Chairs and members of the Joint Policy and Technical Corrections Committee, my name is Arik Spencer, President and CEO of the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization. I'm here today to provide general comments on HB 1510 & HB 1511 regarding vaccination prohibitions.

As background on this issue, during this past legislative session, three vaccine prohibition bills were introduced. HB 1301 and HB 1320 dealt with vaccination as a condition of employment, and HB 1307 dealt with vaccination as a condition of entry. GNDC opposed all three, and our opposition was based on free-market principles that business owners should have the ability to do what's best for their business, workforce, and customers but is also subject to any consequences, good or bad. All three were defeated by wide margins in the House maintaining existing employment at will laws (HB 1301: 32 yeas to 61 nays, HB 1307: 24 yeas to 68 nays, HB 1320: 8 yeas to 84 nays). In the months since then, outside of healthcare, less than a handful of employers (to my knowledge) required the vaccination of their staff.

Then in September, the current administration in Washington announced COVID-19 vaccine mandates for healthcare providers, federal contractors, and employers with over 100 employees. In response, we released the following statement.

"GNDC stands in opposition to President Biden's recent sweeping executive orders to mandate employee vaccination in business. Employers failing to comply would face significant fines. GNDC has long supported the right of employers to determine their policies for their operations and workforce. Businesses know the best course of action for their functions, and it is their choice to determine the policies they enact. In the case of requiring COVID-19 vaccinations, regardless of the level of government, businesses should neither be required nor prevented from requiring their workforce to be vaccinated. These executive orders overreach and dictate decisions eliminating rights and freedom of businesses."

The federal COVID-19 vaccination mandate inserted business owners in the middle of a fight that the vast majority never asked or wanted to be in. Since this announcement, the largest concern employers have expressed about the federal mandate is its impact on workforce. Many employers have told me they won't know what to do if 20% or 30% of their workforce quits due to the federal mandate. This concern about workforce shows that free-market principles are working.

What is truly unfortunate is that in response to the President's executive order, this Legislature and others across the country are now considering bills to punish employers who may have to comply with the federal mandate or decide that a vaccinated workforce is in the best interest of their customers. North Dakota job creators are not the enemy in this fight.

We agree about the need to push back on the federal mandate, which is why GNDC fully supports the many lawsuits against this government overreach, including those filed by the Attorney General. What ND employers don't need are state mandates in addition to federal mandates. Other states have responded by pushing back in different ways, including limiting the state's ability to help enforce the federal vaccine mandate and funding the legal fight against the mandate.

GNDC understands the political reality we face but strongly oppose any state vaccine bill that makes employers choose whether to break state or federal law & regulations, opens up a right of private action for following federal laws & regulations, causes businesses (including health care providers) to lose funding, or has no sunset because this issue may need to be revisited as federal actions change.

I appreciate your consideration, look forward to working with the committee on a reasonable resolution to this issue, and stand for any questions I can answer.