

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2234

2005 SENATE POLITICAL SUBDIVISIONS

SB 2234

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2234

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 27, 2005

Tape Number	Side A	Side B	Meter #
1	X		0 -1248
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook called the Political Subdivisions Committee to order. Roll call was taken with all committee members (6) present.

Chairman Cook opened the hearing on SB 2234 relating to the dispensing of alcoholic beverages on certain days.

Senator Ed Kringstad, District 35, introduced SB 2234. This is a bill that has to do with beverages on certain days. What this bill is going to allow is serving beverages on Thursday, Thanksgiving Day. It is a holiday but not a religious holiday. Thanksgiving is kind of a family gathering plus watching football and that type of thing. I think people who go out and eat would like to have a glass of wine with their meal.

Testimony in support of SB 2234.

Bill Shalhoob, representing ND Hospitality Association, testified in support of SB 2234. (See attachment 1a and 1b)

Senator Fairfield: Why not off sale?

Bill Shalhoob: Our off sale places have no desire to be open. They are not facing the same kind of demand. This is a customer driven thing and their customers are not asking them to be open.

Senator Dever: Was there a time when alcohol was not served on Easter Sunday?

Bill Shalhoob: Yes, going back to the old days, specifically memorial day and labor day were also prohibited at one time in this state. Election day was before eight o'clock. The two and half days that are remaining are Thanksgiving, Christmas, and Christmas Eve after six o'clock p.m.

Shannon Gangl, Seven Seas and Doublewood Inns in Bismarck and Fargo ND, testified in support of SB 2234. Thanksgiving has really changed since his career started in the hospitality industry about fifteen years ago. At that time it was not cost effective to open our restaurants but since then it has become the fourth busiest day of the year. We have a significant amount of people that ask us every Thanksgiving during our brunch buffets why they are not allowed to have a glass of wine with their meal. For that reason he is in support of the bill and asked for a Do Pass.

Senator Dever: If this bill were to pass, would the Seven Seas open the lounge as well as the restaurant and need to bring in additional staff to serve in the lounge?

Shannon Gangl: I don't believe we would open the lounge. We would have a bartender in the lounge that would pour the wine for the servers to serve in the restaurant.

Susie White: Lone Steer, Steel North Dakota, Testified in support of SB 2234. (See attachment #2)

Lisa Hixson, Peacock Alley, testified in support of SB 2234. (See Attachment #3)

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Senate Political Subdivisions Committee
Bill/Resolution Number SB 2234
Hearing Date January 27, 2005

Senator Dever: Would your restaurant part of Peacock Alley open on Thanksgiving Day?

Lisa Hixson: At this time, no it isn't.

Tom Woodmansee, appeared as a private citizen in support in SB 2234. He is a partner in Peacock Alley and they choose not to be open on Thanksgiving. He supports the efforts and thinks it is long over due.

No further testimony in support or opposed to the bill.

Chairman Cook closed the hearing on SB 2234.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2234

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 27, 2005 (Vote)

Tape Number	Side A	Side B	Meter #
2	X		1400 - 2223
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook ask the committee what their wishes were on SB 2234 which is the bill to allow serving alcoholic beverages on Thanksgiving Day.

Senator Hacker moved a Do Pass on SB 2234.

Senator Triplett seconded the motion.

Discussion

Roll call votes: 3 Yes 3 No 0 Absent

Chairman Cook said he would welcome another motion tomorrow.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2234

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 28, 2005 (2nd Vote)

Tape Number	Side A	Side B	Meter #
1	X		0 - 313
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook call the Senate Political Subdivisions Committee to order. All members (6) present.

Chairman Cook asked the committee to look at SB 2234. January 27, 2005 the hearing was held and the bill was voted on with a Do Pass Vote of 3 Yes 3 No 0 Absent.

Senator Fairfield made a motion for a Do Not Pass.

Senator Dever seconded the motion.

Discussion

Roll Call Vote: 3 Yes 3 No 0 Absent

The motion failed. The bill was set aside for a later date.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2234

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 4, 2005

Tape Number	Side A	Side B	Meter #
1		X	5391 - 6084
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook opened the discussion on SB 2234. The bill before us has a Do Pass that failed and a Do Not Pass that failed, so it is dead locked. What are the wished of the committee today.

Senator Triplett motioned a Do Pass on SB 2234

Senator Hacker seconded the motion

Discussion

Senator Triplett said she was a little uncomfortable with out Senator Fairfield being there to vote.

Chairman Cook said he would check with Senator Fairfield and if she wants to go on record the committee would bring the bill back.

Roll call Vote: 3 Yes 2 No 1 Absent and not voting.

Carrier: **Senator Hacker**

FISCAL NOTE
 Requested by Legislative Council
 01/18/2005

Bill/Resolution No.: SB 2234

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$29,000	\$2,000		
Expenditures						
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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.*

SB 2234 allows the sale of alcoholic beverages on an on-sale basis on Thanksgiving Day.

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.*

If enacted, SB 2234 is expected to increase state general fund and state aid distribution fund revenues by \$31,000 during the 2005-07 biennium.

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:	Office of Tax Commissioner
Phone Number:	328-3402	Date Prepared:	01/19/2005

Date: 1-27-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2234

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Hacker Seconded By Senator Triplett

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker VC	X				
Senator Dick Dever		X			
Senator Gary A. Lee		X			
Senator April Fairfield		X			
Senator Constance Triplett	X				

Total (Yes) 3 No 3

Absent _____

Floor Assignment _____

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

Date: 1-28-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2234

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman		X			
Senator Nicholas P. Hacker, VC		X			
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett		X			

Total Yes 3 No 3

Absent _____

Floor Assignment _____

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

Date: 2-4-05
Roll Call Vote #: 3

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2234

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Triplett Seconded By Senator Hacker

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever		X			
Senator Gary A. Lee		X			
Senator April Fairfield					
Senator Constance Triplett	X				

Total Yes 3 No 2

Absent 1

Floor Assignment Senator Hacker

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

*Stand On Point
2-4-05*

REPORT OF STANDING COMMITTEE (410)
February 7, 2005 8:53 a.m.

Module No: SR-24-1947
Carrier: Hacker
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2234: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO PASS (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2234 was placed on the Eleventh order on the calendar.

2005 HOUSE JUDICIARY

SB 2234

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2234

House Judiciary Committee

Conference Committee

Hearing Date 3/7/05

Tape Number	Side A	Side B	Meter #
1		xx	14.2-31.9

Committee Clerk Signature *Dawn Penrose*

Minutes: 14 members present.

Chairman DeKrey: We will open the hearing on SB 2234.

Bill Shalhoob, ND Hospitality Association: Support (see written testimony).

Representative Kretschmar: I have some concern for the poor man that wakes up on Thanksgiving morning and his wife asked him, did you get the wine for dinner today, and he hasn't got it.

Bill Shalhoob: We talked about that when we put the bill in, I think some of the objection to why it hadn't passed in the past, was there was an allowance in there for retail stores. I believe that this body had passed it twice before and it didn't pass in the Senate. This time we took it to the Senate, as it was desired to be amended, we did manage to pass it, I think 24-23. So it isn't there now. Our retailers also on the liquor side have indicated an interest in not being open on that day. In terms of our membership, they don't want to be open. So it made it a win-win, in terms of what we thought we had to do to pass the bill, and what our membership wanted.

Chairman DeKrey: If I'm hearing you right, you're telling us not to send this back to the Senate.

Representative Kingsbury: So there wasn't an interest in grocery stores who are open on Thanksgiving to have their off-sale open.

Bill Shalhoob: We still have a wall separating the grocery store from the off-sale, and there wasn't an interest on the part of the liquor stores, of the liquor part of it being open. The Grocers are not part of our groups. In terms of the bottle shop portion, there is a member, and we had a number of members who were opposed to it, didn't want to be open, we didn't have one member who said they wanted that portion open.

Chairman DeKrey: Thank you. Further testimony in support.

Sen. Ed Kringstad: I don't know what's been stated so far. SB 2234 has been heard before the legislature in prior years, in prior sessions; but the big thing is that we had the off-sale included, and it didn't pass. Basically, it removes Thanksgiving Day, strikes it out and in addition, a person may not provide off-sale on Thanksgiving Day. That's basically what it does.

Chairman DeKrey: Thank you. Further testimony in support.

Janet Demarais Seaworth: Support (see written testimony).

Chairman DeKrey: Thank you. Further testimony in support.

Rob Hanson, Ed Phillips & Sons Co. of ND: Support (see written testimony).

Representative Kretschmar: I can remember when the liquor industry came in and wanted Thanksgiving closed, because they wanted Election Day opened. You made the trade in the legislature. Thanksgiving used to be wide open.

Rob Hanson: You're absolutely right. To be honest with you, I believe they did the same thing again on Good Friday, where they traded it off. All things do change, and that's 25-30 years ago. When I started in this business 30 years ago, you couldn't buy anything on Sunday, let alone beverage alcohol. Now beverage alcohol is in a great many of my accounts across the state, that Sunday is probably there second or third biggest day of the week.

Representative Koppelman: You can make a case for either position on this piece of legislation, but I think we do have a little bit of revisionist history going on here. I noticed in your testimony, in the second paragraph, you talk about Thanksgiving and July 4 being the most widely celebrated non-religious holidays. I have no doubt that today, many people secularly celebrate both of those holidays. But I think to say that Thanksgiving was a non-religious holiday in our country's history, really is revisionist history. If you heard a little bit about the pilgrims' observations, if you ever read the proclamations by Pres. Washington and Pres. Lincoln, I think you would find that it was a religious day.

Rob Hanson: I won't argue the fact that that's probably how this started, was as a very religious gathering. I will say, however, that Thanksgiving is one of the holidays in the US, that's celebrated without being attached to any religion. This is an American holiday, not a religious holiday and I don't think it is viewed as such. Granted the fact that it was obviously initiated that way.

Representative Koppelman: I would agree that it is nonsectarian, or nondenominational, but I think it has an inherent pull of, who are giving thanks to, if it's not a religious holiday.

Chairman DeKrey: Thank you. Further testimony in support.

Lisa Hixson: Support (see written testimony).

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House Judiciary Committee
Bill/Resolution Number SB 2234
Hearing Date 3/7/05

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

(Reopened later in the afternoon session)

Chairman DeKrey: What are the committee's wishes in regard to SB 2234.

Representative Delmore: I move a Do Pass.

Representative Maragos: Seconded.

13 YES 0 NO 1 ABSENT

DO PASS

CARRIER: Rep. Bernstein

Date: 3/7/05
 Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2234

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	✓		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	✓				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	A				
Representative Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Bernstein

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

REPORT OF STANDING COMMITTEE (410)
March 7, 2005 2:42 p.m.

Module No: HR-41-4301
Carrier: Bernstein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2234: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2234 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

SB 2234

ND Hospitality Assn. Testimony
Senate Political Subdivisions Committee
SB 2234

Mr. Chairman and members of the committee, my name is Bill Shalhoob and I represent the ND Hospitality Assn. We are appearing in support of SB 2234 which would allow the sale of on sale liquor only on Thanksgiving Day.

When I began my hospitality career in North Dakota in 1975 it was almost unheard of to open for meal service on Thanksgiving Day. Today we live in much different marketplace and with the increase in dining out by smaller families and the way the workplace has changed with two income households, Thanksgiving has become the fourth busiest restaurant day of the year behind Mothers Day, Easter and New Years Eve. Our customers are asking us for wine or a drink with their dining experience.

Second, the nature of the holiday has changed with friends and classmates trying to get together in our bars and restaurants for small reunion events and to watch football. This customer driven demand has led us to ask for this bill to be introduced. For your information I have attached an article from the American Forces Information Services showing the history of Thanksgiving and illustrating the secular, not religious nature of the holiday.

We are asking for a do pass on SB 2234. Thank you for your consideration and I would be happy to answer any questions.

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AMERICAN FORCES INFORMATION SERVICE
NEWS ARTICLES

Attachment 1B

Bill S. Halbrook

The Pilgrims' Real First Thanksgiving

By Pete Skirbunt
 Special to the American Forces Press Service

FORT LEE, Va. -- Harvest festivals are as old as civilization itself, but our Thanksgiving is much more than an annual festival. It is a national day of expressing thanks, according to every individual's personal beliefs.

There were many "thanksgivings" in the early days of American colonization, when life and travel were so difficult that people were always giving thanks for safe journeys, favorable weather and good crops. Spanish colonists held such feasts in Texas in the 1500s, as did English colonists in Virginia from the 1600s.

The thanksgiving we commemorate every November, however, was the one held by the Pilgrims of Plymouth, Mass., in 1621. Although it definitely wasn't the "first" thanksgiving in the New World, it holds a special place in American tradition because of its association with the ideals of religious freedom, self-reliance and the mutual friendship of settlers and natives.

The Pilgrims -- a name not actually applied to them until 170 years later -- were 102 people who sailed from England on the ship Mayflower in September 1620. Of these, only 35 were actually seeking religious freedom. They were "Separatists" from the Church of England. The others, called "Strangers," simply wanted to leave England for a variety of reasons and start life over in America.

For 12 years, the Separatists had lived in Holland, where the Dutch tolerated religious differences. But these Englishmen didn't want to desert their heritage, customs or language. They decided to go to America -- to Virginia, specifically. Establishing a colony there would allow them to remain English. If they went elsewhere, to Dutch colonies, for instance, they would have had to renounce their English citizenship.

King James I, eager to be rid of them, gave them permission to establish a colony, so long as they remained loyal and didn't cause him trouble. The Virginia Company of London agreed to let them settle in "Virginia," which at that time extended north to modern New Jersey. Merchants calling themselves "Adventurers" agreed to finance the expedition in return for seven years of shared profits from whatever the

Other News Sources
 Updated: 14 Jan 2003

colonists were able to produce and send back.

In August 1620, the first Separatists sailed with 67 "Strangers" on the Mayflower and a second ship, the Speedwell. After the Speedwell twice sprang leaks and forced returns to port, everyone crammed aboard the 90-foot-long Mayflower and left the Speedwell behind.

Aboard ship, the voyagers ate bread, biscuits, pudding, cheese, crackers, and dried meats and fruits. Instead of water, they brought barrels of beer -- a standard practice in the days before refrigeration, because beer remained potable longer than water.

The 3,000-mile voyage took 66 days, meaning the ship averaged 2 miles per hour. On the way, one baby was born, and his parents named him "Oceanus." Two people died, and the ship nearly sank in a storm.

They finally arrived, badly off course, at Cape Cod in November. This was a problem. The season and location made planting impossible, and winter hunting would be difficult. Since their agreement with the Adventurers specified they would settle "in Virginia," they ordered the captain to head south. The wind was contrary and the coast was dangerous, however, so they turned back and found safe harbor at Cape Cod.

It was then the Strangers announced that because they hadn't been delivered to Virginia, they weren't bound by the contract and would take orders from no one! In fact, the Separatists feared all their agreements with the company, the Strangers and King James were completely useless. But they knew if there was division, there was little hope in anyone surviving.

Before going ashore, the travelers drew up the "Mayflower Compact." One of the most significant documents in U.S. history, the statement was the first by any settlers that they intended to abide by the will of the majority. The 41 adult males who signed the document agreed they and their families would obey laws set up for the general good. They also set the precedent that only adult males would have a voice in government -- a precedent followed until 1920, exactly 300 years in the future.

In December, a scouting party went ashore, and tradition says they first set foot upon the stone known today as "Plymouth Rock." This may or may not be true, but the rock is so large that they probably at least used it as a landmark when rowing ashore.

The men in this first group ashore feared a possible confrontation with unfriendly Indians, but soon they discovered the local Indians were all dead of smallpox. They took this as divine providence and assumed God had cleared their way by killing off the natives.

They established their colony with little but faith and courage and named it "Plymouth" in honor of their final port of departure. The Mayflower remained offshore, but most of its provisions were needed for its crew's return voyage. Meanwhile, the settlers couldn't plant crops, and they didn't have enough supplies to last until spring. They'd lived in cities while in Holland, so they didn't know how to

fish or hunt. In their first month they caught exactly one fish and shot no game at all. For awhile, it seemed they'd go down in history as the world's most inept hunters and fishermen.

They suffered from cold, starvation and disease, and half of them were dead by spring. The survivors were in danger of suffering the same fate without much delay. But everything changed in the spring, when a lone Indian walked into the settlement and said, in English:

"Welcome, English. I am Samoset. Do you have beer?"

The Pilgrims were astonished. Of all the places in America they could have come ashore, they'd been found by a friendly Indian who somehow spoke their language -- and knew about beer. Once again, they were sure this was a sign of God's personal intervention.

Samoset explained he'd learned English -- and the fact that ships routinely carried beer -- from having had contact with English fishing vessels. Unfortunately, one of the vessels had apparently also brought smallpox, which wiped out some of the local tribes. Samoset had survived.

Soon, he introduced the Pilgrims to other Indians, including Squanto, the only living member of the Patuxet tribe. Squanto spoke even better English than Samoset and said he'd been shanghaied by an English ship and taken to England, where he found work in London as a "living curiosity" and one-man carnival side show. Eventually, other fishermen took him back home so he could show them the best fishing spots. Upon his return, he discovered smallpox had wiped out his tribe during his absence. Later the Wampanoags adopted him.

Now more than ever, the Pilgrims believed God had guided them to this place of friendly, English-speaking natives. According to their view, God let Squanto be kidnapped so he would miss the smallpox epidemic, learn English and arrive at Plymouth just in time to save them.

The Pilgrims also befriended the Wampanoag chieftain, Massasoit, and his personal ambassador, Hobomok. The tribe taught them to catch fish, lobsters and eels; to harvest clams and oysters; to plant corn and other vegetables; to fertilize by placing a small fish into the ground with each seedling; and to trap and hunt game.

The settlers eventually became good enough marksmen to provide fresh game. They also had a good autumn harvest, including 20 acres of corn.

Meanwhile the Mayflower returned to England, and two other ships arrived. The first brought no supplies, but did deliver more men and some mail, including a nasty letter from the Adventurers, complaining that they had sent no marketable products back with the Mayflower. The second brought more settlers and, fortunately, lots of provisions. This was a good reason to celebrate, so in October 1621 the settlement and 91 Indians held a thanksgiving feast.

This meal inspired much of our traditional holiday fare. The food included geese, corn bread, pudding, eels, lobsters, clam stew, oysters, corn, squash, potatoes, yams, cranberries, and pumpkin pies. The Indians contributed five

deer, and the main course was venison. Turkey was a side dish, no doubt because the birds then weren't domesticated, but wild, wily and not easily hunted -- so few would have ended up on the table.

The settlers gave thanks to God and the Indians for helping them survive. The celebration lasted several days, during which there were sports, contests, entertainment and speeches of goodwill. Everyone agreed to make it an annual event, provided there was anything to be thankful for.

They signed a treaty and enjoyed harmony for 50 years. Unfortunately for the Wampanoags, arriving settlers brought European diseases that killed off the tribe by 1671.

Years after the first celebration, Massachusetts began observing Thanksgiving annually. Other Northeast colonies had harvest festivals, and by 1700 the holidays merged throughout New England.

In 1789, George Washington proclaimed a national day of thanks for the successful establishment of the Constitutional government. Ben Franklin, drawing on the tradition of the "Pilgrim Fathers" having eaten turkey, declared domesticated turkey should be the official entree. Franklin also lobbied to have the tough, smart wild turkey named the national symbol, but people didn't buy it -- probably because no one wanted a national bird that was regularly made into a meal.

As the nation grew, the Thanksgiving tradition spread westward from New England. Abraham Lincoln proclaimed a harvest thanksgiving during the Civil War. Many states adopted the practice after the war as a kind of national healing process. In 1941, Congress established the fourth Thursday of the month as the national Thanksgiving holiday.

Thanksgiving's traditional symbols include the cornucopia, the horn of plenty. Recent innovations, including a parade opening the Christmas shopping season and televised football games, now seem as traditional as the meal itself!

Still, Thanksgiving remains a day with religious and patriotic overtones, commemorated with special services by all faiths, with its main emphasis upon the gathering of family and friends. This is the essence of the way it began, and we've successfully preserved it for 378 years.

So, with all the modern distractions going on around you, I hope you can still find time to share with your family at least part of the story about the "first" Thanksgiving at Plymouth, and help them observe, if only for a few minutes, the spirit of the holiday as it was originally intended.

(Pete Skirbunt is the historian of the Defense Commissary Agency, Fort Lee, Va.)

Questions or comments about this article? [Send us an e-mail.](#)

Mr. Chairman, Committee Members-

Thank you for listening too and considering my testimony today.

This is approximately the third or fourth time we have addressed this Thanksgiving Day opening. I ask you to make it the last.

North Dakota is becoming more and more aggressive, year after year. I see that our Government, Tourism department and yes our Representatives and Senators have become leaders in shedding the old fashioned reputation, that we have held on to for whatever reason, in all facets of North Dakota business.

As we have aged and our children have stepped up to new innovative positions, we are listening to them. It has become embarrassing trying to make excuses for our dated rules and regulations. People question and scoff at our our dated mentality..

I represent a business that is open 24/7/365-travelers during the holidays form a first impression of our mentality that is not easily forgotten! We need to raise the bar!

Homes have become smaller and mom's are refusing to spend a day at home in the kitchen. Dining out is the norm. I enjoy a nice Merlot with dinner as some of you may, especially on a holiday when you are spending more time at the table, sharing family conversation.

I have locals that call for a bottle of wine, forgetting in the excitement of children and grandchildren coming home, that a bottle of wine is expected from relatives from Minneapolis and Chicago.

Any of you that have traveled to any extent do not need to hear testimony. A vacation, a holiday, time celebrating with friends and family includes a bottle of wine or a relaxing after dinner drink.

In closing, even many of our local widows join together, that do not have families joining them to celebrate the holiday. They too deserve their favorite- glass of Mogen David!

I respect your and encourage your positive position on the bill.

Susie White
Lone Steer-Steele, ND
701-475-2221
lonesteer@bektel.com

TESTIMONY

SB 2234

March 7, 2005

House Judiciary Committee

Janet Demarais Seaworth

North Dakota Beer Wholesalers Association

Mr. Chairman, members of the committee, my name is Janet Seaworth, I'm the Executive Director of the North Dakota Beer Wholesalers Association. Our association is comprised of 17 family owned and operated beer distributors in North Dakota. We support SB 2234. After all, beer was the beverage of choice for the pilgrims.

In August 1620, when the pilgrims sought to land in America, they did so according to their diaries, "as victuals being much spent, especially our beer." Once they landed, to mark New England's birth, Christopher Jones, the master of the Mayflower, is said to have enjoyed a special round of good English beer. In fact, the Pilgrims planted a crop of barley that first year to ensure a good supply of beer and ale. The colonists drank beer in the morning with bread and cheese, with the midday meal and with leftovers in the evening. Not surprisingly, a brew house was one of the first structures built in the New World.

So it seems fitting that every November when we commemorate that first Thanksgiving in 1621, we remember that beer was an important part of the Pilgrim's life. In fact, some believe that without beer, the Pilgrims wouldn't have been there. They suffered cold, starvation and disease that first year, and half of them were dead by spring. As one source has stated, if it wouldn't have been for "a lone Indian [who] walked into the settlement and said, in English: Welcome, English. I am Samoset. Do you have beer?" We would not be celebrating Thanksgiving!

Thank you.

For more information, call or write NDBWA at PO Box 7401, Bismarck, ND 58507, (701) 258-8098.

Milestones



- 1920 A dark day for beer drinkers descends on January 17, as Prohibition goes into effect and the nation's kegs run dry.
- 1923 New York brewer Jacob Ruppert, known as "The Colonel," completes the largest private construction project in the world at that time, when he builds Yankee Stadium. Later, he buys Babe Ruth from the Red Sox.
- 1933 After 13 long, dry years, beer once again begins to flow as Prohibition is repealed on April 7. On that first evening, Americans guzzle nearly 1 million gallons of beer.
- 1935 Through a joint development effort, the American Can Co. and Krueger Brewing of Newark, NJ, unveil the first beer can on January 24.
- 1942 War-time shortages of raw materials, particularly metal for bottle caps, spurs the formation of the Small Brewers Committee—later the Brewers' Association of America.
- 1971 Anchor Brewing Co. bottles its beer for the first time. For many, this marks the beginning of the microbrewing movement.
- 1972 Oregon becomes the first state to enact a bottle deposit law.
- 1979 During Jimmy Carter's presidency, homebrewing is legalized in the United States.
- 1981 Only forty-one breweries are operating in the United States.
- 1982 Grant's Yakima Brewing and Malting Co. reintroduces the old configuration of a brewing tavern to the American public. Fans of super premium beer soon begin calling the small restaurant-breweries "brewpubs."
- 1983 US microbrewing establishes a tenuous foothold in the beer market. At the time, the top six American brewers (Anheuser-Busch, Miller, G. Heileman, Stroh, Coors, and Pabst) control 92 percent of the US beer market.
- 1996 For the first time, the number of operating breweries in the United States exceeds those in Germany.
- 2000 Nearly 1,500 breweries are open in the United States.



*Dedicated to the
Best Interests of the
Brewing Industry*

MISSION STATEMENT

1. Protect/improve the Small Brewers' Federal Excise Tax differential
2. Improve small brewers' access to market
3. Directly challenge every neoprohibitionists efforts
4. Promote and publicize the positive attributes of craft brewing

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A SHORT HISTORY OF BEER IN AMERICA



Brewers'
Association
of America



American Beer

- 1612 Adrian Block opens the New World's first brewery in New Amsterdam. Two years later, the brewhouse serves as the delivery room for the first European born in North America. Though the brewery disappears, the settlement grows to become New York City.
- 1620 *The Mayflower* lands at Plymouth, partly out of a concern over the dwindling supply of beer.
- 1775 Ethan Allen launches his attack on Fort Ticonderoga after a planning session in the Catamount Tavern on May 10. Enthusiastic American troops capture the fort without firing a shot.
- 1789 George Washington, the country's richest man and one of the best brewers, becomes the first president of the United States.
- 1810 President James Madison seriously considers a proposal to establish a National Brewery in Washington, DC. He asks former president Thomas Jefferson to study the concept.
- 1844 A small Wisconsin brewery is established by Jacob Best. In later years, both Pabst and Miller brewing companies trace their roots to this same humble beginning.
- 1855 German immigrants in Chicago—protesting the city's closure of their beer gardens—react in anger. The two days of violence are called the "Chicago Beer Riots."
- 1860 One of the first "big" brewers, Matthew Vassar—founder of Vassar College—hits a production level of 30,000 barrels per year.
- 1862 In an attempt to finance the Civil War, the government places an excise tax on beer. Brewers respond by forming the first brewers' association.
- 1871 A barn blaze ignites the Great Chicago Fire on October 8, destroying most of the young city. Schlitz sends in trainloads of free beer to help Chicagoans cope with a fouled water supply. The gesture earns Schlitz's beer the title "the beer that made Milwaukee famous."
- 1892 The modern bottle cap is invented. Before this date, most beer was consumed on draft. After the invention of the bottle cap, beer sales would never be the same again.



What they don't teach in school is remarkable. For example, when the first colonists set foot on American soil, beer was there.

It happened in the fall of 1620, when *The Mayflower* was hopelessly lost, having overshot its landfall.

Anxious, the Pilgrims searched for a safe harbor. William Bradford wrote of the worry in a shipboard diary dated December 19, 1620: "we could not now take much time for further search our victuals being much spent, especially, our beer."

Having beer on board was a judicious choice. Everything on those tiny ships was a high priority item, and the typical hold carried only essentials: an initial supply of food, simple construction tools, farming implements, clothing and beer. Using precious cargo space for beer made sense to them because of what had happened at home.

In Europe, the water supply was fouled in nearly every town by the early 1400s. Sir John Fortescue (1385-1479) observed the common belief of that day, "They drink no water unless it be for devotion." What they drank instead was beer and, understandably, their ingrained mistrust of water, and love of beer, followed them to the New World.

So it was that beer was with them when they arrived, and a brewhouse was always one of the first buildings colonists erected. Naturally, it was a public meeting spot, equaled only by the church.

Later, as trade between villages, cities and colonies increased, a new gathering place emerged—the tavern. This was where friends and neighbors met for socializing, news and business. As the focal point of a community, the tavern also served as a temporary courthouse. Later, it became the rallying point for the militia, and when the minutemen assembled

at Lexington on April 18, 1775, Captain Parker established his headquarters in Buckman's tavern. For Americans, beer was as much an inseparable part of life as were religion, land and liberty.

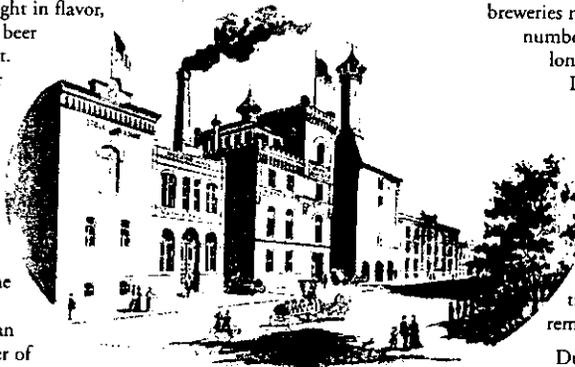
Representatives to the Continental Congress fully understood the importance of beer, and in one of their first acts, passed a resolution that guaranteed each member of the new army the ration of a pint of beer per day.

After the Revolutionary War, the demand for beer grew with the country. Ale brewers like Matthew Vassar made fortunes, and with their new riches emerged another trait of brewers—philanthropy. Vassar, like many of his colleagues, adopted worthy causes, and to this day Vassar College reaps the benefit of the endowment established by its founder.

It looked as though brewing could go on unchanged, forever. Then, in the mid-1840s, brewing was to experience an unexpected change, and it came on the back of another great flood of immigration.

Fleeing political unrest, peoples of the Germanic states landed on US shores and brought with them a newly developed style of beer called "lager." Lager was light in flavor, taste and body, and beer drinkers embraced it. Once again the beer business grew.

By the late 1800s, brewing was in its "golden age." More than 2,000 breweries operated in the United States and the economic impact of beer reached across an ever-growing number of industries. It was in that period that brewers began their continuing support of emerging technologies. Brewers were leaders



in pasteurization, they were among the first to install fully electric plants, and they pioneered mechanical refrigeration.

Beer was there, too, at the birth of the American labor movement. Over several decades, beer halls were the bases from which labor organizers conducted meetings.

Then, in the 1920s beer faced its greatest challenge—Prohibition. Brewers were discouraged, but some weathered the storm by shifting to production of near-beer, ice, candy, and a variety of dairy products. Finally, when repeal came, it provided a silver lining for a country mired in the Great Depression.

Searching for ways to put the country back on its feet, President Franklin D. Roosevelt reasoned that the resumption of brewing would yield immediate results. He was right. Only nine days after assuming office, he asked Congress to amend the Volstead Act to legalize brewing. FDR's request translated into hundreds of thousands of jobs in brewing and related industries, and helped place the country squarely on the path to recovery.

After repeal, only 500 breweries reopened, and that number dwindled as the long-term effects of Prohibition's 13-year shutdown finally took its toll. In the post-war years, the number of breweries dropped again as consolidations and takeovers reshaped the industry; still, beer remained strong as ever.

During the entire period from repeal through the 1950s, sales continued to rise as the style of beer known as "American Standard" emerged. Well before

Prohibition, American brewers began responding to the public's taste for beers that were lighter than the original European lagers. When the Great Depression and the Dust Bowl drove up the cost of some raw materials, brewers sought other grains to augment malted barley. The result, American Standard, was a beer lighter in color, flavor and body than anything brewed before, and the public enthusiastically approved.



For brewers, it was the best of times and the worst of times. As beer forged a new partnership with television and sports, beer sales reached all time highs. But the local brewery was disappearing. Only a half dozen breweries would remain when things took another, unexpected turn.

In the post-war economic boom, more Americans than ever visited Europe, and in their journeys, tasted beers long absent from their own beer shelves. Those visits prompted the rise of the microbrewery. As the new century dawned, nearly 2,000 breweries once again operated in United States, bolstering employment roles, the tax-base and the economy.

Four hundred years after its arrival, beer continues as a part of American life. In a way, beer and America grew up together—hand in hand.

Beer writer Gregg Smith the author of four books, including the Beer Drinkers Bible and Beer in America. He was named Beer Writer of the Year in 1997 by the North American Guild of Beer Writers.



ED PHILLIPS & SONS CO. OF NORTH DAKOTA

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March 4, 2005

Chairman Dehrey
Members of the ND House of Representatives
Judiciary Committee

My name is Rob Hansen and I'm the General Manager of Ed Phillips & Sons, a ND wholesaler of beer, wine and spirits. I'd like your support for SB2234, which addresses the on-premise sale of alcoholic beverages on Thanksgiving Day.

Thanksgiving is a national holiday and celebrates our very existence in North America. Thanksgiving and the 4th of July are the most widely celebrated non-religious holidays in our country yet they are treated differently. Thanksgiving is one of the largest movie theater days of the year. People like to be with friends and family for a good time. People like to go out on Thanksgiving.

Many practices have changed since I entered this business a quarter century ago. We weren't able to shop for anything on Sunday – especially alcoholic beverages. Now, Sunday is one of the busiest days of the week for many of my customers. Bars used to be closed on Good Friday – a religious holiday; not any more. The list goes on and on. These outdated restrictions needed to go away. The prohibition of alcoholic beverage consumption on Thanksgiving needs to go away as well.

Many people enjoy going out and socializing with friends and relatives after their Thanksgiving dinner. Many others dine out on Thanksgiving for various reasons and would like a beer or a glass of wine or a cocktail with their meal. Still others, unfortunately, have no place to go on Thanksgiving and are denied companionship by the current system.

For these and many other reasons, I ask you to let Thanksgiving be a true holiday. I ask you to give a "do pass" to SB2234 and allow on-premise sales of alcoholic beverages on that day.

Thank you.

Rob Hansen
General Manager

SB 2234
March 7, 2005

Same given to Senate

Mr. Chairman and members of the committee, my name is Lisa Hixson and I am here in support of SB 2234.

I am speaking on behalf of myself and members of my family who own a restaurant and on sale liquor establishments. Thanksgiving weekend is one of the biggest weekends in this industry. Many students are coming home from college, family members are coming into town, or people are just in the holiday spirit and are getting together with others.

With people starting to get together early on Thanksgiving Day by late afternoon they are tired of sitting around the house and are looking for something to do. Whether it is calling some friends they haven't seen for awhile, or family members deciding to get out of the house to go watch that big football game together they obviously don't have a common place to go. This would give them an option.

Also many people do not have a place to go on Thanksgiving and don't want to be sitting at home alone. They may choose to go to a local establishment to have drink, watch football, and socialize with others. This would give them an option.

I have spoken to individuals who work in the service industry and we have asked them if they would choose to work on Thanksgiving. We would not expect ANYONE to work this day. It would be on a volunteer basis only. Many employees said they would absolutely work Thanksgiving Day because of the opportunity to make a lot of money in tips. I have spoke to a cocktail server at Sports Page of Bismarck that is too shy to come before the committee but when asked, jumped at the chance to work on Thanksgiving. She said the tips are good during that time and would choose to work that day more so than an ordinary day.

We are asking for support of this bill not with the intentions to promote drinking or partying just simply to offer people different choices to be able to socialize with their family or friends, have a drink with their Thanksgiving Day meal or have a place to go and be with others when you don't have family to go to.

Please remember that Thanksgiving Day is not a religious holiday and it used to be open until the 1980's when it was traded for Election Day. Also, just as Sunday openings are optional for any bar to choose to open there are only a slight few that do choose to be open. This would be the same option. No one would have to open; each establishment would have a choice.

I ask you for your support on this bill and will be open to try and answer any questions you have for me.