



## NORTH DAKOTA SENATE

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### **Senator Dick Dever**

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### **COMMITTEES:**

Appropriations

**Testimony for**  
**SB 2124**  
**Senate Judiciary Committee**  
**January 11, 2021**

Madam Chair, members of the Committee, I am Dick Dever, Senator from District 32 here in Bismarck. Senator Myrdal will be providing details on the bill. I will try to offer perspective surrounding the issue.

The first point I would like to make is that it is necessary that the Governor have the ability to declare emergencies. Governor Burgum has issued 15 declarations during his term in office. Most people would agree that everyone of them was necessary. Most are weather related that required quick response. Following is a list of those emergencies.

1. Activated the State Emergency Operations Plan for a severe summer storm on August 31, 2020
2. Declared a state of emergency in Fargo, West Fargo, and Cass County and activated the ND National Guard due to unlawful activity and civil disturbances on May 30, 2020
3. Declared a statewide flood emergency on April 24, 2020
4. Declared a statewide flood emergency on October 21, 2019
5. Ordered activation of the State Emergency Operations Plan for a severe snowstorm on October 11, 2019
6. Declared a statewide flood emergency on March 27, 2019
7. Declared a winter storm emergency in certain counties on March 26, 2019

8. Declared a drought disaster for certain counties and tribal nations on July 26, 2017
9. Declared a drought emergency and added counties to drought disaster livestock water supply program on June 30, 2017
10. Declared a statewide fire and drought emergency on June 26, 2017
11. Declared a drought emergency for certain counties on June 22, 2017
12. Declared a flood disaster for certain counties on May 19, 2017
13. Declared a flooding emergency for certain counties on April 14, 2017
14. Declared a state of emergency for flooding in Walsh County on March 24, 2017
15. Ordered emergency evacuation due to flooding on February 15, 2017

The concern that I have with the current situation and the need I see for changing the law is that the emergency is open ended. As an emergency continues, the ability to collaborate with the policy making branch of Government exists. The Executive Orders in several circumstances involve the suspension of sections of the Century Code. That may be necessary to do on a short term, emergency basis, but longer term, they should require the consent of the policy making branch.

Thirdly, I want to impress that this bill should be about the law, and not about personalities. It should not be just about the present circumstance, but in anticipation of future, unforeseen circumstances.

Throughout the last several months, the Governor has had to make difficult and sometimes unpopular decisions. I hope that he sees this bill as an opportunity to shift some of that burden to his colleagues in the Legislature. The people elected us to address difficult situations as well.

If this bill had been in place before the pandemic, I would envision that last April, the declaration would have ceased unless the Governor called a special session and extended it another 30 days. We would have had that time to consider what the situation should be going forward from there.

Considering what that might have looked like, I would like to put together another bill that will address the necessary actions from this point. I would like to work together with the Governor's office on that policy.

It's time for us to get back to living. We can die from Covid. We can quit living from fear of Covid, or we can decide what level of risk we are willing to accept, and what we can do to mitigate that risk. We know that we have a very vulnerable population, and we have a large population that is not so

vulnerable. We would be better able to focus on the vulnerable if we relaxed our efforts for the general population. The Governor was right to expect that people exercise personal responsibility. We should raise that expectation again.

With that, Madam Chair I would be happy to respond to any questions. I hope this is the beginning of a conversation that will continue through the session.