



TESTIMONY ON HOUSE BILL 1457

Senate Political Subdivisions Committee

March 18, 2021

Daniel L. Gaustad, City Attorney, City of Grand Forks, ND

Chairman Burckhard and members of the Senate Political Subdivisions Committee, my name is Daniel L. Gaustad and I am the City Attorney for the City of Grand Forks. I want to thank you for the opportunity to provide testimony and express the City of Grand Forks' opposition to HB 1457.

The City of Grand Forks, like many cities in North Dakota, relies on the ability of the Mayor, as the executive officer, to take action through executive orders in the time of local emergencies. This includes not only declaration of emergencies like those issued to aid in combating the current pandemic, but also executive orders to combat natural disasters like the 1997 flood in Grand Forks. As it is currently drafted, the proposed amendment to N.D.C.C. § 37-17.1-10 places additional hurdles in front of political subdivisions, like the City of Grand Forks, during the times of a local disaster or emergency and precludes the exercise of local control over local disasters and emergencies.

Rather than permitting political subdivisions to focus on the local disaster or emergency at hand, the amendments to N.D.C.C. § 37-17.1-10 require reauthorization at every regularly scheduled meeting of the governing body to extend the emergency order declaration. Thus, as amended, N.D.C.C. § 37-17.1-10 could result in an inadvertent lapse of an emergency declaration – and the unintended consequences from such a lapse – during a time the political subdivision is attempting to mitigate and address the emergency. The City of Grand Forks is opposed to this amendment as it needless adds an additional step in the process to combat a local emergency and limits local authority and control.

Accordingly, the City of Grand Forks respectfully asks for a DO NOT PASS for HB 1457.