

2009 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1345

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1345

House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: January 21, 2009

Recorder Job Number: 7377

Committee Clerk Signature



Chairman Keiser: Opened the hearing on HB 1345 relating to the qualifications of a licensee for retail alcoholic beverage license.

Bill Kretschmar~Representative from District 28. This bill is the result of a situation that came up in my community in 2008. An out of state nonresident could not open an establishment. It is unconstitutional to prohibit sole proprietors or individuals, who do not reside in North Dakota, from obtaining a liquor license. We want to remove the prohibition.

Representative Amerman: Own a bar; I have to live in the city limits. How will this affect the local law?

Kretschmar: If they had an ordinance, the current state law, this bill becomes law. It still would require living within the city limits. It helps rural towns where bar owners can be sole proprietors rather than corporations or LLC's.

Representative Amerman: The out of state LLC or corporation right now?

Kretschmar: No they cannot.

Chairman Keiser: Sole proprietors are considered individuals.

Anyone else here in opposition of HB 1345, neutral.

Close the hearing of HB 1345.

What are the wishes of the committee?

Representative Ruby: Moves a Do Pass.

Representative Boe: Second.

Roll call with a Do Pass on HB 1345 with 13 yea's, 0 nay's, 0 absent and Representative Amerman is the carrier.

Date: Jan 21-2009
Roll Call Vote # 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1345

House House, Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By Ruby Seconded By Boe

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman	✓	
Vice Chairman	✓		Representative Boe	✓	
Representative Clark	✓		Representative Gruchalla	✓	
Representative N Johnson	✓		Representative Schneider	✓	
Representative Nottestad	✓		Representative Thorpe	✓	
Representative Ruby	✓				
Representative Sukut	✓				
Representative Vigesaa	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Amerman

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

REPORT OF STANDING COMMITTEE (410)
January 21, 2009 12:57 p.m.

Module No: HR-12-0650
Carrier: Amerman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1345: Industry, Business and Labor Committee (Rep. Kelser, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1345 was placed on the Eleventh order on the calendar.

2009 SENATE POLITICAL SUBDIVISIONS

HB 1345

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1345

Senate Political Subdivision Committee

Check here for Conference Committee

Hearing Date: February 26, 2009

Recorder Job Number: 9780

Committee Clerk Signature

Tony Schuchard

Minutes:

Chairman Andrist: Called the committee to order, all members present, opened the hearing on HB 1345.

Bill Kretschmar: Representative District 28, introduced HB 1345. We had a situation in

Ashley ND, where a gentleman from SD bought a restaurant and wanted to put in a wine and beer license in the dining room area in the back. We discovered in the statute if you were a non-resident individual, you could not get a liquor license in ND. We don't discriminate against foreign corporations or LLC's, so I felt this bill would solve the problem.

Chairman Andrist: So all this bill does is remove the requirement to be a resident of the state.

Senator Anderson: In my dealings, where I am from (Wahpeton) it was not uncommon for this to come up and the police department was always concerned that they wouldn't be able to find the owner if something happened where there was a violation of some sort. So the city of Wahpeton has always enforced this, maybe it is an outdated law.

Bill Kretschmar: I would think that under the general law, that if someone was running the business in ND is subject to the jurisdiction of ND Courts because of that presence. I don't think there would be anything to worry about.

Senator Anderson: Would the cities have the authority to further restrict?

Bill Kretschmar: I would believe so.

Senator Anderson: I knew about this and I should have done some investigative homework on this. I apologize to you and the committee; I will make a few phone calls before I vote.

Senator Olafson: If there is a problem, and the local police dept. feels there is a problem and they can't get a hold of the owner and they have good cause, can they not revoke the liquor license immediately and shut business down until proper action is taken?

Bill Kretschmar: They most certainly could, however it would require notice and a hearing for due process. The city does have that authority as well as the state of ND.

Chairman Andrist: Closed the hearing on HB 1345

Chairman Andrist: Opened Discussion on HB 1345

Senator Anderson: This bill is the one that proposes to change laws regarding ownership of liquor license by individuals. Right now as the law read, one has to be a resident of the state of ND. I called and talked to the city attorney and he stated that it was a concern years ago and it has been relaxed and is not in city ordinances anymore. What is in there is that there always has to be a manager assigned on a liquor license. That manager has to either live within the city or extra territorial zoning area. The reason for this is when there are violations; they have to be able to contact someone immediately. I no longer have a problem with this bill.

Senator Olafson: I make a motion to Do Pass.

Senator Dotzenrod: Second

Chairman Andrist: Motion for Do Pass is supported 6-0, Senator Anderson will carry.

REPORT OF STANDING COMMITTEE

HB 1345: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1345 was placed on the Fourteenth order on the calendar.