

# NORTH DAKOTA HOUSE OF REPRESENTATIVES



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## **Representative Emily O'Brien**

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## **COMMITTEES:**

Industry, Business and Labor

Transportation

March 3, 2021

**House Bill 1398**  
**Senate Industry, Business and Labor Committee**  
**Senator Klein, Chairman**  
**March 3, 2021**

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

I am Representative Emily O'Brien, from District 42, in Grand Forks, North Dakota.

House Bill 1398 provides regulation consistency for businesses and limits a political subdivision from determining what businesses must provide to their employees.

This bill was brought forth from concerns from our business community. I have had multiple conversations about the impacts to businesses and workers and the mutual conclusion was that these decisions should come from the state or federal level to protect people as well as provide consistency to private business.

Going through the bill:

Section 1. Adds a new section to chapter 34-01 of the North Dakota Century Code.

Subsection 1. Definitions.

Subsection 2. States – A political subdivision may not adopt or enforce an ordinance that requires an employer to provide to an employee paid family leave that exceeds the requirements of federal or state laws and rules.

You may hear in opposition testimony verbiage along the lines of "this bill mandates that the state and other political subdivisions may not require an employer to provide paid family leave." Or "this would ban political subdivisions from allowing paid leave." I appreciate the perspective – but the interpretation of this proposed legislation is incorrect.

I would like to be clear that this bill is not picking winners or losers but ensures clarity across our state.

Federal and state laws exist to protect families who utilize Family Medical Leave Act (FMLA). These conversations are not against FMLA but focus the decision to be had at a higher level – again ensuring clarity across our state.

If businesses want to provide additional benefits, they have every right. Political subdivisions do not need to cloud the water. In fact, this bill does not ban a political subdivisions ability to provide paid leave to their employees. It does limit a political subdivision the ability to further regulate the businesses that reside there.

I have co-sponsored and examined bills that address FMLA in the past and will continue to seek solutions that work for the constituents in my district and across the state of North Dakota. This issue is not about partisan politics – this is about benefit offerings for North Dakotans and the employers who provide them.

For more information on Federal FMLA → <https://www.dol.gov/agencies/whd/fmla>

I'd be happy to answer any questions that the committee may have.



Representative Emily O'Brien  
District 42, Grand Forks