

N.D.A.G. Letter to Whitman (June 10, 1991)

June 10, 1991
Charles C. Whitman
Bismarck City Attorney
P.O. Box 5503
Bismarck, ND 58502

Dear Mr. Whitman:

Thank you for your May 29, 1991, letter concerning whether a political subdivision can issue itself a liquor license.

In Egbert v. City of Dunseith, 24 N.W.2d 907 (N.D. 1946), the North Dakota Supreme Court held that the state, counties, and cities were prohibited from engaging in the business of the sale of alcoholic beverages pursuant to N.D. Const. § 185, despite the previous repeal of article XX of the constitution referred to therein. Section 185 of the North Dakota Constitution has since been renumbered as N.D. Const. art. X, § 18.

Because a city is prohibited from operating a municipal liquor facility, it is my opinion that a city (a political subdivision) may not issue itself a liquor license.

Sincerely,

Nicholas J. Spaeth

krb