

House Government and Veterans Affairs | Chair Kasper

HB 1495

Thursday, February 11, 2021 | 2:30pm

Testimony of Jace Beehler

Chairman Kasper, members of the committee, for the record, my name is Jace Beehler, and I serve as Chief of Staff to Governor Burgum and Lt. Governor Sanford. Today, I offer this testimony in opposition to HB 1495.

HB 1495 adds an enormous amount of complexity in responding to emergency situations throughout the state, whether that be flood, drought, protests, pandemics or any other natural or manmade emergency, known or unknown. The key to emergency response is nimbleness, flexibility and speed and the ability for the executive branch to act swiftly and decisively. HB 1495 does not provide these required tools.

Eleven months ago, today, marks the first confirmed case of COVID-19 in North Dakota. While we have made tremendous progress, we know that this virus continues to spread across the country and the globe. So, as we begin to discuss how North Dakota will move forward with emergencies such as this, let us not forget that the pandemic is not finished.

Today we are discussing the state's ability to respond to all declared emergencies. The ability for state agencies to quickly supply the citizens of North Dakota with the information they need to make decisions for their families and to rapidly develop programs to provide safety, support and resources, regardless of the specific emergency. Today, we are talking about the ability of those elected by all citizens of North Dakota to learn, adapt and make decisions with nimbleness and responsiveness.

As North Dakotans we are experienced in managing emergencies. Floods, droughts and blizzards come frequently. In those times of need, the people of North Dakota come together to support their families, friends and neighbors. State agencies respond quickly and efficiently and provide the necessary resources and support to help citizens withstand the crisis. This pandemic is no different.

The governing systems used throughout the pandemic have been in place for decades, and they have worked. Balancing lives and livelihoods, the Governor's Office, in consultation with the Unified Command and the Department of Health, utilized its authority judiciously where required. The executive branch collaborated continuously and extensively with legislative leadership, individual legislators, members of the Emergency Commission and Budget Section, tribal governments, county commissioners, mayors, local public health officials, hospital leaders, physicians, school superintendents, university system leaders and law enforcement. As federal dollars have come to the state, all federal emergency funds spent throughout the pandemic were approved by the Emergency Commission, which is two-thirds legislators, and the 24 member Budget Section.

The Governor's Office had weekly and bi-weekly calls with the White House COVID-19 Task Force and national governors associations, gaining insight on how other states were responding to the urgent needs of their citizens.

Thanks to the wisdom of North Dakota's founding fathers, the state's constitution and all elected leaders from decades past, our state and its systems were prepared for the greatest health challenge in a century.

With nearly 100,000 new COVID-19 cases still coming daily across the United States and new variants of the virus spreading across our nation, it is vital we keep our focus on the future. House Bill 1495 seeks to address how the length of a declared emergency is managed, extends and burdens the process by which executive orders are implemented, hampers the length of a state health officer's orders and adds additional, cumbersome steps for local leaders responding to health emergencies.

The current process and systems for declaring and managing an emergency in North Dakota are clear, effective and transparent. If the goal of this legislation is to ensure discussion on each individual executive order, health officer order and emergency management decision made during the emergency, that process is already in place. The legislative assembly has the ability to call itself back into session, which was possible throughout this past interim as the legislature had days remaining.

Additionally, while the legislature was not called in for a special session, the issue of increasing the involvement of the legislature during emergencies through a change in process has already been addressed in HB 1118. While we do not support HB 1118, it has already passed through the house, and is headed to the senate.

No governor, elected official or agency leader wishes for the kind of conditions that necessitate the use of emergency declarations. No leader wishes to extend emergencies beyond what is required to meet the needs of the citizens. However, emergency authority is vital in assuring that the executive branch has the ability to declare and respond to emergencies, quickly and efficiently, to optimize both federal aid and federal response, for the sole purpose of helping North Dakotans.

The governing processes used to respond to this pandemic have worked. We have been able to respond to the needs of all North Dakotans, work with the federal government to meet the needs of North Dakotans and collaborate with all levels of local government to balance the needs across the state. The fact that North Dakota stands today among the best shape of any state in the country – in terms of strength of our economy, our kids in school, and our COVID numbers among the lowest – is testimony to the fact that our current systems have met the test of the biggest emergency in 100 years. For these reasons, we ask that this committee proceed with a do not pass.

Thank you chairman and I would welcome any questions you may have.