

**2023 HOUSE JUDICIARY**

**HB 1450**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1450  
2/8/2023

Relating to the definition of pregnancy in our discrimination laws
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10:08 AM Chairman Klemin opened the hearing. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter. Absent: Rep. Cory.

**Discussion Topics:**

- Employment discrimination.
- Pregnancy definition.

Rep. Shannon Roers Jones: Introduced the bill. No written testimony.

Christopher Dodson, Executive Director, ND Catholic Conference: Testimony #19685

**Additional written testimony:**

Mark Jorritsma, Executive Director, ND Family Alliance Legislative Action: Testimony #19715

Kayla Schmidt, Interim Executive Director, ND Women's Network: Testimony # 19729

Hearing closed at 10:14 AM.

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1450  
2/13/2023

Relating to the definition of pregnancy in our discrimination laws
--

9:43 AM Chairman Klemin opened the hearing.

Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter

### Discussion Topics:

- Committee work
- Definition of pregnancy, and childbirth

Rep. Christensen moved a Do Pass;  
Seconded by Rep. Vetter

Rep. Christensen withdrew the motion.

Rep. Christensen moved to amend including the semicolons on line 8;  
Seconded by Rep. Vetter

Roll call vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Motion carries. 13 Yes 0 No 0 Absent

Rep. Christensen moved a Do Pass as Amended;  
Seconded by Rep. Vetter

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Motion carries. 13 Yes, 0 No, 0 Absent

Carrier: Rep. Schneider

Meeting closed at 9:48 AM.

HB 1450 was reconsidered on 2/13/23 PM.

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1450  
2/13/2023

Relating to the definition of pregnancy in our discrimination laws
--

4:27 PM Chairman Klemin opened the meeting. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roes Jones, Rep. Satrom,, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter

### Discussion Topics:

- Reconsider bill
- Committee Action

Rep. Satrom moved to reconsider HB 1450, seconded by Vice Chairman Karls.  
Voice vote carried.

Rep. VanWinkle moved to remove the amendment with the semicolons, seconded by Rep. Henderson.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll Call Vote 13 Yes 0 No 0 Absent

Rep. Vetter moved a Do Pass, seconded by Rep. Christensen

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y

Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll Call Vote: 13 Yes 0 No 0 Absent      Carrier: Rep. Schneider

4:31 PM meeting adjourned.

Delores Shimek, Committee Clerk

**REPORT OF STANDING COMMITTEE**

**HB 1450: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1450 was placed on the Eleventh order on the calendar.

**2023 SENATE INDUSTRY AND BUSINESS**

**HB 1450**



# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

HB 1450  
3/8/2023

A bill relating to the definition of pregnancy in our discrimination laws.

10:30 AM Chairman D. Larsen opened the meeting on HB 1450.

Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

### Discussion Topics:

- Pregnancy workers fairness act
- Reasonable accommodation.
- Childbirth and medical conditions
- Employers

10:30 AM Representative Roers Jones introduced HB 1450 and testified in favor of HB 1450. No written testimony.

10:33 AM Christopher Dodson, Executive Director ND Catholic Conference, provided additional information. #22734

10:37 AM Mark Joretzma, Executive Director, North Dakota Family Alliance of Legislative Action, testified in favor of HB 1450. #22828

10:43 AM Chairman D. Larsen closed the hearing on HB 1450.

10:43 AM Senator Barta moved DO PASS on HB 1450  
Seconded by Kessel

Roll call vote:

Senators	Vote
Senator Doug Larsen	Y
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Jerry Klein	Y

Motion passed. 5-0-0

Senator Barta will carry the bill.

11:45 AM Chairman D. Larsen closed the meeting.

*Brenda Cook, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1450: Industry and Business Committee (Sen. Larsen, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1450 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**TESTIMONY**

**HB 1450**



*Representing the Diocese of Fargo  
and the Diocese of Bismarck*

103 South Third Street  
Suite 10  
Bismarck ND 58501  
701-223-2519  
ndcatholic.org  
ndcatholic@ndcatholic.org

**To:** House Judiciary Committee  
**From:** Christopher Dodson, Executive Director  
**Subject:** House Bill 1450 - Pregnant Workers Protection  
**Date:** February 8, 2023

The North Dakota Catholic Conference supports House Bill 1450 to strengthen protection for pregnant workers.

The bill is straightforward. It makes clear that our existing law protecting pregnant workers includes workers with medical needs due to pregnancy or childbirth.

The story of how this bill came about might help explain why HB 1450 is an important improvement to our existing law.

Both before and after the *Dobbs* decision, the United States Conference of Catholic Bishops expressed its support for several Congressional bills and proposals to advance the health, safety, and flourishing of women, children, and families. Among those bills was the Pregnant Workers Fairness Act (PWFA).

The PWFA came about because it became apparent that a previous law, the Pregnancy Discrimination Act of 1978, was deficient in several respects. For example, “pregnancy” in the Act was interpreted by courts to not include medical conditions related to childbirth or miscarriages. The PWFA was introduced to fix those problems.

The PWFA had broad bipartisan support and was supported by organizations as varied as the U.S. Chamber of Commerce and the U.S. Catholic Bishops. Despite the broad support, the PWFA, like many bills in Congress, was not moving forward.

For that reason, we looked at whether North Dakota should enact its own PWFA. It turns out that it did in 2015 with House Bill 1463. That law requires an employer to make temporary reasonable accommodations for a pregnant employee. It also set what is a “reasonable accommodation.” It is a good law, except in one respect. The definition of pregnancy does not include childbirth and medical conditions related to pregnancy and childbirth.

Knowing that courts had interpreted “pregnant” too narrowly in the past, on December 12 of last year North Dakota’s Catholic bishops called for including childbirth and medical conditions related to pregnancy and childbirth in the existing law. Two weeks later, Congress finally passed the federal PWFA.

Therefore, in addition to strengthening North Dakota's law, House Bill 1450 provides uniformity for both employers and employees. The new federal PWFA applies to all employers with fifteen or more employees. North Dakota's law applies to employers of any size. For North Dakota employers with fifteen or more employees, HB 1450 will provide some uniformity between the state and federal requirements.

Many North Dakota businesses have fewer than 15 employees and will not be subjected to the federal PWFA. However, North Dakota law already requires those employers to make reasonable accommodations for pregnant individuals. Clarifying that "pregnant" includes childbirth and related medical conditions gives better guidance to those employers.

More importantly, this small change in the law is the right thing to do for pregnant workers and new mothers. There is no rational reason why the state would provide protection to workers who may need an accommodation because of pregnancy, but not because of conditions related to childbirth or miscarriages.

In 2015, North Dakota did what Congress took years to do. It acted to protect pregnant workers. House Bill 1450 strengthens that existing law by ensuring that women with conditions related to childbirth or pregnancy are provided the same protection.

We ask for a **Do Pass** recommendation on House Bill 1450.



### Testimony Supporting House Bill 1450

Mark Jorritsma, Executive Director  
North Dakota Family Alliance Legislative Action  
February 8, 2023

Dear Chairman Klemin and members of the House Judiciary Committee,

Our organization would like to testify in support of House Bill 1450 and ask that you issue a “DO PASS” out of committee.

North Dakota Family Alliance Legislative Action recognizes that pregnancy is a process, not an event. It is a process that has long-term impacts on a family’s future – thankfully, positive in the vast majority of cases. However, we also understand that it can be very difficult for the mother to be pregnant, and complications and/or related health issues arise that fall outside of “being pregnant” or giving birth. One example might be a miscarriage. Mothers and their jobs need to be protected in these circumstances, even more so when one considers the number of single female-headed households. This bill would offer that protection.

Our organization supports common sense protections for pregnant mothers. For that reason, North Dakota Family Alliance Legislative Action requests that you render a “DO PASS” on House Bill 1450. Thank you for the opportunity to testify and feel free to contact me if you have any questions regarding my testimony.

Sincerely,

Mark Jorritsma  
Executive Director



**Kayla Schmidt – Interim Executive Director, North Dakota Women’s Network  
Support – HB 1450  
North Dakota House Judiciary Committee**

February 8, 2023

Chair Klemin and members of the House Judiciary Committee,

My name is Kayla Schmidt and I am the Interim Executive Director of the North Dakota Women’s Network (NDWN). We are a statewide organization working towards improving the lives of women and their families through education, advocacy, and activism. I am submitting testimony in support of House Bill 1450.

Our mission includes a focus on healthcare equity, expanding public health efforts, and support for policies that address the unique health care needs of women. In order to have healthier lives for themselves and their families, women need access to adequate medical care. This is especially critical during pregnancy, delivery, post-delivery, and for the many pregnancy-related issues and conditions that women experience.

Thus, the NDWN supports the updated definitions provided by HB1450 and we ask that this bill receives a “Do Pass” recommendation from this committee.

Thank you.

Kayla Schmidt  
director@ndwomen.org



Representing the Diocese of Fargo  
and the Diocese of Bismarck

103 South Third Street  
Suite 10  
Bismarck ND 58501  
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**To:** Senate Industry, Business, and Labor  
**From:** Christopher Dodson, Executive Director  
**Subject:** House Bill 1450 - Pregnant Workers Protection  
**Date:** March 8, 2023

The North Dakota Catholic Conference supports House Bill 1450 to strengthen protection for pregnant workers.

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The PWFA came about because it became apparent that a previous law, the Pregnancy Discrimination Act of 1978, was deficient in several respects. For example, “pregnancy” in the Act was interpreted by courts to not include medical conditions related to childbirth or miscarriages. The PWFA was introduced to fix those problems.

The PWFA had broad bipartisan support and was supported by organizations as varied as the U.S. Chamber of Commerce and the U.S. Catholic Bishops. Despite the broad support, the PWFA, like many bills in Congress, was not moving forward.

For that reason, we looked at whether North Dakota should enact its own PWFA. It turns out that it did in 2015 with House Bill 1463. That law requires an employer to make temporary reasonable accommodations for a pregnant employee. It also set what is a “reasonable accommodation.” It is a good law, except in one respect. The definition of pregnancy does not include childbirth and medical conditions related to pregnancy and childbirth.

Knowing that courts had interpreted “pregnant” too narrowly in the past, on December 12 of last year North Dakota’s Catholic bishops called for including childbirth and medical conditions related to pregnancy and childbirth in the existing law. Two weeks later, Congress finally passed the federal PWFA.



Therefore, in addition to strengthening North Dakota's law, House Bill 1450 provides uniformity for both employers and employees. The new federal PWFA applies to all employers with fifteen or more employees. North Dakota's law applies to employers of any size. For North Dakota employers with fifteen or more employees, HB 1450 will provide some uniformity between the state and federal requirements.

Many North Dakota businesses have fewer than 15 employees and will not be subjected to the federal PWFA. However, North Dakota law already requires those employers to make reasonable accommodations for pregnant individuals. Clarifying that "pregnant" includes childbirth and related medical conditions gives better guidance to those employers.

More importantly, this small change in the law is the right thing to do for pregnant workers and new mothers. There is no rational reason why the state would provide protection to workers who may need accommodations because of pregnancy, but not because of conditions related to childbirth or miscarriages.

In 2015, North Dakota did what Congress took years to do. It acted to protect pregnant workers. House Bill 1450 strengthens that existing law by ensuring that women with conditions related to childbirth or pregnancy are provided the same protection.

We ask for a **Do Pass** recommendation on House Bill 1450.



# NORTH DAKOTA

## *Family Alliance* LEGISLATIVE ACTION

### Testimony Supporting House Bill 1450

Mark Jorritsma, Executive Director  
North Dakota Family Alliance Legislative Action  
March 8, 2023

Good morning Chairman Larsen and members of the Senate Industry and Business Committee. My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. We are submitting testimony in support of House Bill 1450 and respectfully request that you issue a “DO PASS” on this bill.

North Dakota Family Alliance Legislative Action recognizes that pregnancy is a process, not an event. It is a process that has long-term impacts on a family’s future – thankfully, positive in the vast majority of cases. However, we also understand that it can be very difficult for the mother to be pregnant, and complications and/or related health issues arise that fall outside of “being pregnant” or giving birth. One example might be a miscarriage. Mothers and their jobs need to be protected in these circumstances, even more so when one considers the number of single female-headed households. This bill would offer that protection.

Our organization supports common sense protections for pregnant mothers. For that reason, North Dakota Family Alliance Legislative Action requests that you render a “DO PASS” on House Bill 1450. Thank you for the opportunity to testify and I’ll now be happy to answer any questions you may have.