

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1150

Introduced by

Representatives Heilman, Hoverson, J. Johnson, Meier, Schatz

Senators Clemens, Luick

1 A BILL for an Act to create and enact three new sections to chapter 12.1-30 of the North Dakota
2 Century Code, relating to Sunday closing laws; to amend and reenact section 12.1-30-04 of the
3 North Dakota Century Code, relating to Sunday closing laws and retail agreements; and to
4 provide a penalty for an Act to create and enact a new section to chapter 12.1-30 of the North
5 Dakota Century Code, relating to time off for rest or worship on Sunday or the day of Sabbath;
6 and to provide a penalty.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 — ~~SECTION 1. A new section to chapter 12.1-30 of the North Dakota Century Code is created~~
9 ~~and enacted as follows:~~

10 — ~~Business or labor on Sunday – Exemptions – Classification of offenses.~~

11 — ~~1. Except as otherwise provided in sections 2 and 3 of this Act, it is a class B~~
12 ~~misdemeanor for any person between the hours of twelve midnight and twelve noon~~
13 ~~on Sunday to:~~

14 — ~~a. Engage in or conduct business or labor for profit in the usual manner and~~
15 ~~location.~~

16 — ~~b. Operate a place of business open to the public.~~

17 — ~~c. Authorize or direct that person's employees or agents to take action prohibited~~
18 ~~under this section.~~

19 — ~~2. The prohibition in subsection 1 does not apply to a person who in good faith observes~~
20 ~~a day other than Sunday as the Sabbath, if that person refrains from engaging in or~~
21 ~~conducting business or labor for profit and closes the place of business to the public.~~

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1 ~~between the hours of twelve midnight and twelve noon on the day observed as the~~
2 ~~Sabbath.~~

3 ~~3. The attorney general, a state's attorney, a mayor, a city manager, or a city attorney~~
4 ~~may petition a district court, for the district where a violation is occurring, to enjoin a~~
5 ~~violation in this section.~~

6 ~~**SECTION 2.** A new section to chapter 12.1-30 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~**Items prohibited from sale or rental on Sundays.**~~

9 ~~Except for items sold at hobby shows, craft shows, fairs, exhibits, occasional rummage~~
10 ~~sales, including garage sales or other sales for which a sales tax permit is not required, and~~
11 ~~tourist attractions that derive at least fifty percent of the attraction's annual gross sales from~~
12 ~~seasonal or tourist customers, the sale or rental of any of the following items between the hours~~
13 ~~of twelve midnight and twelve noon on Sunday is prohibited:~~

14 ~~1. Clothing other than work gloves and infant supplies.~~

15 ~~2. Clothing accessories.~~

16 ~~3. Wearing apparel other than that sold to a transient traveler under emergency~~
17 ~~conditions.~~

18 ~~4. Footwear.~~

19 ~~5. Headwear.~~

20 ~~6. Home, business, office, or outdoor furniture.~~

21 ~~7. Kitchenware.~~

22 ~~8. Kitchen utensils.~~

23 ~~9. China.~~

24 ~~10. Home appliances.~~

25 ~~11. Stoves.~~

26 ~~12. Refrigerators.~~

27 ~~13. Air conditioners.~~

28 ~~14. Electric fans.~~

29 ~~15. Radios.~~

30 ~~16. Television sets.~~

31 ~~17. Washing machines.~~

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- 1 — ~~18. Dryers.~~
- 2 — ~~19. Cameras.~~
- 3 — ~~20. Hardware other than emergency plumbing, heating, cooling, or electrical repair or~~
4 ~~replacement parts and equipment.~~
- 5 — ~~21. Tools other than manually driven hand tools.~~
- 6 — ~~22. Jewelry.~~
- 7 — ~~23. Precious or semiprecious stones.~~
- 8 — ~~24. Silverware.~~
- 9 — ~~25. Watches.~~
- 10 — ~~26. Clocks.~~
- 11 — ~~27. Luggage.~~
- 12 — ~~28. Motor vehicles other than the daily rental of vehicles by businesses whose sole activity~~
13 ~~is automobile rental.~~
- 14 — ~~29. Musical instruments.~~
- 15 — ~~30. The sale of aural or video recordings, records, or tapes. Rental of these items is~~
16 ~~permitted.~~
- 17 — ~~31. Toys other than those customarily sold as novelties or souvenirs.~~
- 18 — ~~32. Mattresses.~~
- 19 — ~~33. Bed coverings.~~
- 20 — ~~34. Household linens.~~
- 21 — ~~35. Floor coverings.~~
- 22 — ~~36. Lamps.~~
- 23 — ~~37. Draperies.~~
- 24 — ~~38. Blinds.~~
- 25 — ~~39. Curtains.~~
- 26 — ~~40. Mirrors.~~
- 27 — ~~41. Cloth piece goods.~~
- 28 — ~~42. Lawnmowers.~~
- 29 — ~~43. Sporting or recreational goods other than those sold or rented on the premises where~~
30 ~~sports or recreational activities are conducted.~~
- 31 — ~~44. Paint and building and lumber supplies.~~

1 — ~~SECTION 3. A new section to chapter 12.1-30 of the North Dakota Century Code is created~~
2 ~~and enacted as follows:~~

3 — ~~**Businesses allowed to operate on Sunday - Limitations.**~~

4 — ~~Subject to the limitations of this section and section 2 of this Act, a business specified in this~~
5 ~~section may operate in the business's usual manner, location, and for its usual purpose. The~~
6 ~~businesses authorized under this section to operate on Sunday include:~~

- 7 — ~~1. Restaurants, cafeterias, or other prepared food service organizations.~~
- 8 — ~~2. Hotels, motels, and other lodging facilities.~~
- 9 — ~~3. Hospitals and nursing homes, including the sale of giftware on the premises.~~
- 10 — ~~4. Dispensaries of drugs and medicines.~~
- 11 — ~~5. Ambulance and burial services.~~
- 12 — ~~6. Generation and distribution of electric power, water, steam, natural gas, oil, or other~~
13 ~~fuel used as a necessary utility.~~
- 14 — ~~7. Distribution of gas, oil, and other fuels.~~
- 15 — ~~8. Telephone, telegraph, and messenger services.~~
- 16 — ~~9. Heating, refrigeration, and cooling services.~~
- 17 — ~~10. Railroad, bus, trolley, subway, taxi, and limousine services.~~
- 18 — ~~11. Water, air, and land transportation services and attendant facilities.~~
- 19 — ~~12. Cold storage warehouse.~~
- 20 — ~~13. Ice manufacturing and distribution facilities and services.~~
- 21 — ~~14. Minimal maintenance of equipment and machinery.~~
- 22 — ~~15. Plant and industrial protection services.~~
- 23 — ~~16. Industries where continuous processing or manufacturing is required by the very~~
24 ~~nature of the process involved.~~
- 25 — ~~17. Newspaper publication and distribution.~~
- 26 — ~~18. Newsstands.~~
- 27 — ~~19. Radio and television broadcasting.~~
- 28 — ~~20. Motion picture, theatrical, and musical performances.~~
- 29 — ~~21. Motor vehicle service stations that sell motor fuel and motor oil, and which customarily~~
30 ~~provide daily repair services or products for any of the following systems or parts of a~~
31 ~~motor vehicle:~~

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- 1 ~~_____ a. Air-conditioning system.~~
- 2 ~~_____ b. Batteries.~~
- 3 ~~_____ c. Electrical system.~~
- 4 ~~_____ d. Engine cooling system.~~
- 5 ~~_____ e. Exhaust system.~~
- 6 ~~_____ f. Fuel system.~~
- 7 ~~_____ g. Tires and tubes.~~
- 8 ~~_____ h. Emergency work necessary for the safe and lawful operation of the motor-~~
- 9 ~~_____ vehicle.~~
- 10 ~~— 22. Athletic and sports events.~~
- 11 ~~— 23. Parks, beaches, and recreational facilities.~~
- 12 ~~— 24. Scenic, historic, and tourist attractions.~~
- 13 ~~— 25. Amusement centers, fairs, zoos, and museums.~~
- 14 ~~— 26. Libraries.~~
- 15 ~~— 27. Educational lectures, forums, and exhibits.~~
- 16 ~~— 28. Service organizations including the USO and YMCA.~~
- 17 ~~— 29. Coin-operated laundry and drycleaning facilities.~~
- 18 ~~— 30. Food storage operated by an owner or manager in addition to not more than six~~
- 19 ~~_____ employees working in the store at one time on Sunday; however, the governing body~~
- 20 ~~_____ of a city or county may, by ordinance, increase the number of employees allowed to~~
- 21 ~~_____ work in a store at one time on a Sunday.~~
- 22 ~~— 31. Bait shops for the sale of live bait and fishing tackle.~~
- 23 ~~— 32. Floral nurseries.~~
- 24 ~~— 33. Christmas tree stands.~~
- 25 ~~— 34. Hobby shows, craft shows, fairs, and exhibits.~~
- 26 ~~— 35. Occasional rummage sales, including garage sales or other sales for which a sales tax~~
- 27 ~~_____ permit is not required.~~
- 28 ~~— 36. Community festivals licensed or authorized by the governing body of a city or the~~
- 29 ~~_____ board of county commissioners.~~
- 30 ~~— 37. Premises licensed to dispense beer and alcoholic beverages within the limits~~
- 31 ~~_____ prescribed in section 5-02-05.~~

1 ~~38. Credit approval services, lodging and travel reservation services, and telemarketing of~~
2 ~~goods and services.~~

3 ~~39. Bingo halls and onsite food concessions between the hours of twelve midnight and~~
4 ~~one a.m. and within the hours permitted under section 1 of this Act.~~

5 ~~SECTION 4. AMENDMENT. Section 12.1-30-04 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~12.1-30-04. Retail business leases or agreements -- Penalty.~~

8 ~~A retail business may not be required to be open on Sunday as a part of a lease agreement,~~
9 ~~franchise agreement, or any other contractual arrangement entered and executed before~~
10 ~~January 1, 2019. A violation of this section is a class A misdemeanor.~~

11 **SECTION 1.** A new section to chapter 12.1-30 of the North Dakota Century Code is created
12 and enacted as follows:

13 **One day of rest - Penalty.**

14 1. ~~An employer may not deny an employee time off for rest or worship on Sunday or a~~
15 ~~day the employee in good faith observes as the Sabbath. Time off requested by an~~
16 ~~employee under this section may not be limited or restricted in duration.~~

17 2. ~~An employer that violates this section is subject to a fine of one thousand dollars.~~

18 3. ~~The labor commissioner shall investigate complaints of alleged violations of this~~
19 ~~section. The commission may refer an alleged violation to the state's attorney in the~~
20 ~~county in which the violation occurred for prosecution.~~