



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony in Support of House Bill 1150

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
January 15, 2025

Dear Chairman Warrey and honorable members of the House Industry, Business and Labor Committee,

My name is Mark Jorritsma, and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Bill 1150 and respectfully request that you render a “DO PASS” on this bill.

HB 1150 proposes that Sunday Closing Laws (SCLs) be introduced in the State of North Dakota. When one hears about a proposal such as this, the initial reaction is often negative, because one immediately thinks about how such laws could be restrictive and possibly interfere with the freedom of business operations.

We maintain that SCLs are not an infringement on business interests any more than numerous other laws in our Century Code. For example, we currently require restaurants to meet food handling requirements, businesses to obtain required permits and licenses, liquor stores to comply with requirements related to the sales of alcoholic beverages, and many other laws. One can easily make the case that many if not most of these restrict business operations and may often cause a loss of revenue. However, they are accepted because *they are in the greater interest of the wellbeing of North Dakota citizens*. We would assert that SCLs are similar.

Second, it is sometimes stated that there is a loss of revenue or competitive edge with SCLs, depending on whether a business’s competitors must also comply with SCLs. Since the proposed SCLs would be statewide, we anticipate that there would be few significant competitive losses, except perhaps in certain cases where communities border surrounding states. In 2024 there were 37 states that had some form of SCLs.¹ Quite a few countries also have SCLs, including rather liberal socialist-leaning countries such as the Netherlands, Denmark, and Canada.² If we put SCLs into law, we would be the rule rather than the exception, and competitive impacts would not be as significant as might be first believed.

¹ <https://worldpopulationreview.com/state-rankings/blue-laws-by-state>

² https://en.wikipedia.org/wiki/Blue_law

Finally, it is often asserted that SLCs violate separation of church and state. The landmark Supreme court case *McGowan v. Maryland*³ effectively ruled that this was not the case and subsequent other Supreme Court cases supported this judgement.⁴ Thus, historical jurisprudence supports the application of SCLs.

With that said, we need to be honest and recognize that just because something may not cause harm or violate legal precedent, does not mean it should be enacted. So, why should we change the law to implement SCLs?

We believe that the wellbeing of North Dakotans depends on many more factors than the chance to work a few more hours or get a particular good or service on a Sunday. SLCs benefit North Dakota society at large by:

- Encouraging time spent with family and friends, thereby strengthening the foundation of our society;
- Allowing employees to exercise their religious liberty to attend church services, particularly in cases where the employer would otherwise frown upon it;
- Providing economic predictability via a regular day of rest for workers;
- Providing a day of rest, which is both biblically and pragmatically wise in allowing employees to be renewed and rejuvenated; and
- Protecting workers from unreasonable work scheduling, where there is dramatic power imbalance in the worker-employer relationship.

There is no doubt that SCLs can be controversial, but based upon historical precedent, minimal economic impacts, legal precedent, and considering all the benefits of SCLs, North Dakota Family Alliance Legislative Action supports HB 1150. Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Mark Jorritsma
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³ *McGowan v. Maryland*, 366 U.S. 420 (1961)

⁴ *Gallagher v. Crown Kasher Super Market of Massachusetts, Inc.*, 366 U.S. 617 (1961). *Braunfeld v. Brown*, 366 U.S. 599 (1961). *Two Guys from Harrison-Allentown, Inc. v. McGinley*, 366 U.S. 582 (1961)

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