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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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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 #
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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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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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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 Land 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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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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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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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.

