

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. ~~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 employer may not require an employee to work seven consecutive days in a
22 business that sells merchandise at retail. An employer may not deny an employee at
23 least one period of twenty-four consecutive hours of time off for rest or worship in each

1 seven-day period. The time off must be in addition to the regular periods of rest
2 allowed during each day worked. An employer shall accommodate the religious beliefs
3 and practices of an employee ~~unless the employer can demonstrate that to do so~~
4 ~~would constitute an undue hardship on the conduct of the employer's business.~~

5 However, ~~if~~ if an employee requests time off to attend one regular worship service a
6 week, an employer may not require the employee to work during that period ~~unless:~~

- 7 a. ~~Honoring the employee's request would cause the employer substantial~~
8 ~~economic burdens or would require the imposition of significant burdens on other~~
9 ~~employees required to work in place of the Sabbath observer; or~~
10 b. ~~The employer has made a reasonable effort to accommodate the employee's~~
11 ~~request.~~

12 2. A violation of this section is a class B misdemeanor. It is an affirmative defense to
13 prosecution under this section that the employee volunteered for work on the seventh
14 consecutive day and the employee executed a written statement so stating. The
15 statement must also contain a provision, signed by the employer or the employer's
16 agent, that the employer did not require such work.

17 3. ~~This section applies only to an employer in a business that sells merchandise at retail.~~

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

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

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

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25 Century Code chapter 12.1-30 is repealed.