

**2021 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HB 1376**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1376  
1/27/2021

### Employer immunity regarding COVID-19

(10:50) Chairman Lefor calls the hearing to order.

Representatives	Attendance
Chairman Lefor	P
Vice Chairman Keiser	P
Rep Hagert	P
Rep Jim Kasper	P
Rep Scott Louser	P
Rep Nehring	P
Rep O'Brien	P
Rep Ostlie	P
Rep Ruby	P
Rep Schauer	P
Rep Stemen	P
Rep Thomas	P
Rep Adams	P
Rep P Anderson	P

### Discussion Topics:

- Employee safeguards
- Civil liability

Rep Kasper introduced the bill.

Arik Spencer~President & CEO GNDC. Testified in support.

Don Larson~National Federation Independent Business. Testified in support.

Chairman Lefor closes the hearing. The bill will be held.

**Additional written testimony:** Attachment #3253 & 3890.

(10:58) End time.

*Ellen LeTang, Committee Clerk*

HB 1376

Please do not pass HB 1376. This bill removes all responsibility from the employer from making substantial and reasonable efforts at safe-guarding employees during a well-documented disease infection. The employer should make every reasonable effort at protecting employees before being absolved from responsibility. This transfers all of the responsibility upon the employee. This is not fair to employees.



**North Dakota AFL-CIO**  
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**Testimony of Landis Larson, ND AFL-CIO President  
In Opposition to HB 1376  
January 27, 2021**

Chairperson Lefor and members of the House Industry, Business and Labor Committee:

My name is Landis Larson, President of the North Dakota AFL-CIO. The North Dakota AFL-CIO is the federation of labor unions in North Dakota, representing the interests of all working people in our state.

I am testifying on behalf of the North Dakota AFL-CIO in opposition to House Bill 1376.

The North Dakota AFL-CIO strongly opposes any attempts to shield corporations or other employers from civil liability, particularly in regard to COVID-19.

We know that many employers are good actors doing the best they can to protect their employees, but we also know that there are also many employers that are not doing everything they can to protect their workers. We have read the headlines about some of these employers, but many we haven't because workers fear retaliation for speaking up about unsafe working conditions or their concerns go unheard.

This bill relies on a well-defined and fully-functioning regulatory structure in place to ensure that corporations and other employers are in fact doing all they can to protect employees without the threat of civil liability. We know that up to this point, neither employers or workers have much to go on as far as enforceable safety rules from federal, state or local officials when it comes to infectious diseases in the workplace. Shielding these bad actors from litigation would only encourage them to ignore the scant guidelines on infectious diseases in the workplace and putting working families at risk of COVID-19 without legal recourse.

I recommend a "Do Not Pass" recommendation on House Bill 1376.

Respectfully Submitted,  
Landis Larson  
North Dakota AFL-CIO President

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1376  
2/2/2021

### Employer immunity regarding COVID-19

Chairman Lefor called the hearing to order at 4:10 p.m.

Representatives	Attendance
Chairman Lefor	P
Vice Chairman Keiser	P
Rep Hagert	P
Rep Jim Kasper	P
Rep Scott Louser	P
Rep Nehring	P
Rep O'Brien	P
Rep Ostlie	P
Rep Ruby	P
Rep Schauer	A
Rep Stemen	P
Rep Thomas	P
Rep Adams	P
Rep P Anderson	P

### Discussion Topics:

- Amendment
- Committee work

Rep Kasper moved to amend the date. (Amendment #21.0128.01001)

Representative Stemen seconded the motion.

Voice Vote. Motion passed.

Representative Kasper moved Do Pass as Amended.

Representative Adams seconded.

<b>Representatives</b>	<b>Vote</b>
Chairman Lefor	Y
Vice Chairman Keiser	Y
Rep Hagert	Y
Rep Jim Kasper	Y
Rep Scott Louser	Y
Rep Nehring	Y
Rep O'Brien	Y
Rep Ostlie	Y
Rep Ruby	Y
Rep Schauer	A
Rep Stemen	Y
Rep Thomas	N
Rep Adams	Y
Rep P Anderson	N

Roll call vote. Motion passed 11-2-1. Representative Kasper is the carrier.

(4:13) End time.

*Ellen LeTang, Committee Clerk*

21.0128.01001  
Title.02000

Adopted by the Industry, Business and Labor  
Committee

February 2, 2021

QA  
2/2/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1376

Page 2, line 1, replace "July 31" with "March 1"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1376: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1376 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "July 31" with "March 1"

Renumber accordingly



**2021 SENATE INDUSTRY, BUSINESS AND LABOR**

**HB 1376**

# 2021 SENATE STANDING COMMITTEE MINUTES

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

HB 1376  
3/10/2021 AM

relating to employer immunity regarding COVID-19
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**Chair Klein** opened the hearing at 10:00 a.m. All members were present. Senators Klein, Larsen, Burckhard, Vedaa, Kreun, and Marcellais.

### Discussion Topics:

- Potential liability between an employer and employee in relation to COVID-19
- Definition of COVID-19

**Representative Jim Kasper** introduced the bill [10:00].

**Arik Spencer, Greater North Dakota Chamber** testified in favor [10:08].

**Landis Larson, ND AFLCIO** testified in opposition and submitted testimony #8452 [10:14].

**Additional written testimony:** 8412

**Chair Klein** ended the hearing at 10:23 a.m.

*Isabella Grotberg, Committee Clerk*



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**Testimony of Landis Larson, ND AFL-CIO President  
In Opposition to HB 1376  
March 10, 2021**

Chairperson Klein and members of the Senate Industry, Business and Labor Committee:

My name is Landis Larson, President of the North Dakota AFL-CIO. The North Dakota AFL-CIO is the federation of labor unions in North Dakota, representing the interests of all working people in our state.

I am testifying on behalf of the North Dakota AFL-CIO in opposition to House Bill 1376.

The North Dakota AFL-CIO strongly opposes any attempts to shield corporations or other employers from civil liability, particularly in regard to COVID-19.

We know that many employers are good actors doing the best they can to protect their employees, but we also know that there are also many employers that are not doing everything they can to protect their workers. We have read the headlines about some of these employers, but many we haven't because workers fear retaliation for speaking up about unsafe working conditions or their concerns go unheard.

This bill relies on a well-defined and fully-functioning regulatory structure in place to ensure that corporations and other employers are in fact doing all they can to protect employees without the threat of civil liability. We know that up to this point, neither employers or workers have much to go on as far as enforceable safety rules from federal, state or local officials when it comes to infectious diseases in the workplace. Shielding these bad actors from litigation would only encourage them to ignore the scant guidelines on infectious diseases in the workplace and putting working families at risk of COVID-19 without legal recourse.

I recommend a "Do Not Pass" recommendation on House Bill 1376.

Respectfully Submitted,  
Landis Larson  
North Dakota AFL-CIO President

**Senator,**

If an employer requires an employee to work or the government requires an employee to work, they sure should be held liable if a person gets sick or dies!

This bill should be amended to clearly state that NO employee should lose their job if they do not want to work in a dangerous environment during a pandemic!

If you have underlying health issues you should also not be required to work or be fired!

**None of you would work under this type of immunity!**

Thank you,

**Mr. Mitchell S. Sanderson**

# 2021 SENATE STANDING COMMITTEE MINUTES

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

HB 1376  
3/10/2021 PM

relating to employer immunity regarding COVID-19
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**Chair Klein** opened the meeting at 2:22 p.m. All members were present. Senators Klein, Larsen, Burckhard, Vedaa, Kreun, and Marcellais.

### Discussion Topics:

- Necessity of the bill

**Senator Larsen** moved a DO NOT PASS [14:22].

**Senator Burckhard** seconded the motion [14:22].  
[14:22]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	Y
Senator Randy A. Burckhard	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	Y
Senator Shawn Vedaa	Y

Motion passed: 6-0-0

**Senator Klein** will carry the bill [14:23].

**Chair Klein** ended the hearing at 2:23 p.m.

*Isabella Grotberg, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1376, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1376 was placed on the Fourteenth order on the calendar.