

2017 HOUSE APPROPRIATIONS

HB 1103

2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

HB 1103
1/17/2017
27014

- Subcommittee
 Conference Committee

Bergquist

Explanation or reason for introduction of bill/resolution:

Relating to borrowing of funds during a disaster or emergency.

Minutes:

Includes attachment 1

Call the meeting to order

1:00-4:15 Greg Wilz Deputy Director, Department of Emergency Services. (see attachment 1)

I offer testimony in support of HB 1103

4:15 Chairman Delzer: If it's being done already why are we doing this? This is leaving this really broad.

Mr. Wilz: We would just like it put into law so everybody understands.

Chairman Delzer: Reduces some authority of emergency commission to say no, What's a small emergency and what's a large? We did 79 thousand for the fire at Mary College.

Mr. Wilz: Depends, that fire south Bismarck, the recourses just weren't there, so we needed the help of the National Guard and water from the air. There are many that are much larger than that and when we ask for help the governor does not declare an emergency. Either the state has to take it out of their hide and/or they are reimbursed by the local governments local agencies.

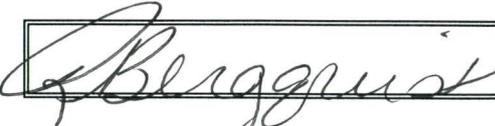
Chairman Delzer: Questions by the committee?

2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

HB1103
2/2/2017
27787

- Subcommittee
 Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to borrowing of funds during a disaster or emergency.

Minutes:

10:15 of recording 27787

Chairman Delzer: HB 1103 is another bill brought in by DS, they are asking to put the words "or emergency" in the bill. They changed the language a little bit about the cost share, again the emergency below everything is appropriated, any money that they would receive. I don't know that it's a necessary. I think they just want to make sure that everything they need is covered.

Representative Monson: I refer to chapter 37-17.1 which is what we put into place last time, it's the use of the disaster relief fund. So when they refer to disaster does that mean it's a federally declared disaster or does it mean an emergency?

Chairman Delzer: I think that's what they are getting at, like the fire here by Mary College. They figured that more of an emergency than a disaster but if it would have burnt the college it would have been a disaster.

12:25 Representative Nathe: I think they are using emergency to define "protecting lives, property and public health and safety." I don't think it's a big thing if it's in there.

Chairman Delzer: I don't know that it's a big deal either way, it does free them up to do whatever they want to do anywhere they want to do it without any justification.

Representative Streyle: Disaster is pretty clear but the word emergency is a very broad term. I don't like that in there.

Representative Schmidt: A disaster is usually nature driven where an emergency is human driven and if you use that as a defying statement, do we want to include human driven emergencies under this?

Representative Kempenich: Definition of emergency is *unforeseen combination of circumstances that result in stated that call for immediate action.*

Chairman Delzer: I still don't know of any time that they felt they needed to do something and they weren't able to do it.

14:30 Representative Nathe Do Pass motion of bill 1103

Seconded by Representative Delmore

Representative Nathe: I don't think it hurts to have "emergency" in there, they're just looking to better define the word emergency. According to the testimony, it pertains to the public health and safety. It also helps them to provide health line services, so I think it is a difference. Look at DAPL, is that a disaster or is that an emergency?

Representative Streyle: This would allow them to declare an emergency and go right to the Bank of North Dakota? Is there emergency commission approval too?

Chairman Delzer: I think they will have to go before the emergency commission.

Representative Streyle: So they go declare an emergency, go to the emergency commission, ask it to be authorized and then borrow it.

Brady Larson Legislative Council: That is correct Mr. Chairman

Chairman Delzer: With that fire, they did spend the money before they asked for it.

Representative Pollert: So is the reason for the emergency language to excess money or is it for a plan of action?

Chairman Delzer: This give them authority to do it first before they have to come and ask for it.

Representative Pollert: Have we ever had an emergency or a disaster that wasn't covered?

Chairman Delzer: They could probably do something and come it and then we would have to pay for it.

Representative Monson: I don't think it's immediate to opening of the flood gates but it could make them more likely to respond to those as an emergency. They need something to make a stop so they don't have emergency all the time.

Representative Vigesaa: On line 9 it does say “as declared by the governor” so to trigger this the governor would be determining if it’s an emergency or not.

Chairman Delzer: That’s how it is now, but this does give them more authority, the governor has to be aware of the difference between the emergency and disaster.

Representative Kempenich: I think we’re diving into the law enforcement field, when you look at disaster and the declaration of it.

Representative Nathe: I read the emergency more having to have to do with public health and safety, so what if we have a pandemic? Is that an emergency, is that a disaster? I think we need better classification.

Chairman Delzer: There’s already stuff in the health department, DS wouldn’t be part of that.

Representative Nathe: I agree but it would still be a public health and safety issue.

Representative Kempenich: Definition of disaster is *a serious disruption and functions of the community or society involving wide spread of human material, economic environmental and impact losses which exceed the ability of the affected community or society to cope with the resources.*

Representative Schatz: What kind of an over reach would they go after?

Chairman Delzer: I’m not sure?

A Roll Call vote was taken. Yea: 4 Nay: 16 Absent: 1

Motion Failed

Representative J. Nelson made a Motion for Do Not Pass

Seconded by Representative Boe

A Roll Call vote was taken. Yea: 18 Nay: 2 Absent: 1

Motion Carries

Representative Boe will carry the bill

Date: 2/2/2017
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1103**

House Appropriations Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Representative Nathe Seconded By Representative Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer		X			
Representative Kempenich	X		Representative Streyle		X
Representative: Boehning		X	Representative Vigesaa		X
Representative: Brabandt		X			
Representative Brandenburg		X			
Representative Kading		X	Representative Boe		X
Representative Kreidt	A		Representative Delmore	X	
Representative Martinson		X	Representative Holman	X	
Representative Meier		X			
Representative Monson		X			
Representative Nathe	X				
Representative J. Nelson		X			
Representative Pollert		X			
Representative Sanford		X			
Representative Schatz		X			
Representative Schmidt		X			

Total (Yes) 4 No 16

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2/2/2017
 Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1103**

House Appropriations Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Representative J. Nelson Seconded By Representative Boe

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X				
Representative Kempenich	X		Representative Streyle	X	
Representative: Boehning	X		Representative Vigesaa	X	
Representative: Brabandt	X				
Representative Brandenburg	X				
Representative Kading	X		Representative Boe	X	
Representative Kreidt	A		Representative Delmore		X
Representative Martinson	X		Representative Holman		X
Representative Meier	X				
Representative Monson	X				
Representative Nathe	X				
Representative J. Nelson	X				
Representative Pollert	X				
Representative Sanford	X				
Representative Schatz	X				
Representative Schmidt	X				

Total (Yes) 18 No 2

Absent 1

Floor Assignment Representative Boe

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1103: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (18 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HB 1103

AH 1 1/17/17 HB 1103

TESTIMONY – HB 1103
HOUSE APPROPRIATIONS COMMITTEE
JANUARY 17, 2017
BY GREG WILZ
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Mr. Chairman and members of the committee, my name is Greg Wilz. I am Deputy Director of the Department of Emergency Services (DES), and Director of the Homeland Security Division. I offer testimony in support of House Bill 1103.

Language in HB 1103 clarifies in law common procedural practice during significant incidents identified as “emergencies”. It simply seeks to include declared emergencies for which an agency may seek authority from the Emergency Commission to borrow moneys from the Bank of North Dakota.

As defined in 37-17.1-04, “Emergency” means any situation determined by the governor to require state or state and federal response or mitigation actions to immediately supplement local governments to protect lives and property, to provide for public health and safety, or to avert or lessen the threat of a disaster.

As defined by the updated language in House Bill 1106, “Emergency” means any situation that is determined by the governor to require state or state and federal response or mitigation actions to immediately protect lives and property, to provide for public health and safety, or to avert or lessen the threat of a disaster. Emergencies require an immediate supplement to local governments to protect lives and property, to provide for public health and safety, or to avert or lessen the threat of a disaster or aid to critical industry sectors that provide essential lifeline services.

Emergency declarations occur most often when conditions dictate preparedness or mitigating actions are required to proactively thwart or reduce the threat in order to saves lives and protect property. A disaster is often thought as an event that necessitates significant resources resulting in enormous cost associated with a large-scale response and lengthy recovery based upon destruction. However, the NoDAPL protest does not rise to the level of a disaster, yet, it has required significantly more resources and is far more costly than some of the state’s disasters declared by the president.

Although current process has not limited funding for emergencies when declared by the Governor, this bill designates emergencies declared by the Governor as events for which the Emergency Commission can authorize the use of contingency funds or borrowing authority from the Bank of North Dakota.

On behalf of the Department of Emergency Services, I recommend HB 1103 receive a due pass.

Thank you for your time; I will answer questions you may have.