

HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE
MIKE LEFOR, CHAIRMAN
JANUARY 19, 2021

TESTIMONY BY
PARRELL D. GROSSMAN
DIRECTOR, CONSUMER PROTECTION AND ANTITRUST DIVISION
OFFICE OF ATTORNEY GENERAL
RE: HOUSE BILL NO. 1299

Mr. Chairman and members of the House Industry, Business and Labor Committee. I am Parrell Grossman, Director of the Attorney General's Consumer Protection and Antitrust Division. I appear on behalf of Attorney General Wayne Stenehjem in regard to House Bill No. 1299.

The Attorney General is neutral as to most provisions of this legislation. However, the Attorney General is opposed to that portion of subsection 2, page 1, lines 23-24, which makes this conduct "a deceptive act or practice." This conduct isn't fraudulent or deceptive conduct. The Attorney General requests that this legislation, instead, be placed in chapter 51-07 involving "Miscellaneous Provisions," with the appropriate amendments to references to 51-15 on page 1, lines 1 and 5.

The Attorney General requests that lines 23-24, page 1, be replaced with:

"Except as otherwise provided in this section, a retail establishment may not:

The Attorney General also proposes changes in subsections (4)(a) and (4)(b). We propose changing page 2, line 22, from "shall" investigate to "may" investigate and page 2, line 28, from "shall" issue a cease and desist order to "may" issue a cease and desist order. This will make our enforcement authority consistent with the Attorney General's other authority in enforcement matters.

If you would like the Attorney General to prepare any formal amendments, please just let us know and we would be pleased to promptly do so.

Thank you for your time and consideration. I would be pleased to try to answer any questions.