

2017 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1104

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

HB 1104
1/5/2017
26592

- Subcommittee
 Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the Governor's authority to call out the National Guard

Note: The sound was very poor.

Minutes:

Attachment 1

Chairman Kasper opened the hearing on HB 1104.

Greg Wilz, Deputy Director, Department of Emergency Services and Director of the Homeland Security Division, appeared in support of HB 1104. Attachment 1 (End 2:50)

Rep. Steiner: Would you also consider energy grid attacks?

Mr. Wilz: Yes. We think that any attack that is cyber based in any of the critical industry infrastructures would be qualified. There is a separate section within this same area of code that allows the adjutant general, which I believe is somewhat archaic, to run power plants that are left over from the 60s.

Rep. Olson: ... arrive at a positive disposition to the cyber-attack has occurred or an endangered is occurring?

Mr. Wilz: There are probably a hundred definitions of cyber-attack out there today. We are talking about an authority that the Governor has to bring out the National Guard for large scale incidents that impact critical infrastructure sectors and critical industry infrastructures across the US, some of which are life critical—power, water, banking, and food. The Governor doesn't activate the Guard to fix a leaky pipe, but he does for a flood. That would be the same case here.

Rep. Rohr: Would this also include activation of an instant command center?

Mr. Wilz: Yes. When the Governor does a declaration, a state emergency operation center is activated and the instant command system is put in place.

Rep. Vetter: If it means a large scale cyber-attack, should we have something in there defining what we are talking about?

Mr. Wilz: I would suggest you keep it somewhat general. When the Governor activates, there is a lot of information that goes into that activation. It would be tough to quantify that right and left boundary.

No opposition.

Chairman Kasper closed the hearing.

Chairman Kasper: I agree with Mr. Wilz...

Rep. Johnston: ...just labeling...

Rep. Olson: I am inclined to agree with keeping it general, but I think there needs to be some kind of qualifier.

Rep. P. Anderson: I would trust the Governor.

Rep. Rohr: Also, there would be an instant command center and discussion of what kind cyber-attack it is and how severe it is.

The committee stood in recess until 1:00 pm.

2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

HB 1104 (PM)
1/5/2017
26628

- Subcommittee
 Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the Governor's authority to call out the National Guard

Minutes:

Chairman Kasper opened discussion on HB 1104.

Rep. Olson: What would the threat level have to be? I would be interested in learning more on what that scenario is. Also, I would like to learn more about North Dakota's team stationed across North Dakota, South Dakota, and Colorado.

Greg Wilz, Deputy Director, Department of Emergency Services, appeared: Our focus is at a scenario level that deals with critical infrastructure. There are 16 critical infrastructure industries that have been identified by the federal government. We have all but one here. We do not have nuclear. Imagine what might happen with a power outage or not being able to pull money out of a bank because of a cyber-attack. If something happens at a national level, there isn't going to be enough smart people available or in the room to do that fix. That is one of the reasons the National Guard is stepping up and placing these teams and placing them around the state. They did the same thing about 10-15 years with CST (Civil Support Team). Every state now has a full time CST. They deal with explosives and hazardous material. That is the kind of model they are doing here. They are bringing some soldiers together, giving them about three years technical training, and when finished, they will be cyber security experts.

Rep. Olson: In case of a power grid loss, what would the National Guard do that the power grid operators shouldn't already be able to take care of themselves?

Greg Wilz: They would try to patch the attack.

Rep. Olson: I wouldn't think private companies like Midco would need the National Guard to patch their switches and routers. Is there a scenario that has ever occurred in the United States, and we had to deploy National Guard resources to respond to an actual or threatened cyber-attack?

Greg Wilz: No, not National Guard. There is a National Information Cyber Computer Group in Washington, DC. They monitor all the traffic in and out of the United States. Washington state put a team of guardsmen who work at Microsoft. National cyber security is a high priority. There are not enough of these kinds of people to go around. There is a huge gap out there today, and the Guard is trying to patch it.

Rep. Laning: Any appropriations to fund this effort?

Greg Wilz: This will be funded purely by National Guard operational dollars.

Rep. Olson: Tell me more about this team stationed across North Dakota, South Dakota, and Colorado. Are they members of the ND National Guard?

Greg Wilz: This team is made up of guardsmen from ND, SD, and CO. There will be approximately 7 from each state's Guard authorized in this unit of 21. The headquarters of our unit is going to be in Colorado.

Rep. Olson: Is election infrastructure part of the 16 critical infrastructures that you mentioned? Would this relate to what they did in the Ohio election in November?

Greg Wilz: Yes, this team would have that capability.

Rep. Vetter: Would you have a problem with adding cyber-attack or dealing with critical infrastructure?

Greg Wilz: No, because that will be the bulk of it. In reference to Rep. Olson's earlier question, election processes are not considered critical infrastructure. However, there are 16 out there that are pretty important.

Rep. Dockter: How many other states have similar language?

Greg Wilz: I haven't done that research. I know that in 2015 the National Guard Bureau authorized another 13 teams to be put into play.

Rep. P. Anderson made a motion for a DO PASS on HB 1104.

Rep. Laning seconded the motion.

Rep. Vetter: Do I make a motion to add an amendment?

Chairman Kasper: We would have to have the motion withdrawn. You needed to also mention that in discussion.

Rep. B. Koppelman: You could ask the first and second to agree to amend their motion too.

Rep. Vetter: Could I ask the first and second to agree to the amendment?

Rep. P. Anderson said no.

Rep. Laning: I would like to exactly hear what the amendment is.

Rep. Vetter: Adding dealing with critical infrastructure.

Rep. P. Anderson: I want to stay where we are at.

Rep. Laning wants to stay where he is at.

A roll call vote was taken. 10 Yeas, 4 Nays, 0 Absent.

Rep. P. Anderson will carry the bill.

Date: 1-5-17
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1104**

House Government and Veterans Affairs 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 P. Anderson Seconded By Laning

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	X		Pamela Anderson	X	
Scott Louser-Vice Chairman	X		Mary Schneider	X	
Jason Dockter	X				
Craig A. Johnson	X				
Daniel Johnston		X			
Karen Karls	X				
Ben Koppelman		X			
Vernon Laning	X				
Christopher D. Olson		X			
Karen M. Rohr	X				
Vicky Steiner	X				
Steve Vetter		X			

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep P. Anderson

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

REPORT OF STANDING COMMITTEE

HB 1104: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).
HB 1104 was placed on the Eleventh order on the calendar.

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1104

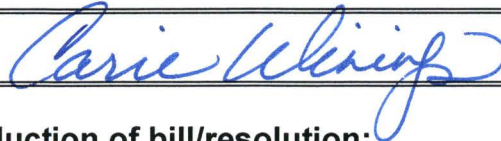
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

HB 1104
2/9/2017
Job Number 28095

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 37-01-04 of the North Dakota Century Code, relating to the governor's authority to call out the national guard.

Minutes:

Attachments: 1

Chairman Poolman: Opened the hearing on HB 1104.

LTC Michelle Hagel, North Dakota National Guard: See Attachment #1 for testimony to explain and in support of the bill.

(2:18) Senator Bekkedahl: Is this a new unit stand up process with Headquarters in North Dakota and units in South Dakota and Colorado?

LTC Michelle Hagel: That is correct. Right now we are just filling the positions so they have not been trained, but they will be trained and this a capability the state would be able to utilize.

Senator Bekkedahl: So you are able to do this operationally within your current budget?

LTC Michelle Hagel: That is correct. When we get called out into state active duty, it gets rolled up in our emergency commission request and our borrowing authority budget.

Chairman Poolman: Asked for additional testimony and there was none. Closed the hearing on HB 1104.

Senator Bekkedahl: Moved a Do Pass.

Senator Meyer: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Bekkedahl will carry the bill.

2/9
1

Date:
Roll Call Vote #:

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1104

Senate Government and Veterans Affairs 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 Bekkedahl Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	Ab				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Bekkedahl

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

REPORT OF STANDING COMMITTEE

HB 1104: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1104 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1104

Attachment 1
1104
1-5-17

TESTIMONY – HB 1104
GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
JANUARY 5, 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 1104.

The Department of Emergency Services maintains mission area operations plans for the state of North Dakota. These plans are reviewed and updated frequently based upon continually changing threat environments and conditions. However, the specific threat I am addressing is cyber-attacks. Cyber-attacks can be costly, life altering, and consume significant resources to engage mitigation and recovery efforts. The harm to our nation and state produced by just a few keystrokes could disrupt wide ranging facets of daily life that are considered essential to maintaining an orderly society.

Last year, the governor formed a cyber security task force to review infrastructure and technology vulnerabilities, standards, and other preparedness and mitigation strategies and actions. Because this issue is a top national and state priority, the National Guard is training and equipping soldiers to maintain a highly-skilled force able to respond to cyber-attacks at the national and state levels. North Dakota's team will be stationed across North Dakota, South Dakota, and Colorado.

Current law does not provide the governor specific power to order the National Guard to state active duty in the event of a cyber-attack. This bill affords him or her that vital deployment authority.

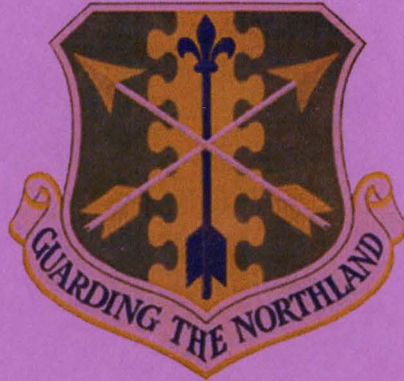
On behalf of the Department of Emergency Services, I recommend HB 1104 receive a do pass.

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



Army National Guard

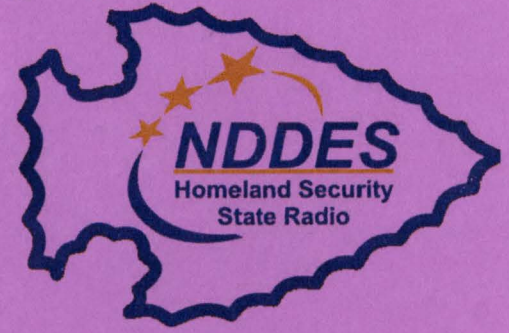
"The Straight Arrows"



Air National Guard

"The Happy Hooligans"

HB 1104 #1 pg 1
2-9-17



*Department of
Emergency Services
Homeland Security &
State Radio*

*The
Office of the
Adjutant General*

*Testimony of
Major General Alan Dohrmann*

before the

*Senate Government and Veterans Affairs
Committee*

February 9, 2017

HOUSE BILL 1104

**TESTIMONY OF
MAJOR GENERAL ALAN DOHRMANN
THE ADUTANT GENERAL
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
FEBRUARY 9, 2017
HOUSE BILL 1104**

Good Morning Ms. Chairman and members of the committee, I am Major General Alan Dohrmann, The Adjutant General of the North Dakota National Guard. I offer testimony in support of House Bill 1104.

The North Dakota National Guard frequently reviews and updates area operations plans based upon continually changing threat environments and conditions. The specific threat I am addressing is cyber-attacks which can be costly, life altering, and consume significant resources to engage mitigation and recovery efforts. The harm to our nation and state produced by just a few keystrokes could disrupt wide ranging facets of daily life that are considered essential to maintaining an orderly society.

Last year, the governor formed a cyber security task force to review infrastructure and technology vulnerabilities, standards, and other preparedness and mitigation strategies and actions. Because this issue is a top national and state priority, the National Guard is training and equipping Soldiers to maintain a highly-skilled force able to respond to cyber-attacks at the national and state levels. North Dakota's team will be stationed across North Dakota, South Dakota, and Colorado.

Current law does not provide the governor specific power to order the National Guard to state active duty in the event of a cyber-attack. This bill affords him or her that vital deployment authority.

On behalf of the North Dakota National Guard, I recommend HB 1104 receive a do pass.

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