

Testimony to the
Senate Political Subdivisions Committee
April 1, 2021
by Terry Traynor, NDACo Executive Director



Regarding: House Bill 1323

Chairman Burckhard and Committee Members, thank you for the opportunity to address the opposition of the 53 counties' and 600 county officials to House Bill 1323.

County officials recognize the citizen concerns on both sides of the issue of state and local COVID-related mask requirements. Many think that government, at all levels, was too restrictive, while others think government was not restrictive enough. Our elected leaders worked tirelessly to make the best decisions with the best information available. Counties believe this bill is the result of that debate, however as it comes to you, it goes well beyond personal masks in public places for this specific pandemic.

House Bill 1323 essentially prohibits a governmental body from ever requiring face protection, regardless of the severity of the pandemic, the hazards of a work area, or requirements of a work function.

In jails, as you have likely seen from written testimony, counties have protocols that require the wearing of not only masks, shields, or other face coverings, but other PPE as well. These are not responses to COVID – these requirements have existed for years and are prompted by jail standards and best practices. They are designed to safeguard our employees, their families, and the community from a variety of risks.

Many jail medical situations require an employee to wear a face shield to avoid hepatitis, tuberculosis, HIV, COVID, or any other

infectious disease that county otherwise be spread from inmates to staff to family members and the community. Jail staff are regularly dealing with bodily fluids that are splashed, thrown, or spat. In cell-extraction situations, the requirement to wear proper PPE is even more critical. HB1323 would permit county jail administrators to recommend, but not require, these potentially life-saving protections.

In our highway shops, the welders, grinders, and other equipment have specific PPE requirements as a part of standard operating procedures. Maintenance issues throughout the county involve potential exposures to chemicals and body fluids/excrement, and potential injury – all of which involve the requirement for specific protective equipment, most often including face coverings of some type.

Not only would making PPE voluntary be detrimental to employees, their families, and our citizens, but it also could result in higher claims liability for the workers compensation for blood borne pathogen exposures, chemical inhalation, and other areas where face masks/shields provide protection against injury or exposure. This Workforce Safety impact ultimately becomes a cost to all taxpayers.

Please give House Bill 1323 a Do Not Pass recommendation.