

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1112

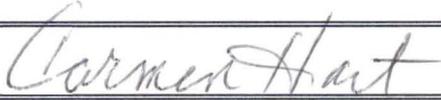
2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1112
1/16/2015
22071

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the funding of state disaster or emergency response and recovery

Minutes:

Attachments 1-3

Chairman Kasper opened the hearing on HB 1112.

Adjutant General David Sprynczynatyk, Director of the Department of Emergency Services, appeared in support of HB 1112 (Attachment 1). 1:21-5:30

Rep. Amerman Can you tell me where it says in a county it must equal twice the federal disaster threshold for that county? Do you have any idea what the threshold is?

Adjutant General David Sprynczynatyk Each county has a threshold based upon the population of that county, and, of course, the state has a threshold overall which is \$1 million. Which counties in particular would be interested in because I have those thresholds in front of me?

Chairman Kasper Could you provide a copy of all of those?

Adjutant General David Sprynczynatyk I certainly can. (Attachment 2)

Vice Chair Rohr You indicated several other states that were denied federal funds. Have these states also put a bill in place like we are doing in ND?

Adjutant General David Sprynczynatyk I don't know if they have or not. We are just addressing what we see as something that needs to be done in North Dakota. I can check and get back to the committee.

Rep. Mooney In that instance where it didn't qualify and was denied, does the local jurisdiction then last year, were they held holding the whole bill on the entire thing?

Adjutant General David Sprynczynatyk First off, they did qualify but were denied. Yes, the full burden of recovery, repair, and so on to the public infrastructure falls to the county

or the township. The four counties that I mentioned, the total was approximately \$1.5 million.

Rep. Mooney Will the processes remain the same--the county initiates the proceedings in order to be able to qualify for the federal FEMA money, they are denied, and then it simply drops down and follows through then over to the state level? Under the new construct, does it fall under the same hierarchy?

Adjutant General David Sprynczynatyk Yes. When an event occurs, we make inquiries to the counties as to the extent of damages. If it appears as though the preliminary estimate exceeds the threshold of the federal government requirement, then we will send a preliminary damage assessment team out to the sites. That team is made up of both state representatives and representatives from FEMA. They develop the cost estimate. We compile all of that, and that is the basis of our request that has been submitted to FEMA to the President for a federal disaster declaration. That was the process we went through. It was denied. We appealed and that was denied. If HB 1112 was passed into law, what we would envision as the next step is that the Governor would then request through the Emergency Commission Funds to support the recovery efforts at the local level. The other big difference is the cost share requirement if there is a federal disaster versus not. Currently under the Stafford Act if there is a federal disaster declaration, 75% of the recovery costs are provided by FEMA. Of the remaining 25%, the state contributes 10% and the local responsibility is 15% of the total. Under the explanation contained in HB 1112, the requirement would end up to be 50% local and 50% state.

Rep. Mooney Was there any reason given for the denials?

Adjutant General David Sprynczynatyk I will leave a copy of the letter for the committee. (Attachment 3)

No opposition.

The hearing was closed.

Chairman Kasper This looks to me like a bill that would be very foolish for us not to consider in a positive manner.

Rep. B. Koppelman made a motion for a DO PASS.

Rep. Karls seconded the motion.

A roll call vote was taken. 11 Yeas, 0 Nays, 3 Absent.

Rep. Amerman will carry the bill.

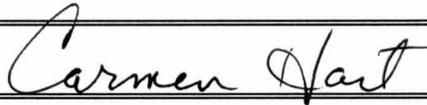
2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1112
2/6/2015
23438

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the funding of state disaster or emergency response and recovery

Minutes:

Attachment 1

Chairman Kasper opened the discussion on HB 1112. This is the emergency declaration and response opportunity for the state of North Dakota. We heard the bill on January 16, and the Appropriations Committee had a minor problem with the unlimited dollar amount potential in the bill. Rep. Delzer is here to discuss an amendment.

Rep. B. Koppelman made a motion to reconsider the previous action on HB 1112.

Rep. Dockter seconded the motion.

Voice vote. Motion carries.

Rep. Jeff Delzer presented the amendment. Attachment 1. We set up a Disaster Relief Fund in 2009 to pay the state's share of the disasters that happened. That was a way to put that snow removal money out that went to the counties, cities, and townships that were the most affected. We said everything had to be Presidential declaration, because that limits the state. We also think that money should be appropriated by the legislative body, not by the executive body. The amendment will limit it to \$3 million during the biennium. The way it is set up the Adjutant General borrows the money from the Bank of North Dakota, and then they come back with a deficiency appropriation and that is where we cover that money from.

Chairman Kasper There are other sources of disaster funds in North Dakota, but this is a special type of disaster fund?

Rep. Delzer This was set up to cover Presidential declared disasters. I heard there was one that was asked for and was denied by the President this summer. In the past there were requests to make this open ended so that the Governor would just be able to go in and do whatever he wanted to do. From a legislative standpoint, that was unacceptable.

Rep. Mooney If there is a disaster that exceeds the dollar amounts in this perimeter and falls within the Presidential approval mechanism, that is a separate deal?

Rep. Delzer Correct. Our current practice is that if it is under \$100 million it is a 75-25 split. The state picks up 10% of that. The locals are supposed to pick up 15%. When we had the 2009 and 2011 situations, we actually picked up half of the local share as well.

Rep. Mooney If we had a bizarre coincidence and they all fell within these perimeters and found we had a problem on our hands, we would still have the ability for the Governor or ourselves to call a special session to be able to deal with some of those issues?

Rep. Delzer The Governor always has the right to call a special session for whatever reason he declares.

Rep. Laning moved to adopt the amendment.

Vice Chair Rohr seconded the motion.

Voice vote. Motion carries.

Rep. B. Koppelman made a motion for a DO PASS AS AMENDED.

Rep. Seibel seconded the motion.

A roll call vote was taken. 13 Yeas, 0 Nays, 1 Absent.

Rep. Amerman will carry the bill.

15.8055.01001
Title.02000

Prepared by the Legislative Council staff for
Representative Delzer
January 21, 2015

sjk
2/4/15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1112

Page 1, line 21, after "dollars" insert "and a maximum amount available per biennium of three million dollars"

Renumber accordingly

Date: 1-16-15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1112**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Koppelman Seconded By Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chair Karen Rohr	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Mary Schneider	X	
Rep. Mary C. Johnson			Rep. Kris Wallman	X	
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning					
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner					

Total (Yes) 11 No 0

Absent 3

Floor Assignment Amerman

If the vote is on an amendment, briefly indicate intent:

Date: 2-6-15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1112**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By B Koppelman Seconded By Dockter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chair Karen Rohr			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Mary Schneider		
Rep. Mary C. Johnson			Rep. Kris Wallman		
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Jay Seibel					
Rep. Vicky Steiner					

*Voice
 Vote
 motion
 Carries*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-6-15
 Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1112**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 15. 8055.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Lanning Seconded By Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chair Karen Rohr			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Mary Schneider		
Rep. Mary C. Johnson			Rep. Kris Wallman		
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Lanning					
Rep. Scott Louser					
Rep. Jay Seibel					
Rep. Vicky Steiner					

*Vote taken
 motion made*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-6-15
 Roll Call Vote #: 3

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1112**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By B. Koppelman Seconded By Seibel

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	x		Rep. Bill Amerman	x	
Vice Chair Karen Rohr	x		Rep. Gail Mooney	x	
Rep. Jason Dockter	x		Rep. Mary Schneider	x	
Rep. Mary C. Johnson	x		Rep. Kris Wallman		
Rep. Karen Karls	x				
Rep. Ben Koppelman	x				
Rep. Vernon Laning	x				
Rep. Scott Louser	x				
Rep. Jay Seibel	x				
Rep. Vicky Steiner	x				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Amerman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1112: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).
HB 1112 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1112: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1112 was placed on the Sixth order on the calendar.

Page 1, line 21, after "dollars" insert "and a maximum amount available per biennium of three million dollars"

Renumber accordingly

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1112

2015 SENATE STANDING COMMITTEE MINUTES

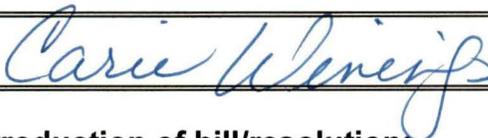
Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1112
3/5/2015
Job # 24381

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the funding of state disaster or emergency response and recovery.

Minutes:

Attachments 1

Chairman Dever: Opened the hearing on HB 1112.

Greg Wilz, Director of Department of Emergency Services: See Attachment #1 for testimony in support of the bill and explained the bill.

(8:55) Chairman Dever: This did not go to appropriations in the House?

Greg Wilz: No it did not but the amendment came from the chair of appropriations and was then pushed back to committee and it came out of committee approved and was of course approved on the floor.

Chairman Dever: is the source of the funds general fund?

Greg Wilz: They are the disaster relief fund. That is the fund that is funded that comes out of the oil and gas fund. It basically gets a dump every biennium when it hits a threshold of \$22 million. That is how that fund has risen to fifty some million.

Chairman Dever: That exists for this purpose?

Greg Wilz: Yes, this and should we get a presidential disaster, the state costs and the cost share for local governments.

Chairman Dever: So we are not talking about increasing expenditures, we are just talking about allocating expenditures?

Greg Wilz: That is correct. We are talking about having the ability to use this fund to allocate funds where they are needed for the local governments to recover in times of damage that would be considered high and there are going to be no federal funds coming.

Chairman Dever: In regards to the flooding in 2011 in Bismarck and Minot, would that be considered one event or two?

Greg Wilz: It was determined to be one event by FEMA. We can argue why FEMA came up with that. FEMA has been socializing this idea of tightening up the presidential approval on disasters for about three years and they in fact have started. Through rule make process over the next two or three years we are going to see additional criteria put on disasters to be eligible.

Senator Cook: First off, the disaster relief fund is one of those buckets that we fill up with the money that comes to the general fund from the oil tax revenue.

Chairman Dever: But they do not require legislative authority to spend from it.

Senator Cook: That is the question I am getting to. The money that was denied, the \$1.7 million event in four counties, was there any disaster relief money spent by the state?

Greg Wilz: No. The counties are in the process of absorbing that. The work is not done from that event.

Senator Cook: What I am hearing you say, is that since we set up this disaster relief fund, there is a mechanism where money can leave that fund and get spent without legislative authority. Is that correct?

Greg Wilz: I do not think that is the case. What we are talking about here is giving us the authority and a \$3 million appropriation out of that fund on a biennial basis. All other expenditures from that fund have to be approved by legislative authorization and appropriation. We cannot go to the emergency commission anymore and access that fund. You removed that at the end of the 2009-2011 biennium. When we go to the emergency commission for events that are out of sequence with legislative session, we currently go and seek borrowing authority, which is allowed by Chapter 37-17. We borrow the money from the Bank of North Dakota and we fund the disaster with that money and approval and then we seek deficiency appropriations at the start of legislative session and then the deficiency appropriation is generally fund is pulled from at that time so it has full legislative ability.

Senator Cook: What you are asking for here is for the emergency commission to have the authority to spend at the \$3 million.

Greg Wilz: That is correct.

Senator Cook: This will be the only place that they will have that authority?

Greg Wilz: That is correct.

Senator Marcellais: How does it affect the tribal nations in the state?

Greg Wilz: They would be treated just like any other county. As they would come in under a presidential declaration under the Governor's request, should they be denied, they would be eligible just like a county would.

Senator Flakoll: I don't think we need to come up with continuing legislation because the buckets continue to get filled, but my question revolves around if you would spend \$1 million out of the \$3 million during a biennium, that \$2 million does not go to the general fund does it? You would just fill up the remaining \$1 million.

Greg Wilz: You are correct. It just stays in the disaster relief fund. There is a bill that came through in the first half that is limiting that bucket now to \$40 million, which is still sufficient in that account.

Senator Flakoll: What was the turnaround time in the denial? What range are we looking at?

Greg Wilz: Typically it can be within 5 days on a larger event but with smaller events they tend to fall into a lower priority and they take longer. In this case, we had our first denial within 15 days, and on our appeal I believe it took nearly 20 days.

Senator Flakoll: Post denial, do they have to fill out a whole new set of paperwork for the emergency commission?

Greg Wilz: No. Typically when we do a preliminary damage assessment, it is a very formal process in which the federal government sends people out here to participate with state representative and local representative and when we get that number it is generally pretty accurate in terms of what we get at the time we get it. The paperwork would not have to be redone and that work effort should be reusable.

Chairman Dever: What was House amendment?

Greg Wilz: It was in lines 20 and 21. The \$1 million and \$3 million.

Chairman Dever: That works for you?

Greg Wilz: We were happy to come out with that. Based on our history, we do not anticipate have three small events, but should we, we think this is very appropriate common sense.

Senator Nelson: How much does it cost us to borrow from the state of North Dakota?

Greg Wilz: We pay loan origination fees and we pay interest. The good news is that we only draw down the money as we need it. So we do not pay a lot.

Senator Nelson: So if you could get it out of the DERF right away, you would not have to pay those costs.

Greg Wilz: That is correct.

(19:50) Terry Traynor, North Dakota Association of Counties: Testified in support of the bill. I think that the bill has been explained well and explained why the counties would be in support of it. Counties do struggle to deal with these sorts of things. Their ability to create their own disaster relief fund is quite limited. They do not have a lot of funds in order to deal with this. When a federal disaster is approved, having the 10% from the state, that is tremendous in helping local government deal with those. Obviously in a denial state, this bill would not be as rich as that and there would be a lot of limitations and caps but it would be so helpful. The four counties that were denied will be struggling for years because there is no way they can rebuild the infrastructure in one season.

(21:25) Chairman Dever: Would you see this bill to have a retroactive application to take care of those counties?

Terry Traynor: That is an interesting question. I have not thought about that and I would not want to jeopardize the bill by trying to do that.

Senator Cook: If this bill would have been enacted last session then what you are telling me is that those four counties would have received up to \$1 million.

Terry Traynor: As I read it, it is 50% of the costs and if it is \$1.7 million then it would have been up there.

Chairman Dever: Closed the hearing on HB 1112.

Senator Cook: Maybe should get some information on what the fund is capped at. I doubt that it will see any money this biennium because of the way that the buckets are the money will not get down that far. I would also like to see how much money has been spent out of that fund since it was established. I think we put it in place in 2011.

Chairman Dever: Closed the hearing on HB 1112.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

HB 1112
3/26/2015
Job # 25507

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened HB 1112 for committee discussion.

Senator Cook: Moved a Do Not Pass.

Senator Flakoll: Seconded.

Chairman Dever: Asked for discussion.

Senator Cook: This basically sets up a process that does not exist today where dollars that are held in one of our buckets, the disaster relief bucket, and the dollars in there could be spent during a biennium without action by the legislature. The action would be by the emergency commission. We heard testimony of a disaster in NW North Dakota that did not get presidential approval of a disaster area. If this bill had of passed last session and was in code that would have automatically taken money out of the disaster relief fund and sent to those counties. I find it interesting that it did not and yet there is no legislation to do it now. I just don't think it is needed.

Chairman Dever: The amount of money would be \$1million per disaster.

Senator Cook: I think as disasters happen and they are not a presidential disaster, and there is money that needs to go to that particular area out of the disaster relief fund, I think that we can handle it during a legislative session. That is how we should do it.

Senator Davison: Is this a fund that has a current balance in it?

Senator Cook: \$22 million I believe.

Chairman Dever: If necessary they can spend money and come with a deficiency appropriation and fund it retroactively.

Senator Cook: They can. They are talking about using money out of the disaster relief fund. It is possible that the way that disaster relief fund is situated in the bucket list that if

these triggers kick on and stay kicked on and our oil revenue goes down - it is very possible that the dollars will never get to the disaster relief fund. If dollars were taken out of there to bring it back up to \$22 million. It is very possible that this biennium that no dollars will ever get to that bucket.

Chairman Dever: I would imagine that we have other methods of doing this beyond the disaster relief fund.

A Roll Call Vote Was Taken: 4 yeas, 3 nays, 0 absent.

Motion Carried.

Senator Cook will carry the bill.

2015 SENATE STANDING COMMITTEE MINUTES

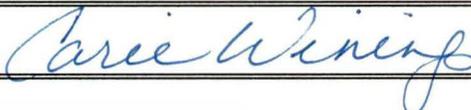
Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1112
4/2/2015
Job # 25743

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened committee discussion on HB 1112. We passed this bill with a do not pass and then before we took it to the floor we referred it back to committee. Senator Cook and I had a conversation with General Sprynczynatyk and Greg Wills.

Senator Flakoll: Moved to reconsider committee action of a Do Not Pass.

Senator Marcellais: Seconded.

A Voice Vote Was Taken: All were in favor.

Motion Carried.

Chairman Dever: First of all this bill does not need to go to appropriations because it is not increasing the amount of money available for this purpose. It is only designating a portion of that money. They said that it is pretty critical because the federal government is pulling back on the way that they reimburse for disasters. The bill provides for a total of \$3 million through the biennium from the disaster relief fund with a cap of \$1 million per event. My understanding is that right now there is 50 plus million dollars in the fund and by the end of the biennium it would cap at 74 but that there is a provision somewhere in this session that would cap it at 25 beyond that. That is what the majority leader told me.

Senator Cook: I know that there is a bill to send some money to Fargo for flood protection that has a \$30 million appropriation out of this fund.

Senator Davison: I voted against this bill the first time is because I felt like we all live in counties and we all have water challenges. There was a cap of \$3 million and \$1 million per project. I thought the testimony was very strong on it. I thought they made it clear that the federal government was pulling back similar to what you said. There is a bar on it. You have to go through and fill out the Stafford Act and you have to request federal disaster funding so it is not a simple process. The one thing that I learned after we voted was that there is over \$50 million in the disaster fund and I did recognize that we are talking about sending some of that money to Fargo. I still support the bill and I think Mr. Will did an

excellent job testifying and we all represent counties and represent our part of the state. I think we need to empower our those people that are in charge of our disaster emergency response and disaster teams to be able to provide that type of support. We have the funding to do it. I do not see sitting on those dollars at time. We need to spend those dollars and I think this is as good way to spend that disaster fund and empower those people in our government to do that.

Senator Cook: To me there is only one issue in the bill and that is how willing the legislature is going to be when it comes to sharing our legislative responsibilities with parts of the executive branch. I just firmly believe that money in the disaster relief fund should only come out of there with legislative appropriations or legislative action. I am just not a fan of setting up a mechanism where money can be spent out of that fund without final approval by the full body of the legislature. I understand the needs.

Chairman Dever: It does appear that it needs approval of the emergency commission.

Senator Cook: It is still not the full body of the legislature.

Senator Flakoll: Would you feel better if we had the budget section approve it?

Senator Cook: No, not one bit.

Chairman Dever: We will have 5 days left to deal with such issues.

Senator Nelson: My concern would be, although the major part of this probably over by that time, they have this three part testimony that Greg talked about that it seems to take some time. I would think for immediate disasters some of us are right in the middle of it and we don't have time to come out to Bismarck to have a meeting when we are trying to save our house or property. This type of thing is after the fact. I think you could call a special session if needed to do that although is it worth it? For \$1 million I don't think so.

Chairman Dever: It is \$250,000 per day to have session.

Senator Flakoll: Senator Cook has legitimate concerns and he is an important voice in the committee. Should we sunset it and see if it works and if it does not then we don't ever do it again?

Senator Cook: I would like to point out that if this had of passed last session we would have spent at least \$1 million out of the disaster relief fund then there is now and it would have gone out without any legislative action. The fact that it has not gone out when they had the opportunity to seek legislative action is there.

Chairman Dever: We have been focused on Section 1 but I am looking at Section 3. (Reads) Does Section 1 then circumvent that point?

Senator Cook: The new language is Governor declared.

Chairman Dever: The point of that is that FEMA is not going to cover what it used to cover.

Senator Poolman: I like the idea of having a sunset on it. I voted against this to begin with for the very reasons that Senator Cook said. If we sunset it and we have to come back and redo it every two years, if the people spending this money know that it could go away in the next biennium if they abuse it - I think that could be helpful.

Senator Flakoll: Moved to amend by placing the sunset of June 30th 2017 on the bill.

Senator Cook: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Cook: Moved a Do Not Pass As Amended.

Motion Failed due to the lack of a second.

Senator Davison: Moved a Do Pass As Amended.

Senator Flakoll: Seconded.

A Roll Call Vote Was Taken: 6 yeas, 1 nay, 0 absent.

Motion Carried.

Senator Davison will carry the bill.

15.8055.02001
Title.03000

Adopted by the Government and Veterans
Affairs Committee

April 2, 2015

ET
04/02/15

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1112

Page 1, line 3, after "recovery" insert "; and to provide for an expiration date"

Page 3, after line 2, insert:

"SECTION 4. EXPIRATION DATE. This Act is effective through June 30, 2017,
and after that date is ineffective."

Renumber accordingly

3/24
1

Date:
Roll Call Vote #:

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1112

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Cook Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais		✓
Vice Chairman Poolman	✓		Senator Nelson		✓
Senator Cook	✓				
Senator Davison		✓			
Senator Flakoll	✓				

Total (Yes) 4 No 3

Absent 0

Floor Assignment Cook

If the vote is on an amendment, briefly indicate intent:

4/2
3

Date:
Roll Call Vote #:

**2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1112**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: Sunset of w/ June 30th 2017
(2 years)

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Flakoll Seconded By Cook

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 4/2
 Roll Call Vote #: 3

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1112**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Dawison Seconded By Flakoll

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook		✓			
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 6 No 1

Absent 0

Floor Assignment Dawison

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1112, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1112 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1112, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1112 was placed on the Sixth order on the calendar.

Page 1, line 3, after "recovery" insert "; and to provide for an expiration date"

Page 3, after line 2, insert:

"SECTION 4. EXPIRATION DATE. This Act is effective through June 30, 2017, and after that date is ineffective."

Renumber accordingly

2015 TESTIMONY

HB 1112

#1

TESTIMONY - HB 1112
HOUSE COMMITTEE – GOVERNMENT AND VETERAN AFFAIRS
JANUARY 16, 2015
BY MG SPRYNCZYNATYK
DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES (NDDDES)

Mr. Chairman and members of the committee, I am Major General David Sprynczynatyk, the Adjutant General and Director of the Department of Emergency Services. House Bill 1112 was introduced at my request. Today I will provide information relating to HB 1112 seeking your committee's support of the bill.

Last year North Dakota received its first denial of a presidential disaster declaration request resulting from heavy rainfall in August, causing major flooding throughout four counties in northwest North Dakota. Though small in comparison to flood events in 2009, 2010, and 2011, the preliminary damage assessment produced damage estimates greater than the state's minimum threshold for federal assistance and damages greater than the federally declared disaster last year in June.

Since 2011, FEMA has implemented a new policy that now considers additional factors other than damage repair costs that meet the federal threshold before it makes a recommendation to the president. During the past three years, several states' requests for federal disaster assistance have been denied by the federal government. California, Maine, Texas, New Hampshire, Wisconsin, Nebraska, and now North Dakota have had Stafford Act threshold events turned down by FEMA and only Nebraska was successful on appeal of the initial denial.

FEMA requires that North Dakota reach a preliminary damage assessment of approximately one million dollars to qualify under the Stafford Act for a presidential disaster declaration. Although the state and local jurisdictions may be able to withstand a single million dollar event, North Dakota has experienced multiple events

that in total significantly impact local finances. Due to the sheer frequency of both large and small disasters in the last decade, local governments have not had the opportunity to regenerate sufficient emergency funding for response and recovery operations. Events that fail to qualify for a federal disaster designation compound the ability of local jurisdictions to rebuild their reserve fund. Lack of federal and state assistance can prolong recovery for years and impact local governments' ability to prepare for the next event.

House Bill 1112 does require a three part test. First, the disaster being considered must exceed the Stafford Act threshold for damages in the state and be denied a federal disaster declaration by the President. Secondly, the Emergency Commission must consider and approve a request for funds from the Governor for the disaster based on the total state cost and fifty percent of the local cost for disaster recovery. Thirdly, the disaster recovery cost in a county must equal twice the federal disaster threshold for that county. Furthermore, if all parts of the three part test are met, the total amount potentially allocated by the state for the event cannot exceed \$1 million.

While in the past we have been fortunate in securing presidential disaster declarations, I believe North Dakota will experience future denials of additional small scale disasters similar to what occurred last year. House Bill 1112 would allow the state to assist local jurisdictions if the federal disaster thresholds are exceeded and there has been a federal denial of assistance. This bill is a reasonable state response requiring local investment without putting the full burden of disaster recovery on local jurisdictions.

Mr. Chairman and members of the committee I ask your support of House Bill 1112.

Thank you, I will try to answer any questions you may have.

FY 2015 North Dakota Public Assistance Threshold # *HB 1112*
October 1, 2014 *1-16-15 Page 1*

	County/Reservation	County Seat	2010 Census Population	Area (sq mi)	Threshold Required
1	Adams	Hettinger	2,343	988	\$8,341
2	Barnes	Valley City	11,066	1,492	\$39,395
3	Benson	Minnewaukan	6,660	1,389	\$23,710
4	Billings	Medora	783	1,152	\$2,787
5	Bottineau	Bottineau	6,429	1,669	\$22,887
6	Bowman	Bowman	3,151	1,162	\$11,218
7	Burke	Bowbells	1,968	1,104	\$7,006
8	Burleigh	Bismarck	81,308	1,633	\$289,456
9	Cass	Fargo	149,778	1,766	\$533,210
10	Cavalier	Langdon	3,993	1,489	\$14,215
11	Dickey	Ellendale	5,289	1,131	\$18,829
12	Divide	Crosby	2,071	1,259	\$7,373
13	Dunn	Manning	3,536	2,010	\$12,588
14	Eddy	New Rockford	2,385	632	\$8,491
15	Emmons	Linton	3,550	1,510	\$12,638
16	Foster	Carrington	3,343	635	\$11,901
17	Golden Valley	Beach	1,680	1,002	\$5,981
18	Grand Forks	Grand Forks	66,861	1,438	\$238,025
19	Grant	Carson	2,394	1,660	\$8,523
20	Griggs	Cooperstown	2,420	708	\$8,615
21	Hettinger	Mott	2,477	1,132	\$8,818
22	Kidder	Steele	2,435	1,352	\$8,669
23	LaMoure	LaMoure	4,139	1,147	\$14,735
24	Logan	Napoleon	1,990	993	\$7,084
25	McHenry	Towner	5,393	1,874	\$19,199
26	McIntosh	Ashley	2,809	975	\$10,000
27	McKenzie	Watford City	6,360	2,742	\$22,642
28	McLean	Washburn	8,962	2,110	\$31,905
29	Mercer	Stanton	8,424	1,045	\$29,989
30	Morton	Mandan	27,471	1,926	\$97,797
31	Mountrail	Stanley	7,673	1,824	\$27,316
32	Nelson	Lakota	3,126	982	\$11,129
33	Oliver	Center	1,846	724	\$6,572
34	Pembina	Cavalier	7,413	1,119	\$26,390
35	Pierce	Rugby	4,357	1,018	\$15,511
36	Ramsey	Devils Lake	11,451	1,186	\$40,766
37	Ransom	Lisbon	5,457	863	\$19,427
38	Renville	Mohall	2,470	875	\$8,793
39	Richland	Wahpeton	16,321	1,437	\$58,103
40	Rolette	Rolla	13,937	902	\$49,616
41	Sargent	Forman	3,829	859	\$13,631
42	Sheridan	McClusky	1,321	972	\$4,703
43	Sioux	Fort Yates	4,153	1,094	\$14,785
44	Slope	Amidon	727	1,218	\$2,588
45	Stark	Dickinson	24,199	1,338	\$86,148
46	Steele	Finley	1,975	712	\$7,031

FY 2015 North Dakota Public Assistance Threshold
October 1, 2014

1112
P.2

	County/Reservation	County Seat	2010 Census Population	Area (sq mi)	Threshold Required
47	Stutsman	Jamestown	21,100	2,222	\$75,116
48	Towner	Cando	2,246	1,025	\$7,996
49	Traill	Hillsboro	8,121	862	\$28,911
50	Walsh	Grafton	11,119	1,282	\$39,584
51	Ward	Minot	61,675	2,013	\$219,563
52	Wells	Fessenden	4,207	1,271	\$14,977
53	Williams	Williston	22,398	2,071	\$79,737
	County Population Totals		672,589		\$2,394,417
	Fort Berthold Reservation, ND	Newtown	6,341		\$22,574
	Lake Traverse Reservation, ND-SD (ND part)	Agency Village, SD	169		\$602
	Spirit Lake Reservation, ND	Fort Totten	4,238		\$15,087
	Standing Rock Reservation, ND-SD (ND part)	Fort Yates	4,153		\$14,785
	Turtle Mountain Reservation and Off- Reservation Trust Land, MT-ND-SD (ND part)	Belcourt	8,656		\$30,815
	Tribal Nation Population Totals		23,557		\$83,863
	County Totals	672,589	Per Capita State Threshold		\$948,350
	Tribal Nation Totals	23,557	Per Capita County/Tribal Nation		\$981,566
	County Per Capita	\$3.56	Stafford Act Threshold		\$1,000,000
	State Per Capita	\$1.41			



State of North Dakota
Office of the Governor

Jack Dalrymple
Governor

HB 1112
P. 3
1-16-15

October 7, 2014

To: The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Ave NW
Washington D.C. 20500

4 Counties

Through: Tony Russell, Acting Regional Administrator
Federal Emergency Management Agency
Region VIII
Denver Federal Center
Building 710, Box 25267
Denver, CO 80225-0267

Dear Mr. President:

Under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act), and implemented by 44 CFR § 206.36, I request that you declare a major disaster for the State of North Dakota as a result of severe summer storms and subsequent widespread overland and riverine flooding that occurred August 15, 2014 through August 25, 2014.

As documented in reports from the National Weather Service (NWS) and the N.D. Department of Emergency Services (NDDDES), our state entered a very wet weather cycle when the first of two expansive low pressure systems moved slowly across the state during August 15, 2014, through August 17, 2014. This destructive, powerful storm resulted in torrential rainfall and flooding. As floodwaters began to recede, a second low pressure system inched across North Dakota during August 20, 2014 through August 25, 2014, bringing more flooding rains and compounding damages to infrastructure and personal property. Most damages occurred in the western and central counties of **Burke, Dunn, McKenzie and Mercer**, for which I am specifically requesting a Major Presidential Disaster Declaration.

In response to storm conditions this summer, I took appropriate action under state law and issued Executive Order 2014-18 on July 3, 2014, proclaiming a severe summer storm and flood emergency for northwestern and central North Dakota. This declaration activated our state's resources to assist local and tribal governments through the State Emergency Operations Plan (SEOP) in accordance with Section 501 (a) of the Stafford Act. On August 8, 2014 and on September 9, 2014, I issued disaster declarations for severe summer storms and flooding. Additionally, I requested on September 9, 2014 that the U.S. Department of Homeland Security, FEMA Region VIII, provide a team to assist us in



FEMA

OCT 23 2014

The Honorable Jack Dalrymple
Governor of North Dakota
600 E Boulevard Ave.
Bismarck, ND 58505-0001

Denial

Dear Governor Dalrymple:

This is in response to your October 7, 2014, request for a major disaster declaration for the State of North Dakota as a result of severe storms and flooding during the period of August 15-25, 2014. You specifically requested Public Assistance for four counties and Hazard Mitigation statewide.

Based on our review of all of the information available, it has been determined that the damage from this event was not of such severity and magnitude as to be beyond the capabilities of the state and affected local governments. Accordingly, we have determined that supplemental federal assistance is not necessary. Therefore, I must inform you that your request for a major disaster declaration is denied.

This denial may be appealed within 30 days after the date of this letter. Any appeal pursuant to 44 CFR § 206.46, along with additional information justifying the appeal, should be submitted to the President through Tony Russell, Acting Regional Administrator, FEMA Region VIII, located at Denver Federal Center, PO Box 25267, Denver Colorado 80225-0267.

Sincerely,

W. Craig Fugate
Administrator

15.8055.01001
Title.

Prepared by the Legislative Council staff for
Representative Delzer
January 21, 2015

#1 2-6-15
1112

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1112

Page 1, line 21, after "dollars" insert "and a maximum amount available per biennium of three million dollars"

Renumber accordingly

1

TESTIMONY - HB 1112
SENATE COMMITTEE – GOVERNMENT AND VETERAN AFFAIRS
MARCH 5, 2015
BY GREG WILZ
DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Mr. Chairman and members of the committee, I am Greg Wilz, Deputy Director of the Department of Emergency Services (NDDDES) and Director of Homeland Security. My intent is to provide pertinent information relating to HB 1112 and on behalf of NDDDES, provide strong support for its tenets.

Last year North Dakota received its first denial of a presidential disaster declaration request resulting from heavy rainfall in August, causing major flooding throughout four counties in northwest North Dakota. Though small in comparison to flood events in 2009, 2010, and 2011, the preliminary damage assessment produced damage estimates greater than the state's minimum threshold for federal assistance and damages greater than the federally declared disaster last year in June.

Since 2011, FEMA has implemented a new policy that now considers additional factors other than damage repair costs that meet the federal threshold before it makes a recommendation to the president. During the past three years, several states' requests for federal disaster assistance have been denied by the federal government. California, Maine, Texas, New Hampshire, Wisconsin, Nebraska, and now North Dakota have had Stafford Act threshold events turned down by FEMA and only Nebraska was successful on appeal of the initial denial.

FEMA requires that North Dakota reach a preliminary damage assessment of approximately one million dollars to qualify under the Stafford Act for a presidential disaster declaration. Although the state and local jurisdictions may be able to withstand a single million dollar event, North Dakota has experienced multiple events that in total significantly impact local finances. Due to the sheer frequency of both large and small disasters in the last decade, local governments have not had the opportunity to regenerate sufficient emergency funding for response and recovery operations. Events that fail to qualify for a federal disaster designation compound the ability of local jurisdictions to rebuild their reserve fund. Lack of federal and state assistance can prolong recovery for years and impact local governments' ability to prepare for the next event.

House Bill 1112 does require a three part test. First, the disaster being considered must exceed the Stafford Act threshold for damages in the state and be denied a federal disaster declaration by the President. Secondly, the Emergency Commission must consider and approve a request for funds from the Governor for the disaster based on the total state cost and fifty percent of the local cost for disaster recovery. Thirdly, the disaster recovery cost in a county must equal twice the federal disaster threshold for that county. Furthermore, if all parts of the three part test are met, the total amount potentially allocated by the state for the event cannot exceed \$1 million.

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Mr. Chairman and members of the committee, I ask your support of House Bill 1112 and will now answer questions you may have.