

House Political Subdivisions Committee | Chairperson: Representative Jason Dockter  
HB 1457

Thursday January 4, 2021 | 11:00am

Chairman Dockter, members of the committee, for the record, my name is Ben Gates, and I serve as the Assistant Emergency Manager in Traill County. I am representing Traill County on behalf of our Director of Emergency Management, and our Board of County Commissioners. Unfortunately, I am not able to be there in person and am providing this testimony in written format only. Today, I offer this testimony in opposition to HB 1457 as it is currently written.

HB 1457 specifically relates to the timing of the review of disaster declarations. Currently, there is no timing of review of disaster declarations at the local level. There is no doubt that an emergency or mandatory evacuation order should be reviewed from time to time by the local governing board. Requiring governing boards to meet every 15 days to discontinue or reauthorize a declaration is somewhat burdensome to governing boards that only meet once per month and even those like Traill County that meet twice per month.

I would like to give some background on disaster declarations and how these function on the local level. Disasters start and end at the local level. In the beginning of the disaster, the local governing board, whether the City or County, reviews the situation and a recommendation is provided to the governing board whether to declare a disaster. If this disaster is affirmed or declared by the local governing board, the declaration is forwarded to the North Dakota Department of Emergency Services (NDDDES) through the County or City Emergency Manager for further situational awareness as well as initiating the process of a possible State disaster declaration. Once the State declares a disaster, the request is forwarded on to FEMA through the FEMA Region 8 office in Denver, CO and then to the National Office in Washington, DC where the President either signs in agreement of the disaster declaration or denies it. If the disaster is Presidentially Declared, then the process begins of FEMA working with the Local governments that originally declared the disaster through NDDDES. The initial response to the disaster is usually completed by the time the State and the Federal disasters are declared. However, there is still more that is involved. The disaster does not end on the local level until the recovery phase of the disaster is complete which can be anywhere from 1 week to 3 years or even longer after the initial disaster declaration. Federal reimbursement on the local level is contingent upon the continued extension of the local disaster declaration.

Local disaster declarations are made, primarily, to allow for the access to the local Emergency Fund. This allows the local jurisdictions the ability to pay for items related to the disaster. This Fund is also where funds are distributed and reimbursed throughout the FEMA reimbursement process. Removal of the local disaster declaration removes the access to this funding and the reimbursements that are provided by FEMA during a disaster.

The point is that disasters start and end on the local level and only end once the recovery phase is complete. We have steadily experienced more and longer-term disasters with more damage and longer times to stabilize and recover. This bill, as written, in essence peels away the local control by mandating that reviews of these local decisions be made every 15 days, outside of the normal local decision-making meetings.

Declarations and other emergency orders; however, should be reviewed from time to time. I stand in support of some type of amendment that would increase this timeframe for review of a disaster declaration from every 15 days to every 45 days with full control to further extend or end the declaration to remain at the local level. This amendment would provide for each local jurisdiction to meet at their normally scheduled meetings to determine the effects of the disaster on the local level and will allow for the local control to remain at the local level.

Thank you, Mr. Chairman and committee members and I would look forward to answering any questions you may have. Thank you.

Ben Gates, Traill County Assistant Emergency Manager  
Cell: 701-270-1738  
[bgates@nd.gov](mailto:bgates@nd.gov)