

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1395

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10/3/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

HB 1395

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10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1395

House Political Subdivisions Committee

Conference Committee

Hearing Date: February 6, 2003

Tape Number	Side A	Side B	Meter #
1	X		1.6-14.8
Committee Clerk Signature <i>Mickie Schmidt</i>			<i>2-18-03</i>

Minutes:

TAPE 1; SIDE A:

(1.6) REP. GLEN FROSETH: We will open the hearing on HB 1395. I'll have the clerk take the roll. We have a quorum.

(2.5) REP. MIKE GROSZ: (Testimony in support) (See attachment #1)

(4.7) REP. NANCY JOHNSON: This allows the local city or county to determine if they want to permit their county to be open until two o'clock am?

(4.8) REP. MIKE GROSZ: It's up to the local establishment.

(5.0) REP. GIL HERBEL: Do you think that if this were to pass, that if one establishment stayed open, that within a city area, that all of the rest would feel obligated to stay open?

(5.3) REP. MIKE GROSZ: It's a strong possibility.

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House Political Subdivisions Committee
Bill/Resolution Number HB 1395
Hearing Date: February 6, 2003

(5.7) REP. GIL HERBEL: I remember when the line for division for mountain and central time. When the bars closed in Mandan, they would run over to Bismarck. Do you think this would create any problems there?

(6.1) REP. MIKE GROSZ: I've heard the stories about Bismarck. We've had Minnesota people coming over to Fargo and Grand Forks and spending their money in North Dakota!

(6.4) REP. MARY EKSTROM: Have you talked to Fargo or some of the border cities about the kinds of problems they might have?

(6.9) REP. MIKE GROSZ: No

(7.0) REP. MARY EKSTROM: What about the additional costs of law enforcement?

(7.1) REP. MIKE GROSZ: I hope not, however I've looked at South Dakota's situation and a couple of articles where there has not been an increase in criminal activity.

(7.3) REP. GLEN FROSETH: The new language on lines 18 and 20. What does that specifically clear up?

(7.5) REP. MIKE GROSZ: I too had those questions when I got the bill draft from Legislative Council. What he is attempting to do there is just clean up some language in the Sunday permit laws. There was some confusion on the sale of liquer also.

(9.0) PATTY LEWIS; ND HOSPITALITY ASSOCIATION: (Testimony in support) One of the things I'm hearing from borrower's in major cities is that the habits of many young adults are changing. Many of them don't go out until about 10 o'clock at night because of movies, concerts, games, so that by the time they usually get out to a liquer establishment is likely 10:30 to 11:00 pm. We do not support drunk driving. By saying that the 2 am opening will increase that, may be a little bit misleading because regardless of the time of day, it is still ilegal to drive drunk.

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Bill/Resolution Number HB 1395
Hearing Date: February 6, 2003

(11.5) BILL HICKSON: OWNER OF 3 SPORTS BARS IN BISMARCK: (Testimony in support) Our customers are coming in at 10:30 or 11:00 at night. It's only about an hour and a half before we have to start kicking them out.

(12.2) REP. GIL HERBEL: Will this effect the number of DUI's?

(12.4) BILL HICKSON: I can't answer that. I think as adults, they should be responsible. We send a lot of people home in cabs.

(13.0) REP. BYRON CLARK: (Testimony in support)

(14.2) REP. GLEN FROSETH: Any further testimony? Opposition? Seeing none, we will close the hearing on HB 1395. (14.7)

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1395

House Political Subdivisions Committee

Conference Committee

Hearing Date: February 6, 2003

Tape Number	Side A	Side B	Meter #
2	X		3.0-9.9
Committee Clerk Signature <i>Mickie Schmidt</i>			<i>2-20-03</i>

Minutes:

TAPE 2; SIDE A:

(3.0) CHAIRMAN GLEN FROSETH: We will open the hearing on HB 1395.

(3.2) REP. ANDREW MARAGOS: I WILL MOVE A DO PASS.

(3.3) REP. MARY EKSTROM: I SECOND IT.

(3.5) CHAIRMAN GLEN FROSETH: Any discussion? There was concern with the increased DUI issue and the issue of rushing to a party afterwards, the effect of concerts getting out at about 11:00 PM, the different closing times between state lines and cities and how they effect the bars. It was stated that DUI's don't increase with the time that the bar is open. They only increase with the amount of alcohol someone consumes. It was stated how it brings money into the state because of the cut off time in bars.

(Rep.'s Eckre and Sandvig were not in favor)

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Page 2
House Political Subdivisions Committee
Bill/Resolution Number HB1395
Hearing Date: February 6, 2003

Are you ready for a vote? I'll have the clerk call the Roll Call Vote: 9-y; 5-n; 0-absent;

Carrier; Rep. Johnson

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10/3/03
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FISCAL NOTE
 Requested by Legislative Council
 01/21/2003

Bill/Resolution No.: HB 1395

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			\$824,000	\$72,000		
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.

HB 1395 enables businesses that sell alcoholic beverages to remain open until 2:00 AM. We estimate that the additional hour of operation will result in increased sales tax revenues totaling \$896,000 during the 2003-05 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, 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.

Name:	Kathryn L. Strombeck	Agency:	Tax Dept.
Phone Number:	328-3402	Date Prepared:	02/05/2003

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Date: 2-6-03

Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1395

House "POLITICAL SUBDIVISION" Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Maragos Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz	✓				
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	0				
Alon Wieland	✓				
Bruce Eckre		✓			
Mary Ekstrom	✓				
Carol A. Niemeier		✓			
Sally M. Sandvig		✓			
Vonnie Pletsch	✓				

Total (Yes) 10 No 3

Absent 1

Floor Assignment Rep. Iverson

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

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10/3/03
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REPORT OF STANDING COMMITTEE (410)
February 6, 2003 1:09 p.m.

Module No: HR-23-1845
Carrier: Iverson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1395: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO
PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1395 was placed on
the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-23-1845

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2003 SENATE POLITICAL SUBDIVISIONS

HB 1395

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1395

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 28, 2003

Tape Number	Side A	Side B	Meter #
1	X		2453 - End
		X	0 - 835
		X	1249 - 2628
2	X	(Action)	0 - 382

Committee Clerk Signature *Shirley Borg*

Minutes

CHAIRMAN COOK called the committee to order. All members (6) in attendance.

CHAIRMAN COOK opened the hearing on HB 1395 relating to the consumption of alcoholic beverages.

REPRESENTATIVE GROSZ, District 42, introduced HB 1395. (see attached testimony)

Testimony in support of HB 1025:

REPRESENTATIVE BYRON CLARK, District 44, Fargo ND, appeared in support of HB 1395. He feels it is important to allow social activities to take place in North Dakota. The bill is appealing to young people. He looked up the Mothers Against Drunk Driving web site and the statistics in different states and North Dakota as far as the percentage of alcoholic related deaths and North Dakota doesn't have higher or lower alcoholic related deaths with the 1 AM closing

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Senate Political Subdivisions Committee
Bill/Resolution Number HB 1395
Hearing Date February 28, 2003

as do the later closing times. He is not sure that the closing times of alcohol establishments has a direct correlation with the safety hazard.

Discussion: Tape 1, Side A Meter # 3225 - 3656.

REPRESENTATIVE JIM KASPER, District 46, SE Fargo, ND appeared in support of HB 1395. Talking with his constituents in Fargo, he did not have a single person not wanting him to support the bill. He would like to give it a try. Rep. Kasper would like the committee to consider the students and think about the business opportunities.

REPRESENTATIVE RON IVERSON, District 27, SW Fargo, appeared in support of HB 1395. He came at a different perspective, he was a probation officer for four years and they got statistics from around the nation as to DUI's. Everyone that has contacted him on this bill, feel this is a positive thing. This is not a college student drinking bill, it is a way people can socialize more and it would be good for North Dakota and would create more revenue for the state.

Patty Lewis, ND Hospitality Association, appeared in support of HB1395. The association supports the bill. She would like the committee to look at the whole irresponsible behavior and drunken driving, and problems that are concerning people. The question of what would be the effect of going from 1 AM to 2 AM was answered that there would be no effects and that irresponsible behavior can happen at any time of the day.

Brad Erickson, Capital Entertainment, Capital Entertainment has clubs in Iowa, SD as well as ND. The South Dakota location takes in \$294,000 extra a year. This would benefit the state as well as the business owner. He does not feel the problems would be any worse then they are now.

Discussion: Tape 1, Side A, Meter # 4649 - 5370

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Bill/Resolution Number HB 1395
Hearing Date February 28, 2003

Brain Hare, Peacock Alley's evening chef, appeared in support of HB1395 representing the shift workers. He feels it would be nice for people who work late to be able to get out for a late dinner and have the options to go to a couple different places.

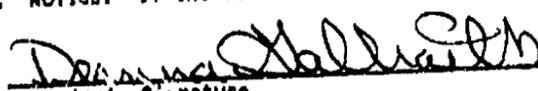
Bill Hixson, Peacock Alley, appeared in support of HB 1395. He owns three sports bars in Bismarck. He is seeing customers coming out later all the time. He questioned the fiscal note, as having been in this business all his life, he would venture to say the fiscal note would be greater with the revenue from pool tables, darts and gaming. He feels we have a responsibility to take care of the people in North Dakota's social needs.

Testimony Opposed to HB 1395.

John Olson, Attorney, representing ND Police Officers Association, appeared in opposition of HB 1395. The association is comprised on all major law enforcement agencies in the state. Talking to those folks, they have deep concerns about these hours. The difference in time closing hours on border states. A lot of criminal activity is related to the use of alcohol. It just makes sense that if you are going to extend the hours of the bars you are going to see more problems. This is not a good move at this point.

Debbie Ness, Chief of Police, Bismarck, ND appeared in opposition of HB 1395. She respects what industry is trying to do for our youth here and that they are looking creatively in different ways of how we can increase revenue to our municipalities but does not believe this bill is an answer to this problem. She is very concerned about different jurisdictions taking different view points on whether or not they are going to have the two o'clock opening. Feels there will be increase traffic accidents and domestic home violence. It would also have an effect on our work

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Senate Political Subdivisions Committee
Bill/Resolution Number HB 1395
Hearing Date February 28, 2003

force and work load as law enforcement. She does not think it sends the right message for North Dakota.

Dennis Rohr, Chief of Police, Mandan, ND appeared on opposition of HB 1395. (See attached testimony)

Discussion Tape 1, Side B, Meter # 545 - 832.

CHAIRMAN COOK, closed the hearing on HB 1395.

SENATOR POLOVITZ moved a DO PASS on HB 1395

SENATOR SYVERSON seconded the motion.

Discussion:

SENATOR JUDY LEE said she was not crazy about this bill.

SENATOR COOK said there was a good argument on why there should be no limit but did not feel there was an argument for why it should be 2 AM.

SENATOR CHRISTENSON said one of the things that really bothers her is the concentration on young people, the college people who study a long time can go to the bar. One of the most serious problems on campus right now is drinking and they are trying to curb it, they are trying to discourage it and to think this is one of the rationales for leaving bars open is appalling.

SENATOR GARY LEE said he thought the Police Chief from Bismarck had very good testimony on trying to look at the broad spectrum of problems and she has insight into the areas that we do not see.

SENATOR CHRISTENSON understands that the House of Reps did not have a chance to hear police officers testify.

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Senate Political Subdivisions Committee
Bill/Resolution Number HB 1395
Hearing Date February 28, 2003

SENATOR SYVERSON feels the people who work late at night would like the opportunity to avail themselves to some social life after work. He does not think there will be any impact of new problems.

SENATOR POLOVITZ says he does not worry about the students. He feels we should not try to mandate a moral point of view. He thinks the responsibility is on the person and the people are not always drinking, they are there to socialize.

SENATOR JUDY LEE wondered if there was something they should be reading about the Sunday opening.

Further discussion on Sunday opening.

SENATOR COOK asked TeLisa, Committee Intern, to call Legislative Council and get some answers on Sunday Opening.

TeLisa Nemec, Intern for Political Subdivisions, reported the statute was permissive.

SENATOR POLOVITZ, moved a **DO PASS** on HB 1395

SENATOR SYVERSON seconded the motion.

Roll call vote Yes 2 No 4 Absent 0

Motion Failed

SENATOR CHRISTENSON moved a **DO NOT PASS**

SENATOR JUDY LEE seconded the motion.

Roll call vote: Yes 4 No 2 Absent 0

Carrier: **SENATOR CHRISTENSON**

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10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
February 28, 2003 12:17 p.m.

Module No: SR-36-3657
Carrier: Christenson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1395: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1395 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-36-3657

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2003 TESTIMONY

HB 1395

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Date

#1

TESTIMONY FOR
HOUSE BILL 1395
Presented by Rep. Mike Grosz, District 42

Thank you Chairman Froseth. Members of the distinguished Political Subdivisions Committee, for the record my name is Mike Grosz, representative for District 42, the northwest portion of the city of Grand Forks.

House Bill 1395 would simply allow establishments that are licensed to sell alcohol the option to remain open until 2:00 am.

In the past few months we have had a "Youth Initiative" and a "Saving North Dakota" program which has spurred discussions on what we can do to retain or recruit people that are approximately 22 to 40 years of age. This bill of course is not the total answer; however, I believe it is a step in the right direction.

Many college students and younger people in the workforce are looking for more cultural and social activities. This bill will provide a social venue for this demographic population.

With that said, this bill does not reduce any of the laws that require our citizens to drink responsibly, nor does it require these establishments to remain open until 2 am. It just provides another tool to cities and communities to stimulate economic growth, and to serve the wants of its population.

If the fiscal note is accurate, not only will this bill increase the state treasury by almost \$900,000, but at a 7% sales tax, that would equate to an additional \$12.8 million circulating in our state. A large portion of those dollars, I would suspect would come from Minnesota due to our border cities.

Mister Chairman, this bill may not be the answer for some of our smaller, more conservative towns, but those establishments do not have to change their closing time. But, I know this will greatly help many of our cities.

Thank you Mister Chairman, and I would be happy to answer any questions.

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**On-Premises Closing Times by State
NABCA Survey Book 2000**

Alabama	2:00 AM	Kentucky	12:00 AM
Alaska	5:00 AM	Texas	12:00 AM
Alberta	2:00 AM	Arizona	1:00 AM
Arizona	1:00 AM	Delaware	1:00 AM
Arkansas	5:00 AM	Idaho	1:00 AM
British Columbia	2:00 AM	Maine	1:00 AM
California	2:00 AM	Minnesota	1:00 AM
Colorado	2:00 AM	Nebraska	1:00 AM
Connecticut	2:00 AM	New Hampshire	1:00 AM
Delaware	1:00 AM	North Dakota	1:00 AM
Florida	Local Option	Rhode Island	1:00 AM
Georgia	Local Option	Missouri	1:30 AM
Hawaii	4:00 AM	Alabama	2:00 AM
Idaho	1:00 AM	Alberta	2:00 AM
Illinois	Local Option	British Columbia	2:00 AM
Indiana	3:00 AM	California	2:00 AM
Iowa	2:00 AM	Colorado	2:00 AM
Kansas	2:00 AM	Connecticut	2:00 AM
Kentucky	12:00 AM	Iowa	2:00 AM
Louisiana	Local Option	Kansas	2:00 AM
Maine	1:00 AM	Manitoba	2:00 AM
Manitoba	2:00 AM	Michigan	2:00 AM
Maryland	Local Option	Mississippi	2:00 AM
Massachusetts	No Response	Montana	2:00 AM
Michigan	2:00 AM	New Brunswick	2:00 AM
Minnesota	1:00 AM	New Mexico	2:00 AM
Mississippi	2:00 AM	Northwest Territories	2:00 AM
Missouri	1:30 AM	Oklahoma	2:00 AM
Montana	2:00 AM	Ontario	2:00 AM
Nebraska	1:00 AM	Pennsylvania	2:00 AM
Nevada	24 Hours	Prince Edward Island	2:00 AM
New Brunswick	2:00 AM	Saskatchewan	2:00 AM
New Hampshire	1:00 AM	South Dakota	2:00 AM
New Jersey	Local Option	Vermont	2:00 AM
New Mexico	2:00 AM	Virginia	2:00 AM
New York	4:00 AM	Washington	2:00 AM
Newfoundland	3:00 AM	Wisconsin	2:00 AM
North Carolina	2:30 AM	Wyoming	2:00 AM
North Dakota	1:00 AM	North Carolina	2:30 AM
Northwest Territories	2:00 AM	Ohio	2:30 AM
Nova Scotia	No Response	Oregon	2:30 AM
Ohio	2:30 AM	Indiana	3:00 AM
Oklahoma	2:00 AM	Newfoundland	3:00 AM
Ontario	2:00 AM	Tennessee	3:00 AM
Oregon	2:30 AM	West Virginia	3:30 AM
Pennsylvania	2:00 AM	Hawaii	4:00 AM
Prince Edward Island	2:00 AM	New York	4:00 AM
Quebec	No Response	Alaska	5:00 AM
Rhode Island	1:00 AM	Arkansas	5:00 AM
Saskatchewan	2:00 AM	Nevada	24 Hours
South Carolina	24 Hours	South Carolina	24 Hours
South Dakota	2:00 AM	Florida	Local Option
Tennessee	3:00 AM	Georgia	Local Option
Texas	12:00 AM	Illinois	Local Option
Utah	No Response	Louisiana	Local Option
Vermont	2:00 AM	Maryland	Local Option
Virginia	2:00 AM	New Jersey	Local Option
Washington	2:00 AM	Massachusetts	No Response
West Virginia	3:30 AM	Nova Scotia	No Response
Wisconsin	2:00 AM	Quebec	No Response
Wyoming	2:00 AM	Utah	No Response
Yukon	No Response	Yukon	No Response

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TESTIMONY FOR
HOUSE BILL 1395
Presented by Rep. Mike Grosz, District 42

Thank you Chairman Cook. Members of the distinguished Senate Political Subdivisions Committee, for the record my name is Mike Grosz, representative for District 42, the northwest portion of the city of Grand Forks.

House Bill 1395 would simply allow establishments that are licensed to sell alcohol the option to remain open until 2:00 am.

In the past few months we have had a "Youth Initiative" and a "Saving North Dakota" program which has spurred discussions on what we can do to retain or recruit people that are approximately 22 to 40 years of age. This bill of course is not the total answer; however, I believe it is a step in the right direction.

Many college students and younger people in the workforce are looking for more cultural and social activities. This bill will provide a social venue for this demographic population. It may also provide the same social venue to shift workers, or others that do not adhere to the traditional 9-5 work day.

With that said, this bill does not reduce any of the laws that require our citizens to drink responsibly, nor does it require these establishments to remain open until 2 am. It just provides another tool to cities and communities to stimulate economic growth, and to serve the wants of its population.

If the fiscal note is accurate, not only will this bill increase the state and city treasuries by almost \$900,000, but at a 7% sales tax, that would equate to an additional \$12.8 million circulating in our state. A large portion of those dollars, I would suspect would come from Minnesota due to our border cities, and also from resident and nonresident hunters and other recreational/tourism venues, which will positively affect our rural communities.

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Mister Chairmen and members of the committee, I remember some of the debate on Sunday opening and then allowing bars to be open on Sunday. The traditional 9-5 work day for everything may have worked in the past; however we are now in a society that doesn't sleep. There are stock market transactions happening 24/7 somewhere in the world. We have 24/7 convenience stores, restaurants, and super stores. We have given these options to business owners to meet the needs of a capitalistic society. Why are we unfairly regulating one segment of this capitalistic society?

I'm not sure of the answer to this question as there was no testimony provided in opposition during the hearing on this bill in the House Political Subdivision's committee. There was also no opposition stated on the House floor. I'm sure many are scared of change. Many may think that this change could cause an increase in alcohol related problems. This is the first question I had. But, from the research I have done, I have not found where a change in the closing time significantly affects alcohol problems. I believe that this shows the level of how far we have come in being a 24/7 society. We can move the closing time back to 7 p.m., but the shift worker that gets off work at 8 a.m. and goes to the bar to unwind, will still have the possibility of creating a problem. Also, we may move where people drink from a bar that could be held liable, and will have policies in place to deal with customers, to house parties where the level of liability is either not as great or not understood.

Mister Chairman, this bill requires you to think outside of the box and consider change. Change can be scary, however take a look at North Dakota, and ask if we need change to survive. As supplemental information, I have provided a list of closing times by state and province.

Thank you Mister Chairman, and I would be happy to answer any questions.

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**From the Office of Chief of Police
MANDAN POLICE DEPARTMENT**

March 28, 2003

**To: Senator Dwight Cook and Senate Committee Members
From: Chief Dennis Rohr
Regarding: HB 1395**

Regarding HB 1395, the bill that would extend the closing of liquor establishments to 2:00 am, I request that this bill be considered as a "Do not pass".

Adding time that allows for additional consumption of alcohol, will in part, contribute to already existing problems police and society must deal with. DUI rates remain high, alcohol related assaults and domestic violence rates continue to be of concern to many. Many bars are also contact points for drug abuse and extending the hours may also contribute to this problem. In Mandan, we already have problems with bar patrons causing problems by littering and breaking bottles on streets, sidewalks, and alleyways.

I have been in law enforcement for 38 years. I see a trend whereby laws are being made to accommodate certain human vices such as drinking and gambling in an effort to generate revenues. In the long run, this type of accommodation will always prove to be detrimental to society.

Thank you for considering my views.

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Dennis Rohr
Operator's Signature

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