

March 25, 2021
Senate Government and Veterans Affairs Committee
HB 1495
Senator Shawn Vedaa

For the record, I am Stephanie Dassinger. I am appearing on behalf of the North Dakota League of Cities. I am the deputy director and attorney for the League. The North Dakota League of Cities appears in opposition to HB 1495 because the bill would hinder a city's ability to respond to emergency situations.

The League's opposition to HB 1495 centers around section 6 of the bill. Section 6 requires that any city emergency order related to an epidemic or pandemic be reviewed by the state health officer. There are 357 cities in North Dakota. The League is concerned that the time it would take for the state health officer to review every emergency order would significantly impact the time it would take for a city to respond to an epidemic or pandemic.

Section 6 also provides that provisions of a city ordinance or emergency order may not be more restrictive than those expressly permitted in state law. It also specifically excludes North Dakota Century Code sections 40 - 05 – 01 and 40 - 05.1 – 06 which provide cities general authority to make regulations regarding public safety.

The way emergency powers in cities works is that home rule cities have ordinances providing the powers that either the mayor or the city governing body has under an emergency declaration. North Dakota Century Code section 37-17.1-10 provides the process for a city declaring an emergency and specifically calls out the authority for the city's executive officer to order an evacuation. If the Legislature passes HB 1495, with the language in Section 6, it is unclear what authority, besides ordering an evacuation and having an emergency plan, that a city has to respond to an emergency.

Due to the detrimental impact the bill would have on a city's ability to respond to an emergency, the League respectfully requests a Do Not Pass recommendation on HB 1495.