

Sixty-sixth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1293**

Introduced by

Representatives K. Koppelman, Ertelt, Jones, Louser, Magrum, Marschall, Satrom, Schauer,  
Westlind

Senators Kannianen, Myrdal, Rust

1 A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota  
2 Century Code, relating to retail business leases or agreements; to amend and reenact  
3 subsection 2 of section 14-02.4-03 and section 34-06-05.1 of the North Dakota Century Code,  
4 relating to employer's discriminatory practices and one day of rest; and to provide a contingent  
5 effective date.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 14-02.4-03 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 2. ~~It~~Subject to section 34-06-05.1, it is a discriminatory practice for an employer to fail or  
10 refuse to make reasonable accommodations for an otherwise qualified individual with  
11 a physical or mental disability, because that individual is pregnant, or because of that  
12 individual's religion. An employer is not required to provide an accommodation that  
13 would disrupt or interfere with the employer's normal business operations; threaten an  
14 individual's health or safety; contradict a business necessity of the employer; or  
15 impose an undue hardship on the employer, taking into consideration the size of the  
16 employer's business, the type of business, the financial resources of the employer,  
17 and the estimated cost and extent of the accommodation.

18 **SECTION 2. AMENDMENT.** Section 34-06-05.1 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **34-06-05.1. One day of rest in seven - Penalty.**

21 1. ~~An~~Except in cases of emergency, an employer may not require an employee to work  
22 seven consecutive days ~~in a business that sells merchandise at retail. An employer-~~  
23 ~~may not~~or deny an employee at least one period of twenty-four consecutive hours of

time off for rest or worship in each seven-day period. The time off must be in addition to the regular periods of rest allowed during each day worked. An employer shall accommodate the religious beliefs and practices of an employee unless the employer can demonstrate that to do so would constitute an undue severe financial hardship on the conduct of the employer's business. However, if Even in cases of severe financial hardship, the lack of accommodation may not be a regular practice. If an employee requests time off to attend one regular worship service a week, an employer may not require the employee to work during that period unless:

- a. ~~Honoring the employee's request would cause the employer substantial economic burdens or would require the imposition of significant burdens on other employees required to work in place of the Sabbath observer; or~~
- b. ~~The employer has made a reasonable effort to accommodate the employee's request~~ the employer and employee have agreed in writing, at or after hiring, to waive this requirement.

- 2. A violation of this section is a class B misdemeanor. It is an affirmative defense to prosecution under this section that the employee volunteered for work on the seventh consecutive day, either under special circumstances or as a regular practice, and the employee executed a written statement so stating: or that honoring the employee's request would cause the employer substantial economic burdens. The statement must also contain a provision, signed by the employer or the employer's agent, that the employer did not require such work.

- 3. ~~This section applies only to an employer in a business that sells merchandise at retail.~~ As used in this section, an "emergency" is a situation that:

- a. Poses an immediate risk to health, life, property, or environment;
- b. Has caused loss of life, health detriments, property damage, or environmental damage;
- c. Has a high probability of escalating to cause immediate danger to life, health, property, or environment; or
- d. Impedes or inhibits an essential function necessary for the operation of a business.

1       **SECTION 3.** A new section to chapter 47-16 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Retail business leases or agreements - Penalty.**

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

7       **SECTION 4. CONTINGENT EFFECTIVE DATE.** This Act becomes effective if North Dakota  
8 Century Code chapter 12.1-30 is repealed.