

FISCAL NOTE
Requested by Legislative Council
01/09/2017

Amendment to: HB 1163

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2015-2017 Biennium | | 2017-2019 Biennium | | 2019-2021 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| | 2015-2017 Biennium | 2017-2019 Biennium | 2019-2021 Biennium |
|------------------|--------------------|--------------------|--------------------|
| Counties | | | |
| Cities | | | |
| School Districts | | | |
| Townships | | | |

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

HB 1163 repeals sections of the Century Code dealing with Sunday closing laws.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

If enacted, HB 1163, by repealing certain Sunday closing statutes, will enable retail establishments to open for business Sunday mornings, if they choose to do so. This may increase stores' hours of operation by 3% for mall stores and up to 8% for big box retail 24-hour stores.

Studies indicate a portion of retail trade occurs impulsively, due to the availability and the opportunity to purchase retail items. These types of purchases will result in the possibility of a net positive fiscal impact associated with this bill. It is not possible to estimate this impact, however, as the degree to which retail businesses will choose to open early on Sundays is not known.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: Kathryn L. Strombeck

Agency: Office of Tax Commissioner

Telephone: 701.328.3402

Date Prepared: 01/20/2017

FISCAL NOTE
Requested by Legislative Council
01/09/2017

Amendment to: HB 1163

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|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

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FISCAL NOTE
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01/09/2017

Bill/Resolution No.: HB 1163

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| | 2015-2017 Biennium | | 2017-2019 Biennium | | 2019-2021 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

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Agency: Office of Tax Commissioner

Telephone: 701.328.3402

Date Prepared: 01/20/2017

2017 HOUSE INDUSTRY, BUSINESS, AND LABOR

HB 1163

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1163
1/23/2017
Job: 27203

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Ellen Letang

Explanation or reason for introduction of bill/resolution:

Relating to motor vehicle auctions and Sunday closing laws.

Minutes:

Attachments 1, 2, 3, 4, 5, 6, **7**

Chairman Keiser: Opens the hearing of HB 1163.

Pamela Anderson~Representative from District 41, Bill Sponsor: (Attachment 1a)

I did pass around the section of the bill that shows auto dealers and Sunday Closing Law.
(Attachment 1b & 1c)

(5:00)

Rep Ruby: I understand the carve out, what is your justification and who asked for the carve out? Who asked for the liquor?

Rep Anderson: The beverage dealers.

(6:40)

Brandon Medenwald~Co-founder of Simply Made Apps: (Attachment 2)

(11:50)

Rep Kasper: Do you know the statistics from the Dept. of Labor?

Brandon Medenwald: I believe we are in the high two percent. We bottomed out two or three years ago. The unemployment rate has come down over the last ten years.

Rep Kasper: Do you attribute that increase in employment rate to working extra hours?

Brandon Medenwald: I would not attribute it to that? The unemployment rate is tied to many things. I do believe repealing the blue law will create some jobs.

Rep Kasper: In terms of the borders of North Dakota, have you done any analysis on the amount of business you think we are losing to neighboring states because we are not open Sunday morning?

Brandon Medenwald: I live in Fargo. You do not have to do much research and analysis if you drive into Minnesota during the Sunday morning hours you will find the parking lots full of cars with North Dakota license plates.

I have heard that Canadian shoppers are in North Dakota for an amount of time to shop. When they only have so much time to shop, they go to Minnesota.

Dustin Peyer: Constituent in favor of HB 1163.

Andy Peterson~Greater ND Chamber of Commerce: Attachment 3.

20:55

Rep Ruby: Inaudible, didn't turn on mike.

Peterson: Those details need to be ironed out.

Jim Collins Jr~Constituent from Bismarck: Attachment 4.

Jessica Dockeman~Citizen: I speak for several colleagues. Working on the weekends for a college student is great help for extra income.

Matthew Larsgaard~Appearing on behalf of the Automobile Dealers Association of ND: Attachment 5.

29:40

Rep Becker: With the amendment, you want the government to force you to stay close?

Larsgaard: With repealing the motor vehicle licensing law, dealership will open & will compel other dealerships within the competitive market, to open as well, then most dealership would eventually be open on Sunday.

Rep Kasper: The section of the financing, it appears to me that it would be best to not pass it at all.

Larsgaard: I agree.

Rudie Martinson~ND Hospitality Association: There is a repealer on section 5-02-05, I have a concern about that because if you repeal the entirety of 5-02-05, that the section of the regulations. I visited with Rep Anderson, that separate policy. In terms of the other 2 segments of the industry, restaurants are already allowed to be open.

Rep Kasper: To repeal 5-02-05, what would be the hours for the establishments (inaudible).

Martinson: There wouldn't be any.

Rep Kasper: With the repealer, (inaudible).

Martinson: As far as I could tell.

Chairman Keiser: Is there anyone else here to testify in support, opposition?

Christopher Dodson~Executive Director of the ND Catholic Conference: Attachment 6.

Chairman Keiser: Anyone else here to testify in opposition, neutral?

Mike Rud~President of the DN Retail Association: Attachment 7.

Rep Kasper: Have you did any type of polling of our members?

Rud: We did a polling & the vote came up 4, 4.

Chairman Keiser: Is there a shift in any direction?

Rud: As we get into the younger members, yes.

Rep Beadle: Moves the amendment Representative Anderson presented to keep auto dealers in the bill, bars & liquor stores cannot open until 11 am on Sunday & repeal after amendment is Chapter 12.1-30.

Rep Laning: Second.

Voice vote-motion carried.

Rep Becker: I understand the alcohol aspect as far as the century code. (Inaudible) I'm not sure how I'm going to vote on the bill.

Rep Beadle: I supported the amendment because of the alcohol portion.

Rep Kasper: I ask to wait on the action on the amendment & have a discussion on it.

Rep Beadle: Motions to reconsider the amendment.

Rep Laning: Second.

Voice vote-motion carried.

Rep Becker: Move that we to accept the amendments as proposed, (inaudible).

Rep Beadle: Second.

Voice vote-motion carried.

Chairman Keiser: We will hold & closes the hearing on HB 1163.

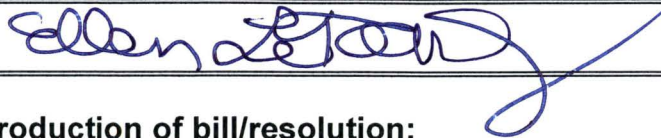
2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1163
1/23/2017
27252

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to motor vehicle auctions and Sunday closing laws.

Minutes:

Attachment 1, 2

Chairman Keiser: Reopens the hearing of HB 1163.

Dennis Pathroff~HIBL Legal Intern: Attachment 1-regarding bars & liquor stores.

Rep Boschee: Moves the amendment regarding the bars & liquor stores.

Johnson: Second.

Chairman Keiser: What does this amendment do?

Dennis Pathroff: Taking out this section would take out the repeal of 5-02-05, dealing with the bars & liquor stores on Sunday.

Rep Ruby: I'm going to vote against the motion, against this portion because the local municipalities have the ability to limit.

Rep Louser: That being the case of that section being repealed, then the local entity could, in theory, allow the bars to be open all night.

Chairman Keiser: Correct.

Rep Bosch: Can we walk through this?

Rep Ruby: The way I see, the bill is going to repeal the blue laws, the state's limitation on when bars could be open. The amendment would put it back into state law.

Chairman Keiser: The bars are already in state law as a carve out. This would remove that carve out & put it in the blue law.

Rep Ruby: Keep it in law & exempted from the bill that's repealing.

Rep Becker: The state law is for 2 am, none of the bigger towns in ND that go to state law. They set more strict practices, in theory it would be extension of that allowing them to continue the hours they want.

Rep Laning: Approving this amendment, would allow more or stay the same?

Chairman Keiser: Open more unless local.

Rep Ruby: Rep Becker is correct. For the city of Minot, it's still 1:00. He didn't want to be penalize, so he asked for the 2:00 pm, but he still closed the bar at 1:00. I'm still going to oppose the motion.

Chairman Keiser: I'm going to support the motion, it's the sister cities that cause the biggest problems.

Roll call was taken for the amendment regarding bars & liquor stores with 10 yes, 3 no, 1 absent, motion carried.

Dennis Pathroff~IBL Legal Intern: Attachment 2-regarding the auto dealers allowing to keep the law & not sell on Sundays.

Rep Kasper: Amendment 2 is going to keep the auto dealers' laws exactly as it is now?

Dennis Pathroff: That's correct.

Rep Laning: Moves to adopt the amendment.

Rep Kasper: Second.

Rep Becker: The argument for this amendment is almost indefensible. They want government to force them to stay closed. I will say no.

Rep Kasper: You can't get finance on a Sunday. I will support the amendment.

Roll call was taken for the motion to accept the amendment regarding auto carriers, with 11 yes, 2 no, 1 absent, motion carried.

Chairman Keiser: We have HB 1163 as amended, what are your wishes?

Rep Boschee: Moves for a Do Pass as Amended.

Rep Bosch: Second.

Chairman Keiser: I respect the arguments that are being made. I also, strongly support, removing the blue law as much as we can. I don't want so many different objections that we lose this bill.

Rep Kasper: There will be a lot of churches will oppose this bill. I can't support this bill.

Rep Ruby: I opposed this bill in the past & the weakness of the bill is the blue law. I see some of the exceptions very unequable. I understand the time off & church; I'm going to support the bill.

Rep Dobervich: I'm going to support the bill as well.

Rep Louser: I have 2 questions for the committee. If I understand right, some testimony of said that we are the last state that has these laws as of 1990. Secondly, I assume that the repeal still provides the protection for the employees to say that they don't any given day. That right still exists with this repeal, is that correct?

Chairman Keiser: I believe that is correct.

Rep Ruby: I imagined that at some point they wouldn't, if the employer said "no you will or you won't have a job". It is a case where not everyone's day of rest is Sunday.

Chairman Keiser: The primary reason I would like to see the blue laws go is because of the internet. The internet is changing the business model.

Rep Boschee: Representing a border community, a lot of people want to keep the money in ND. The business has a choice to stay open on Sunday.

Vice Chairman Sukut: My business mind tells me to change but my heart says no, but in the end, my business mind tells me to change.

Rep Kasper: I find the internet is a shallow argument because I don't believe it has grown as it has because we are not open on Sunday but because we use it as a convenience. That issue is not going to change. The Fargo/Moorhead, I find that argument shallow also. I don't think that there is that many people going to Minnesota.

Rep Bosch: The churches have evolved with mass starting a 6:30 in the evening, time for everyone to evolve.

Rep Laning: I agree with Rep Kasper. Employees, I've talked to, like the Sunday closing.

Rep Lefor: Calls to question.

Roll call was taken for a Do Pass as Amended on HB 1163 with 10 yes, 3 no, 1 absent & Rep C Johnson is the carrier.

17.0432.01000
Title.

Prepared by Legislative Intern 8
January 23, 2017

PROPOSED AMENDMENT TO HOUSE BILL NO. 1163

- The amendment regarding auto dealers

Page 1, line 1, remove "amend and reenact subsection 2 of section 39-22-27 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to motor vehicle auctions; and to"

Page 1, line 2, replace ", " immediately following "5-02-05" with "and"

Page 1, line 3, remove ", and section 39-22-07.1"

Page 1, remove lines 6 through 10

Page 1, line 11, remove "and section 39-22-07.1"

Renumber accordingly

17.0432.01000
Title.

Prepared by Legislative Intern 8
January 23, 2017

PROPOSED AMENDMENT TO HOUSE BILL NO. 1163

- The amendment regarding bars and liquor stores

Page 1, line 2, remove "section 5-02-05,"

Page 1, line 3, remove "," immediately following "12.1-30"

Page 1, line 11, replace "Section 5-02-05 and chapter" with Chapter

Renumber accordingly

1/23/17 DP

17.0432.01001
Title.02000

Prepared by the Legislative Council staff for
Representative P. Anderson
January 12, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1163

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Page 1, line 11, replace "Section 5-02-05 and chapter" with "Chapter"

Page 1, line 11, remove "and section 39-22-07.1"

Page 1, line 12, replace "are" with "is"

Renumber accordingly

Date: Jan 23 amRoll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1163**

House _____ Industry, Business and Labor _____ Committee

☐ SubcommitteeAmendment LC# or
Description:Rep's Anderson's

Recommendation

- ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions

☐ Reconsider☐ _____

Motion Made By

Rep Beadle

Seconded By

Rep Laning

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------|-----|----|-----------------|-----|----|
| Chairman Keiser | | | Rep Laning | | |
| Vice Chairman Sukut | | | Rep Lefor | | |
| Rep Beadle | | | Rep Louser | | |
| Rep R Becker | | | Rep O'Brien | | |
| Rep Bosch | | | Rep Ruby | | |
| Rep C Johnson | | | Rep Boschee | | |
| Rep Kasper | | | Rep Dobervich | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor
Assignment

Voice vote ~ Motion carried

- Keep auto dealers in the bill
 - For 4 liquor stores cannot open
 until 11am on Sunday.
 - Repeal after amendment is chapt 12.1-30

Date: Jan 23 am

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1163

House _____ Industry, Business and Labor _____ Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation

- ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions ☒ Reconsider ☐ _____

Motion Made By Rep Beadle Seconded By Rep Laning

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------|-----|----|-----------------|-----|----|
| Chairman Keiser | | | Rep Laning | | |
| Vice Chairman Sukut | | | Rep Lefor | | |
| Rep Beadle | | | Rep Louser | | |
| Rep R Becker | | | Rep O'Brien | | |
| Rep Bosch | | | Rep Ruby | | |
| Rep C Johnson | | | Rep Boschee | | |
| Rep Kasper | | | Rep Dobervich | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____ Voice vote ~ Motion carried

Date: Jan 23 amRoll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1163

House _____ Industry, Business and Labor _____ Committee

☐ SubcommitteeAmendment LC# or
Description: _____

Recommendation

- ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions

- ☐ Reconsider ☐ _____

Motion Made By Rep Becker Seconded By Rep Beadle

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------|-----|----|-----------------|-----|----|
| Chairman Keiser | | | Rep Laning | | |
| Vice Chairman Sukut | | | Rep Lefor | | |
| Rep Beadle | | | Rep Louser | | |
| Rep R Becker | | | Rep O'Brien | | |
| Rep Bosch | | | Rep Ruby | | |
| Rep C Johnson | | | Rep Boschee | | |
| Rep Kasper | | | Rep Dobervich | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____ Voice vote ~ Motion carried

Remove 3, 8, 11

Date: Jan 23, 2017Roll Call Vote #: 1 pm

2017 HOUSE STANDING COMMITTEE

ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1163

House _____ Industry, Business and Labor _____ Committee

☐ SubcommitteeAmendment LC# or
Description:regarding bars + liquor stores
- attachment 1 +

Recommendation

- ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
☐ Reconsider

Other Actions

Motion Made By

Rep Bochee

Seconded By

Rep C. Johnson

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------|-----------|----|-----------------|-----|----|
| Chairman Keiser | X | | Rep Laning | X | |
| Vice Chairman Sukut | X | | Rep Lefor | X | |
| Rep Beadle | <u>Ab</u> | | Rep Louser | X | |
| Rep R Becker | | X | Rep O'Brien | X | |
| Rep Bosch | X | | Rep Ruby | | X |
| Rep C Johnson | | X | Rep Bosch | X | |
| Rep Kasper | X | | Rep Dobervich | X | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 10 No 3Absent 1

Floor

Assignment

motion carried

Date: Jan 23, 2017Roll Call Vote #: 2 pm

2017 HOUSE STANDING COMMITTEE

ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1163

House _____ Industry, Business and Labor _____ Committee

☐ SubcommitteeAmendment LC# or
Description:regarding auto dealers tamendment 2}

Recommendation

☒ Adopt Amendment☐ Do Pass ☐ Do Not Pass☐ Without Committee Recommendation☐ As Amended☐ Rerefer to Appropriations☐ Place on Consent Calendar

Other Actions

☐ Reconsider☐ _____

Motion Made By

Rep Laning

Seconded By

Rep Kasper

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------|-----------|----------|-----------------|-----|----------|
| Chairman Keiser | X | | Rep Laning | X | |
| Vice Chairman Sukut | X | | Rep Lefor | X | |
| Rep Beadle | <u>Ab</u> | | Rep Louser | | <u>X</u> |
| Rep R Becker | | <u>X</u> | Rep O'Brien | X | |
| Rep Bosch | X | | Rep Ruby | X | |
| Rep C Johnson | X | | Rep Boschee | X | |
| Rep Kasper | X | | Rep Dobervich | X | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 11 No 2Absent 1

Floor

Assignment

motion carried

Date: Jan 23

Roll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1163

House _____ Industry, Business and Labor _____ Committee

☐ Subcommittee

Amendment LC# or
Description: _____

Recommendation

☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee

☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions

☐ Reconsider

☐ _____

Motion Made By Rep Boschee Seconded By Rep Bosch

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------|-----|----|-----------------|-----|----|
| Chairman Keiser | X | | Rep Laning | | X |
| Vice Chairman Sukut | X | | Rep Lefor | | X |
| Rep Beadle | Ab | | Rep Louser | X | |
| Rep R Becker | X | | Rep O'Brien | X | |
| Rep Bosch | X | | Rep Ruby | X | |
| Rep C Johnson | X | | Rep Boschee | X | |
| Rep Kasper | | X | Rep Dobervich | X | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 10 No 3

Absent 1

Floor Assignment Rep C. Johnson

REPORT OF STANDING COMMITTEE

HB 1163: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1163 was placed
on the Sixth order on the calendar.

Page 1, line 1, remove "amend and reenact subsection 2 of section 39-22-27 of the North
Dakota"

Page 1, line 2, remove "Century Code, relating to motor vehicle auctions; and to"

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Renumber accordingly

2017 SENATE POLITICAL SUBDIVISIONS

HB 1163

2017 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

HB1163
3/3/2017
Job # 28665

- ☐ Subcommittee
☐ Conference Committee



Relating to Sunday closing laws.

Minutes:

Written testimony # 1 Rep. Pamela Anderson
Written testimony #2 Brandon Medenwald
Written testimony #3 Morgan Ness
Written testimony #4 John McMartin
Written testimony #5 Brent Bogar
Written testimony #6 Scott Meske (Not presented)
Written testimony #7 Christopher Dodson

Chairman Burckhard opened the hearing for HB 1163. All senators are present.

(1.06-3.28) **Pamela Anderson**: Rep. District 41, introduced and explained this bill. Written testimony #1.

(3.33-4.38) **Joe Duperre**, General Manager at the Kirkwood Mall in Bismarck. I also ask that you repeal the Blue law for a couple of reasons. One, my job is to attract and retain new businesses coming to Kirkwood Mall or ND. One of the things that they look at is the demographics, population, and whether they would be sustainable but they also look at our Blue laws. I think it is part of their equation on whether they decide to come to Bismarck. In addition, as Ms. Anderson said, I agree that I don't think the government should be involved telling businesses when they should not open. I think it should be entirely up to them and if they want to keep closed on a Sunday they can do so.

Sen. Diane Larson: If this is repealed would you require the businesses in Kirkwood Mall to be open?

Mr. Joe Duperre: We would probably do that, yes for a consistency sake throughout the mall you want to make sure that all the stores are open during a certain time frame. Now some leases are written where they can stay closed on Sunday or open at different times, so there are some variables to that.

Sen. Diane Larson: That is who I have heard from people who do not want to be open on Sunday in the mall. This doesn't give them the option. here business then doesn't have that option. They also told me that it would not make an extra penny of revenue just increase the

overhead. Have you done any studies on if you actually do make more money by being open different hours?

Mr. Joe Duperre: I have no studies to that, but I have heard that same argument where we are just going to spread it out evenly. But like in Bismarck for example, we're on the cusp of growing; in order to grow and get the numbers going I think that we need to be more equitable with what our market is throughout the country. We are kind of behind the curve there. I think that is part of the decision for some of these national retailers to come here. Express is one of them, they will not come here because, not because of the Blue Law, but because of all these different factors. Yes, it's very important. Yes, you are right we would require some of the stores to open, but it also sets us up for success in the future moving forward. As the population in Bismarck grows it will be beneficial for everybody.

Sen. Judy Lee: I live in the Fargo and West Fargo area so the border is a deal. I recall when the original Sunday opening went in. Before that time there were a lot of ND sinners who were having their license plate on cars parked in the Moorhead Center Mall parking lot on Sunday. As far as I know, nobody went to hell but there was retail experience there but the point I wanted to make that is a question for you, is at the time some of the merchants were saying that particularly because it was a college town, you certainly have students here as well who may be seeking additional hours of employment because it was a college town and because there were families with children who then would have perhaps one spouse home so they didn't have to have additional day care charges and they would have extra hours they might be able to work. They were eager to have those Sunday hours as options. It was not a problem with the labor force actually. So I am just wondering if you've had any feedback from people who are the merchants in your mall about how they might handle some of that, or do you know whether or not some of the staffing might actually don't want to work from 10-12 but others who might see it another couple of hours without daycare costs or additional couple of hours of pay that might be attractive to them?

Mr. Joe Duperre: I've actually seen the pros and cons of most of that and have talked to folks about that. Most businesses work with their associates on when they want to work. Some say we're going to make people work on Sunday when they don't want to, and that is not necessarily the case. They try to even it out. Employment morale is very important here. The labor force here is kind of tight, so you want to make sure you take care of your people, so they are not going to force people to work on Sundays. The companies want to make sure their employees are happy, but from my standpoint you want to take care of your associates.

(9.28-15.33) Brandon Medenwald, Simply Made Apps, Fargo. Written testimony #2, p.3,4 (newspaper ads)

Sen. Jim Dotzenrod: Is Walmart open 24/7? **Mr. Brandon Medenwald:** Many are open, the ones in Fargo are not. For example, the two Walmart's in Fargo are not, they close from midnight on Saturday night until noon on Sunday as per law. The one in Dilworth which is open is open 24/7 which is across the river in Moorhead. **Sen. Jim Dotzenrod:** I think in North Dakota they are subject to the rules that they are not open on Sunday until noon, if I understand right. **Mr. Brandon Medenwald** replied, yes.

(16.47-20.51) **Morgan Ness**, support HB1163. Written testimony #3. My third and final point which has not been brought up and I was on the House floor when they were debating this bill. This is unattractive and almost completely useless. I know that from personal experience. I was a 16-year old Century High School student in Bismarck, ND, 6 years ago I was working in a large department store Sunday morning before noon, stocking shelves. How was this possible? The only difference from any other morning was that the front doors were locked. This does not prevent people from working on Sunday mornings, instead businesses cannot make a profit or be open to the public. It does not mean they don't have employees working there. This is why the Blue Laws are ineffective and HB1163 should get a green vote to appeal the Blue Law.

(20.59-22.21) **Scott Mitchell**: Mayor of Rolla, ND. I did not have any intention of speaking when I walked into this room but I am from a small town. I do not own a business, have no vested interest in this bill other than the fact that for years we've talked about family values. Thirty- four years ago today I married a nurse. In that 34 years she has worked every other Sunday. She is extremely conscious about the church. You won't find anybody who thinks her job detracts from her ability to worship. The church is open more than one day a week. She is involved every day of the week if there is something going on in the church. So the argument that it detracts from the family doesn't hold any water with me when you're married to a nurse. Other professions also work on Sunday. I am not a shopper so this isn't going to affect me at all.

(23.01-24.14) **John McMartin**: President Minot Chamber of Commerce, in support HB1163. Written testimony # 4.

(24.24-26.51) **Brent Boger**: representing the Greater North Dakota Chamber, in support HB1163. Written testimony # 5.

(27.03- 27.56) **Bernie Dardis**: Representing the Chamber of Commerce of Fargo/ Moorhead, West Fargo. My discussion with you this morning is very simple. It is a matter of free enterprise and free market. In support of HB 1163.

Scott Meske, President of the Bismarck-Mandan Chamber of Commerce, testimony submitted to the committee in support of HB1163. He didn't present it to the committee but wanted it added for the record. Written testimony # 6.

Opposition testimony

(28.50- 32.56) **Christopher Dodson: Executive Director, ND Catholic Conference**. We urge a do not pass for HB 1163. Written testimony # 7.

Sen. Judy Lee: You say at the beginning of your testimony that the Blue Laws are not repealed and yet the section of statute that is repealed is the Sunday closing law. So, can you explain to me why you would say that, why that would be the case?

Mr. Christopher Dodson: There are two other sections of the original bill because the Sunday law does not only appear in the section that is now repealed. There is one specifically

there is one that deals with alcohol and also one with motor vehicle dealers. It is a separate section of code that was taken out, because they requested it to be taken out.

Sen. Judy Lee: I don't approve of it actually anyway, but what I did want to mention if you haven't looked at this statute, 12.1-30, it's very interesting because one of the things prohibited from sale is wearing apparel other than that sold to a transient traveler under emergency conditions and the Christmas tree stands is actually not selling Christmas trees stands, it is a stand that I believe that sells Christmas trees like Boy Scouts and stuff, but it isn't clear, I would agree with the first speaker. But he's right, you can't buy plumbing emergency supplies or hardware other than emergency plumbing, heating and cooling and electrical repair. You can buy those things if it's an emergency. It is a little ambiguous I meant. The point is, there actually is because I am saying there are lots of little moving parts to that whole thing that are inconsistent.

Mr. Christopher Dodson: I don't disagree with that. I have always felt that that statute has way too many exceptions and is not written clearly. But if you want to fix that, you fix that. That would be my suggestion. We are not dealing with those problems now, we're dealing with an entire repeal of that section with the exception of motor vehicle dealers and certain alcohol establishments.

Sen. Jim Dotzenrod: In your testimony you referred to the law that we have now provides a common period of rest and relaxation. That is an interesting idea as I think that we have laws that do require that there is in certain occupations you cannot force employees to work more than so many hours per week. Included in that is semi-drivers, truck drivers, and others where you are restricted and can't go over, but the question I have is this common period. How important is it that the period of rest and relaxation be a common period? I think we're going to continue in the future to have restrictions on rest and relaxation, to say you can't push an employee beyond these, but your point here is it has to be in common. Is that really that critical because if we did pass this law then we would have not the more common requirement that we put on the law right now. We would still have the rest and relaxation I think, as part of our culture and part of our law, but we wouldn't have the common part. How important to you is this rest period be in common?

Mr. Christopher Dodson: It is very important. It is the basis of everything in law that comes to respecting and protecting the life and dignity of the human person. But because we are social creatures, we are not isolated individuals, we are persons. Because we are persons, we are related to each other in community. Only in strong communities that are in common can the life and dignity of the human person be protected.

Chairman Burckhard closed the hearing on HB1163.

Sen. Judy Lee: I am just looking at the original bill and there are several other sections in this of which Mr. Dobson mentioned and I think it would probably be good if we looked at all of those because 1163 originally called for other repealers' that also talks about collection at a motor- vehicle auctions and they can do those any day of the week. So, may we have a little additional information input together with what the other repealers' are and see what the original bill said and whether or not we like some of the stuff that was in here before.

Chairman Burckhard: We absolutely can. There is no hurry on this bill today.

2017 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

HB 1163
3/9/2017
Job # 28966

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to Sunday closing laws.

Minutes:

Attachment: Sen. D. Larson amendment 17.0432.02001

Chairman Burckhard opened the committee for discussion on HB 1163. All senators are present.

Sen. Anderson: If we're going to talk about HB 1163, this is one of the few times when my constituent's kind of hold a sway and what I hear is to leave it the way it is. They don't really, most people don't care, those who have contacted me really don't want it. I haven't had one constituent from my district who said they wanted it changed.

Sen. D. Larson: the same goes for me. I have had 4-5 contacts from my district. But one from my district that feels adamantly about it. She owns Walkers and Daughters in Bismarck and she is one that then would be required by her landlord to be open on Sunday morning. She said I will not make one dime extra of income by being open on a Sunday morning. But it will cost me more in overhead to staff it and to be open those extra hours. I don't like that I don't have the option to stay closed. Currently there are a couple of businesses in Kirkwood mall that do not open on Sundays at all. They are being able to get away with that somehow. I am not sure if that's how they worded into their contract when they opened their lease. But, the people that I've heard from feel like retail wise yes, but they also feel like please let us have a morning on a Sunday as a family together. Since it's a tradition in ND please let us keep that tradition.

Sen. J. Lee: I also heard from Brad Scholson who is the Executive director of West Acres. I suspect that the same things add to the Kirkwood Mall as it is at West Acres and that is in all of the leases, it says they would not be obligated to be open on Sunday if they don't choose to be. So the stores can choose not to.

Sen. D. Larson: I asked him that. During his presentation I asked him and he said yes they would have to be required to be open.

Sen. J. Lee: Then they would have to renegotiate their leases whatever they do. But at West Acres they do not have to be open. If you go to the Mall of America, Franklin Cubby is not open because I was there on a Sunday, and I wanted a refill back in the olden days, and I couldn't buy one. Hobby Lobby is closed as we know, the world does not end with those, but at West Acres if a store does not want to open on Sunday it does not have to be. However, as we heard from Morgan Ness the young lady who was here, there are a fair number of retail stores that are staffed. The only difference is that they are not unlocked because they are stocking shelves. So there are a lot of retail that still have people working and if there's a problem in a community or more than one community with the leases then the business association needs to negotiate with the director of the shopping malls, but the stripes are going to be that. The biggest mall in the state is not doing that. I think it's up to the businesses to decide how they are going to handle that.

Sen. J. Lee: So I am going to make a motion for a do pass on HB1163.
2nd Sen. Dotzenrod

Committee Discussion:

Sen. Diane Larson: I would like to even though I plan to oppose the bill, I would like to offer an amendment. (17.0432.02001)

Chairman Burckhard: Sen. J. Lee withdrew her 1st motion
Sen. Dotzenrod: withdrew his 2nd

Sen. D. Larson: Last week I did ask Ian about the Sunday closing law and her printed the statute for me. The last part of the entire repeal is Section 12.1-30-04. It says " Retail business leases or agreements penalty of retail business may not be required to be open on Sunday as part of a lease agreement, franchise agreement or any other contractual agreement". A violation of this section is a class A misdemeanor. That portion is currently on the books. What I would like my amendment to do is to not repeal that portion. Ian printed off a copy of what that would look like for me.

Chairman Burckhard: so the engrossed bill repeals Chp.12.1-30. Your amendment would only...

Sen. D. Larson: The amendment says that we would repeal Sections 12.1-30.01, and 12.1.30-02 and 12.1.30-03.

Chairman Burckhard: And not 12.1.30-04?

Sen. D. Larson: I plan on voting for this, but my constituent has contacted others in the mall that are very unhappy with this whole idea. I would like to offer this amendment.

Chairman Burckhard: Sen. Larson moved her amendment and and Sen. Dotzenrod 2nd the motion that we consider this amendment.

Sen. Anderson: I think I am going to oppose the amendment, not because I disagree with it, but I think it makes it harder for us to kill it on the floor.

Sen. D. Larson: I really appreciate your sentiment. My goal is in case we don't kill it on the floor at least this part will be saved.

Sen. J. Lee: I oppose the amendment not because it isn't good, but because obviously it's a law right now and apparently either the bank misunderstood your question or else he isn't following it. So if the law were being followed that would not be a problem. If it means the guy from Kirkwood said that they would be required too, when the law currently says that they can't be required to, he's either confused or he's not doing it correctly.

Sen. D. Larson: What I had asked specifically and I was listening for this was if this law is passed would the stores in the mall be required to be open on Sunday mornings, and he said yes they would. Then he went on to explain that to have his mall open he needs the stores open to draw the people into the mall.

Chairman Burckhard: Does the state law super cede a lease agreement if the lease agreement says I don't have to be open on Sunday and then the new state law would say otherwise/

Sen. J. Lee: What about Home Rule? Bismarck has Home rule doesn't it.

Chairman Burckhard: yes, so does Minot.

Sen. J. Lee: those strip malls are separate entrances to all of those places and they always have the independent ability to do stuff. Most people know what the Cracker Barrel is in Bismarck. You have to walk through the retail store in order to get to the entrance to the restaurant if you want to go to brunch on Sunday morning. Now it's not my brunch place of choice, and I am not here on Sundays, but a lot of people are. They cannot sell one thing in that retail store through which everybody walks, but everybody walking through that retail store can walk across the street to the convenience store and buy darn near everything that is in the retail store at the Cracker Barrel. Now that's unfair to the competition factor because it is just as dumb as when you couldn't buy tuna fish at the grocery store because the young lady didn't think you could eat it the way it came out of the can. The inequity of the whole thing is so ridiculous because it isn't just mall retail, it's everything else all these other places where everything is so different somebody else talks about the fact that you can buy everything at the grocery store now, that you could only buy at the drug store. So there are so many vendors now, so many businesses that handle a variety of merchandise that some of whom can sell everything like a grocery store, and some of them whom can't sell anything, but they can still have employees working there. This is just a freedom of choice thing.

Sen. Anderson: There is a list of things that you're not supposed to sell during that period of time. Somebody who is in competition with them could bring that to the attention of somebody who is charged with enforcement, if they really wanted too. So the fact that they sell them doesn't mean that they are in compliance with the law.

Chairman Burckhard: We are still discussing the amendment, is that correct?

Sen. Dotzenrod: I think my view is that we should allow stores who want to be open, let them be open. But do we want to require stores who do not want to be open by state law, to

basically require them to be open. If they are in a lease hold agreement, the leaseholders say you're going to be open, or you will void the lease. So I like the idea that we get rid of the Blue Laws. I think if you want to be able to shop, you should be able to do it. The free markets should work, and you can have those choices as consumers. But I do think that there are situations where retailers in these mall type situations if they are required, it looks like we put them into a pretty bad spot by forcing them to be open. We aren't actually forcing them; we're putting them in a position where they leaseholder is going to put pressure on them.

Sen. J. Lee: Sen. Anderson commented on the fact that it's harder to kill on the floor, that way. The other thing if we're only looking at the possibilities of passing or failing, if this is amended and goes back to the House, you have another risk there as well. Both passing and failing. So how complicated do you want to make this? I would rather see it personally just see it up or down. Just go for it.

Chairman Burckhard: we have an amendment to vote on.
Roll call vote: 5-1-0 amendment passes

Chairman Burckhard: now we have a bill that is amended.

Sen. Larson: I move a do not pass

2nd Sen. Anderson

Committee discussion:

Sen. Kannianen: I admit that I am pretty torn on this issue. To me the simplest way to look at these issues is to narrow it down. I imagine there is only two people in existence and you this government together, and when you look at principles of liberty and so when I think of myself, for my personal reasons, my faith reasons, I don't do any business or shop or anything on the Sabbath, and I would hope that no one else would but, do I have the right to say that or put it into law that no one else should. I am torn because of my faith and the tradition of North Dakota and the family traditions and so forth. But also the Principles of Liberty that I believe in. As strongly as I believe in something, feel about it, I still it's a matter of freedom to not force anybody to do or not to do something that I think they should in this regard. Perhaps there is still some reluctance in me but I am going to support the bill, at least with the amendment maybe it makes it tougher as another web on the House side. But I think the amendment makes it better too.

Chairman Burckhard: We have an amended bill and faith is one thing and whether you should do that, vote on that makes you torn.

Sen. Kannianen: I just believe that I shouldn't use law to force anyone to do what I think they should do. So I support the bill to repeal, even though it is nothing that I will do, or I would hope that others wouldn't do, but I don't want to force them. I don't believe in the forcing of that.

Sen. D. Larson: We this year have heard a lot about people that are shopping on Black Friday. Encouraging people to stay home with their families instead of going out at midnight on Friday morning so that the people that are in retail have a chance to stay home with their families instead of being required to report for work. So there was a big movement across the United States to say to people, 'stay home and don't take advantage of this hype that's out there', to go in and do your shopping for these big sales. Get them on the internet instead of doing that. We were looking at any other kind of way so that people would be allowed to stay at home with their families for some period of time. That's the kind of message that I've heard from my district too. Let people stay home and spend some time with their family. For the people that work at Target, Walmart, and all of these places that are employees, and not business owners. The employees don't have as much of a choice as to whether they report for work or not. The employers often have that choice as to whether or not they want to stay open or not. But there a whole lot more employees than employers. If this was only an employer bill it would be easier for me to vote for it. But it isn't. it affects a whole lot more of our fabric and so I know that Sen. Lee thinks that I am foolish with this, but I feel very strongly that this is the wrong way for us to go. Even when people say that this is old fashioned and dark ages, I don't think that throwing things out just to make things new is always the best method as has been demonstrated to us just this last year with the movement back towards not rushing into go shopping at midnight on Thanksgiving.

Chairman Burckhard: This is a do not pass as amended motion that we are discussing?

Sen. Anderson: Right. I just wanted to throw out that Sen. Lee and I have disagreed over things in the past, and I think we get along a lot better when we do disagree once in a while. So it's not necessarily a bad thing.

Sen. J. Lee: This only affects retail. So if you want to go out to brunch, if you have somebody in the hospital, or in the nursing home, all of those people are employees. They are all working. Some of them are optional activities for us, I also, it's very unusual for me to shop on Sunday. It's not when I choose to shop either. But his only affects retail. There are so many other jobs, so many other things that are done, that people who clean our streets when the snow falls, they are out there on Sunday, sometimes at 3AM, working on some of this stuff. So it is a very limited niche of people that are really affected by this bill. That effort at Thanksgiving was not because it was a law passed, but because there was an effort on the part of people who cared about having time

away from shopping which I would never do at midnight on Thanksgiving night either. But that was a ground swell kind of thing. But part of my concern is what was said is to shop on line instead. I am a really strong supporter of dealing with your local businesses and of keeping those main street businesses that are there and active in the community and their giving back to us in so many ways, and I really believe that there is a whole lot of that kind of stuff that does take place when the goods are or services is not available and somebody decides they want to do stuff. So, I am not trying to suggest that anybody should have to shop on Sunday, or that I anything of that sort, but the option is important because there are so many jobs that are not retail and that have to be filled, someone of tem emergency kinds of the things. There isn't any question I 've never had a job where I didn't work on Sunday, I had to go to a hospital lab to work and was there on Sunday morning. We figured out what other time we would go to church, was it before or after; perhaps the night before, whatever it happened to be at that time. The point is, it's a very narrow niche that is covered here.

Chairman Burckhard: I am actually torn on this bill. I actually like the message that Christopher Dodson had to say for us. But the other thing is, there are many ways to shop and those that may not have had to work on Black Friday were probably out shopping on Black Friday. Every marketing ploy during Christmas is newer, and better Black Friday. So, we're closing companies like Sears and other stores are having issues because of the way that we shop today. The brick and mortar buildings are where people go. So I am really torn. I like what Sen. Kannianen suggested that should my beliefs affect the retail laws in this state. I don't know. Then you think about your constituents and you see them after Mass on Sunday and you have to explain yourself to them. I am torn on this bill a lot.

Chairman Burckhard: We have here a Do Not Pass Motion as amended. Is that correct?

Sen. Kannianen: I think about these things a lot. The different books I've read and things of Principles of Liberty and you expand it from two people to three people. So there's three people in the world. Do we have any right as individuals to tell the other two that are in existence that they don't or can't as much as we wish they would, to tell them they can't conduct business between the two of them at a particular time that's sacred to us, but so it's just one of those things where sometimes you allow things to happen that you other- wise would not let it happen. That is part of the free society in some ways. That is

something that I really struggle with and wrestled with over the last few days. That's the conclusion I've come too.

Chairman Burckhard asked for the vote on this bill, HB 1163. This is a do Not Pass as amended. So a yes means you're in favor of a do not pass. Roll call vote: 3 Yea, 3 No, 0 Absent Do not pass as amended has failed

Chairman Burckhard we failed to pass, as amended so does that mean it goes back to the way it was? **Sen. J. Lee** replied no, because we amended it.

Senator Dotzenrod moved a do pass as amended
2nd: Sen. Judy Lee
Roll call vote: 4-2-0
Carrier: Sen. Dotzenrod

March 9, 2017

ET
3-9-17
p. 1 of 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1163

Page 1, line 1, replace "chapter 12.1-30" with "sections 12.1-30-01, 12.1-30-02, and 12.1-30-03"

Page 1, line 4, replace "Chapter 12.1-30" with "Sections 12.1-30-01, 12.1-30-02, and 12.1-30-03"

Page 1, line 4, replace "is" with "are"

Renumber accordingly

Date: 3.9.2019
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1163

Senate Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: 17.0432, 02001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. D. Larson Seconded By Sen. Dotzenrod

| Senators | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|-----------------------|-----|----|
| Chairman Randy Burckhard | ✓ | | Senator Jim Dotzenrod | ✓ | |
| Vice-Chairman Howard Anderson | ✓ | | | | |
| Senator Jordan Kannianen | ✓ | | | | |
| Senator Diane Larson | ✓ | | | | |
| Senator Judy Lee | | ✓ | | | |
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Total (Yes) 5 No 1

Absent 0

Floor Assignment _____

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

Date: 3-9-2017
Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1163

Senate Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. D. Larson Seconded By Sen. Anderson

| Senators | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|-----------------------|-----|----|
| Chairman Randy Burckhard | X | | Senator Jim Dotzenrod | | X |
| Vice-Chairman Howard Anderson | X | | | | |
| Senator Jordan Kannianen | | X | | | |
| Senator Diane Larson | X | | | | |
| Senator Judy Lee | | X | | | |
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Total (Yes) 3 No 3

Absent 0 Filed

Floor Assignment _____

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

Date: 3.9.2017
Roll Call Vote #: 3

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1163

Senate Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: 17.0432.02001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. Dotzenrod Seconded By Sen. Judy Lee

| Senators | Yes | No | Senators | Yes | No |
|-------------------------------|-----|----|-----------------------|-----|----|
| Chairman Randy Burckhard | X | | Senator Jim Dotzenrod | X | |
| Vice-Chairman Howard Anderson | | X | | | |
| Senator Jordan Kannianen | X | | | | |
| Senator Diane Larson | | X | | | |
| Senator Judy Lee | X | | | | |
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Total (Yes) 4 No 2

Absent 0

Floor Assignment Senator Dotzenrod

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

REPORT OF STANDING COMMITTEE

HB 1163, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1163
was placed on the Sixth order on the calendar.

Page 1, line 1, replace "chapter 12.1-30" with "sections 12.1-30-01, 12.1-30-02, and
12.1-30-03"

Page 1, line 4, replace "Chapter 12.1-30" with "Sections 12.1-30-01, 12.1-30-02, and
12.1-30-03"

Page 1, line 4, replace "is" with "are"

Renumber accordingly

2017 TESTIMONY

HB 1163

Testimony for House Bill 1163

House Industry, Business and Labor Committee

January 23, 2017

Pamela Anderson, Representative District 41

I introduced this bill from a constituent request, Brandon Medenwald and he is here to testify.

I too am annoyed that I have to wait until Sunday afternoon to shop. Brandon has a good idea and we should get rid of the Blue Laws in North Dakota. This bill does that. It doesn't say a business has to open, it just allows any business to make their own decision. Many will probably still close until noon and that is just fine. What is not fine is for those business to level the playing field want all businesses closed until noon. Hobby Lobby is closed all day Sunday. State law should not get involved in that argument. We believe in free market or not.

Another argument we all hear loud and clear from some, is that Sunday morning should be reserved for church. Well, some people go to church Wednesday night and no one is suggesting that we close on Wednesday night. Some people actually are out of church by 10:00 am, so that argument doesn't work either. For many of us, church is not on the calendar at all on Sunday morning. To say that businesses opening Sunday morning will impact attendance at church is a falsehood. People are either going to Target at 10:00 in the morning or not- church does not figure into that decision.

Besides the free market argument, this is a revenue enhancing bill. With our budget situation as it is, this bill will add sales tax revenue. I don't have the amount of sales tax receipts from Saturday morning, eight to twelve, to compare to the positive fiscal note that enacting the bill will incur. But, we all know it is more than zero.

This is a good bill for our consumers and our businesses.

I do have an amendment to the bill. The auto dealers (Section 39-22-07.1) asked to keep them in the bill. The amendment also leaves in that bars and liquor stores cannot open until 11 am on Sunday (Section 5-02-05). The Section repealed after amendment is Chapter 12.1-30. If the committee would like to leave the bill in its original form, I am fine with that.

Thank you Mr. Chairman and Committee members.

buyer requires a performance bond, then within ten days of the awarding of the contract, the successful bidder shall submit a performance bond to the appropriate state agency or political subdivision in an amount equal to the contract price.

39-22-06. Motor vehicle lots - Location.

A licensed dealer may establish secondary motor vehicle lots in the conduct of the dealer's business within five miles [8.05 kilometers] of the dealer's established place of business. Secondary lots must be identified as a part of the licensed dealer's operation with a sign displaying the name and telephone number of the licensed dealer. The sign must be at least thirty-two square feet [2.97 square meters] in size, contain the name of the dealership in letters at least ten inches [25.4 centimeters] high, and be clearly visible from the street. A licensed dealer may not display vehicles except on the dealer's primary and secondary lots or as otherwise permitted in this chapter. The department may assess a person violating this section a one hundred dollar fee for a first violation and a two hundred dollar fee for a second violation within two years of the first violation. The department shall assess a fee of at least five hundred dollars but not more than two thousand dollars for a third or subsequent violation within five years of the first violation.

39-22-07. Dealer permitting license to be used by another dealer - License revoked - Penalty.

Repealed by S.L. 2001, ch. 337, § 19.

39-22-07.1. Motor vehicle sales prohibited on Sunday - Penalty.

A motor vehicle dealer may not sell a motor vehicle on Sunday. A violation of this section is a class B misdemeanor.

39-22-08. Dealers to furnish information to director.

Repealed by S.L. 2001, ch. 337, § 19.

39-22-09. Dealer to file list of used motor vehicles with registrar - Fees paid on used cars by dealer - Delinquency - Penalty.

Repealed by S.L. 1977, ch. 369, § 1.

39-22-10. Powers of the director.

In addition to other powers provided by law, the director has the following powers and duties which must be exercised in conformity with this chapter:

1. To cancel, revoke, or suspend a dealer's license as provided for in section 39-22-04.
2. To prescribe rules and regulations not inconsistent with this chapter governing the application for dealer's licenses and the cancellation or suspension or revocation of dealer's licenses.
3. To employ and pay such persons as the director may deem necessary to inspect dealers in this state, investigate dealers for the information of the director, to procure evidence in connection with any prosecution or other action to suspend, revoke, or cancel a dealer's license in relation to any matter in which the director has any duty to perform.

39-22-11. Examination of books and records.

The director or any duly authorized representative may inspect the pertinent books, letters, records, and contracts of any licensed motor vehicle dealer or any other person relating to any complaint made against such dealer or person and held to be in violation of any of the provisions of this title. In addition, any duly authorized representative of the department may inspect the records of any licensed dealer to verify that fees collected for the department have been properly remitted.

HB 1163
CHAPTER 12.1-30
SUNDAY CLOSING LAW

1C
Jan 23, 2017

12.1-30-01. Business or labor on Sunday - Exemptions - Classification of offenses.

1. Except as otherwise provided in sections 12.1-30-02 and 12.1-30-03, it is a class B misdemeanor for any person between the hours of twelve midnight and twelve noon on Sunday to do any of the following activities:
 - a. Engage in or conduct business or labor for profit in the usual manner and location.
 - b. Operate a place of business open to the public.
 - c. Authorize or direct that person's employees or agents to take action prohibited under this section.
2. The prohibition in subsection 1 does not apply to a person who in good faith observes a day other than Sunday as the Sabbath, if that person refrains from engaging in or conducting business or labor for profit and closes the place of business to the public between the hours of twelve midnight and twelve noon on the day observed as the Sabbath.
3. The attorney general, a state's attorney, a mayor, a city manager, or a city attorney may petition a district court, for the district where a violation is occurring, to enjoin a violation of this section.

12.1-30-02. Items prohibited from sale or rental on Sunday.

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

1. Clothing other than work gloves and infant supplies.
2. Clothing accessories.
3. Wearing apparel other than that sold to a transient traveler under emergency conditions.
4. Footwear.
5. Headwear.
6. Home, business, office, or outdoor furniture.
7. Kitchenware.
8. Kitchen utensils.
9. China.
10. Home appliances.
11. Stoves.
12. Refrigerators.
13. Air-conditioners.
14. Electric fans.
15. Radios.
16. Television sets.
17. Washing machines.
18. Dryers.
19. Cameras.
20. Hardware other than emergency plumbing, heating, cooling, or electrical repair or replacement parts and equipment.
21. Tools other than manually driven hand tools.
22. Jewelry.
23. Precious or semiprecious stones.
24. Silverware.
25. Watches.
26. Clocks.
27. Luggage.

28. Motor vehicles other than the daily rental of vehicles by businesses whose sole activity is automobile rental.
29. Musical instruments.
30. The sale of aural or video recordings, records, or tapes. Rental of these items is permitted.
31. Toys other than those customarily sold as novelties or souvenirs.
32. Mattresses.
33. Bed coverings.
34. Household linens.
35. Floor coverings.
36. Lamps.
37. Draperies.
38. Blinds.
39. Curtains.
40. Mirrors.
41. Cloth piece goods.
42. Lawnmowers.
43. Sporting or recreational goods other than those sold or rented on the premises where sports or recreational activities are conducted.
44. Paint and building and lumber supplies.

12.1-30-03. Businesses allowed to operate on Sunday - Limitations.

Subject to the limitations of this section and section 12.1-30-02, a business specified in this section may operate in the business's usual manner, location, and for its usual purposes. The businesses authorized under this section to operate on Sunday include:

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

- g. Tires and tubes.
- h. Emergency work necessary for the safe and lawful operation of the motor vehicle.
- 22. Athletic and sporting events.
- 23. Parks, beaches, and recreational facilities.
- 24. Scenic, historic, and tourist attractions.
- 25. Amusement centers, fairs, zoos, and museums.
- 26. Libraries.
- 27. Educational lectures, forums, and exhibits.
- 28. Service organizations (USO, YMCA, etc.).
- 29. Coin-operated laundry and drycleaning facilities.
- 30. Food stores operated by an owner or manager in addition to not more than six employees working in the store at one time on a Sunday; however, the governing body of a city or county may, by ordinance, increase the number of employees allowed to work in a store at one time on a Sunday.
- 31. Bait shops for the sale of live bait and fishing tackle.
- 32. Floral nurseries.
- 33. Christmas tree stands.
- 34. Hobby shows, craft shows, fairs, and exhibits.
- 35. Occasional rummage sales, including garage sales or other sales for which a sales tax permit is not required.
- 36. Community festivals licensed or authorized by the governing body of a city or the board of county commissioners.
- 37. Premises licensed to dispense beer and alcoholic beverages within the limits prescribed in sections 5-02-05 and 5-02-05.1.
- 38. Credit approval services, lodging and travel reservation services, and, notwithstanding section 12.1-30-02, telemarketing of goods and services.
- 39. Bingo halls and onsite food concessions between the hours of twelve midnight and one a.m. and within the hours permitted under section 12.1-30-01.

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

A retail business may not be required to be open on Sunday as a part of a lease agreement, franchise agreement, or any other contractual arrangement. A violation of this section is a class A misdemeanor.

Chairman Keiser and members of the Committee, it's an honor to speak with you this morning.

My name is Brandon Medenwald and I'm the co-founder of Simply Made Apps, a small business located in downtown Fargo. I come before you today not as a small business owner, but rather as a North Dakota consumer.

For as long as I can remember, I've been unhappy about North Dakota's so-called "Blue Law" requiring most businesses be closed until noon on Sunday. I believe that it should be the right of all private business owners, like myself, to choose when they wish to operate. North Dakota doesn't dictate to farmers when to farm, hospitals when to practice medicine, or restaurants when to feed people. I do not believe the state should dictate to other business owners when they can sell their goods and services.

If I can purchase breakfast on Sunday morning, I should be able to purchase plumbing supplies in an emergency without having to drive to Minnesota.

A quick North Dakota history lesson. Starting in the 1800's, all businesses were prohibited from opening on Sunday. In 1967, some businesses like restaurants and pharmacies were allowed to be open after a blizzard created an emergency. In 1991, businesses were permitted to open at noon. In the last legislative session, bars were allowed to sell alcohol at 11am without any ill effects.

There are now at least 39 exceptions to this old law, ranging from Bingo halls to businesses selling only Christmas tree stands. North Dakota is now the only state in the country that has a law banning retail sales. Maine was the last state to abolish this type of restriction on retail businesses and they did so in 1990.

To be clear: repealing this law does not force businesses to open on Sunday mornings. To the contrary, repealing this law allows those that wish to open to do so while permitting those that wish to close to do so. Repealing this law also does not force consumers to patronize these businesses on Sunday morning. All people have the freedom to choose how to spend their own time.

The three common arguments I've heard to support keeping this antiquated law are time for rest, difficulty finding employees, and competition forcing business owners to be open when they wish not to be. Please allow me a moment to dispel these arguments.

First, I'll address mandated time for rest. I agree that rest is good for the soul. However, I do not believe it is the place of state government to dictate to everyone when that rest should take place. People have complicated lives and a one-size-fits-all approach excludes quite a number of our citizens. For those that work on Sunday mornings in our restaurants, in our grocery stores, in our hospitals, and in our Christmas tree stand shoppes; those individuals do not enjoy a state protected time of rest. They don't require that the government close most private businesses in the state in order to rest on their weekday off. If Target is open, does that mean people will always choose shopping over resting? Why does the state government not trust people to make this decision for themselves?

Second, how about finding employees to work? This is a challenge for small businesses like mine regardless of our hours of operation. If businesses can't find employees willing to work a

couple of hours earlier on Sundays, then they won't be open a couple of hours earlier. Should we punish the businesses that do have willing employees eager to earn extra pay because other businesses may find it difficult to hire? Competition for great employees is one of the very pillars of running a business.

Repealing this law will create opportunities for workers, many of whom are lower-wage employees and teenagers. This bill will likely create new jobs at a time when North Dakota's unemployment rate is at a 4 year high.

Third, will Sunday morning competition force business owners to operate when they wish not to? There are many examples of businesses in Fargo that are voluntarily closed now. Sandy's Donuts remains closed all day Sunday despite that fact that their many competitors are open. Famously Hobby Lobby is closed all day Sunday as well. Does this stance cost them business? Perhaps. Does this stance gain them business among a portion of North Dakota's population? Absolutely!

Many cities in North Dakota have businesses like Walmart or convenience stores that are open 24/7. This practice hasn't forced all retailers and gas stations to be open all night. Why should we assume that all retail businesses would operate differently if some were permitted to open a few hours earlier on Sunday?

Finally, I wish to make the budgetary argument for repealing the Sunday Closing Law. Businesses pay sales tax to North Dakota that is not paid if a consumer spends their money in a neighboring state, on the internet, or not at all. In this time of budget shortfall, every dollar earned is one less that we have to cut. If a business chooses to open earlier on Sunday, the increased hours also equate to more payroll taxes in the state coffers.

For all these reasons and more, I encourage the Committee to issue a Do Pass recommendation on HB-1163. I welcome any comments or questions you may have for me at this time. Thank you Mr Chairman and members of the Committee.

Testimony of Andy Peterson
Greater North Dakota Chamber of Commerce
HB 1163
House IBL Committee
Honorable George Keiser - Chair
January 23, 2017

Mr. Chairman and members of the committee, my name is Andy Peterson and I am here today representing the Greater ND Chamber, local chambers of commerce, and other business associations throughout North Dakota. Some members of the media describe the GNDC as the most prominent business organization in North Dakota. We stand in support of HB 1163 and ask for a "do pass" recommendation.

The GNDC has always supported eliminating the Blue Laws in North Dakota. Once again we find ourselves talking about why it makes sense to eliminate the restrictions on opening and/or closing on Sunday mornings to those who own or operate privately held businesses. To us, this is an issue of economic freedom.

Before I get into the details of why we support this bill it is important to say we do not extend this freedom to sales of liquor in either an "on or off" sale situation – that is a matter of public safety and therefore should be left to a stricter regulatory situation.

That said, we believe there are six important reasons why we should pass this bill.

Number #1: Economic Freedom

Open when you want and close when you want. There are numerous reasons some stores open and close when they do. Mostly, this has to do with consumer demand. Some operate during limited or full business hours. Others are open twenty four hours per day. Some are closed on Sundays – including national chains like Hobby Lobby and Chik Fillet due to personal philosophies. Whatever the reason for being open or closed we believe the decision belongs to the proprietor, not to the state.

Champions for Business

PO Box 2639 P: 701-222-0929
Bismarck, ND 58502 F: 701-222-1611

Number #2: Twenty First Century Workers are Flexible

Workers have a variety of reasons for working where and when they do. Some like flexible, rotating, and off hour shifts for a variety of reasons. Some like straight business hours, and the newest generations have grown up with expecting to work shifts that fit them, not the employer. No longer do employees believe a real job to be 9 – 5. Some want to work on Sundays.

Number #3: People are already Employed on Sundays

Those in healthcare, emergency services, power generation, retail, and food services expect to work on Sundays. Let me highlight food services and retail. Restaurant workers expect to work and are ready to serve many families who chose to attend church and go out to breakfast afterwards. These workers look at this time as an opportunity to make money. Retail workers, while being barred from opening the doors until noon, stock shelves and complete other activities already. The Blue Laws do not stop them from working on Sunday morning. Rather, the Blue Laws stop their employers from making money while the doors are closed to the public.

Number #4: Online Purchases

Blue Laws give an unfair advantage to online sales which happen unabated regardless of Blue Laws.

Number #5: Border Cities & Tax Revenue

Sunday morning store closings in a border city give a sister city and neighboring state an advantage. When North Dakota citizens chose to shop across the border in a neighboring state on Sunday mornings their sales tax dollars cross the border with them.

Number #6: Family Time has Evolved

We've traditionally viewed Sundays as family time. However, society has evolved. Families have evolved. No longer do children play outside like they did in the 1950's and 1960s when I grew up. Sports were something you did in high school. Today, families spend time together in organized activities of their choice. One can argue one generation is better or worse than the other. What is actually better is hard to measure. What matters is family support, inclusion, and connectedness – whatever form that takes.

Jan 23, 2017

Mr. Chairman
Members of the Committee

My name is Jim Collins Jr. and I am from Bismarck.

I am here today to testify in favor of House Bill 1163.

Repeal of the last four hours of North Dakota's Blue Laws makes sense. Repeal will allow workers that work split shifts and other schedules to have another full day to do their shopping and get business done if they so desire. Also, it will afford those traveling from small towns to larger shopping areas more time to complete their shopping. I have friends that travel from Canada to Grand Forks to shop and spend time in our hotels and the Sunday opening would mean additional revenue for stores.

Opposition will state that it interferes with and will have an impact on Sunday church services.

To quote an eastern North Dakota pastor, "The current law is a feel good law." There are church services on Wednesday, Saturday and multiple offerings on Sundays. "People attend services that fit into their schedule." For those saying that Sunday is family time, that may be true for your family, but you are not required to go shopping at 8:00am. It is your personal choice to take advantage of the opportunity.

We must remember that it is the choice of any particular business to be open, this is not a shall but a can law. Currently, we have businesses closed on Sunday and Monday to, as the sign says in the window, go fishing. Some businesses are closed on Sunday due to religious beliefs and that is their right.

In conclusion, I encourage your support of this bill and giving it a "Do Pass" recommendation.

I would entertain any questions you may have.

House Bill 1163
Matthew C. Larsgaard, MBA
Automobile Dealers Association of North Dakota
Testimony before House Industry, Business & Labor
9:00 a.m., January 23, 2017

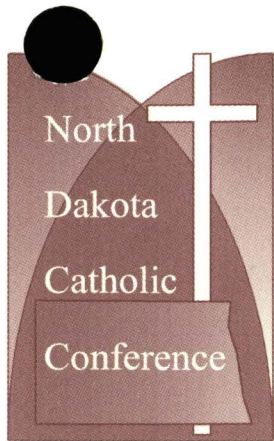
Mr. Chairman, members of the committee. My name is Matthew Larsgaard and I am appearing on behalf of the Automobile Dealers Association of North Dakota which consists of our state's franchised new car dealers. We stand in Support of the Amendment as presented by Rep. Anderson. We are Opposed to the bill in its current form as it would repeal Section 39-22-07.1 of the Motor Vehicle Dealer Licensing law which prohibits a motor vehicle dealer from selling a motor vehicle on Sunday. The amendment strikes language within the bill which proposes to repeal Section 39-22-07.1.

Reasons why automobile dealers wish to remain closed on Sunday:

1. The retail auto business is demanding by its nature, and **dealership employees already work long hours**. This bill may compel dealer owners to further infringe upon employee family and personal time in order to stay competitive. This would likely reduce employee morale and make it more difficult to attract new employees.
2. **This bill will hit rural automobile dealerships hard**. Small town dealers often do not have enough employees to work on Sundays in addition to the rest of the week.
3. We addressed this issue during the 2011 session. During that time, our association heard from only ONE dealer that wanted to open on Sunday vs. many dealers of all sizes, and in all parts of the state, that are adamantly opposed to this concept.
4. The majority of vehicle purchases are financed. Most banks, financial institutions and insurance agencies are closed on Sundays. Dealers that are unable to verify customer information with lenders may be compelled to conduct "spot deliveries" on Sunday which can lead to problems for both dealers and their customers.
5. The majority of North Dakota automobile **dealers want to give their employees the opportunity to worship on Sunday mornings, spend time with their families, and/or have a consistent day each week that they will not be required to work**. These are quality of life issues that are very important to our dealers and their employees.
6. **There is not a public outcry for dealerships to be open on Sunday**; however, there is an outcry from dealers to remain closed.

We respectfully request your favorable consideration of the amendment.

Matthew C. Larsgaard, MBA
President/CEO
Automobile Dealers Association of North Dakota



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director and
General Counsel

To: House Industry, Business and Labor
From: Christopher T. Dodson, Executive Director
Subject: House Bill 1163 -Repeal of Sunday Morning Law
Date: January 23, 2017

The North Dakota Catholic Conference opposes House Bill 1437.

This is a topic that can generate strong feelings, but also many misconceptions about the law. The purpose of North Dakota's Sunday closing law is not to impose times of worship. Nor is it to demand adherence to religious doctrine.

This fact was recognized by our own state supreme court as far back as 1966 in when it held that the "purpose of our Sunday closing statutes is, not to aid religion, but to set aside a day of rest and recreation.¹ The court came to the same conclusion in 1990.² Indeed, the U.S. Supreme Court has noted that nonreligious reasons for Sunday closing laws date back to the eighteenth century.³ That case quoted the great jurist Justice Stephen Field who said: "In its enactment, the Legislature has given the sanction of law to a rule of conduct which the entire civilized world recognizes as essential to the physical and moral wellbeing of society. Upon no subject is there such a concurrence of opinion among philosophers, moralists and statesmen of all nations as on the necessity of periodical cessations from labor. One day in seven is the rule, founded in experience, and sustained by science. . . The prohibition of secular business on Sunday is advocated on the ground that, by it, the general welfare is advanced, labor protected, and the moral and physical wellbeing of society promoted."⁴

So let's dismiss of the strawman argument that the law is about religion. If the law was just about religion, certain businesses would not be seeking amendments to take them out of this bill.

The purpose of the law is provide a common period of rest and relaxation to the benefit of families and communities. Humans and communities need periods of rest and free time that allow them to tend to family, cultural, social, and religious life. Only when communities set aside time devoted to these functions can human persons prosper and develop.⁵

It is a practice that has served North Dakota well. It is part of the "North Dakota Way of Life" that puts families and communities first.

We urge a **Do Not Pass** recommendation on House Bill 1163.

¹ *State v. Gamble Skogmo, Inc.*, 144 N.W.2d 749 (N.D. 1966) at 769.

² *Best Products Co., Inc. v. Spaeth*, 461 N.W.2d 91 (ND 1990).

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

⁴ *Id.* at 436, 437.

⁵ Even Catholic teaching notes that the institution of the Lord's Day "contributes" to the time of rest and recreation. The need for common rest exists *prior* to the Sabbath because it is important to community.



North Dakota Retail Association
 ND Petroleum Marketers Association
 North Dakota Propane Gas Association

LEGISLATIVE BULLETIN

Testimony HB 1163 January 23, 2017 – House IBL

Chairman Keiser and members of the Committee:

For the record, my name is Mike Rud. I'm the President of the North Dakota Retail Association. NDRA represents over 300 ND businesses from the Mom and Pop stores to the larger retailers. These retail operations provide thousands of jobs across the state. On behalf of our association members, I'm here to simply tell you NDRA is taking a **"NEUTRAL"** position on HB 1163.

As you can imagine, the proposal in HB 1163 to repeal the blue laws has generated plenty of discussion in the NDRA community. As always, this is a very controversial topic amongst membership and has proven to be a divisive retail issue for decades. This legislative session has proven to be no exception.

As such, the NDRA Board of Directors has decided to let the ND legislative body decide the fate of the current Sunday Opening Law. The Association has encouraged individual retailers to express their personal views on the issue to their local legislators.

Thank you for your time and consideration of this important issue.

17.0432.01000
Title.

Prepared by Legislative Intern 8
January 23, 2017

PROPOSED AMENDMENT TO HOUSE BILL NO. 1163

- The amendment regarding bars and liquor stores

Page 1, line 2, remove "section 5-02-05,"

Page 1, line 3, remove ",", immediately following "12.1-30"

Page 1, line 11, replace "Section 5-02-05 and chapter" with Chapter

Renumber accordingly

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1163

Introduced by

Representatives P. Anderson, Beadle, Brabandt, Guggisberg, Maragos, Schneider, Streyle,
Boschee

Senators Nelson, Oban

1 A BILL for an Act to amend and reenact subsection 2 of section 39-22-27 of the North Dakota
2 Century Code, relating to motor vehicle auctions; and to repeal ~~section 5-02-05~~, chapter
3 12.1-30, ~~and~~ section 39-22-07.1 of the North Dakota Century Code, relating to Sunday closing
4 laws.

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

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-22-27 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 2. Collector motor vehicle auctions that comply with this section may be conducted any
9 day of the week and ~~sections 39-22-07.1 and~~ section 39-22-20 ~~does~~ not apply to
10 motor vehicle dealers who participate in collector motor vehicle auctions.

11 **SECTION 2. REPEAL.** ~~Section 5-02-05 and chapter 12.1-30~~ ^{Chapter 12} and section 39-22-07.1 of the
12 North Dakota Century Code are repealed.

17.0432.01000
Title.

Prepared by Legislative Intern 8
January 23, 2017

PROPOSED AMENDMENT TO HOUSE BILL NO. 1163

- The amendment regarding auto dealers

Page 1, line 1, remove "amend and reenact subsection 2 of section 39-22-27 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to motor vehicle auctions; and to"

Page 1, line 2, replace ",", immediately following "5-02-05" with "and"

Page 1, line 3, remove ", and section 39-22-07.1"

Page 1, remove lines 6 through 10

Page 1, line 11, remove "and section 39-22-07.1"

Renumber accordingly

Sixty-fifth
Legislative Assembly
of North Dakota

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2 ~~Century Code, relating to motor vehicle auctions; and to repeal section 5-02-05, chapter~~
3 ~~12.1-30, and section 39-22-07.1 of the North Dakota Century Code, relating to Sunday closing~~
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11 **SECTION 2. REPEAL.** ~~Section 5-02-05 and chapter 12.1-30 and section 39-22-07.1 of the~~
12 North Dakota Century Code are repealed.

pg 2

Testimony for House Bill 1163

Senate Political Subdivision Committee

March 3, 2017

Pamela Anderson, Representative District 41

I introduced this bill from a constituent request, Brandon Medenwald and he is here to testify.

I too am annoyed that I have to wait until Sunday afternoon to shop. Brandon has a good idea and we should get rid of the Blue Laws in North Dakota. This bill does that. It doesn't say a business has to open, it just allows any business to make their own decision. Many will probably still close until noon and that is just fine. What is not fine is for those business to level the playing field want all businesses closed until noon. Hobby Lobby is closed all day Sunday. State law should not get involved in that argument. We believe in free market or not.

Another argument we all hear loud and clear from some, is that Sunday morning should be reserved for church. Well, some people go to church Wednesday night and no one is suggesting that we close on Wednesday night. Some people actually are out of church by 10:00 am, so that argument doesn't work either. For many of us, church is not on the calendar at all on Sunday morning. To say that businesses opening Sunday morning will impact attendance at church is a falsehood. People are either going to Target at 10:00 in the morning or not- church does not figure into that decision.

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Besides the free market argument, this is a revenue enhancing bill. With our budget situation as it is, this bill will add sales tax revenue. I don't have the amount of sales tax receipts from Saturday morning, eight to twelve, to compare to the positive fiscal note that enacting the bill will incur. But, we all know it is more than zero. This bill does not change the opening times for on and off sale liquor.

This is a good bill for our consumers and our businesses.

Thank you Mr. Chairman and Committee members.

L.B. 1163

3.2.2017

Written testimony # 2

P. 1/2

Chairman Burckhard and members of the Committee, it's an honor to speak with you this morning.

My name is Brandon Medenwald and I'm the co-founder of Simply Made Apps, a small business located in downtown Fargo. I come before you today not as a small business owner, but rather as a North Dakota consumer.

For as long as I can remember, I've been unhappy about North Dakota's so-called "Blue Law" requiring most businesses be closed until noon on Sunday. I believe that it should be the right of all private business owners, like myself, to choose when they wish to operate. North Dakota doesn't dictate to farmers when to farm, hospitals when to practice medicine, or restaurants when to feed people. I do not believe the state should dictate to other business owners when they can sell their goods and services.

If I can purchase breakfast on Sunday morning, I should be able to purchase plumbing supplies in an emergency without having to drive to Minnesota.

A quick North Dakota history lesson. Starting in the 1800's, all businesses were prohibited from opening on Sunday. In 1967, some businesses like restaurants and pharmacies were allowed to be open after a blizzard created an emergency. In 1991, businesses were permitted to open at noon. In the last legislative session, bars were allowed to sell alcohol at 11am without any ill effects.

There are now at least 39 exceptions to this old law, ranging from Bingo halls to businesses selling only Christmas tree stands. North Dakota is now the only state in the country that has a law banning retail sales. Maine was the last state to abolish this type of restriction on retail businesses and they did so in 1990.

To be clear: repealing this law does not force businesses to open on Sunday mornings. To the contrary, repealing this law allows those that wish to open to do so while permitting those that wish to close to do so. Repealing this law also does not force consumers to patronize these businesses on Sunday morning. All people have the freedom to choose how to spend their own time.

The arguments we heard to maintain this old law made during the floor debate in the House were poor. They ranged from simple platitudes to outright misogyny. I'm not going to repeat the demeaning jokes that were made during the debate, those of which were publicized as far away as the United Kingdom. I will say that the three common arguments I've heard in the past are time for rest and community, difficulty finding employees, and competition forcing business owners to be open when they wish not to be. Please allow me a moment to dispel these arguments.

First, I'll address mandated time for rest and community. I agree that rest is good for the soul and community time is important. However, I do not believe it is the place of state government to dictate when these times should take place. People have complicated lives and a one-size-fits-all approach excludes quite a number of our citizens. For those that work on Sunday mornings in our restaurants, in our grocery stores, in our hospitals; those individuals do not enjoy a state protected time for rest and community. They don't require that the government close most private businesses in the state in order to rest on their weekday off.

I have with me today a copy of Sunday's Fargo Forum. The community calendar this week listed 90 events and other than the Red River Valley Sportsmen's Show starting at 10am this Sunday, none of them happen on Sunday morning before noon. If this law intends for Sunday mornings to be the preferred community time, perhaps we should call these organizers and let them know they aren't taking advantage. None of these events, such as the Origami Club, Church Women United, or the Fargo Garden Society require businesses to be closed across the state to enjoy their community time.

Put another way: if Target is open, does that mean people will always choose shopping over resting and community? Why does the state government not trust people to make this decision for themselves?

Second, how about finding employees to work? This is a challenge for small businesses like mine regardless of our hours of operation. If businesses can't find employees willing to work a couple of hours earlier on Sundays, then they won't be open a couple of hours earlier. Should we punish the businesses that do have willing employees eager to earn extra pay because other businesses may find it difficult to hire? Competition for great employees is one of the very fundamentals of running a business.

Repealing this law will create opportunities for workers, many of whom are lower-wage employees and teenagers.

Third, will Sunday morning competition force business owners to operate when they wish not to? There are many examples of businesses that are voluntarily closed now. Sandy's Donuts in Fargo remains closed all day Sunday despite that fact that their many competitors are open. Famously Hobby Lobby is closed all day Sunday as well. Does this stance cost them business? Perhaps. Does this stance gain them business among a portion of North Dakota's population? Absolutely!

Many cities in North Dakota have businesses like Walmart or convenience stores that are open 24/7. This practice hasn't forced all retailers and gas stations to be open all night. Why should we assume that all retail businesses would operate differently if some were permitted to open a few hours earlier on Sunday?

Finally, I wish to make the budgetary argument for repealing the Sunday Closing Law. Businesses pay sales tax to North Dakota that is not paid if a consumer spends their money in a neighboring state, on the internet, or not at all. In this time of budget shortfall, every dollar earned is one less that we have to cut. If a business chooses to open earlier on Sunday, the increased hours also equate to more payroll taxes in the state coffers.

For all these reasons and more, I encourage the Committee to issue a Do Pass recommendation on HB-1163. I welcome any comments or questions you may have for me at this time. Thank you Mr Chairman and members of the Committee.

strong," Schott says. "People are shopping for homes earlier (in the season) than we've seen in the past. What's great about that is the home values have started to rise a little bit earlier than normal."

According to the Fargo-Moorhead Area Association of Realtors Multiple Listing Service, the average sale price of a residential home in the F-M and surrounding area is \$230,334. While the number of days it takes to sell depends on price point of the home, average days on the market is currently at 75 days, as reported to the F-M Area Association of Realtors.

"That goes for twin homes that sell in a day and the \$700,000 house that sits there for 9 months. It's a strong average," Schott says.

Schott encourages buyers to find a home sooner rather than later. "Don't wait 6 months to a year to build up that down payment, because you're not going to gain any more house in a year," she says. "Not only

(in the season) than we've seen in the past. What's great about that is the home values have started to rise a little bit earlier than normal.

ERICKA SCHOTT, Fargo Realtor

are house prices going to go up, interest rates are going to be higher which will cost you thousands upon thousands in interest over a 30-year mortgage."

What to update and leave alone

For homeowners that do choose to sell, Schott suggests leaving big ticket items like appliances, flooring and cabinets alone. "If you aren't planning on staying, why would you spend tens of thousands of dollars on the house?" she asks.

Instead, make easy updates that require less effort and money, such as:

► **Add peel and stick backsplash tile.** The kitchen and bathroom can be easily updated with DIY peel and stick tile. "You don't even have to have a professional installer install it," Schott

says. "You can cut it with a utility knife and it looks like the real thing."

► **Update lighting.** Swapping out outdated chandeliers, wall sconces or pendants or replacing florescent kitchen lights with recessed or track lighting can quickly bring a mid-20th century home into 2017.

► **Clean carpets.** One of the quickest ways to freshen up the home before selling is to restore carpets by having them professionally cleaned.

► **Refinish outdated bathroom fixtures.** Classic '70s blue, green or pink sinks, tubs and toilets stamp a date on a home. Buying new fixtures can be costly, but Schott says there's another option. "There's paint you can purchase where you can paint those bathroom fixtures," she says. DIYers can find tub, sink and tile refinishing kits at their

"You can paint your countertops so they look like marble or granite so you don't spend the thousands of dollars it costs to change those countertops," Schott says. She recommends Rustoleum counter transformation paint.

► **Consider curb appeal.** Making small tweaks to the landscaping by adding grass seed or planting flowers or bulbs can add to curb appeal. "We are one of the windiest states in the country, and it's dusty," Schott says. "Power washing your house makes a huge difference."

Readers can reach Alexandra Floersch at (701) 451-5730.



by Tom Patton



by Jeff Boxell



by Erin Helm



by Dick Dunkirk

The Beatles

A Hard Day's Night



by "A Hard Days Night" Band

Dion

* NEW THIS YEAR *



by Tom Patton

Elvis Presley

* NEW THIS YEAR *



by Danny Wagner

Johnny Cash

* NEW THIS YEAR *



by Danny Wagner

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0015491231

SWIFT

From Page B1

For one thing, she has such a well-developed olfactory system that she can detect the precise moment at which a carton of milk is threatening to spoil. For another thing, she knows how to store food so it lasts.

Let's face it, if you wrap a pie in wax paper, three layers of freezer foil and a vacuum-sealed freezer bag, it is going to last in the deep freeze for three years.

Lastly, the most "historic" food in her kitchen is the stuff that is already so heavily processed that it could survive Armageddon. Marshmallow fluff is essentially delicious-tasting spray foam insulation, so it really doesn't matter if it's four decades old. Everyone knows that xanthan gum and artificial color Blue 1 just get better with age.

The funny thing is that I used to make fun of her thrifty food-keeping ways, and now I'm doing the same thing. I am forever arguing with

so nobody throws away that cheese.
Cheese is supposed to

be aged, you know.
Readers can reach columnist Tammy Swift at tswiftsletten@gmail.com.



► The Ahn Trio

"With their multicultural assortment of composers and a huge talent, these women have a modernist, fusion sensibility that is perfect for our age." — *The Seattle Times*

Hear work by visionary composers like Pat Metheny and Kenji Bunch, plus music by rock superstars Prince, David Bowie and Jimi Hendrix. When the Ahns were last in Fargo-Moorhead, their performances sold out! Don't miss the chance to see them at MSUM!

Thursday, March 2, 7:30 p.m.

Gaede Stage in the Roland Dille Center for the Arts

LOVE BEER + BACON?

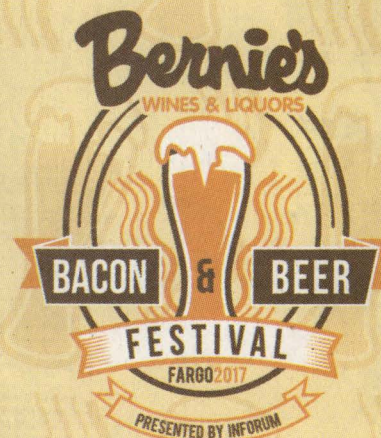
FACT THE AVERAGE AMERICAN EATS 17.9 POUNDS OF BACON PER YEAR.

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SURROUNDING AREA

Annual Ham Dinner, 11 a.m. to 1:30 p.m., Trinity Lutheran Church, 100 2nd Ave. W., Sabin, Minn., ham dinner, proceeds go to capital improvement projects; freewill donations.

MONDAY COMMUNITY

Open Computer Practice, 2 p.m., Moorhead Public Library, 118 5th St. S., come to an open computer lab to practice your technology skills; free.

Origami Club, 6:30 p.m., Moorhead Public Library, 118 5th St. S., all ages and abilities are welcome to come practice the skill of paper folding with fellow origami enthusiasts every second and fourth Monday of the month, basic materials will be provided; free.

Adult Coloring Club, 6:30 p.m., Fargo Public Library Carlson Branch, 2801 32nd Ave. S., variety of coloring books and pages to choose from with supplies, no registration required; free.

Peace Corps Presentation: Bahrain, 7 p.m., Moorhead Public Library, 118 5th St. S., returning Peace Corps Volunteer, Deb Steinbar, will be going back 40 years to put perspective on her experience and it's impact on her life, presentation will be a wide overview of a Peace Corps experience and Steinbar's specific nursing work in Bahrain, her experience of the Islamic culture and the people of the region where she served, on display will be

maps, a few books on Bahrain and clothing items, including a burqa; free.

FAMILY

Crafternoons, 3 to 4:30 p.m., Fargo Public Library Carlson Branch, 2801 32nd Ave. S., presents new crafts to kids ages 12 and younger; free.

Lego Mania, 6:30 p.m., West Fargo Public Library, 109 3rd St. E., build your own designs and create your own worlds with Legos, open to all ages; free.

MUSIC

Play Along Night, 7 p.m., Reineke Performing Arts Center, room 118, North Dakota State University, Fargo, musicians, ages 50 and better, are invited to 'play along' with the F-M Golden Notes during their weekly concert band rehearsal, observers also welcome; free, call Myla Alsaker (701) 235-8290 if plan to play your musical instrument during the rehearsal.

TUESDAY COMMUNITY

Mahjong Game Day, 1:30 p.m., West Fargo Public Library, 109 3rd St. E., beginners and experienced players welcome, all experience levels; free.

Chess Club, 6:30 p.m., Moorhead Public Library, 118 5th St. S., play chess at the library; free.

Twisted Stitchers, 6:30 p.m.,

West Fargo Public Library, an evening of instruction and help, all learners need to bring size 8 or 10 needles and yarn, no preregistration required; free.

Fargo Garden Society, 7 p.m., Elim Care Center, 3534 S. University Drive, Fargo, Don Kinzler, guest speaker, all gardeners welcome; free.

FAMILY

Simply Stories, 10:15 a.m., West Fargo Public Library, 109 3rd St. E., geared for lap babies and preschoolers, just stories, no crafts; free.

Storytime With A Craft, 1:30 p.m., West Fargo Public Library, 109 3rd St. E., theme is "Fun With Colors," groups of five or more should call ahead; free.

Storytime, 6:30 to 7:30 p.m., Moorhead Public Library, 118 5th St. S., stories, songs, poems and a craft; free.

FOOD

Mardi Gras Dinner and Talent Show, 7 p.m., Nativity Church of Fargo, 1825 11th St. S., Fargo, all-you-can-eat pancakes, photo booth, talent show, more; contact Melissa at the parish office at (701) 232-2414.

LITERARY

Current History Book Club, 7 p.m., Fargo Public Library, 102 3rd St. N., "Cadillac Desert: the American West and Its

Disappearing Water" by Marc Reisner; free.

MUSIC

North Dakota State University Band Concert, 7:30 p.m., NDSU Festival Concert Hall, 12th Avenue North and Bolley Drive Fargo, featuring NDSU percussion ensembles and the NDSU Jazz Lab Band; free.

Lucero with Esme Patterson, 8 p.m., Sanctuary Events Center, 670 4th Ave. N., Fargo, American country-punk rock band based in Memphis, Tenn.; \$23.50.

WEDNESDAY ART EVENTS

FMVA: The Little Show, all day, Essentia Health - South University, 1702 S. University Drive, Fargo, Fargo Moorhead Visual Artists present a sample of their work in the Essentia Atrium Gallery; free.

COMMUNITY

1 Million Cups, 9 a.m., The Stage at Island Park, 333 4th St. S., Fargo, hear news about the local startup/entrepreneurial scene.

Open Mic Night: Poetry, Music and Stories, 6:30 p.m., Memorial Union Gallery, North Dakota State University, Fargo, all forms of expression are welcome for this evening of creative performance; free.

DANCE

Northern Lights Dance Club, 7 p.m., VFW, 308 Sheyenne St., West Fargo, lesson at 7 p.m. (typically 45 minutes) followed by social dancing and snacks; \$5 for members, \$10 for nonmembers.

FAMILY

Storytime, 10:30 to 11 a.m., Moorhead Public Library, 118 5th St. S., stories, songs and poems on a weekly theme.

FILM

Film Screening: "Powwow Highway" (1989), 6 p.m., Plains Art Museum, 704 1st Ave. N., Fargo, David Bradley's paintings examine the Southwest in a humorous and often cinematic manner. Jonathan Wacks 1989 comedy "Powwow Highway" follows the struggles and friendship of Buddy Red Bow and Philbert Bono as they take a road trip from the Northern Cheyenne Reservation to Santa Fe; free.

FOOD

Bacon Inspired Beer Dinner, 6 p.m., Luna, 1545 S. University Drive, Fargo, bacon-inspired beer dinner; \$65 per person, tax and tip not included, (701) 293-8818.

MUSIC

Golden Oldies Winter Tour, 3 p.m., Touchmark, 1200 Harwood Drive S., Fargo, Deb Wald, vocals; Dewey Possehl, trumpet/vocals; Gene Okerlund, instrumentals/vocals; free.

Songs for a New World, 7:30 p.m., Walsh Studio Theatre at

the intimate setting of the Walsh Studio; \$20 adults, NDSU faculty/alumni/seniors \$18, students \$10.

Uli Jon Roth: Tokyo Tapes Revisited with Stoneshifter and Josh Frank, 8 p.m., The Garage Bar, 3108 9th St. S., Moorhead, Roth is a German guitarist, who became famous as the Scorpions lead guitarist, and is one of the earliest contributors to the neoclassical metal genre; \$15-\$25.

THURSDAY COMMUNITY

52nd annual Red River Valley Sportsmen's Show, 5 to 9 p.m., Fargodome, 1800 N. University Drive, Fargo, boats, camping and RVs, hunting and fishing, travel, outdoor education; adults \$8, children 6 through 12 \$2.50, children 5 and under free.

FAMILY

Baby Bounce, 10:15 a.m., Moorhead Public Library, 118 5th St. S., songs, stories, flannel board and action poems for infants through preschoolers and their caregivers; free.

MUSIC

Jazz night, 7 p.m., Basie's, 1635 42nd St. S., Fargo, West Coast jazz; no cover.

The Ahn Trio, 7:30 p.m., Weld Hall, Minnesota State University Moorhead, piano trio playing commissioned works from composers like Pat Metheny, Kenji Bunch, Maurice Jarre, Nikolai Kapustin and Michael Nyman; adults \$28, senior/staff/alumni \$24, non-MSUM student \$12, MSUM student \$6, check www.tickets.mnstate.edu for updated prices.

Songs for a New World, 7:30 p.m., Walsh Studio Theatre at North Dakota State University, see Wednesday's listing for details.

University Symphony Orchestra and North Dakota State University U-Band Concert, 7:30 p.m., NDSU Festival Concert Hall, 12th Avenue North and Bolley Drive, Fargo, featuring the University Symphony Orchestra and the NDSU University Band; adults \$5, students and seniors \$2, NDSU students free with NDSU I.D.

THEATER

Horizon Middle School Theatre Presents: "The Wiz", 7 p.m., Moorhead High School Auditorium, 2300 4th Ave. S., musical retelling of the L. Frank Baum classic, "The Wonderful Wizard of Oz;" \$5.50-\$9, www.moorheadschoools.org/tix or call (218) 284-2255.

FRIDAY COMMUNITY

Church Women United Meeting, 9:30 a.m., Plymouth Congregational Church, 901 Broadway, Fargo, meeting for World Day of Prayer, all welcome; free.

52nd annual Red River Valley



Forum file photo

H.B. 1163
3.3.2017
Written testimony
#3

Morgan Ness
1615 E Capitol Ave Apt. 7
Bismarck, ND 58501
(701) 390-3929

Testimony in SUPPORT of HB 1163,

Before the Political Subdivision Committee March 3, 2017

The blue law affecting North Dakotans is unconstitutional and ineffective. The blue law goes against the Constitution, personal freedoms, and is useless. Thus, I am here to testify today in support of bill 1163 to repeal the blue law.

The very first line of the First Amendment is "Government shall make no establishment of religion." Now this passage has been interpreted in different ways, but the most well-known and creditable understanding is the separation of church and state.

This law is based off of recognizing the Christian's Sabbath and encourages individuals to attend church on Sundays. However, again the separation of church and state requires the government to not recognize a certain religion's Sabbath over another.

This is nothing against Christianity, on the contrary, I am extremely religious. I have attended a Bible College for two years in Minneapolis and currently I am a senior at the University of Mary. I am also extremely involved in my church where I volunteer. As stated this is not an anti-Christian argument, but instead a pro-Constitution argument.

The blue law is being justified for a secular purpose now transitioning from the importance of the Sabbath to the importance of family time. This goes against personal freedoms, who are we, you, or I say when families spend time together. Also who are we to deem the way families spend time together, what if that time is shopping.

I have personal experience to share of the ineffectiveness of this useless law. As a sixteen-year-old high school student in North Dakota I worked at a large department store here in Bismarck. I was there Sunday mornings before noon stocking shelves as the front doors remained locked. This law does not prevent people working on Sunday mornings, instead it only prevents business from having the freedom to choose to be open.

We live in a free country and we also live in a state that prides itself on "maximum self-government of all political subdivisions," according the North Dakota Constitution under Political Subdivision Article VII, Section 1. As stated I know the price of freedom, my father spent years away from his family to serve his country and protect our freedom. I am not bitter, but instead respect this freedom. I respect the freedom to work when you wish, I respect the freedom to have your business open when you wish, I respect the freedom to choose when you have family time, and I respect the First Amendment.



1020 20th Avenue SW
P.O. Box 940
Minot, North Dakota 58702-0940

H.B. 1163
3.3.2017
Written testimony
#4

Telephone: 701.852.6000
Facsimile: 701.838.2488
e-mail: chamber@minotchamber.org
Website: www.minotchamber.org

Mr. Chairman and members of the committee:

I am John MacMartin, President of Minot Area Chamber of Commerce. I appear before you today to support HB 1163.

Minot has long been involved in the process to repeal the "Blue" laws in North Dakota. In fact, Minot was at the center of the lawsuit that ultimately led to the legislative changes that we have today. This, also, is not the first time I've testified in favor of the objectives that are embodied by this bill.

The bill gives the retail sector the option to decide to open. That is a decision that needs to be left to the marketplace. There are protections for businesses and local government.

It is for these reasons that the Minot Chamber supports HB 1163.

March 3, 2017
The Honorable Senator Randy Burckhard
Political Subdivisions Committee
Re: Support for House Bill 1163

Chairman Burckhard and members of the committee:

My name is Brent Bogar and I am representing the Greater North Dakota Chamber. The GNDC works on behalf of all our members to support building a strong, vibrant business climate in North Dakota. GNDC stands today in support of HB 1163.

GNDC believes in the free market business model, supporting the rights of businesses to operate in the way that they see best meets both their own and their customer's needs. With HB 1163 the intent is to remove the restrictions on certain businesses to operate on a Sunday. Allowing a business to make a decision on operating days and hours is part of the free market system. This bill does not require or force any business to change how they currently operate. What it does is give businesses the right to make their own decision based on what they feel is best for their business, customers, and employees. This is a primary pillar of any free market system is that they are allowed to freely choose when they operate.

We all are aware of certain national brands that have made a business decision to be closed on Sunday; Chick-Fil-A and Hobby Lobby being the most prevalent. This decision to be closed on Sundays was made by the business and not forced through local or state statute. They have continued to be successful businesses even when they have competition that had made a different choice for when they are open. The customer and the market will lead a business to determine what is the best for them.

HB 1163 also provides for a fair market for businesses to operate. Currently there are already exemptions to the closing of business on Sunday. You could say that some are obvious, like hospitals, electrical generation, and transportation services. In total, there are already 39 exemptions to the Sunday closing. These exemptions create an unfair market as we have seen

Champions  Business

PO Box 2639 P: 701-222-0929
Bismarck, ND 58502 F: 701-222-1611

www.ndchamber.com

the evolution of stores to carry more and more products. For example, a service station can be open twenty-four seven to sell gas and many have expanded their offerings now that you can find toys, games, videos, fishing tackle and much more and yet a sporting goods store cannot open until noon on Sunday.

To further complicate the issue, there is a total of 44 items that cannot be sold between midnight and noon on Sunday ranging from kitchen utensils to radios to outdoor furniture. With all the exemptions and restrictions that currently exist the marketplace does not have a level playing field for all businesses. GNDC stands today supporting HB 1163 to help all businesses have a fair marketplace that they can compete in and find success.

Chairman, members of the committee GNDC urges a Do Pass on HB 1163 and I would stand for any questions.



H.B. 1163
3.3.207
Written testimony
#6

Date: February 28, 2017

To: Members of the Senate Political Subdivision Committee

From: Scott Meske, President

Re: Urge **PASSAGE** of House Bill 1163, relating to Sunday laws

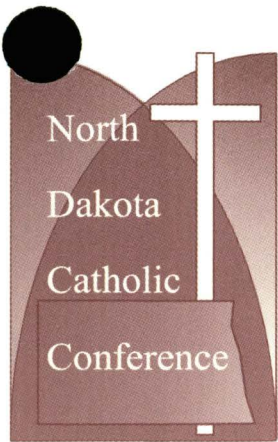
Committee Members:

My name is Scott Meske, President of the Bismarck-Mandan Chamber of Commerce, a business and advocacy organization consisting of more than 1,300 companies, organizations, and small businesses in our region of North Dakota.

A core tenant of chambers is cultivating a free market environment, where small businesses and large corporations are relatively free from government interference and regulations. With respect to the culture of our North Dakota heritage, we believe passing House Bill 1163 would be in the best interest of our economy and local businesses around the state.

Our local shops and businesses are increasingly threatened by online sales where no local tax is required, and by having to navigate *more* government regulations – all of which are passed to the consumer. Lifting the prohibition of Sunday sales for our companies would give them the freedom to operate in their market - as they see fit.

I appreciate your consideration of House Bill 1163, and urge a DO PASS out of committee without amendments or modification. This is merely giving businesses in your districts the ability to open on Sunday mornings if that is right for that particular business in that community.



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director and
General Counsel

*H.B. 1163
3.3.2017
Written Testimony #7
P. 1/2*

To: Senate Political Subdivisions
From: Christopher T. Dodson, Executive Director
Subject: House Bill 1163 -Repeal of Sunday Morning Law
Date: March 3, 2017

The North Dakota Catholic Conference opposes House Bill 1163.

This is a topic that can generate strong feelings, but also many misconceptions. The purpose of North Dakota's Sunday closing law is not to impose times of worship. Nor is it to demand adherence to religious doctrine.

This fact was recognized by our own state supreme court as far back as 1966 in when it held that the "purpose of our Sunday closing statutes is, not to aid religion, but to set aside a day of rest and recreation."¹ The court came to the same conclusion in 1990.² Indeed, the U.S. Supreme Court has noted that nonreligious reasons for Sunday closing laws date back to the eighteenth century.³ That case quoted the great jurist Justice Stephen Field who said: "In its enactment, the Legislature has given the sanction of law to a rule of conduct which the entire civilized world recognizes as essential to the physical and moral wellbeing of society. Upon no subject is there such a concurrence of opinion among philosophers, moralists and statesmen of all nations as on the necessity of periodical cessations from labor. One day in seven is the rule, founded in experience, and sustained by science. . . The prohibition of secular business on Sunday is advocated on the ground that, by it, the general welfare is advanced, labor protected, and the moral and physical wellbeing of society promoted."⁴

So let's dismiss of the strawman argument that the law is about religion. If the law was just about religion, certain businesses would not have received an exception to this bill on the grounds that they wanted time for employees to spend with family. They understand that "economic freedom" is not truly free if it becomes impossible to do what is right.

The law is provides a common period of rest and relaxation for the benefit of families and communities. Humans and communities need periods of rest and free time that allow them to tend to family, cultural, social, and religious

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3-3-2017
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life. Only when communities set aside time devoted to these functions can human persons prosper and develop.⁵

It is a practice that has served North Dakota well. It is part of the "North Dakota Way of Life" that puts families and communities first.

We urge a **Do Not Pass** recommendation on House Bill 1163.

¹ *State v. Gamble Skogmo, Inc.*, 144 N.W.2d 749 (N.D. 1966) at 769.

² *Best Products Co., Inc. v. Spaeth*, 461 N.W.2d 91 (ND 1990).

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

⁴ *Id.* at 436, 437.

⁵ Even Catholic teaching notes that the institution of the Lord's Day "contributes" to the time of rest and recreation. The need for common rest exists *prior* to the Sabbath because it is important to community.

H.B. 1163
3.9.2017
Written Testimony #1

17.0432.#####

Sixty-fifth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENT TO HB 1163

Introduced by

Representatives P. Anderson, Beadle, Brabandt, Guggisberg, Maragos, Schneider, Streyle,
Boschee

Senators Nelson, Oban

A BILL for an Act to repeal ~~chapter 12.1-30~~ sections 12.1-30-01, 12.1-30-02, and 12.1-30-03 of
the North Dakota Century Code, relating to Sunday closing laws.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. ~~Chapter 12.1-30~~ Sections 12.1-30-01, 12.1-30-02, and 12.1-30-03 of
the North Dakota Century Code ~~is~~are repealed.