

TESTIMONY IN OPPOSITION OF SB 2188 RELATING TO THE AUTHORITY OF A POLITICAL SUBDIVISION TO REGULATE THE SALE OF CONSUMER MERCHANDISE

Senate Political Subdivisions Committee
Meeting Scheduled at 2:15 PM 2/4/2021.

Honorable Chairman Burckhard & Senate Political Subdivisions Committee Members:

SB 2188 A BILL for an Act to create and enact a new section to chapter 11-10 and a new section to chapter 40-05 of the North Dakota Century Code, relating to the authority of a political subdivision to regulate the sale of consumer merchandise.

I strongly **OPPOSE** the prohibition on a city regulating the sale or marketing of consumer merchandise for the following reasons:

1. The definition of consumer merchandise is poorly defined, the retail sale of alcoholic beverages is currently regulated by zoning, business licensing and health ordinances in our city. Is it possible that an individual can sell alcohol from their home without oversight from local government? Bottled spirits, microbrew beer or wine can be sold to neighbors? Currently fireworks can only be sold in business/industrial zoned districts, can a neighbor store tons of pyrotechnics in their garage for sale to the neighbors?
2. The city currently regulates the activities of businesses operating within our municipality to protect our residents from unsafe and or criminal enterprises. An itinerant merchant license provides the city the knowledge of who is conducting business within our city and the contact information in the event one of our residents has a complaint, question or has been the victim of fraud.
3. Each city is unique and should be able to adapt and adjust regulations as necessary, circumventing local control can enable small problems to become large insurmountable problems.

Please VOTE NO on SB 2188

Thank you for your consideration and continued public service!

Submitted with high regard;

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