

1999 SENATE POLITICAL SUBDIVISIONS

SB 2244


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2244

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 4, 1999

Tape Number	Side A	Side B	Meter #
2	x		220 to 2568
Committee Clerk Signature 			

Minutes:

SENATOR SOLBERG: OPENS HEARING ON SB2244, issuing a beer and wine license for these facilities and being put into a county situation

SENATOR LEE: personal observation of this bill and rules in the individual townships regarding the beer and wine license. How would we regulate one glass per guest?

SENATOR SOLBERG: no way to regulate this, but this bill would make it legal to serve this beer or wine.

SENATOR LEE: hospitality that ND are known for and sharing of more than one glass of wine or beer.

SENATOR SOLBERG: more than one glass have to apply for a license, which do the bed and breakfasts want to do and regulation by the bed and breakfast

SENATOR LEE: any questions

SENATOR LEE: favor of sb2244 or any position

BRIAN HOIME: See testimony, opposed to this bill and safety concerns because of this bill

SENATOR LEE: offering of complimentary beverage, they wouldn't be in violation of the law

BRIAN HOIME: yes, as long as the drink is complimentary and the guest is not charged, in anyway, for the drink

SENATOR WATNE: dinner party and service of beer or wine, could they do this now at Sage hill bed and breakfast

BRIAN HOIME: not without a license

SENATOR WATNE: if they paid the 100 dollars under this bill

BRIAN HOIME: yes, under existing laws they could also do it if they went before the county commission and concern of having a full liquor license for a bed and breakfast

SENATOR LEE: full liquor license would be more but a beer and wine would be more, questions

BRIAN HOIME: Copy of the consent form for the bed and breakfast. What kind of license that they are applying for.

SENATOR LEE: the attorney generals office will take care of

LORANCE SPARTZ: opposed to the bill, and what happens at a bed and breakfast. Liabilities of the bed and breakfast vs. the townships. Abuse of alcohol in relation to accidents. Abuse of alcohol in relation to dinner arrangements

SENATOR WATNE: money in bed and breakfast night life

LORANCE SPARTZ: money in beer and wine verses just having a bed and breakfast

DISCUSSION

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SENATOR LEE: any other questions

MOTION: closed hearing on sb2244

February 5, 1999

MOTION: DO NOT PASS BY SENATOR WATNE:

MOTION: SECONDED BY SENATOR LYSON:

FLOOR ASSIGNMENT: SENATOR LYSON:

Date: 2-5-99
Roll Call Vote #: 1

~~3/2/99~~

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2244

Senate Political Subdivisions Committee Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not pass

Motion Made By Watne Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson	/	- late vote			

Total (Yes) 6 No 0

Absent Nelson

Floor Assignment Lyson

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

Standing Report
OK

REPORT OF STANDING COMMITTEE (410)
February 5, 1999 1:54 p.m.

Module No: SR-24-2085
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2244: Political Subdivisions Committee (Sen. Lee, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2244 was placed on the Eleventh order on the calendar.

1999 TESTIMONY

SB 2244

Testimony for Senate Bill No. 2244
Senate Political Subdivisions
Prepared by Bryan Hoime
North Dakota Township Officers' Assn.

Chairman Lee, members of the committee, first let me say we're not against economic development. Any township in this state would love to have new activity and business in their township. All of us know about the out migration from rural North Dakota to urban North Dakota and beyond. What this bill deals with are safety concerns and the ability of a political subdivision to have control over the health, safety, moral or the general welfare of its citizens.

First a brief history, back in 1967 Title 5 was redrafted, during that draft the citation below was enacted. In 1969 there was concern about a mechanism to review existing consent agreement and a law was put in place which provided for every third renewal of a liquor license a county would have to request the consent from the township. This provision was in effect until its repeal in 1987, probably because it was felt that it was an unnecessary measure because a township could approach a county in any renewal period and give objections for the liquor license issuance. We've allowed counties to issue the licenses since with the authority under 5-01-07 which states:

5-01-07. Township beer or liquor licenses. No retail beer or liquor license may be issued in any organized township without the written consent of the board of township supervisors.

These are powers which all political subdivisions have, self governance with issues of health, safety, moral or the general welfare of its citizens. This Bill before you intends to usurp the ability of a township to give written consent concerning beer and wine licensing for a bed and breakfast facility, creating conflicting provisions of North Dakota Law. There are many issues which could play a role in whether or not to give consent, some of which are:

- Location. Townships often have subdivisions, unincorporated town sites, resorts, which may need a closer look at where a facility should be located.
- Safety. Another concern is with safety. Roads leading to the facility may need improving to allow for a safer transportation system to the facility. Also the safety of the public is a concern, a township may not want to locate a

liquor establishment in the middle of a subdivision where the public may be located.

License type. The type of liquor license granted may also be a factor, whether a beer and wine or full liquor license. The type of business asking for the license, intended customers play into the licensing as well.

Another problem with this Bill is that it sets up a whole new tier of licensing fees just for bed and breakfasts, of up to one hundred dollars for the license. Current law provides for not less than fifty nor more than five hundred dollars for the issuance of a on sale beer license outside the corporate limits of a city. The state's license fee is fifty dollars.

Another problem is located on lines 12 thru 14 which allows a bed and breakfast facility to offer a single 8- ounce glass of wine per day per customer over the age of twenty-one. Chairman Lee, I think this is an almost ridiculous provision, how does a bed and breakfast offer one glass of wine to a customer and refuse them a second? How does the state's licensing division "police" such a provision? Even more important, how does a B and B? Will customers understand this provision and return? Under existing law I feel that any business can include complimentary drinks, beer, or wine as part of a special offer. Bed and breakfasts could offer a complimentary wine and cheese hour, or a restaurant could offer complimentary bottle wine with a "Sweetheart" Valentine seafood or steak special. This bill would be quite limiting in these instances.

This bill allows a county to give a liquor license to a business located in a township even though a township is stuck with the road maintenance, and many other safety issues.

This bill strictly limits the ability of a local jurisdiction to set its own course for the future. We have zoning authority, we have the right to plan for the future in an orderly fashion, taking into account all the rights of citizens in our townships. As my colleague of mine often states.. this is a "bad" bill and should receive a no vote.



TOWNSHIP BOARD CONSENT
 (To the Issuance of an Alcoholic Beverage License by Board of County Commissioners)
 OFFICE OF THE ATTORNEY GENERAL
 SFN 14337 (10-86)

*Briaw
Hoime*

The _____ Township Board of Supervisors
 (Township Name)

of _____ County, North Dakota,
 does hereby grant its approval and consent to the Board of County Commissioners pursuant to
 N. D. C. C. 5-01-07 to issue a retail alcoholic beverage license

to _____ doing business
 (Licensee(s) Name)

as _____ on premises located
 (Business Name)

at _____,
 (Business Address)

in _____, _____, North Dakota.
 (City) (County)

I hereby certify that the foregoing consent to the issuance of a retail alcoholic beverage license was
 approved by the township board of supervisors at its meeting on the _____ day
 of _____, 19 ____.

 (Signature)

_____, CLERK
 (Type or Print Name of Clerk)

RETURN TO:
 County Auditor's Office