

January 21, 2021

House Judiciary Committee

SB 2188

Rep. Randy Burckhard, Chair

For the record, I am Stephanie Dassinger. I am appearing on behalf of the North Dakota League of Cities. I am the deputy director and attorney for the League.

The League of Cities opposes SB 2188 because it amounts to unnecessary preemption and the language of the bill has very broad implications.

The North Dakota League of Cities members have adopted a resolution against preemption. This bill is here because another city in another state decided it was a good idea to pass a bill regulating the size of soda that is sold in stores. It is not appropriate to pass a bill preempting North Dakota cities every time a city in another state does something someone does not like.

Additionally, the language of this bill is very broad. It says that a city “may not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise.” This appears to affect a city’s ability to apply its zoning code, design standards for a neighborhood, and building code to businesses that sell consumer merchandise. This bill appears to have an impact on a city’s ability to tailor liquor licenses to the city’s specific needs. A final question has arisen about whether this bill would affect a city’s ability to regulate placement of signage for businesses selling consumer merchandise.

For the reasons stated above, the North Dakota League of Cities respectfully requests a Do Not Pass recommendation on SB 2188.