

March 3, 2021
Senate Industry, Business and Labor
HB 1386
Senator Jerry Klein, Chair

For the record, I am Stephanie Dassinger. I am appearing on behalf of the North Dakota League of Cities. I am the deputy director and attorney for the League. The North Dakota League of Cities appears in opposition to HB 1386 because it may negatively impact a city's ability to respond to emergency situations in the future.

When HB 1386 was introduced, it only applied to the governor's emergency executive orders and only required that all businesses be treated the same unless a specific threat to an individual business existed. If a specific threat existed, the reason for different treatment of the businesses must be explained. A hog house amendment was adopted that prohibits the state, the health officer, and a political subdivision from regulating the hours and capacity of a private business unless specific authority to regulate appears in law.

This bill appears to be a knee jerk reaction to some of the health emergency orders that have been issued during the COVID-19 health emergency response. Prior to this health emergency, I have not heard any complaints about cities regulating business operating hours or business capacity.

Emergencies come in all shapes and sizes in North Dakota. Some examples include weather emergencies such as floods, tornados, and blizzards and law enforcement emergencies, such as shootings or riots. Each emergency is different and requires a different response.

One recent example of how a city needed to regulate the hours of private businesses occurred in Fargo this Fall. When peaceful protests turned into a riot in downtown Fargo, an emergency executive order requiring a curfew of 10 pm in downtown Fargo was issued. The purpose of the curfew was to move people out of the area to disburse the riot and to try to protect life and property. HB 1386 would tie city officials' hands and prevent cities from being able to react during emergency situations.

Due to the potential problems it would cause with a city's ability to respond to emergencies, the North Dakota League of Cities respectfully requests a Do Not Pass Recommendation on HB 1386.