

TESIMONY OF
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DIRECTOR, DEPARTMENT OF EMGERENCY SERVICES
BEFORE THE 67TH LEGISLATIVE ASSEMBLY
HOUSE HUMAN SERVICES COMMITTEE
HCR 3007
JANUARY 19, 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 for the state of North Dakota. As the officer charged with executing emergency responses under Chapter 37-17.1, I rise to discuss the impact of HCR 3007 on our current response operations.

I have two concerns with HCR 3007. First, it brings ambiguity into my responsibilities as the Director of Emergency Services to execute our State Emergency Operations Plan, and possibly, local emergency operation plans. Second, it sends the message that "all is well" at a time when we are still experiencing almost daily hospitalizations and deaths due to COVID.

Chapter 37-17.1-05 provides that "[a]n executive order or proclamation of a state of disaster or emergency shall activate the state and local operational plans applicable to the political subdivision or area in question and be **authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies**, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this chapter or any other provision of law relating to a disaster or emergency." [Emphasis added]. Only an "executive order or proclamation" activate the plan and provide the state authority to respond to a "disaster or emergency".

Since there is a nation-wide Presidential Emergency Declaration, under current federal policy, we will still have access to federal resources if the emergency is lifted. However, without an emergency declaration, federal funds/resources are of limited value without clear state authority to deploy personnel, like temporary Department of Health nurses and National Guard personnel, execute testing, distribute life-saving therapeutics and vaccinate our populations. These concerns need to be addressed. Without clear authority for our state response, we put at risk our most vulnerable and threaten our hospital capacity. Even for the less vulnerable, I'd submit that less sick people is a good thing for our society and our economy.

My second concern is the message we send to our population and our public health first responders. I have witnessed first-hand the emotion of mask mandates, limitations on social gatherings, and closures. I have also witnessed first-hand the long hours and dedication that our medical and public health enterprise has put into saving lives during this world-wide pandemic. In many cases, they have felt over-worked and under-appreciated. They may feel their voices are not being heard at a time when their voices add great value to the conversation. I fear that passing HCR 3007 and ending this

emergency months before there is herd immunity sends a powerful, yet negative message to those that have worked so hard to keep us safe during this crisis.

I fear it also sends a powerful message to the public that it is not that bad and you can go back to normal life. This may be true for some, but the fact remains that people are dying sooner than expected because of COVID. The fact remains that some so-called "less-vulnerable" individuals have a bad result from COVID, and those that don't still pose a risk to more vulnerable. The fact remains that there is testing fatigue, not full cooperation with contact tracers and vaccine hesitancy. I fear that passing HCR 3007 could further reduce public support for our mitigation strategies and, therefore, put more lives at risk at a time that, as a state, we are winning our fight against COVID. Winning, but not victorious. When you have your competitor on the run, it is time stay on offense and exploit the momentum, not stop and play defense.

The Department of Emergency Services' job is to execute emergency responses under state and federal law. We rely on all available resources, under the law, to save lives and protect property. With that said, we always appreciate the support of our elected leaders and the best available tools to get the job done. I rise today as Director of the Department of Emergency Services to urge a do not pass on HCR 3007. The declared public health emergency continues to exist. Our efforts to continue testing and vaccination efforts require the resources and authority available under the state of emergency.

I would be pleased to stand for any questions.