2021 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1204

2021 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Room JW327C, State Capitol

HB 1204
1/18/2021

Limitations on requirements to wear a mask at work.

(3:01) Chairman Lefor: Opened the hearing

Representatives	Roll call
Chairman Lefor	P
Vice Chairman Keiser	P
Rep Hagert	P
Rep Jim Kasper	A
Rep Scott Louser	P
Rep Nehring	P
Rep O'Brien	P
Rep Ostlie	P
Rep Ruby	P
RepSchauer	P
Rep Stemen	P
RepThomas	P
Rep Adams	P
Rep P Anderson	P

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Discussion Topics:

- Mandates on masks at work.
- Alternatives for better health

Rep Hoverson~District 3: Introduced the bill. # 1234 & # 1290.

Jimmy Vaultuss~Citizen oral testimony in favor and video at (3:22)

Jasahd Stewart~Constituent Attachment # 1280.

Travis Zablotney-Minot area farmer constituent oral testimony in favor.

Matt Gardner-Director of Government Affairs-GNDC oral testimony in opposition.

Landis Larson~ND AFL-CIO oral testimony in opposition

Erica Thunder~Commissioner-Dept of Human Rights Attachment # 1031.

Chairman Lefor: Closes the hearing.

Additional written testimony: Attachments # 981, 1058, 1142, 1158, 1196, 1200, 1209, 1210, 1211, 1216.

(4:15) End time.

Ellen LeTang, Committee Clerk

Mask Mandate 11/14/20

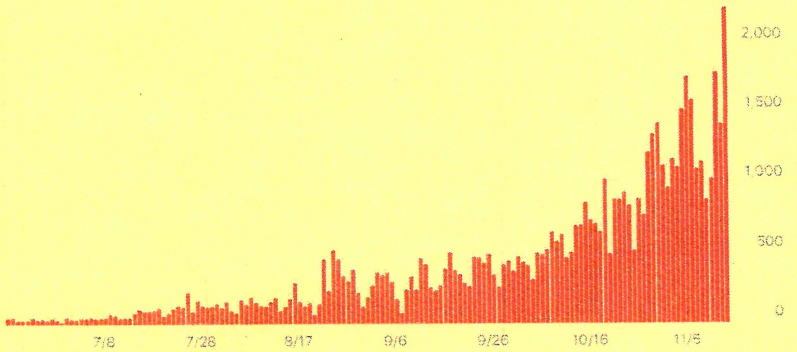
1234

Coronavirus (COVID-19) statistics

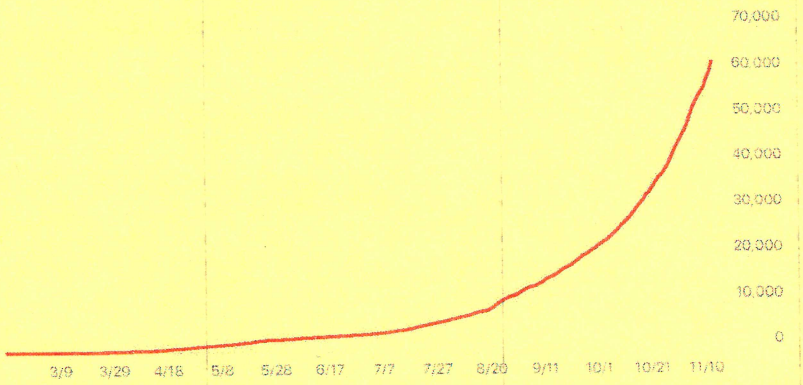
Global United States North Dakota

Select to view: Confirmed Deaths

Daily new cases



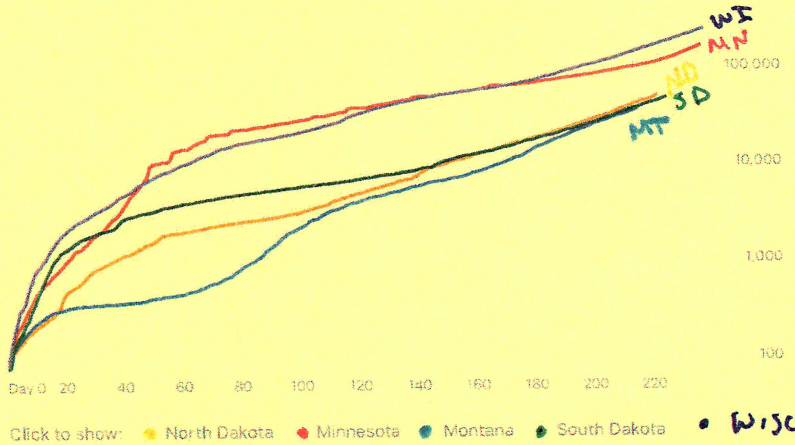
Cumulative cases



Compare cases by region

Starting the day 100+ cases were confirmed in each region

North Dakota, United States Minnesota, United States
Montana, United States South Dakota, United States
Wisconsin, United States



Click to show: North Dakota Minnesota Montana South Dakota Wisconsin

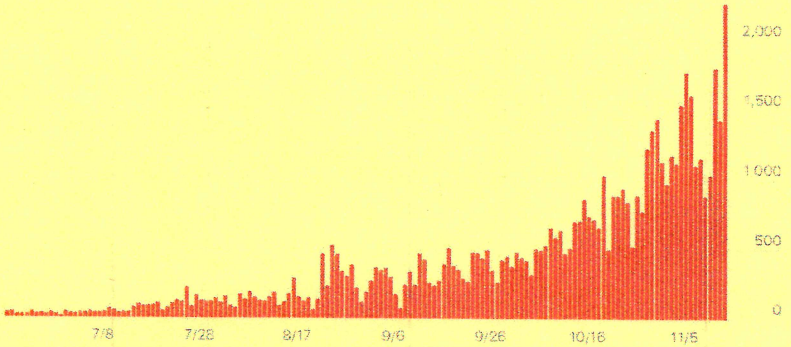
Mask mandate 11/14/20

Coronavirus (COVID-19) statistics

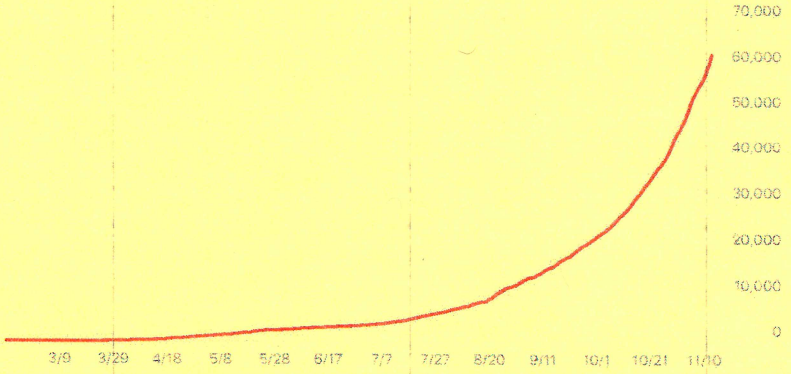
Global | United States | North Dakota

Select to view: Confirmed | Deaths

Daily new cases



Cumulative cases



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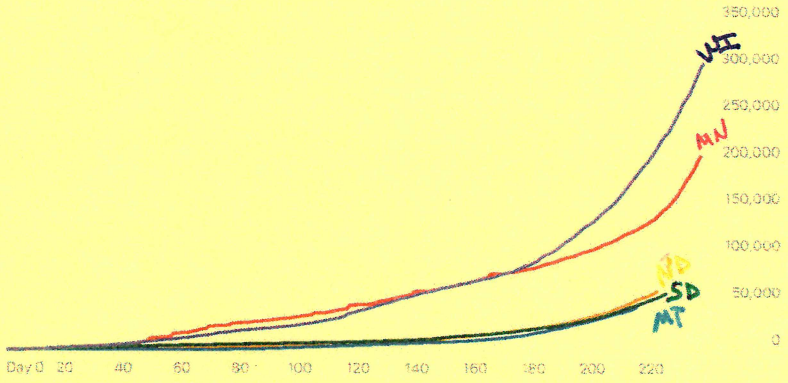


Click to show: North Dakota | Minnesota | Montana | South Dakota | Wisconsin

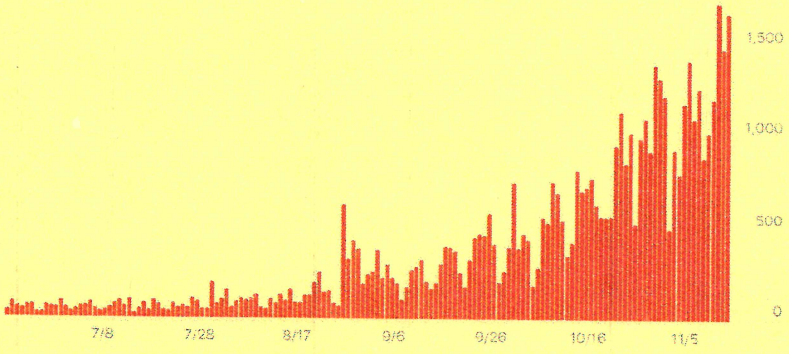
No Mask mandate

Coronavirus (COVID-19) statistics

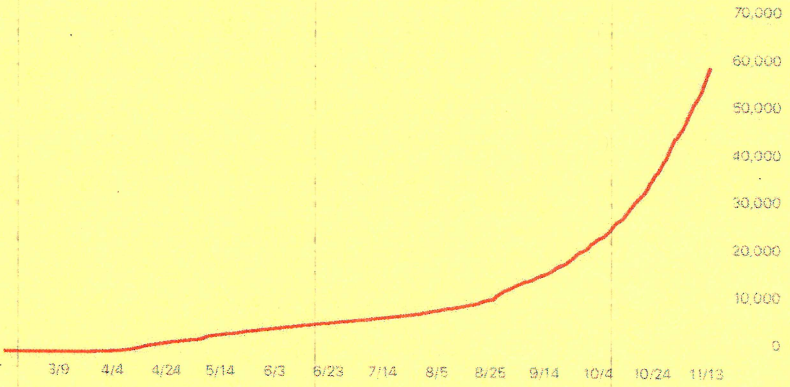
Global | United States | South Dakota

Select to view: Confirmed | Deaths

Daily new cases



Cumulative cases



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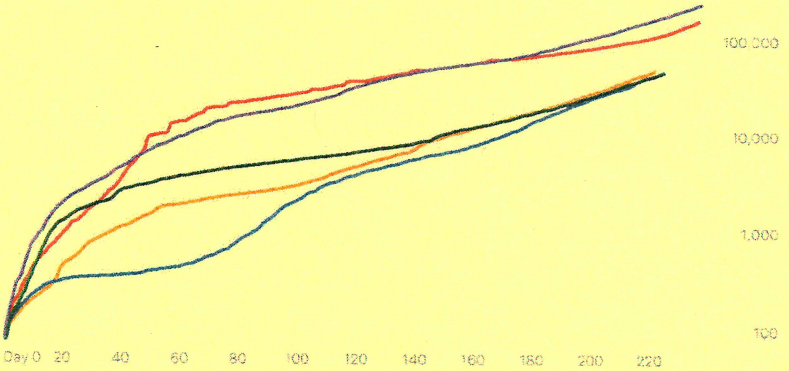


Click to show: North Dakota | Minnesota | Montana | South Dakota

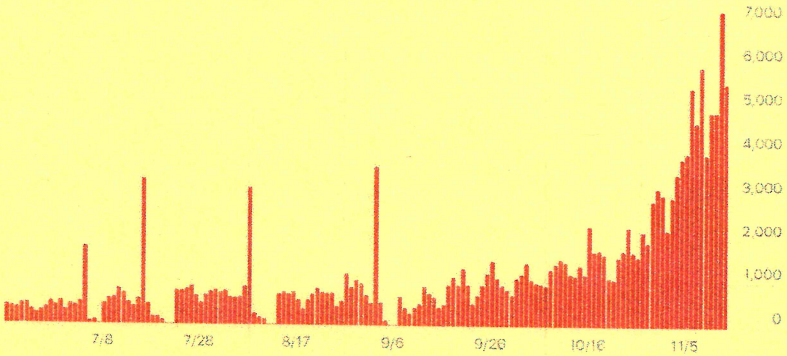
Mask mandate 7/25/20

Coronavirus (COVID-19) statistics

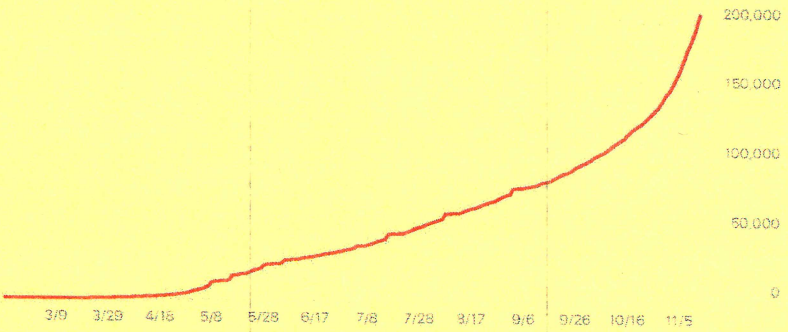
Global | United States | Minnesota

Select to view: Confirmed | Deaths

Daily new cases



Cumulative cases



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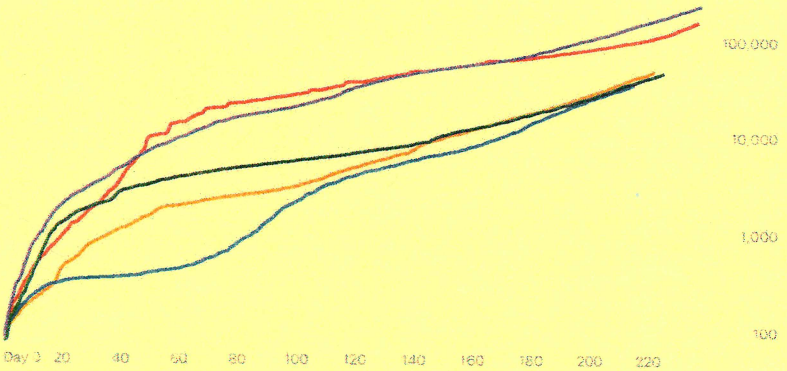


Click to show: North Dakota | Minnesota | Montana | South Dakota

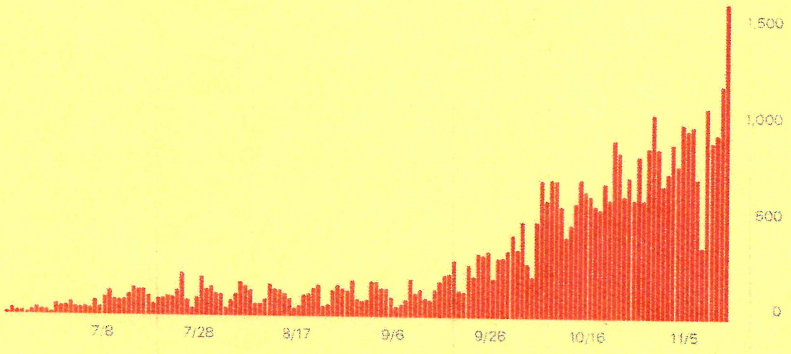
Mask Mandate July 15

Coronavirus (COVID-19) statistics

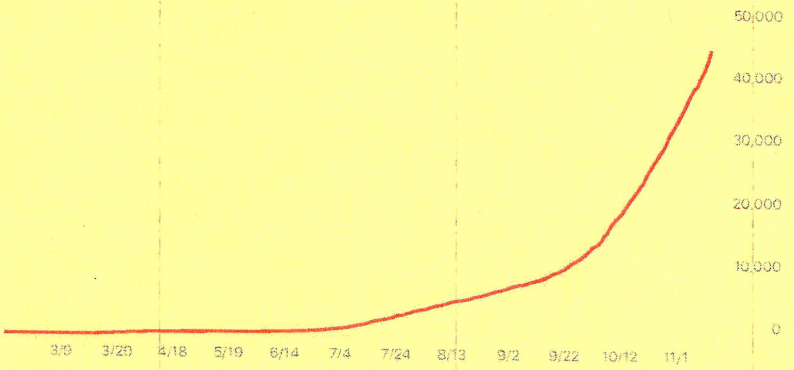
Global | United States | Montana

Select to view: Confirmed | Deaths

Daily new cases



Cumulative cases



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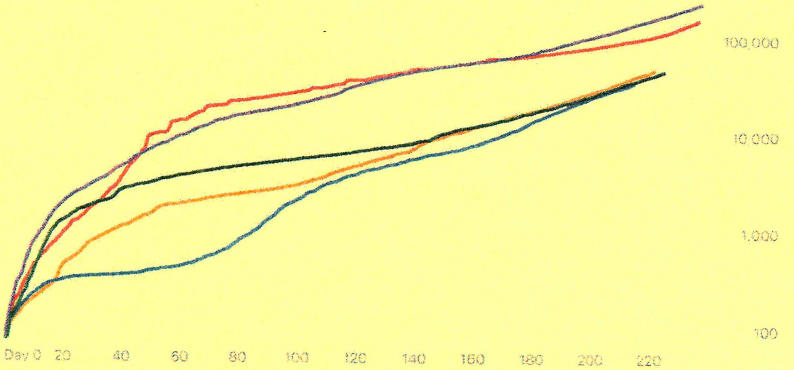


Click to show: North Dakota | Minnesota | Montana | South Dakota

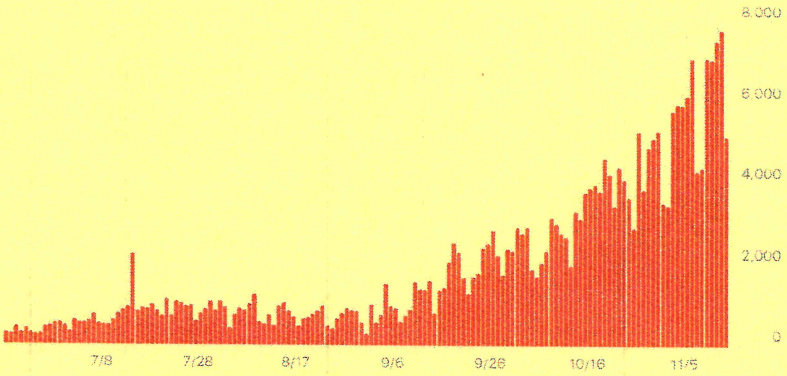
Mask Mandate August 1

Coronavirus (COVID-19) statistics

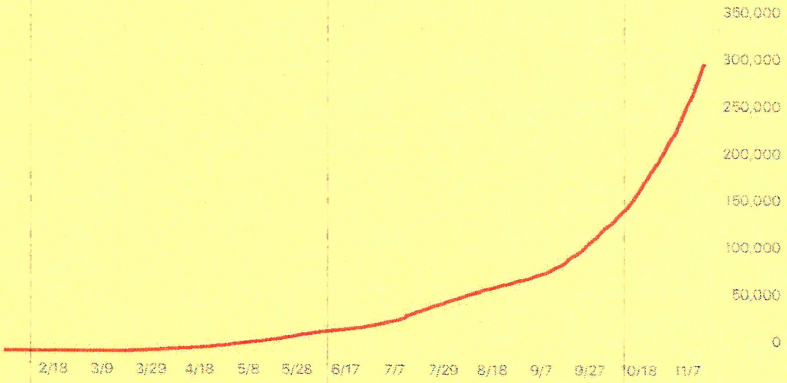
Global United States Wisconsin

Select to view: Confirmed Deaths

Daily new cases



Cumulative cases



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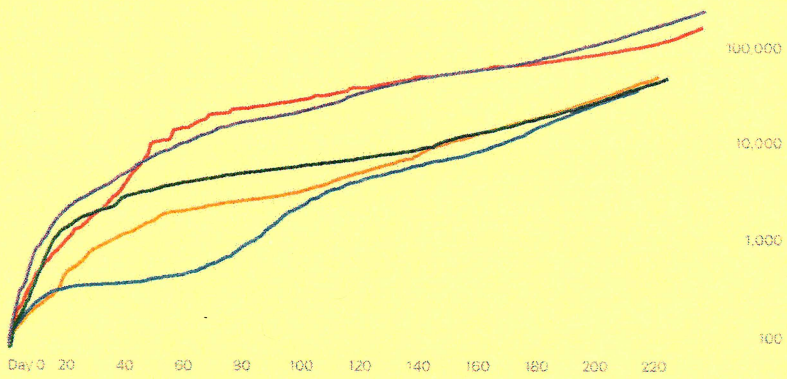
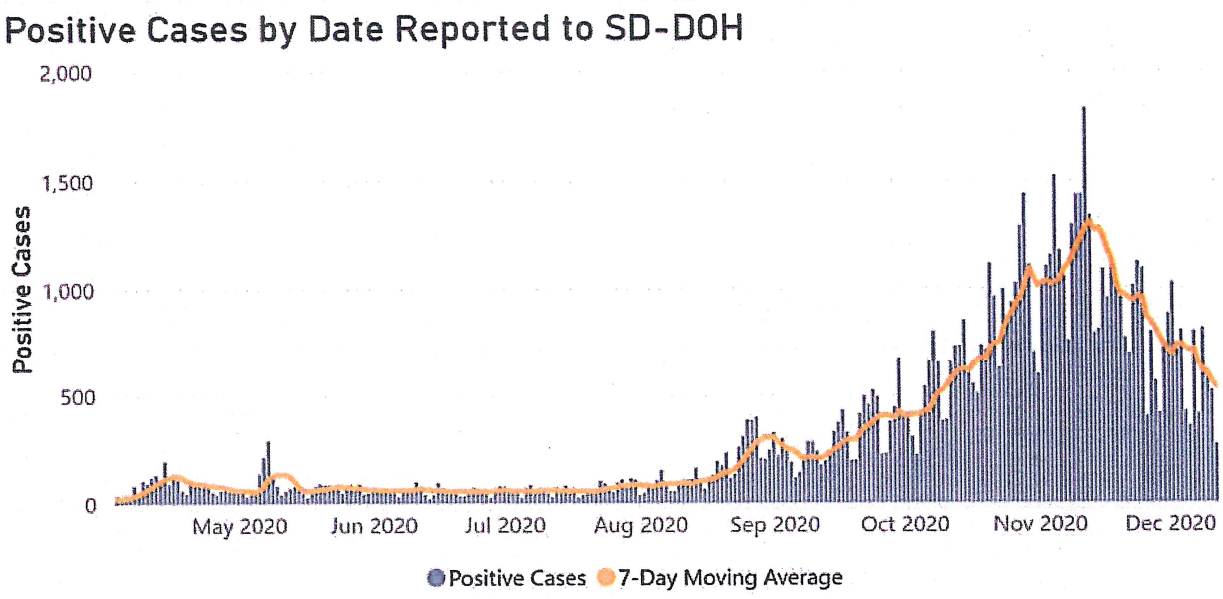


Click to show: North Dakota Minnesota Montana South Dakota


Positive Cases by Date Reported to SD-DOH
2,000
1,500
1,000
500
0
Positive Cases
May 2020
Jun 2020
Jul 2020
Aug 2020
Sep 2020
Oct 2020
Nov 2020
Dec 2020
Positive Cases
7-Day Moving Average

1280

Mask Mandate: A Call to Reason in Bismarck

Greetings Honorable Representatives,

My name is Jasahd Stewart, a follower of Christ, and it is a pleasure to speak before you today regarding public policy matters around the mask mandates. My motivation for being here is not merely for personal gain, but rather out of my love for God and love for neighbor. As an ambassador of the King of kings, I am here to bring to your attention the importance of your duties in upholding justice, seeking righteous counsel, and to learn from historical events. Some of you may be thinking "oh please, one of these conservative, Christian radicals. This is why we have separation of Church and State." With all due respect, that phrase never meant to leave God and His statutes out of the sphere of government. The principle is that the Church has no right to wield the sword of justice entrusted to the State, and the State has no right wielding the keys of the Church in dictating church discipline, doctrines, and worship. It never meant leaving God completely out of government. If that were the case, the State could wield the sword like a raging brute, and there would be no higher law to keep them accountable for abusing their citizens. With that being said, the masks are not a political issue of democrat vs republican, but rather an issue of justice in light of objective truth. I desire for you

- **Poor oxygen levels**. OSEA warns that oxygen below a 19% in the atmosphere is considered dangerous. I can speak on this with some authority because I was taught this in safety training when I worked in the Oil Field. If one gets an oxygen monitor and sticks the straw up their mask, it will read about a 16%. **Rebuttal**- "oxygen levels in my blood seem to be fine while wearing a mask." **Counter Rebuttal-** That is because your body is working less hard or you are having to breathing in more oxygen to maintain adequate levels.

- **Bacteria build up**. Next time you drive down a main road, observe the masks dangling in cars; hundreds are filthy and infested with germs. **Rebuttal-** "Yeah, but the masks at least catch water droplets." **Counter Rebuttal-** True, "some" droplets are collected, however cup your hands around your face while wearing a mask and you will feel built up humidity. It is like trying to argue the efficacy of Chain-link fences for keeping mosquitoes out. Sure, a few might bounce back from the chain-links, however garbage will build up along the fence. Likewise, COVID-19 pathogens easily fit through the fibers of masks people are told to wear (N95's only filter incoming air, not out), while some water droplets stick to

the fibers creating a moist environment for binary fission of all sorts of germs.

- **Conclusion Premise 1**. I believe masks contribute to the spike of illnesses this year. Healthcare workers have a priestly role in society by offering their skills to cure this sick and to provide remedies for the injured, however man is fallible, and we should test everything we are told by them. I am convinced the reason we do not hear of many doctors speaking against the masks is because of pressure above, risk losing their jobs, or suppression of the media by those who do.

Premise 2 "The mask mandates are an assault upon my obedience to God rather than man." (Acts 5:29)

Of the Law of God:

- **Wisdom from His word**. I encourage everyone who is listening to read **Leviticus 13-14** on communicable diseases. God knew how scared people get when it comes to disease *(I think it is pretty clear with how America is reacting to COVID-19)*, yet nowhere does He command that the entire population be quarantined or masked during outbreaks. **Rebuttal-** But what about those who are asymptomatic? **Counter Rebuttal-** We take extra

measures in society like having soap in public bathrooms, hand sanitizer, and access to fresh water to maintain personal hygiene. Those are the societal norms to combat germs possibly spread by asymptomatic people. Not masks.

- **Bearing false witness.** This is my strongest spiritual conviction, for the 9th commandment comes to bear here. One of integrity should not participate in spreading false report amongst their neighbors. To do so is an abomination (**Proverbs 6:16-19**). Even in **Exodus 23:1** we are commanded, "You shall not spread a false report. You shall not join hands with wicked men to be a malicious witness." Due to my love for God and love for neighbor, I cannot aid and abet the false narratives that the masks feed into, regardless of whether the governor, "experts", or businesses tell me to do otherwise. (Exo. 20:16)

Final Conclusion- William Pitt once said "Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves." One thing I have learned in studying rulers from throughout the ages, is that tyrants typically like to use a "crisis" as a trojan for their political machinations. We see this with Pharaoh in regards to the Israelites. Thousands

excellencies to be known as magistrates with legacies of pursuing righteousness and not tyranny.

I now present my thesis regarding the issue of masks as, "Mask mandates are detrimental to the physical and spiritual health of people in society, therefore the Magistrate must withdraw the sword in mandating such against the people." or supporting places that do enforce it

Premise 1: The efficacy of masks has not been proven to be a valid response, and 2: It is an assault upon my obedience to God rather than man.

Before unpacking my premises, let us set the table by laying down some foundations for a Government's role in society: 3rd Elephant in the room.

1) Romans 13:1-6 - Bless those who do good, "or be a terror" Punish those who do evil. To serve as God's ministers w/ the Sword.
   - Gov needs to get involved if ~~others~~ Higher Lower Magistrates are doing wrong
2) Interposition when Government goes rogue – Lower Magistrates should refuse to obey unjust orders...
3) People are to pray and support good magistrates 1 Tim 2:1-2
4) Event 201: Oct 2019, World Economic forum, B&M Gates Foundation, control media, a coronavirus pandemic simulation. Then Nov. 2019 wuhan Outbreak...

Premise 1 "The efficacy of the masks are not proven to be a valid response to C-19"

Of the Efficacy:

I submit that the masks are contributing to the illness of many Americans for several reasons:

became enslaved and slaughtered due Pharaoh's false propaganda against them. Egyptians bought the lies. Look at the great fires in Rome during the 1st Century. Nero blamed the Christians, even though he caused it in order that his projects to rebuild Rome would take flight. Hitler towards the Jews. There were many accommodations before the box cars came in "out of necessity" for the Nazi Regime. We were first told to "Quarantine", now the "Masks", next "Vaccines", until finally we are living in a 1984 reality (the book).

I support this HB (1204) ~~which~~ curbs such infringements upon human freedoms, and strik~~ing~~e a fatal blow to one of the heads of this political machination Hydra. I pray God will grant your hearts ~~to~~ see the virtue and honor in supporting this bill. Even if certain men despise you for supporting a righteous bill as such, know what matters most in life is to please our Creator with the decisions you make with the powers He has ultimately granted to you. Thank you for your time.

May Light Prevail,

Jasahd Stewart

1031

In Re: House Bill 1204

Industry, Business and Labor
Erica Thunder, Commissioner, North Dakota Department of Labor and Human Rights
Neutral Testimony
01/18/2021

Chairman Lefor and members of the Industry, Business, and Labor Committee,

My name is Erica Thunder, and I serve as the Commissioner for the North Dakota Department of Labor and Human Rights. I am here today to listen into the discussion as HB 1204 impacts NDCC 34-01, by adding a new section. This section of Century Code speaks to specifically to the work of the North Dakota Department of Labor and Human Rights.

I am here to testify neutrally, if so needed, and will be happy to answer any questions should the Committee ask. If I am unable to answer a question specifically for today's purposes, I will promptly work to provide an answer to the Committee.

Thank you,

Erica Thunder

Erica Thunder
Commissioner
North Dakota Department of Labor and Human Rights

Cheryl Riley
President, External Affairs
Northern Plains States

AT&T Services, Inc.
3709 W. 41st St.
Sioux Falls SD 57106

M: 307.365.1379
CR6557@att.com
www.att.com

981

January 18, 2021
Oppose House Bill 1204
Chairman Lefor
House Industry, Business and Labor Committee

Dear Chairman Lefor and Members of the House Industry, Business and Labor Committee,

In response to HB 1204, we want to clarify that AT&T complies with the CDC's COVID-19 guidelines to protect the health and safety of our employees, our customers, and the public. Keeping everyone safe during this pandemic is our top priority.

As such, AT&T has taken steps to safely operate our business, retail locations and offices. In addition to maintaining social distance, hand washing hygiene and routine sanitizing of surfaces, AT&T has also instituted face covering requirements that must be followed in the workplace or while performing work on behalf of AT&T. It is our corporate policy that all employees, non-payroll workers and vendors must wear a face covering.

If an employee has an underlying health condition or religious reasons, we have internal processes employees can go through to opt out, and we will make job accommodations for those employees. But, if the legislation allows employees to unilaterally make the determination of whether they are going to wear a mask, it puts all our employees, their families and our customers at risk.

The bill appears to override our policies and leaves us unable to determine what the actual reasons for opting out. Under the bill, we would have to deem everyone essential which is also obviously not the case for all of us.

Finally, we want our employees and customers to be confident that AT&T will have their health and safety uppermost in how we manage our interactions. That's the very least we can do as a corporate citizen. Our mask policies are intended to protect everyone and provide a consistent and level playing field in the interest of public health. Wearing a mask is easy and a small sacrifice to make.

Nothing is more important than the safety, health and well-being of our employees, customers and communities in these challenging times.

Sincerely,

Cheryl Riley
President, AT&T External Affairs
Northern Plains States

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My name is Melyssa Howry, and I am a resident of New Town, North Dakota. I am testifying in support of this bill. Over the past 9 months, we have seen masks become a fixture in society. However the science still remains unsettled as to whether or not masks prevent the spread of viruses of any kind. In fact, much of the data I have read seems to point to the possibility of masks actually causing an increase in contamination and the spread of Covid-19. We know that masks can increase the risk of bacterial infections, and that they are a breeding ground for more viruses and bacteria to cause additional problems. For these reasons alone, masks should not be required in the workplace, especially non-healthcare settings. I realize that some workplaces deal directly with those who are sick, but most workplaces do not, and therefore, should provide options to their staff members who do not wear masks (regardless of the reason, whether it be religious, medical, or philosophical). Of course, science matters. And in this case, true science shows that there is no conclusive evidence that masks on healthy people are an effective measure. I have attached two interesting articles. The first deals with the idea of “asymptomatic spread” (which is where the premise of masks originated) in relation to the high volume of false positives from PCR testing. The second looks at mask mandates in all 50 states and the correlation of those mandates with cases per capita. Thank you for reading!

1) https://logicinthetimeofcovid.com/2020/11/28/a-miscarriage-of-diagnosis/
2) https://rationalground.com/after-nine-months-we-still-know-masks-dont-work/?fbclid=IwAR3hjiP_ooonM3dkGsEzz-0wce1WAgODmql9Ubn64uGWGuRAvtHyLDajVtk

I am writing in Support of HB 1204 “Limitations on requirements to wear a mask at work”

I am going to make several points on why I support this bill.

1. Mask wearing is a medical intervention that should only be utilized when someone discusses the Pro’s/Cons of the intervention with their medical doctor.
2. Asymptomatic spread of Virus’s (even the C 19 virus) is extremely rare : multiple studies can be found that support this
3. We do not know long term affects of prolonged mask wearing… or even short term (I break out in cold sores around my mouth even after short stints of wearing a mask) – still haven’t seen a study that even suggest mask wearing works or do anything
4. Section 1 of the ND Constitution:
    a. Sec. 1. All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.
5. Section 3 of the ND Constitution:
    a. Section 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to be a witness or juror on account of his opinion on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.
6. Section 7 of the ND Constitution:
    a. Section 7. Every citizen of this state shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor.
7. A reminder, your rights do NOT get taken away during a Pandemic.

Thank you for your time.

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I am Chloe Howry, I am 8 years old, I live in New Town, North Dakota, and I am in support of this bill. I want to say that I learned in science that when we breathe out, we breathe out waste. Covid-19 attacks the lungs, so masks make you breathe back in that waste. So it could actually help Covid grow in the lungs. I feel like the people who work in businesses that are forced to wear masks, they work with people so if they have to wear a mask, then they could have problems. And we don't want that to happen. Some people don't even want to wear masks, and if they don't want to wear masks, and if masks could help Covid grow, then we should let them have their own choice. Thank you for reading.

My name is Nikki Johansen from rural Ryder, ND I am writing to you in support of bill 1204. If a person has a medical condition, I feel they should not be forced to wear a mask to work or have to take a leave of absence. I personally have a medical condition. I suffer from claustrophobia. If I have anything close to my face, I feel as though someone is suffocating me. I have had this condition for sometime, and feel as though it has gotten worse as there have been several instances that I have been forced to wear a mask or face shield. When I do wear one, my blood pressure goes dangerously high. When I am not wearing a mask, my blood pressure is in normal range. Again, I am writing in support of this bill as I feel if a person suffers of a medical condition, they should not be forced to put their health as risk.

Sixty-seventh Legislative Assembly of North Dakota

Introduced by Representative Hoverson

Re: Testimony in favor of HB 1204

Attn: Committee Members,

I, Todd Kjelland am writing in favor of passing House Bill 1204 with additional safeguards for North Dakota employees. I am a former LTC worker who has been directly affected with employment termination regarding mandated mask policy.

I am in favor of limiting mandatory mask wearing as mandated by employers as written in this bill. However, In addition to Section 1 paragraph 2. This opt-out provision does not apply to an employee whose employer determines due to the nature of the employment setting, the wearing of a face covering is essential.

I would like verbiage to be consistent with Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination based on religion. This includes refusing to accommodate an employee's sincerely held religious beliefs or practices **unless the accommodation would impose an undue hardship (more than a minimal burden on operation of the business)**

I recommend Section 1, Paragraph 2 state: **This opt-out provision does not apply to an employee whose employer determines due to the nature of the employment setting, the wearing of a face covering is proven essential and is in alignment of Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination based on religion. This includes refusing to accommodate an employee's sincerely held religious beliefs or practices unless the accommodation would impose an undue hardship (more than a minimal burden on operation of the business)**

Thank you for your time and consideration. I am available for conversation at 701-331-2956.

Todd Kjelland

Email:emocoach@live.com

Phone:701-331-2956

I am employed in the public school system. Our school is currently requiring masks for both staff and students. I am in support of HB 1204 for a number of reasons.

First, the evidence simply does not show any difference in transmission of covid-19 between those who wear masks regularly and those who do not wear masks. People who are catching covid 19 are generally observing all the guidelines including mask-usage. The use of masks is not the deciding factor as to whether or not you are going to catch this virus or any other virus. Here is a collection of scientific studies, that show that there has been no real scientific study that has proven masks to be beneficial in controlling a virus. The science has been done, and is currently being done, and yet there is still no positive evidence for the benefits of mass wearing of masks by the public.

Masks Don't Work: A Review of Science Relevant to COVID-19 Social Policy | River Cities' Reader (rcreader.com)

Secondly, there are so many unknowns about prolonged mask usage that includes, but is not limited to:

- Do used masks become sources of enhanced transmission of the virus?
- Do masks trap and retain pathogens that the mask wearer would normally have just breathed out?
- Do masks cause increased bacterial growth that could present a danger to the wearer?
- If the virus is aerosol, then how does the mask stop it from escaping? And what then is the benefit of wearing a mask at all.
- What are the long term health affects of prolonged mask wearing? This is something that has not been studied.

Finally, mask wearing inhibits human connection that is vital for our jobs, vital for our society, and vital for us as a species. When you cover the face with a masks, it decreases the ability to build trust and connection with one another. This type of connection is incredibly important for people, but I would argue even more so for our kids. When I work with kids, that connection is a critical element to be able to teach well, and build relationships with my students. Masks do nothing but harm in our schools, and in our workplaces as a whole.

It is the American way to allow freedom of choice in doing what is best for ourselves and our society. I ask that our businesses give us the freedom to make medical decisions for ourselves, and not demand something that is so scientifically weak to begin with. I whole-heartedly support HB-1204

Good Afternoon. My name is Tiffanie Fettig. I am a ND resident. I am also a business owner and a mother of a child with medical conditions.

I am in support of HB1204 – Limitations on requirements to wear a mask at work.

Please consider the following as to why I support a do pass on this bill.

Our business requires most of our employees to have specific credentials. Employee retention and accommodation is key as the credentials needed are not easy to find. One of my current employees has a medical condition and it is doctor recommended that they not wear a mask. In my business in Minot, ND today I have a decision to make, follow the restrictions that are in place and force this employee to jeopardize their health on a daily basis going against their doctors advice so they can provide for the needs of their family or find another place of employment that will not mandate them to wear a mask.

As a business owner I have a lot of things that I am responsible for in regards to the safety and wellness of my employees. I urge you to pass this bill as it would allow business people to be business people and doctors that are trained to be doctors to properly advise and care for their patients. It would also allow workers with medical conditions to continue being productive and providing for their family and assisting in a positive economy.

In addition to being a business owner, I am a parent of three children, one of which has medical conditions. It has been recommended that my child not wear a mask, as it is a risk to her health with her underlying conditions. As things stand today, my daughter would be extremely limited in the employment she can seek. It's hard enough to have to deal with daily medical conditions as it is; having to make the choice of being productive in society or risking her health by going against medical recommendations is a choice I hope she never has to make in the state of ND.

Thank you for your consideration.

1216

HB 1204

Limitations on requirements to wear a mask at work: in support

Good Afternoon,

I am testifying in support of HB 1204. My husband and I own a business. We understand that masks are not medically safe or appropriate for all. We have listened to testimonies of OSHA professionals, doctors, mental health therapists, and other reputable health professionals who warn that the wearing of masks and facial covering can be dangerous for some individuals, especially for those who wear them for long periods of time, as is common in a work-related setting.

As business owners and friends of business owners, we know that we do not have the authority to force a medical mandate on someone if that mandate has a negative impact on their health and well-being, or if it infringes on their moral, religious, or philosophical beliefs. From personal experience, we have noticed a significant decline in mental health and morale as a direct result of facial coverings. We are advocates for mental health, so this is very concerning to us.

Therefore, we fully support an employee's right to opt out of masks, facial coverings, and other medical choices based on medical, religious, philosophical, or moral concerns. We know that humans are individuals with individual needs, and we believe those needs should be respected.

Thank you for your time and consideration,

Tara Dukart
Seek First Holistic Solutions
Hazen, ND

excellencies to be known as magistrates with legacies of pursuing righteousness and not tyranny.

I now present my thesis regarding the issue of masks as, "Mask mandates are detrimental to the physical and spiritual health of people in society, therefore the Magistrate must withdraw the sword in mandating such against the people." or supporting places that do enforce it

Premise 1: The efficacy of masks has not been proven to be a valid response, and 2: It is an assault upon my obedience to God rather than man.

Before unpacking my premises, let us set the table by laying down some foundations for a Government's role in society: 3rd Elephant in the room.

1) Romans 13:1-6 - Bless those who do good, "or be a terror" Punish those who do evil. To serve as God's ministers w/ the Sword.
   - Gov needs to get involved if ~~others~~ Higher Lower Magistrates are doing wrong
2) Interposition when Government goes rogue – Lower Magistrates should refuse to obey unjust orders...
3) People are to pray and support good magistrates 1 Tim 2:1-2
4) Event 201: Oct 2019, World Economic forum, B&M Gates Foundation, control media, a coronavirus pandemic simulation. Then Nov. 2019 wuhan Outbreak...

Premise 1 "The efficacy of the masks are not proven to be a valid response to C-19"

Of the Efficacy:

I submit that the masks are contributing to the illness of many Americans for several reasons:

became enslaved and slaughtered due Pharaoh's false propaganda against them. Egyptians bought the lies. Look at the great fires in Rome during the 1st Century. Nero blamed the Christians, even though he caused it in order that his projects to rebuild Rome would take flight. Hitler towards the Jews. There were many accommodations before the box cars came in "out of necessity" for the Nazi Regime. We were first told to "Quarantine", now the "Masks", next "Vaccines", until finally we are living in a 1984 reality (the book).

I support this HB (1204) ~~which~~ curbs such infringements upon human freedoms, and strik~~ing~~e a fatal blow to one of the heads of this political machination Hydra. I pray God will grant your hearts ~~to~~ see the virtue and honor in supporting this bill. Even if certain men despise you for supporting a righteous bill as such, know what matters most in life is to please our Creator with the decisions you make with the powers He has ultimately granted to you. Thank you for your time.

May Light Prevail,

Jasahd Stewart

2021 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Room JW327C, State Capitol

HB 1204
1/20/2021

Limitations on requirements to wear a mask at work.

(2:06) Chairman Lefor opened the work session.

Representatives	Vote
Chairman Lefor	P
Vice Chairman Keiser	P
Rep Hagert	P
Rep Jim Kasper	A
Rep Scott Louser	P
Rep Nehring	P
Rep O'Brien	P
Rep Ostlie	P
Rep Ruby	P
RepSchauer	P
Rep Stemen	P
RepThomas	P
Rep Adams	P
Rep P Anderson	P

Discussion Topics:

- Masks at work
- Effectiveness of masks
- Amendment to opt out

Rep Hoverson~District 3 introduced amendment, attachment & #1914 & 1915.

Rep Thomas moved amendment 21.0241.02001.

Rep Schauer seconded the motion

Voice vote Motion carried.

Rep Thomas moved a Do Not Pass as Amended.

Rep Schauer seconded the motion

Representatives	Vote
Chairman Lefor	Y
Vice Chairman Keiser	Y
Rep Hagert	Y
Rep Jim Kasper	A
Rep Scott Louser	N
Rep Nehring	Y
Rep O'Brien	Y
Rep Ostlie	Y
Rep Ruby	N
RepSchauer	Y
Rep Stemen	Y
RepThomas	Y
Rep Adams	Y
Rep P Anderson	Y

Vote roll call Motion carried 11-2-1 & Rep Hagert is the carrier.

(2:13) End time.

Ellen LeTang, Committee Clerk

DA 1/20/21
1 of 1

21.0241.02001
Title.03000

Prepared by the Legislative Council staff for
Representative Hoverson
January 19, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1204

Page 1, line 2, after "work" insert "; to provide an expiration date; and to declare an emergency"

Page 1, line 15, after the underscored period insert "If an employee opts out of the requirement based on a religious belief, the employer shall provide an accommodation as provided under subsection 2 of section 14-02.4-03. In determining whether the wearing of a face covering is essential due to the nature of an employment setting, the reason must be a reason that would have been applicable before January 1, 2020."

Page 1, after line 17, insert:

"**SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2023, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1204: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1204 was placed on the Sixth order on the calendar.

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Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1204

Introduced by

Representative Hoverson

A BILL for an Act to create and enact a new section to chapter 34-01 of the North Dakota Century Code, relating to limitations on requirements to wear a mask at work; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 34-01 of the North Dakota Century Code is created and enacted as follows:

Limitations on requirements to wear a mask.

1. If an employer mandates an employee use a face mask, face shield, or other face covering, the employee may opt-out of the requirement by submitting to the employer a certificate:
   a. From a licensed physician stating that the physical condition of the employee is such that the face covering would endanger the life or health of the employee; or
   b. Signed by the employee stating the employee's religious, philosophical, or moral beliefs are opposed to wearing of a face covering.
2. This opt-out provision does not apply to an employee whose employer determines due to the nature of the employment setting, the wearing of a face covering is essential. If an employee opts out of the requirement based on a religious belief, the employer shall provide an accommodation as provided under subsection 2 of section 14-02.4-03. In determining whether the wearing of a face covering is essential due to the nature of an employment setting, the reason must be a reason that would have been applicable before January 1, 2020.
3. This section applies notwithstanding authority granted under other provisions of law, including section 23-01-05, section 23-07-06, and chapter 37-17.1.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.