



**Testimony- SB 2188**

**January 21, 2021- Senate Political Subdivisions**

Chairman Burckhard and Members of Senate Political Subs Committee:

For the record, I'm Mike Rud, President of the North Dakota Petroleum Marketers and ND Retail Association. On behalf of NDPMA and NDRA and well over 1,000 retail store fronts this association proudly represents, I stand before you urging a **"DO PASS" recommendation on SB 2188**. Our reasoning for this support is simple: A Business should not be told by local governing bodies what products it can and can't offer to consumers.

Nationally, for well over the past decade now, we have seen local governments becoming more and more intrusive when it comes how businesses operate. This has ranged anywhere from the size of fountain pop a retailer can sell in a certain city to the type of tobacco products a business can sell to the type of guns another retailer can sell in a certain city. In addition, this nation has witnessed numerous cities imposing stringent taxes on things like sugary products and salty products because they simply could and because local authorities thought it best for the citizens.

ND retailers have not been immune to this "slow creep" of government overreach. Last session, the Legislature enacted a statute banning local ordinances relating to plastic bag bans. It also passed language preempting local municipalities from setting minimum wage requirements. These were all good pieces of legislation that maintained a businessowner's right to operate as they see fit.

The American retailer is the backbone of the nation and state's economy. These folks are good business operators, especially here in ND. Retailers are conscientious about doing the right thing while still meeting customer demands.

Unwarranted or unneeded local ordinances are problematic for retailers for several reasons. Local Preemption of the sale of certain retail goods creates a confusing patchwork of rules and regulations for a business operating in different cities. Secondly, business livelihoods are negatively impacted, as customers look to another city or shop online to access a product, furthering hurting brick and mortar stores.

These ordinances also hurt the consumer as they deny the customer of their rights to purchase legal products of their choice with their preferred business owner. It also causes strained relationships with the business community and customers as many shoppers are unaware of local ordinances impacting consumer purchases. In the end, these local ordinances create a lot of bad will between retailers and local government.

Finally and of equal importance, it puts an added burden on law enforcement officers to monitor businesses and citizens for any potential violations of local codes.

Bottom line, Pre-emption involving the state's assertion of its authority in key policy areas either setting standards for or limiting local action, will help protect state budgets, **consumers, and businesses from adverse consequences of bad local rules.**