

House Human Services Committee | Chairman Weisz

SB 2124

Monday, March 22, 2021 | 2:45 pm

Testimony by Jace Beehler

Chairman Weisz, 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 SB 2124.

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 before our eyes 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, one of which, HB 1118, has already passed out of this committee.

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.

SB 2124 creates substantial challenges to address emergencies within North Dakota.

This bill is not specific to health-related emergencies but rather for all emergencies whether that is a flood, fire, drought, blizzard, pandemic, cyber-attack, or any emergency that is unknown. As written, if there is a flood in Minot and the need for state support and resources continues past 30 days, the entire legislature would need to approve the extension. If there is a drought in Bowman,

Hettinger, Almont and the entire southwest, the state support for the southwest citizens would rest on whether representatives from Grand Forks, Fargo and Bismarck thought the emergency was warranted.

By the time the state would be starting to understand the emergency, state agencies would be using their time to prepare testimony and data to seek approval to maintain their support and the emergency, rather than continuing to provide that energy to citizens in need.

SB 2124 severely hinders the state's ability to respond to dramatic changes quickly and nimbly in emergency situations. While we don't believe changes are necessary, we urge the legislature to find a balanced approach to emergency response for the state and for all future members of legislative and executive branches. Very literally, the safety and security of the citizens is hinged on the nimbleness of the state's response.

This committee has already moved forward legislation to address the concerns with emergency authority in HB 1118. It requires all future Governors make a choice, to end the emergency or call the legislature back into special session at the direction of legislative management. I respectfully urge this committee to move a do not pass for 2124.

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