



NORTH DAKOTA SENATE

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Madam Chair and members of the Senate Judiciary committee,

I am Senator Janne Myrdal D10 and I am before you today to introduce SB2124. The state of North Dakota has (and to some degree still are) gone through a difficult year dealing with a challenge none of us have truly experienced before. SB 2124 is a bill to deal with gaps we have discovered in NDCC regarding emergencies such as what we have gone through and the responsibilities of the Legislative and the Executive branch during such times.

The Legislature is elected by the people of North Dakota as lawmakers and appropriators. The Executive branch then govern according to such. And together we take care of the business of our State. SB2124 aims to establish needed balance and separation of powers to fulfill our constitutional duties to the people.

SB2124 is truly a bill at the request of the people of North Dakota:

- During declared emergencies, the Executive Branch would be able to act without delay in a quick and necessary manner to reduce possible harm and danger to the citizens of North Dakota
- During the first 30 days, the Executive Branch would have the power and the means to mitigate all possible adverse outcomes relating to the emergency
 - o This would allow the Executive Branch to act, within designated powers of an emergency declaration, in a manner that would not be stagnated by possible political haste.

- After convening a special session and getting approval from the Legislative branch, the Executive branch would have additional support in taking actions deemed necessary to control issues relating to the ongoing emergency.
 - o After the special session, and with Legislative approval, the Executive branch would be acting with voted support by those representing different areas of North Dakota. This would mean the Executive Branch would be working in ways the majority of Legislators representing the entire State have deemed appropriate and necessary during the emergency
- SB 2124 would give the Legislative Branch the ability to extend the Executive branch's power if the emergency required additional actions.
- SB 2124 will give the Legislative branch the ability to have a "check" on emergency powers if the Executive branch is acting in ways the Legislative branch deems unnecessary
 - o In all government areas, it is important to have designated forms of a check and balance system.

Before I go through the provisions of SB2124, allow me to state that this is not a simple reaction to the current virus nor the current executive administration, but rather a direction for the future. It is also not about specific emergency order topics. It is about making sure our elected leaders work together on behalf of every corner of the state during difficult times.

Here are the provisions:

Page 1 deals with definition of Health Care Officers scope of authority which may not exceed that of the Governor during an emergency or disaster.

Page 2 deals with duration of an emergency order by the Governor. It limits it to 30 days but may be extended beyond such if the governor calls a special session of the legislature to be held within the 30-60 days after first declaration.

Page 2 Governor may not declare another emergency for same condition if it has been terminated by concurrent resolution by legislature or if it has terminated after 30 or 60 days.

Page 4 Governor may not use exec order that restricts monies appropriated by legislature

Page 5 Due to language that says, "seat of government" we had to make sure this language was added to include virtual session designated as "seat of government".

Madam Chair, I have also provided a copy of an amendment to SB2124. It clarifies that any subdivisions may not exceed duration or scope of the authority of the governor under this section.

This concludes my testimony. I will stand for any questions as I ask for a do pass. I have also invited LC for any clarification on language.