

INITIATED MEASURES, DISAPPROVED

CHAPTER 770

SUNDAY GROCERY EMPLOYEE NUMBER

An initiated measure for the amendment of section 12.1-30-03 of the North Dakota Century Code, relating to the number of employees engaged in operating a business on Sunday.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

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' 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~~ three employees working in the store at one time on a Sunday.
31. Bait shops for the sale of live bait and fishing tackle.
32. From April first through June fifteenth, floral nurseries for the sale of bedding plants and nursery stock.
33. From November twentieth through December twenty-fourth, Christmas tree stands.
34. Hobby shows, craft shows, fairs, 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.

Disapproved June 10, 1986

57,903 to 67,544

NOTE: This was measure No. 4 on the primary election ballot.

CHAPTER 771

STATE LOTTERY

An initiated measure for the amendment of Section 25 of Article XI of the Constitution of North Dakota, relating to a state-operated lottery.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

Section 25. The legislative assembly shall establish a state operated lottery for the purpose of providing tax relief for the citizens of North Dakota in such a manner that sales to the public of the lottery shall commence no later than December 1, 1987. The legislative assembly shall also establish a North Dakota gaming regulatory commission which shall administer and regulate the state lottery and any other charitable gaming permitted by law.

With the exception of a state lottery, the legislative assembly shall not authorize any game of chance, lottery, or gift enterprises, under any pretense, or for any purpose whatever. However, the legislative assembly may authorize by law bona fide nonprofit veterans', charitable, educational, religious, or fraternal organizations, civic and service clubs, or such other public-spirited organizations as it may recognize, to conduct games of chance when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses.

The commission may authorize the use of any type of lottery game or games which will maximize the revenue objectives of the lottery consonant with the public good. Each lottery game shall consist of a procedure whereby prizes are distributed among persons who have paid, or unconditionally agreed to pay, for tickets or shares which provide the chance or other opportunity to win such prizes. The commission may enter into agreements, with any number of other states which have a state-operated or authorized lottery, to jointly operate a lottery game or games if it concludes that the lottery's net revenues to North Dakota will be enhanced by that action.

No prize shall be paid to, and no ticket or share in a lottery game shall be sold to or purchased by, anyone under the age of 18 years.

No Commissioner, employee of the lottery, or supplier to the lottery shall have been convicted of a felony; been determined to have engaged in embezzlement, fraud, or illegal gambling; been convicted of an offense involving a lottery drawing or procurement for any government-operated lottery; or been involved in such other violations as shall be specified by the legislative assembly by statute.

General fund monies cannot be used for funding the North Dakota gaming regulatory commission. Except for moneys necessary to temporarily fund the start up of the commission and the state lottery, the commission and the state lottery shall operate as a self-supporting, revenue-raising, and regulatory agency of state government. The legislative assembly shall establish a special fund for the administration and operation of the commission. This law must provide sufficient revenue to establish, administrate, and operate the North Dakota gaming regulatory commission, and must include, at a minimum, an amount equal to fifteen percent of the gross sales received from the lottery and a tax of one percent of the gross proceeds of charitable gaming. The funds so derived must be appropriated for and may be used solely by that commission, as directed by the legislature. However, the legislative assembly may provide an initial operating loan to the North Dakota gaming regulatory commission, which loan must be repaid within two (2) years.

In addition, an amount equal to five percent of the gross sales of the lottery shall be appropriated as a fee to lottery vendors.

The state lottery shall pay all prizes and all of its expenses out of the revenue it receives from the sale of tickets or shares to the public and must turn over the net proceeds to a fund to be established by the legislative assembly from which the legislative assembly shall make appropriations for the purpose of providing tax relief for the citizens of North Dakota.

Disapproved November 4, 1986

127,136 to 156,777

NOTE: This was measure No. 3 on the general election ballot.

CHAPTER 772

SUNDAY NOON BUSINESS OPENINGS

An initiated measure to create and enact section 12.1-30-04 of the North Dakota Century Code, relating to an employee day of rest; and to amend sections 12.1-30-01 and 12.1-30-02 of the North Dakota Century Code, relating to businesses which may operate on Sunday.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

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.

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

12.1-30-04. One day of rest in seven.

1. a. An employer, whether a person, firm, partnership, or corporation, may not require an employee to work seven consecutive days in an establishment whose business is selling merchandise at retail. The employer may not deny the employee at least one period of twenty-four consecutive hours of time off for rest or worship in each seven-day period. This time off must be in addition to the regular periods of rest allowed during each day worked. The employer will accommodate the religious beliefs and practices of the employee unless the employer can demonstrate that to do so would constitute an undue hardship on the conduct of his business. In addition, the employer may not require the employee to work during a period that the employee requests to be off to attend one regular worship service a week of the employee's religion.
- b. This section does not apply to part-time employees whose total work hours for one employer is less than twenty hours during a calendar week.
2. An employer who violates this section commits a class B misdemeanor.
3. It is an affirmative defense to prosecution under this section that the employee volunteered for work on the seventh consecutive day and that the employee executed a written statement so stating. Such statement must also contain a provision, signed by the employer or his agent, that the employer did not require such work.

Disapproved November 4, 1986

115,422 to 172,577

NOTE: This was measure no. 4 on the general election ballot.