

TESIMONY OF
MAJOR GENERAL ALAN S. DOHRMANN
DIRECTOR, DEPARTMENT OF EMGERENCY SERVICES
BEFORE THE 67TH LEGISLATIVE ASSEMBLY
HOUSE HUMAND SERVICES COMMITTEE
SB 2124
MARCH 22, 2021

Chairman Weisz and members of the House Human Services Committee, my name is Al Dohrmann. I am the Director of the Department of Emergency Services (DES) and Adjutant General of the North Dakota National Guard. I offer this testimony in opposition to SB 2124 as it is currently written.

I am 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.

I have concerns with the seemingly arbitrary nature of the timetables established by the current language of SB 2124. Natural disasters do not adhere to a legislative schedule. As you can see in attachment 1 to my testimony, in 2009 and 2011, North Dakota experienced flooding incidents that seemed like they were well under control, but like all natural disasters, Mother Nature had a vote, and recovery operations quickly returned to flood response. SB 2124, as written, requires the legislature to grant future authority based on what is known at the time. This places the executive in a position of scrambling to call the legislature into session, when they should be focused on response.

I want to highlight the problem I believe this bill is actually trying to fix, the use of executive power during pandemics and epidemics. I understand and have felt some of the same pressure you have received from your constituents on the impact of executive orders on people's lives and livelihoods during the pandemic. To be honest, I've never heard similar concerns during floods, fires, storms and drought, our typical emergencies in the state. Attachment 2 to my testimony provides a summary of the executive orders that were issued during the 2011 flood event. You will notice that many of the executive orders are designed to speed response and, as opposed to the pandemic, have the effect of stimulating the economy. I have been involved in a number of more typical

emergencies for the state, I have never heard that we move too fast, did too much or stayed too long. If the problem we are trying to fix is how we respond to public health emergency, I'd suggest we need legislation that focuses on that. I'd also suggest that this committee has already achieved this with the passing by the House of HB 1118. Although I don't believe a change to law is necessary, I also recognize that HB 1118 represents a well drafted approach to balancing pandemic related concerns with the authorities that have saved lives and property in our 4 major cities and our rural communities over the last 30 years. HB 1118 gives the legislature the option to require the Governor call a special session when there are questions or concerns about an emergency declaration. SB 2124 would make this administratively burdensome requirement mandatory, regardless how clear the need is for such emergency or disaster declaration.

I understand the goal is oversight, but I am concerned that legislative oversight could give way to legislative management. We have a saying in emergency management that *all disasters are local*. That is how the response system was built. While you have been elected to represent your districts, only the local mayors, commissioners, the Governor and a minority of this body may have been elected by the individuals experiencing the actual disaster. I believe these are the elected leaders that should be making the decision that affect the people who elected them. I understand that you all have a stake in how we spend state resources, but legislative oversight is already provided through the Emergency Commission and Budget Section process. I urge caution in changing laws that have served North Dakota well for the last 30 years, and focus on legislation that addresses the problem this body is trying to fix. I submit this committee has already done that with HB 1118. I therefore recommend that SB 2124 as written receive a Do Not Pass.

I would be pleased to stand for your questions.

J1 Chart

AS OF: 271600JUL11

- 2009-T10/T14 2009-Other NG 2009-NDNG 2010-T10/T14 2010-Other NG 2010-NDNG 2011 Projection 2011-T10
- 2011-Other NG 2011-NDNG 2009-T10/T14 2009-Other NG 2009-NDNG 2010-T10/T14 2010-Other NG 2010-NDNG

Current Pay Period: 23 Jul-5 Aug 2011
Pay Date: 15 Aug 2011

CURRENT SAD MANDAYS:
 21 Mar to 20 May = 10,265
 23 May to current = 47,531
 57,796

TOTAL COST:
 21 Mar to 20 May = \$ 1,672,778
 23 May to current = \$ 7,406,094
 \$ 9,078,872

Avg Manday Cost: 400 x \$165 = \$66,000



