

Senate Government and Veterans Affairs | Chairman Vedaa

HB 1495

Thursday, March 25, 2021 | 9:00am

Testimony by Jace Beehler

Chairman Vedaa, 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. I offer this testimony in opposition to HB 1495.

As we discuss this bill, we know more about the pandemic, more about preventing the spread of a virus, and more about managing a public health emergency than we knew yesterday, a week prior, a month ago and certainly more than we knew on March 11, 2020.

I have had the opportunity to speak with many of you and your colleagues during the session and over the past year. We have discussed the merits of specific events and mitigation measures and watched as science unfolded to bring us a vaccine to help protect against the virus. I hope that we can come to this discussion today with a shared understanding that over the last twelve months the members of team North Dakota worked to provide the citizens of this great state with the resources, information, and tools to protect themselves and their families during this pandemic.

There have been more than 55 bills this session directly related to the pandemic, this being one of them. Some turn previous executive orders into law and others seek to limit certain aspects of the state's response. There are three bills directly related to the process for emergency declarations and authority, include HB 1495.

As you are aware, the Governor's Office does not support these pieces of legislation, however, we understand the desire for discussion around emergency authority. What we ask is that we think about this piece of legislation and all COVID related legislation with a forward-looking lens, rather than litigating the past twelve months.

HB 1495 adds a tremendous amount of burden to the executive branch and local elected leader's ability to respond to emergencies.

Specifically, Section 5 of HB 1495 requires that every 30 days for a maximum of 60 days, the governor must request approval to maintain an emergency.

Additionally, at the end of the 60 days, the emergency may not be reissued and if the emergency continues, the legislative assembly would be required to come back into session to take action to address the disaster. While the legislative

branch is the budgetary and policy making branch of government, it is the executive branch that is to execute in day-to-day operations. This includes emergencies.

Section 6 of this bill adds additional bureaucracy by requiring county and city officials to have orders and declarations relating to an epidemics or pandemics approved by the state health officer. This hinders the ability for true local control that is needed in almost all instances related to emergencies. In addition, during a time of epidemics and pandemics, the state health officer and all the department of health have countless duties that are far more deserving of their time than to regulate local leader decisions.

While the legislature moves through their 52nd day of the legislative session, many of the issues and concerns related to specific pieces of the pandemic have been and are being discussed. This bill seeks to dramatically change a process for emergency response that has worked in floods, fires, droughts, protests, and all emergencies.

I ask this committee to please review this legislation and all emergency related legislation as leaders that were elected to do what is best for the state and not implement policy simply to respond to a once in 100-year event. I respectfully ask that this committee move a Do Not Pass to HB 1495.

Thank you, Mr. Chairman. I would welcome any of your questions.