

TESTIMONY OF
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DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES
BEFORE THE 67TH LEGISLATIVE ASSEMBLY
HOUSE HUMAN SERVICES COMMITTEE
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Chairman Nelson and members of the House Human Services Committee, my name is Al Dohrmann. I am the Director of the Department of Emergency Services for the state of North Dakota. As the officer charged with executing emergency responses under Chapter 37-17.1, I appear today to raise some concerns I have and to answer any questions you may have of the executing agency.

In addition to the concerns raised by Mr. Schulz in his testimony, I am also concerned that this bill, as written, could limit the state's ability to take decisive action, at the time and place of need. While crisis response is a team sport, to get ahead of your competition, whether it is mother nature, an invisible virus, or a thinking competitor promoting civil unrest, you need empowered leadership from the front-line responder up to the leader of the Unified Command and the executive of the state, the Governor. Additionally, you need the authority and resources required, at the time and place of need, to take the action required to save lives and protect property. Chapter 37-17.1 of the Century Code, as currently written, provides the Governor the tools needed to take decisive action at the time and place of need. Whether it is rapidly procuring flood mitigation resources, quickly calling out the National Guard, or dramatically increasing testing and bending the curve during a spike in transmission of a virus, the powers provided to the Governor under Chapter 37-17.1 have served our state well over the last several decades.

There are other ways to provide valuable Legislative input to disaster or crisis response. For one, the legislature could bank some days for contingencies and come back into session on their own initiative. If this approach would negatively impact its ability to conduct the people's business, it could explore giving the legislative branch the power to come back into session, on its own authority, to review and amend any Executive Orders issued by the Governor.

Further, we need to fully consider the relatively short period of time that a Governor's Emergency Declaration or Executive Orders would be effective under HB 1118, and the requirement for full legislative review every 30 days. Our experience in this pandemic has shown that sometimes things move slow for a period of time, then can quickly change as we saw in late October and early November. Requiring the convening of the legislature based on a day on the calendar may not support a requirement to make life-saving decision at the time of need.

With that said, I understand the need and value of having co-equal branches of government in a democracy; in fact, I swore an oath to protect and defend our form of government. I would offer any assistance from my agency to ensure that any changes to Chapter 37-17.1 of the Century Code provide a more responsive government to the

citizens of North Dakota during times of emergency and crisis and ensure these changes do not produce unintended consequences.

In the military we have a process called "after actions review" or AAR. After any operation, we do a complete review of all actions taken and how we applied applicable policies and authorities to accomplish the mission. While we seek process improvement throughout operations, we do not review the entire operation until the stress and emotion of the event has concluded and we can analysis all the data and decisions. We wait until the end to ensure we are not second-guessing decisions made in the heat of the response and to ensure leaders stay engage and take disciplined risk to accomplish the mission. I believe the same applies in the case at hand. We are still in the COVID fight, now may not the time to overhaul the law and policy. It may be better to wait until the event is over to be in a better position to analysis the data and assess the actions taking. This will provide time to remove emotion, politics and the traditional and social media pressure from the process and allow for a more thoughtful review of our policy, actions and law.

I would be pleased to stand for your questions.