

PROPOSED AMENDMENTS TO SENATE BILL NO. 2278

Page 1, line 2, after the third comma insert "14-02.4-08,"

Page 1, line 4, after the first comma insert "subsection 11 of section 26.1-04-03, subsection 1 of section 26.1-30.1-01.1, subsection 1 of section 26.1-39-17, and sections"

Page 3, line 19, after "10." insert "Gender identity" means actual or perceived gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, regardless of the individual's designated gender at birth.

11."

Page 3, line 23, overstrike "11." and insert immediately thereafter "12."

Page 3, line 25, overstrike "12." and insert immediately thereafter "13."

Page 3, line 27, overstrike "13." and insert immediately thereafter "14."

Page 4, line 1, overstrike "14." and insert immediately thereafter "15."

Page 4, line 9, overstrike "15." and insert immediately thereafter "16."

Page 4, line 12, overstrike "16." and insert immediately thereafter "17."

Page 4, line 15, overstrike "17." and insert immediately thereafter "18."

Page 4, line 23, overstrike "18." and insert immediately thereafter "19."

Page 4, line 25, overstrike "19." and insert immediately thereafter "20."

Page 4, line 26, remove "or expression"

Page 4, line 27, replace "20." with "21."

Page 5, line 3, after the second boldfaced period insert:

"1."

Page 5, line 10, after the period insert:

"2."

Page 5, line 13, after the period insert:

"3."

Page 5, after line 19, insert:

- "4. a. This chapter does not prohibit a religious organization, association, or society or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from establishing any qualifications or hiring criteria for employees and volunteers in religious positions.
- b. This chapter does not prohibit a religious organization, association, or society from limiting employment and volunteers in nonreligious positions to individuals who are of the same religion or who adhere to the religion's tenets unless membership is restricted because of race, color, or national origin.
- c. This chapter does not prohibit a religious organization, association, or society from limiting access or admission to its places of worship or its parochial schools to individuals of the same religion or who adhere to the religion's tenets."

Page 6, after line 15, insert:

"SECTION 7. AMENDMENT. Section 14-02.4-08 of the North Dakota Century Code is amended and reenacted as follows:

14-02.4-08. Qualification based on religion, sex, national origin, physical or mental disability, or marital status. Notwithstanding sections 14-02.4-03 through 14-02.4-06, it is not a discriminatory practice for an employer to fail or refuse to hire and employ an individual for a position, to discharge an individual from a position, or for an employment agency to fail or refuse to refer an individual for employment in a position, or for a labor organization to fail or refuse to refer an individual for employment, on the basis of religion, sex, national origin, physical or mental disability, sexual orientation, or marital status in those circumstances ~~where~~ in which religion, sex, national origin, physical or mental disability, sexual orientation, or marital status is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; nor is it a discriminatory practice for an employer to fail or refuse to hire and employ an individual for a position, or to discharge an individual from a position on the basis of that individual's participation in a lawful activity that is off the employer's premises and that takes place during nonworking hours and which is not in direct conflict with the essential business-related interests of the employer, if that participation is contrary to a bona fide occupational qualification that reasonably and rationally relates to employment activities and the responsibilities of a particular employee or group of employees, rather than to all employees of that employer."

Page 11, after line 6, insert:

"SECTION 20. AMENDMENT. Subsection 11 of section 26.1-04-03 of the North Dakota Century Code is amended and reenacted as follows:

11. Refusing to insure risks. Refusing to insure risks solely because of race, color, creed, sex, sexual orientation, or national origin, or refusing to continue to insure risks solely because an employer chooses to offer a health maintenance organization option to employees in its health benefit plan.

SECTION 21. AMENDMENT. Subsection 1 of section 26.1-30.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The race, religion, nationality, ethnic group, disability, age, sex, sexual orientation, or marital status of the applicant or named insured, except this

subsection does not prohibit rating differentials based upon age, sex, or marital status.

SECTION 22. AMENDMENT. Subsection 1 of section 26.1-39-17 of the North Dakota Century Code is amended and reenacted as follows:

1. The race, religion, nationality, ethnic group, age, sex, sexual orientation, or marital status of the applicant or named insured."

Renumber accordingly