes: 10 No: 4 Absent: 1. Motion carried.**

**Representative Ben Hanson will carry the bill.**

January 28, 2015

JK  
1-28-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1434

Page 1, line 10, remove "A person may not dispense between eleven a.m. and twelve noon on Sundays"

Page 1, remove line 11

Page 1, line 12, remove "premises that serves a lunchtime restaurant service."

Renumber accordingly



Date: Jan 28, 2015

Roll Call Vote: 2

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1434

House Industry, Business & Labor Committee

Subcommittee  Conference Committee

Amendment LC# or Description: 15.0872.01001

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations

Other Actions:  Reconsider

Motion Made By Rep. Boschee Seconded By Rep. Becker

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Representative Lefor	X	
Vice Chairman Sukut		X	Representative Louser	X	
Representative Beadle	X		Representative Ruby	X	
Representative Becker	X		Representative Amerman	X	
Representative Devlin		X	Representative Boschee	X	
Representative Frantsvog		X	Representative Hanson	X	
Representative Kasper	Ab		Representative M Nelson	X	
Representative Laning		X			

Total (Yes) 10 No 4

Absent 1

Floor Assignment Rep. Ben Hanson

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

**REPORT OF STANDING COMMITTEE**

**HB 1434: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1434 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "A person may not dispense between eleven a.m. and twelve noon on Sundays"

Page 1, remove line 11

Page 1, line 12, remove "premises that serves a lunchtime restaurant service."

Renumber accordingly

**2015 SENATE JUDICIARY**

**HB 1434**

# 2015 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB 1434  
3/10/2015  
24562

- Subcommittee  
 Conference Committee

Committee Clerk Signature



**Minutes:**

1

Ch. Hogue: We will open the hearing on HB 1434.

Rep. Marie Strinden: Sponsor, support (see attached #1).

Sen. Casper: Why not 10:00 am instead to match Minnesota.

Rep. Marie Strinden: My reasoning was that 11:00 am is really the start of lunch time.

Sen. Grabinger: Were you amenable to amending this to off-sale as well.

Rep. Strinden: You can amend it. I would like it if we put it back so that it was a full service restaurant, just because I thought that would be preferred to members of the House. That's why I didn't include off-sale.

Ch. Hogue: Thank you. Further testimony in support.

Rudie Martinson, Exec. Dir. ND Hospitality Association: Support.

Sen. Casper: What do you think about 10:00 am.

Mr. Martinson: I think my membership would view that favorably.

Sen. Grabinger: What do you think about the off-sale being included in here, do you think that would be a dagger to the bill's health.

Mr. Martinson: I think my membership would probably view that favorably. I think it would have some trouble back across the hall in the House if that was amended into the bill.

Ch. Hogue: Thank you. Further testimony in support. Testimony in opposition. Neutral testimony. We will close the hearing.

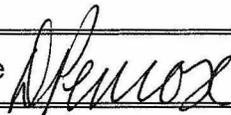
# 2015 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB 1434  
3/17/2015  
25013

- Subcommittee  
 Conference Committee

Committee Clerk Signature



## Minutes:

Ch. Hogue: We will take a look at HB 1434. What are the committee's wishes?

Sen. Armstrong: I move a Do Pass on HB 1434.

Sen. Casper: Second the motion.

Ch. Hogue: So we're moving up the time that you can buy alcohol from noon to 11:00 am.

Sen. Luick: I know where it's going, but I can't support it. I think the opportunity to buy as much alcohol as you wish is available today and I just don't think it is necessary.

Sen. Nelson: It says dispense or permit consumption of...does that imply this is on-sale only rather than off-sale. So if you went to Radisson on Sunday and wanted a mimosa at 11:00 a.m. you could get one, but you couldn't order a six pack of beer at an off sale location.

Ch. Hogue: I think you could get off-sale.

Sen. Nelson: That's why I am trying to read, "A person may not dispense or permit the consumption of...". I interpret that as on-sale.

Ch. Hogue: The word "dispense", what facility that sells alcohol, is not licensed. You could go to a convenience store and buy beer, but you can't buy it until noon on Sunday.

Sen. Nelson: In ND, you can't buy it period in the grocery store. You can buy non-alcoholic beer.

Ch. Hogue: In a convenience store. I know of a number of convenience stores, the one in Mandan right across from the water park, has a separate area of their building that they sell alcohol, off-sale. The Washburn convenience store has off-sale. So they are dispensing alcohol, are they not? I am assuming they are licensed, so this would apply to them so they would be able to sell at 11:00 a.m. as opposed to noon.

Sen. Nelson: On line 10 they specifically mention off-sale and they haven't before that.

Sen. Grabinger: You can't provide off-sale after 2:00 am on any day.

Ch. Hogue: When they say "dispense" does that mean to give alcohol to be consumed on your premises.

Sen. Armstrong: The whole thing is so poorly written, I'm almost positive the interpretation of this is that this is only for on-sale. I don't know if it's the word dispense vs. sale. I feel this is only on-sale.

Sen. Grabinger: Some of us would like it to be open for off-sale at 11:00 a.m. but I think it is only for on-sale.

Sen. Casper: NDCC 5-02 is the retail licensing for alcohol. I'm not seeing anything in here where everything is divided out between on-sale and off-sale. It's not that way. "A person may not dispense alcoholic beverages on licensed premises". If read that way, that would mean sale, or if you read "a person may not permit the consumption of alcohol beverages on a licensed premises" because the "or".

Ch. Hogue: The 1000 version seemed a little stricter. This is the new language they were proposing to add in the code: "A person may not dispense between 11:00 am and 12:00 noon on Sundays, unless the alcoholic beverages are dispense and permitted to be consumed on a licensed premises that serves a lunch time restaurant service. Backed to the prime sponsors intent wanted the Grand Forks restaurants to serve alcoholic beverage with a meal at 11:00 a.m. It still wouldn't allow your scenario of picking up off-sale to take home.

Sen. Grabinger: I understand people's convictions regarding that. It is to me, ridiculous that we have to wait until the bell rings at noon before we can buy a 12-pack of beer or a bottle of wine. When we opened up alcohol sales on Sunday, it took off the blue law. We changed everything. Where do you draw the line?

Sen. Luick: When you start looking at areas that have rotating shifts, it's hard to justify that there are any limitations on any of it at any hour; simply because your morning doesn't match my morning now.

Sen. Grabinger: I used to work 3-11 pm at the state hospital and we would get off work, and that was back when we had bar closing at 1:00 am. We were limited on the time that we could go and socialize at an establishment like that.

Sen. Nelson: Now the bars close at 2:00 am.

Sen. Grabinger: Where do you draw the line? Is it okay for some? I understand the alcohol problem, substance abuse issues that we have. Does this protect anybody from that?

Ch. Hogue: It seems to me that the House broadened the law to cover your fact pattern and the prime sponsors. They made it so that you could buy it at the convenience store or as part of a meal. Any other discussion. We will take the roll call vote.

**4 YES 2 NO 0 ABSENT DO PASS**

**CARRIER: Sen. Grabinger**

Date: 3/17/15

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE  
ROLL CALL VOTE

BILL/RESOLUTION NO. 1434

Senate

**JUDICIARY**

Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment

Do Pass  Do Not Pass  Without Committee Recommendation

As Amended  Rerefer to Appropriations

Place on Consent Calendar

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Sen. Armstrong Seconded By Sen. Casper

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong	✓		Sen. C. Nelson		✓
Sen. Casper	✓				
Sen. Luick		✓			

Total (Yes) 4 No 2

Absent ∅

Floor Assignment Sen. Grabinger

**REPORT OF STANDING COMMITTEE**

**HB 1434, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends DO PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1434 was placed on the Fourteenth order on the calendar.**

**2015 TESTIMONY**

**HB 1434**

# 1  
HB 1434  
1/28/15

Mr. Chairman, members of the Industry, Business and Labor committee, I am Marie Strinden, Representative from District 18 in the heart of Grand Forks. District 18 also includes the north side of highway 2 and half of the Air Force Base.

HB 1424 is a bill that stems from frustrations in the downtown Grand Forks business community and that I have heard echoed across the state. Currently, there is an inequality between Grand Forks businesses and businesses a couple blocks away in East Grand Forks in that our North Dakota restaurants cannot serve alcohol before noon on Sundays. The same problem exists between Fargo and Moorhead, Wahpeton and Breckinridge, and other communities. North Dakota has the latest restaurant alcohol serving time on Sundays of all of the surrounding states and province.

This means that people leaving church who want to go straight to brunch- maybe to enjoy a mimosa or a beer- will often go to Minnesota restaurants rather than wait an hour to go to a Grand Forks restaurant. Sports games, notably NFL games, start at noon on Sundays. Fargo businesses can miss out on customers who want to settle into a restaurant for the preshow, order drinks, and spend their afternoon- and money- at that restaurant.

The following states and provinces allow their cities and counties to further restrict alcohol serving times, but state law sets restaurant alcohol serving times for Sunday as the following:

- Minnesota- 10am
- Manitoba- 9am (updated in April 2014)
- South Dakota- 7am
- Montana- 8am

According to Century Code, North Dakota counties may also further restrict serving times, meaning that they could continue to allow a noon serving time if they choose. HB 1424 is a permissive bill for communities who want an extra hour to lure customers away from Minnesota businesses, but it does not require all communities to make the switch to 11am.

HB 1424 does not include bars (places without lunch menus) or off-sale.

In addition to economic development, this bill has a second purpose of fixing some confusion experienced in restaurants. A few years ago, I was a server at Granite City in Fargo for a summer in between undergrad and grad school. Many Canadian tourists and Minnesotans were confused about the alcohol serving time because it fluxuates so much between our neighboring states and provinces. Between 11am and noon is where I noticed the most questions, confusion, and constant ordering of alcoholic beverages. People seemed to intuitively think that 11am was the serving start time.

In reading over the statute again this morning, I noticed a second part of the statute, not included in the bill, that you may want to ask Legislative Council about. I'm happy to draft an amendment for you.

5-02-05. Dispensing prohibited on certain days - Penalty.

A person may not dispense or permit the consumption of alcoholic beverages on a licensed premises **between two a.m. and twelve noon on Sundays**, between the hours of two a.m. and eight a.m. on all other days of the week, or on Christmas Day or after six p.m. on Christmas Eve. In addition, a person may not provide off sale after two a.m. on Thanksgiving Day. A person that violates this section is guilty of a class A misdemeanor.

5-02-05.1. Sunday alcoholic beverage permit - Penalty.

1. Any local governing body may issue a Sunday alcoholic beverage permit to a qualified alcoholic beverage licensee licensed under this chapter or to a publicly owned or operated facility. For purposes of this section, "qualified alcoholic beverage licensee" has the same meaning as in section 5-02-01.1. A county may not issue a permit under this section to a retail alcoholic beverage establishment located within the geographical boundaries of a city.

2. The authority for issuing the permit rests solely with the local governing body. A permit may be granted only upon proper application to and approval by the governing body and must include payment of a fee determined by the governing body. A permit granted by the local governing body may be effective for more than one Sunday.

3. Under the permit, alcoholic beverages may be distributed and dancing may be permitted in the establishment or facility. **A local governing body may permit dancing and the distribution of alcoholic beverages between the hours of twelve noon on Sunday and two a.m. on Monday.** The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority of the permit. The establishment or facility granted the permit shall enforce the requirements of this section.

15.0872.01001  
Title.02000

Adopted by the Industry, Business and Labor  
Committee

January 28, 2015

#2

HB 1434

1/28/15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1434

Page 1, line 10, remove "A person may not dispense between eleven a.m. and twelve noon on Sundays"

Page 1, remove line 11

Page 1, line 12, remove "premises that serves a lunchtime restaurant service."

Renumber accordingly

1-1

3/10/15  
HB 1434

Mr. Chairman, members of Senate Judiciary committee, I am Marie Strinden, Representative from District 18 in the heart of Grand Forks. District 18 also includes the north side of highway 2 and half of the Air Force Base.

HB 1424 is a bill that stems from frustrations in the downtown Grand Forks business community and that I have heard echoed across the state. Currently, there is an inequality between Grand Forks businesses and businesses a couple blocks away in East Grand Forks in that our North Dakota restaurants cannot serve alcohol before noon on Sundays. The same problem exists between Fargo and Moorhead, Wahpeton and Breckinridge, and other communities. North Dakota has the latest restaurant alcohol serving time on Sundays of all of the surrounding states and province.

This means that people leaving church- who want to go straight to brunch- maybe to enjoy a mimosa or a beer with family- will often go to Minnesota restaurants rather than wait an hour to go to a Grand Forks restaurant. College and Pro sports often start at noon on Sundays. North Dakota businesses can miss out on customers who want to settle into a restaurant for the preshow, order drinks, and spend their afternoon- and money- at that restaurant.

The following states and provinces allow their cities and counties to further restrict alcohol serving times, but state law sets restaurant alcohol serving times for Sunday as the following:

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According to Century Code, North Dakota counties may also further restrict serving times, meaning that they could continue to allow a noon serving time if they choose. HB 1424 is a permissive bill for communities who want an extra hour to lure customers away from Minnesota businesses, but it does not require all communities to make the switch to 11am.

HB 1424 does not include off-sale. The House amended the bill to include all on-sale, but the original intention was to include only establishments that serve a full menu under the same roof. Restaurants that serve lunch/brunch are open at 11am already, so this time change would not cut into Sunday family time.

In addition to economic development, this bill has a second purpose of fixing some confusion experienced in restaurants. A few years ago, I was a server at Granite City in Fargo for a summer in between undergrad and grad school. Many Canadian tourists and Minnesotans were confused about the alcohol serving time because it fluctuates so much between our neighboring states and provinces. Between 11am and noon is where I noticed the most questions, confusion, and constant ordering of alcoholic beverages. People seemed to intuitively think that 11am was the serving start time because that's generally thought of as the time lunch starts.