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Testimony on HB 1323
Senate Political Subdivisions Committee
April 1, 2021

Chairman Burckhard and members of the Committee, my name is Nick Archuleta, and I am the president of North Dakota United. North Dakota United is a union of professionals including teachers, education support professionals, higher education faculty, as well as, state, county, and municipal employees. On their behalf, I rise today to oppose HB 1323 and to urge a Do Not Pass recommendation for this bill.

Mr. Chairman, HB 1323 is an ill-conceived piece of legislation that would prohibit state or locally elected officials, the state of ND, and political subdivisions from mandating the use of facemasks, face shields, or other face coverings. In essence, HB 1323 would prohibit the governor, a local school board, agency head, mayor, or city council or commission, from attempting to mitigate the effects of an airborne health hazard, like the Coronavirus. This legislation represents an incredible overreach by the legislature in usurping the authority currently vested in the executive branch and political subdivisions. The effects of HB 1323, should it become law, would hamstring statewide, as well as local efforts, to keep North Dakotans safe in the event of a health emergency like the one we are currently experiencing.

Members of the Committee, during the crossover recess, I was invited to join the leadership of the Fargo and West Fargo public school districts, as well as legislators representing those districts, in an early morning meeting. The message we heard could not be clearer: should HB 1323 pass, it would be impossible for either district to offer full time face to face instruction if they could not enforce a mask mandate.

Make no mistake, HB 1323 is a statement bill intended to express the displeasure of the bill's sponsors with the actions taken by the governor and several cities to initiate mask mandates. The fact that those mandates helped to drive down the rate of infection notwithstanding, the sponsors are determined to make an ideological point by passing this bill. Their political spitting match with the governor and mayors might make for must-see political theater. However, when the health and safety of school children, teachers, education support professionals, and the public hang in the balance, this drama becomes more like the theater of the absurd.

Chairman Burckhard, the science regarding the efficacy of wearing facemasks is well established. When face masks are utilized in public spaces, infections drop. Airborne transmission of viruses including the flu drop. HB 1323 is not only unnecessary and irresponsible, but it also removes an effective tool that the state and its political subdivisions have utilized to mitigate the effects of the Coronavirus and COVID-19.



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For these reasons, Chairman Burkhard and members of the Committee, I urge a Do Not Pass recommendation for HB 1323.

With that, my testimony is concluded, and I am happy to stand for any questions.