

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2151

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2151

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2151

**Senate Government and Veterans Affairs**

☐ Conference Committee

Hearing Date January 13, 2005

Tape Number	Side A	Side B	Meter #
1	x		0-4100
Committee Clerk Signature <i>Kiane Daven</i>			

**Chairman Krebsbach** opens hearing on **Bill 2151**

Regarding Response units

**Senator Bowman** - Testified in favor of this bill, said there is a great need for this bill.

States that this bill does not supersede any agreements with your local emergency units.

When you have a major event and must bring outside help in and have outside money coming in this will make sure everything is settled before the fact not after. Also this does not exclude volunteer people. The amendments for that will be included to take of that.

**Representative Todd Porter** - Stated that this bill will mean a lot to rural ND. It also does not supersede mutual aid agreements. It also identifies the incident command system through Homeland Security. Everyone knows who is in charge and what they'll be paid.

**Senator Lee** - Asked does the amendment coming in override any excising agreements.

**Senator Nelson** - Page 2, line 1. Explains.

**Douglas Friez, Director Division of Emergency Management - (meter #665)** - see written testimony.

**Senator Krebsbach** - Asks if this bill has any impact on the Red Cross.

**Friez** - Responds no.

**(meter # 1357)**

**Friez** - Incident Command System does not relinquish local control! ICS standardizes how you do business across the nation so when you do get resources from somewhere else they are organized and know how to go about their business. Homeland Security requires all Federal, State and local jurisdictions to adopt the National Incident Management System this year.

**Senator Krebsbach** - Asks if what we're doing is putting in place and formalizing what we have been doing and expanding that to have more control of the situation.

**Friez** - Explains that it is much more than that. This is the right thing to do.

**Senator Nelson** - Asks Friez to explain how this would work in the east side of the state.

**Friez** - Responds that each community responds on its own.

**Senator Nelson** - Asks how it will work in the east cities.

**Friez** - We also have county command centers.

**(meter # 2081)**

**Jerry Hjelmstad, ND League of Cities** - testifies in support of bill 2151 along with the amendments. See written testimony.

**Terry Traynor Assistant Director for ND Association of Counties** - in favor of bill 2151.

See written testimony.

**Senator Krebsbach** say she is encouraged by the cooperation between entities in our state.

**Ron Day** - Represents Tesoro Refinery - in support of this bill. States they already have mutual aid agreements between Morton County and Mandan. They have an area of concern regarding liability if they were to respond.

(meter #2658)

**Senator Krebsbach** - Asks Mr. Friez if an amendment has been proposed.

**Friez** - Has no problem with such an amendment.

**Senator Brown** - Is this just a matter holding the private operator harmless.

**Hjelmstad**- responds they would hope for a written mutual agreement.

**Senator Krebsbach** - Would you need a written Agreement for Friez's division also.

**Friez** - Yes that would be better served by agreement. But shouldn't hold up this bill.

**Senator Lee** - Asks if our Good Samaritan Legislation cover only individuals or does it cover corporate also.

**Senator Krebsbach** - will have the intern check that out.

**Dean Lampe** -ND Director of the EMS Association - In support of bill 2151.

**Senator Nelson** - What are the levels of EMS.

**Lampe** - Approx. 143 licensed ambulance services in the state. Of those 20 are Advanced Life Support, the remainder are BLS-Basic Life Support Service, usual rural. Staffed by volunteers.

**Col. Bryan Klipfel, Superintendent of NDHP** - In support of bill 2151. See written testimony.

(Meter #3440)

**Senator Syverson** - Asks for a overview of radio compatibility .

1-13-67

**Col. Klipfel** - Stated in the past there were problems with communication. They are working on upgrading system to eliminate the problem.

**Senator Nelson** - Asks if Tribal groups have had impute.

**Friez** - yes, the four major tribes are all involved.

**Senator Nelson** - Asks if they have agreements with the counties they are located.

**Friez** - In some cases they do. Those would not be superseded by this.

Close hearing on bill 2151.

(meter # 4100)

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2151

**Senate Government and Veterans Affairs**

☐ Conference Committee

Hearing Date January 20, 2005

Tape Number	Side A	Side B	Meter #
1	x		2,342-3139
Committee Clerk Signature <i>Shane Davis</i>			

**Chairman Krebsbach** opens discussion on 2151.

**Senator Krebsbach** brings up the proposed amendments by Doug Friez.

All approved the amendments.

Motion by **Senator Lee** to adopt the amendments.

Seconded by **Senator Brown**

Moved do pass on amended bill by **Senator Brown**

Seconded by **Senator Lee**

**Senator Nelson** has questions on the amendments. Wonders if volunteers are getting paid.

**Senator Krebsbach** - It is her understanding that it is the department that would be paid not the volunteers. That is a great concern because a rural ambulance will meet another ambulance and there is an agreement on who will get paid.

**Senator Nelson** - Reads the amendment and interprets it a little differently.

**Senator Lee** - States it is to clarify that the volunteers won't get paid. The departments would get reimbursed.

**Senator Krebsbach** - Mentions that we could have Mr. Friez come in and review this amendment if anyone is uncomfortable with it.

**Senator Nelson** - Just wants to make sure everything is covered, and those who are suppose to get paid get paid and those that shouldn't don't.

**Senator Syverson** will care the bill.



Date: 1/20/05  
Roll Call Vote #./

**2005 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2151**

Senate **Government and Veterans Affairs**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 2151 Amendments

Action Taken Do Adopt

Motion Made By Senator Lee Seconded By Senator Brown

Senators	Yes	No	Senators	Yes	No
Karen K. Krebsbach, Chairman	X		Carolyn Nelson	X	
Richard L. Brown, Vice Chairman	X				
Judy Lee	X				
John O. Syverson	X				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Senator

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

Date: 1/20/05  
Roll Call Vote #: 2

**2005 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO.**

Senate **Government and Veterans Affairs** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 2151

Action Taken Do Pass

Motion Made By Senator Brown Seconded By Senator Lee

Senators	Yes	No	Senators	Yes	No
Karen K. Krebsbach, Chairman	X		Carolyn Nelson	X	
Richard L. Brown, Vice Chairman	X				
Judy Lee	X				
John O. Syverson	X				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Senator Syverson

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

**REPORT OF STANDING COMMITTEE**

**SB 2151: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2151 was placed  
on the Sixth order on the calendar.

Page 2, line 1, after the period insert "A system of intrastate mutual aid between emergency response units in North Dakota is created by this Act in order to provide a framework for coordinated response and to ensure, to the fullest extent possible, eligibility for emergency grant funds or other reimbursement assistance."

Page 2, line 18, replace "Each" with "With the exception of volunteers, each"

Page 2, line 22, after "units" insert ", whether paid or volunteer within their own area of responsibility" and after "basis" insert "at rates consistent with the policies of the agencies or entities providing emergency grant funds or other reimbursement assistance"

Renumber accordingly

2005 HOUSE POLITICAL SUBDIVISIONS

SB 2151


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2151

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 3, 2005

Tape Number	Side A	Side B	Meter #
1	x		22.9 to end
1		x	3.0 to 7.8
Committee Clerk Signature 			

Minutes: **Rep. Devlin, Chairman** opened the hearing on SB 2151, a bill for an Act to create and enact two new sections to chapter 37-17.1 of the North Dakota Century code, relating to intrastate mutual aid by emergency response units; and to declare an emergency.

**Sen Bowman** representing District 39 and a sponsor of the bill explained the purpose of the bill. Sen. Bowman related his experience with a rural fire in Bowman County this past summer. It turned out to be an all day event and a lot of emergency units, ambulances, highway patrol, the US Forest service out of Montana, a number of rural fire departments, and all kinds of volunteers. They were all necessary to contain the fire that day. The real problem began when they tried to sort out who got paid what for their time, expenses and from which and many different funding sources. Some rural areas have working agreements and this bill does not change that at all. It does not supersede any of their powers but if you have an agreement it with all the players it really has everything settled even before the event and sure a lot simpler.

**Rep. Porter** representing District 34 and a paramedic in his professional life testified that they operate within a 50 mile radius of Bismarck. It doesn't effect his business from an operational standpoint but it could. They have mutual aid agreements in place with the vast majority of the first responders within that 50 miles of Bismarck. They all understand what is going on with one another when they respond to an incident. The command center is not something new and it was developed through the emergency management and through the fire academy. It really is a system of who is in charge and how does the system work. Everybody who is going to have a supervisory role at an incident should have attended a training seminar which is held locally, statewide and nationally. You need to know who is in charge and you need to know who to contact when you need additional resources. The Incident command System has now been taken over by the Department of Home Land Security. That tells us an incident not matter how large the scale how the incident will flow, who is in charge and how we utilize the resources. The other thing that is important is that we as responder have a 50 mile radius coverage but in the case of the -- say -- the Minot Anhydrous spill -- if Minot would have called down and asked for resources -- we would have gone. We don't have a mutual aid agreement with Minot. So, this bill would have been our mutual aid agreement in place for that incident. When Grand Forks flooded -- the call went out statewide because they had hundreds of patients to move out of Altrue Hospital and hundreds of patients to move out of skilled nursing facilities to facilities all across the state. We sent three ambulances up there. We had no mutual aid agreement with Grand Forks. This document would have been that basic document. What it really does for us as responders is that it provides the mechanism to bill our services back through the incident for the incident and back to who ever is going to pay the bill for that disaster. On the Grand Forks flood

it took almost 4 years for us to get our reimbursement back from the federal government. There were ambulance services from all over the state that helped grand forks out. It doesn't supersede any agreements but does lay out everything for volunteers, volunteer ambulances and fire fighters. If you pull an auto mechanic off his job to assist in one of these incidents there is a loss of income -- this addresses that so those charges can be adjusted accordingly.

**Rep. Koppelman ( 30.7 )** You testified that this would not effect your operation because you have mutual aid agreements -- would this supersede agreement for those agencies who do -- it there something in this that says --?

**Rep. Porter** Page 2 -- line 4 where it states that.

**Rep. Koppelman ( 31.7 )** Item number 5 on page 2 talks about -- addresses personnel in an assisting unit and benefits and so on -- who pays that ?

**Rep. Porter** I don't have an item 5 on page 2

**Rep. Koppelman** Wrong bill -- on the first page on the engrossed bill.

**Rep. Porter** -- It talks about if someone dies or is killed ---there are applicable benefits -- I don't know the exact number but I would close if I said 98% of all ambulances in North Dakota would fall under Work Force Safety with their volunteer service.

**Rep. Kretschmar ( 33.0 )** In may area 6 miles from South Dakota -- would that effect those that go to south Dakota and those who come up South Dakota?

**Rep. Porter** If they don't have a mutual aid agreement -- and they would come into to North Dakota -- then this would apply -- If they do have a mutual aid agreement that would apply.

**Rep. Ekstrom ( 33.6 )** Is that a practical limit or do you serve other areas.?

**Rep. Porter** No -- there are ambulance services as close as Center, Flasher, Steele, New Salem, Linton, Washburn, Wilton, Wing -- that 50 miles is kind of the circle that we would depend upon for others to assist or exchange --

**Rep. Ekstrom** ( 34.6 ) In terms the bill as it is written will this facilitate working with the public assistance people at FEMA?

**Rep. Porter** Yes.

**Rep. Dietrich** ( 35.0 ) You mentioned that for the Grand Forks flood it took 4 years -- before services were paid for -- what do you foresee this will shorten as far the time element?

**Rep. Porter** I don't know if it would shorten it -- In a huge complex disaster -- and all the declaration that are made and all the coordination factors -- I don't know if you could ever speed that up -- This will definitely let everybody know who is paying what so that declaration can get in -- if it would cut it in half or even by 25% it would speed things up -- but the main purpose is the coordination of the incident command system if you don't have an agreement in place already.

**Glenn Elliott** appeared to support the bill and handed in his written remarks for the record. A copy is attached.

**Doug Friesz** , Director of the North Dakota Division of Emergency Management appeared in support of the bill. A copy of his prepared remarks is attached.

**Rep. Koppelman** ( 49.3 ) This refers to intrastate rather than interstate -- if the Fargo fire department is called over to Moorhead -- what happens there?

**Doug Friesz** I think the real test of that -- hopefully they have those agreements and don't rely on this umbrella -- right now I think its up in the air as to how far reaching this might be into



Minnesota, South Dakota and Montana. I can tell you that in Fargo-Moorhead those agreements are worked out. This is very important legislation and will need to take this a step at a time.

For EMAC to kick in the magnitude of the event has to be large.

**Rep. Ekstrom ( 54.2 )** The last page of your testimony - in regards to the Incident Command System I know that the federal government has a time frame to meet -- are we going to meet that deadline.

**Doug Freisz** Yes.

End of Side A Tape 1

**Tape 1 Side B**

**Doug Friesz ( continued )**

**Rep. Ekstrom ( 3.6 )** with this legislation -- how will it dovetail with FEMA -- will it streamline what we are trying to do with FEMA?

**Doug Friesz** FEMA was slow in recognizing what they needed but this will definitely streamline it.

**Jerry Hjelmstad** representing the North Dakota League of Cities appeared in support of the bill. A copy of his prepared remarks is attached.

**Terry Traynor** representing the North Dakota Association of Counties appeared in support of the bill. A copy of his prepared remarks is attached.

**Captain Scott Brand** Home Land Security Coordinator for the North Dakota State Highway Patrol appeared in support of the bill. A copy of his prepared remarks is attached.

There being no further testimony for nor against SB 2151, **Rep.Devlin, Chairman** closed the hearing. End ( 6.8 ).

Page 6

House Political Subdivisions Committee

Bill/Resolution Number SB 2151

Hearing Date March 3, 2005

**Rep. Koppelman** moved a 'Do Pass' motion for SB 2151. **Rep. Herbal, Vice Chairman**

seconded the motion. On a roll call vote the motion carried **9 ayes 0 nays 3 absent. Rep.**

**Koppelman** was designated to carry SB 2151 on the floor.

End of record ( 7.8 ) .

Date: March 3, 2005  
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2151

House POLITICAL SUBDIVISIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken D P

Motion Made By

Rep Koppelman Seconded By Rep Herbel

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓		Rep. Zaiser	A	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	A				
Rep. Pietsch	✓				
Rep. Wrangham	A				

Total (Yes) 9 No 0

Absent 3

Floor Assignment Rep. Koppelman

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 7, 2005 8:50 a.m.**

**Module No: HR-41-4245**  
**Carrier: Koppelman**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2151, as engrossed: Political Subdivisions Committee (Rep. Devlin, Chairman)**  
**recommends DO PASS (9 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).**  
**Engrossed SB 2151 was placed on the Fourteenth order on the calendar.**

2005 TESTIMONY

SB 2151

2151

North Dakota

## Division of Emergency Management



JOHN HOEVEN  
GOVERNOR

Maj Gen MICHAEL J. HAUGEN  
ADJUTANT GENERAL

DOUGLAS C. FRIEZ  
STATE DIRECTOR

To: Senator Karen Krebsbach, Chair  
Government and Veterans Affairs Committee

From: *Douglas C. Friez*  
Douglas C. Friez, Director

Subject: Testimony on Senate Bill 2151 - Intrastate Mutual Aid

Date: January 13, 2005

Madame Chair and Members of the Committee:

I am Douglas C. Friez, Director of the North Dakota Division of Emergency Management and the Governor's Homeland Security Advisor. I am here to testify in favor of Senate Bill 2151, which provides for intrastate mutual aid in North Dakota. This proposed legislation will serve to enhance response to emergencies and disasters by providing an "umbrella agreement" for jurisdictions throughout the entire state when such agreements are not in place.

We are submitting the following amendments which were inadvertently omitted from the bill but are important in that they represent the consensus reached by the representatives of the 24 agencies who participated in the development of the bill. The first change outlines the goal of the bill. The second change ensures volunteers are covered if funds become available. The third change addresses reimbursement for services -- for both paid and volunteer responders -- at rates consistent with the policies of the granting agencies.

In North Dakota, when an emergency occurs and someone asks for help, they know help will come. That's the nature of this state's residents. This may lead you to ask -- why does North Dakota need intrastate Mutual Aid legislation? -- The proposed legislation brought before you today.

In these uncertain times we're going to come across situations when questions will arise where there are no clear cut answers. When the public's safety is involved, whether due to technological or natural circumstance -- an act of terrorism, a hazardous material accident or a tornado -- the slightest hesitation can have deadly results. When the request for assistance comes from one community to another, the response cannot be held up while the involved parties work out an agreement regarding costs and liabilities.

This proposed intrastate Mutual Aid agreement provides the basic groundwork so those communities requesting help from their neighbors, and those responding know where they stand – so there is no hesitation in the face of adversity because we're trying to answer liability or, even, who's-paying-what questions.

Mutual aid is nothing new in North Dakota. Many formal agreements exist between jurisdictions. The proposed legislation will not supersede these agreements. But most of these existing pacts don't extend throughout the state. The proposed legislation fills in the gaps.

The need for such legislation was first put forth at ground zero following the events of September 11, 2001. The Department of Homeland Security (DHS) and National Emergency Management Association (NEMA) know that to most effectively move assets between local jurisdictions, formal mutual aid agreements have to be in place. While in North Dakota a handshake or cordial conversation may seem all that's needed for an agreement, these aren't always totally recognized.

With this perspective, the North Dakota Division of Emergency Management identified and brought together 24 agencies and organizations this summer to discuss the need for mutual aid legislation providing umbrella coverage for the state. Upon reaching a consensus for the necessity of such an agreement, the group began exploring existing accords including NEMA's "Proposed Model for Intrastate Mutual Aid Legislation."

Through action by the Legislative Assembly several sessions ago, North Dakota became a member of a nationwide Emergency Management Assistance Compact (EMAC), allowing North Dakota to send resources to other states as well as receive them when needed. In an event similar to September 11 or more recently hurricanes Charlie and Frances, it's not only up to people in the vicinity of the event to respond, but help is needed from others. Through the EMAC over half of this nation's states sent help to the southern states impacted by hurricanes this past summer – including North Dakota.

The capability to respond starts at the very foundation of government – those who are on the front lines in response to an emergency. Fire responders, law enforcement and the medical community have been at the forefront of creating mutual aid agreements, so we enjoined them along with representatives of the League of Cities, Association of Counties, N.D. Insurance Department, N.D. Insurance Reserve Fund, Office of the Adjutant General, and N.D. Indian Affairs Commission.

The committee created a smaller "working group" led by Emergency Management. League of Cities' attorney Jerry Hjelmstad drafted the proposed legislation drawing upon the committee's consensus and direction, NEMA's pilot, and existing mutual aid agreements. The draft went through several revisions in response to the working group's suggestions. It was scrutinized by outside experts, to include members of this legislative assembly, willing to lend their voice to the process. It culminated with the intrastate mutual aid legislation proposal which you have today. The product of this team effort takes into account the needs of all responders – emergency medical service providers, firefighters, law enforcement and hospitals, to name a few, and it applies to all jurisdictions.

It's a simple document with far reaching implications.

A request for help is made, aid is offered – as it's always been done in North Dakota. Responders know they're responsible for their people and equipment. They also know it's their decision whether to respond, what form their response will take and if the situation dictates that they return home, they can do so. If a request for help goes unmet it's with the understanding no fault will be attributed.

The proposed legislation encourages the application of the Incident Command System. This is not new to North Dakota's first responders. The Incident Command System is a component of the National Incident Management System. Homeland Security Presidential Directive 5 requires all federal, state, local, and tribal jurisdictions to adopt the National Incident Management System by 2005. In North Dakota, we're well on our way.

For years, many of the state's first responders have been trained using the Incident Command System which outlines the command, control and coordination of resources and personnel at the scene of an emergency. This training will continue. Compliance will be an important factor in continuing to acquire federal funding.

When North Dakota's highly trained respond to a request for help, it will be in a professional, systemic approach.

I thank the Senate Government and Veterans Affairs Committee for allowing us to present this proposed legislation for passage. We thank you for your continued support in making North Dakota a safer, more secure state.



North Dakota

## Division of Emergency Management

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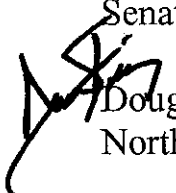


JOHN HOEVEN  
GOVERNOR

Maj Gen MICHAEL J. HAUGEN  
ADJUTANT GENERAL

DOUGLAS C. FRIEZ  
STATE DIRECTOR

To: Senate Government and Veterans Affairs Committee

From:  Douglas C. Friez,  
North Dakota State Emergency Management Director

Date: January 13, 2005

Re: Senate Bill No. 2151

### PROPOSED AMENDMENTS TO SENATE BILL NO. 2151

**Page 2, line 1:**

After the period insert "A system of intrastate mutual aid between emergency response units in North Dakota is created by this Act in order to provide a framework for coordinated response and to ensure, to the fullest extent possible, eligibility for emergency grant funds or other reimbursement assistance."

**Page 2, line 18:**

Replace "Each" with "With the exception of volunteers, each"

**Page 2, line 22:**

After the first comma insert "whether paid or volunteer within their own area of responsibility," and after "basis" insert "at rates consistent with the policies of the agencies or entities providing the emergency grant funds or other reimbursement assistance"

Please renumber accordingly.

SB  
2/51

## **Senate Bill 2151**

**Submitted by**

**Colonel Bryan Klipfel, Superintendent - NDHP**

Good morning, Madam Chair and members of the Senate Government and Veterans Affairs Committee. My name is Bryan Klipfel and I am Superintendent of the North Dakota Highway Patrol. I am here today in support of the proposed legislation relating to intrastate mutual aid by emergency response units. Steve Berg, Burleigh County sheriff, and Dennis Bullinger, Mandan Police Department deputy chief, were also on the committee to draft the intrastate mutual aid legislation and they both agreed that the legislation would be beneficial for law enforcement.

Mutual aid is nothing new to law enforcement in North Dakota. Law enforcement has worked together very well during emergency situations under existing mutual aid law, section 44-08-20 of the North Dakota Century Code. Peace officers employed by a law enforcement agency within the state have the power of a peace officer when responding to requests from other law enforcement agencies or officers for aid and assistance. This assistance applies only to singular incidents and does not constitute a continuous request for assistance. This particular section covers the use of required tactical teams and bomb squads.

Historically, law enforcement has been able to handle incidents under this mutual aid agreement. I recall the 1997 flood in Grand Forks where law enforcement from around the state responded to assist the community.

The intrastate mutual aid legislation will fulfill a need for agreements between first responders. The seriousness of the issue—homeland security—emphasizes the need for agencies who are sometimes turf war partisans to work together. This proposed legislation mentions the Incident Command System. The Incident Command System can be used to manage natural and manmade disasters. The system can be expanded or contracted as an incident escalates or becomes controllable.

Now is the time for law enforcement executives to use existing resources to develop partnerships in order to establish a protocol for handling emergencies. Ultimately, by our first responders working together, we can save lives, prevent unnecessary congestion, and ensure the agencies involved eligibility for receipt of Homeland Security Department funds in the future.

Thank you, Madam Chair. I would be happy to answer any questions you have at this time.

3B  
2151

**Testimony To The  
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
Prepared January 13, 2004 by the  
North Dakota Association of Counties  
Terry Traynor – Assistant Director**

**CONCERNING SENATE BILL 2151**

Chairman Krebsbach and members of the Senate Government and Veterans Affairs Committee, the North Dakota Association of Counties urges your support of Senate Bill 2151.

Local governments of North Dakota have a long history of helping each other out in times of crisis. The statewide response to natural disasters both in the East and in the West has clearly demonstrated this in the past few years. This legislation won't change the willingness to respond, but we believe it will provide an improved framework for future joint efforts.

Others have described and discussed the bill – explaining the need for the emergency clause as well as the proposed amendments. The counties of North Dakota simply want to go on record in support of this bill and the proposed amendments.

SB 2151

**To: Senate Government and Veterans Affairs Committee**  
**From: Jerry Hjelmstad, North Dakota League of Cities**  
**Date: January 13, 2005**  
**Re: Senate Bill No. 2151 – Intrastate Mutual Aid**

*Some given to Home Political Subdivisions*

Madam chairman and members of the Senate Government and Veterans Affairs Committee, my name is Jerry Hjelmstad and I am here on behalf of the North Dakota League of Cities to testify in support of Senate Bill No. 2151 along with the amendments presented by the North Dakota Division of Emergency Management.

SB 2151 establishes a basic framework for situations when one emergency response unit is called into another area to assist with an emergency situation. There is no mandate on anyone to request assistance, and there is no mandate on anyone to provide assistance.

The bill is needed because, under the rules of some granting agencies, funds that become available in an emergency situation may only be disbursed to an assisting unit if a mutual aid agreement is in place. In an emergency situation, assistance may be requested from a jurisdiction that has not been a partner in a written mutual aid agreement.

In those situations where no written agreement is in place, an assisting unit would be able to respond to a call from another jurisdiction knowing that the basic framework provided by this bill is in place. Therefore, the assisting unit may be able to recover their costs if funds to deal with the emergency become available.

The framework provided by this bill only applies in situations that are not covered by written mutual aid agreements. Agreements that are currently in place between different jurisdictions or written agreements that are negotiated after this legislation is in effect would govern mutual aid between those jurisdictions.

We ask that you give a "do pass" recommendation to Senate Bill No. 2151 with the amendments presented. Thank you.

Testimony in Favor of Senate Bill 2151

by Glenn A. Elliott, a private citizen and resident of Mandan, North Dakota,  
appearing on his own behalf on Thursday, 3 March 2005

Before the Political Subdivisions Committee of the North Dakota House

To the Chair and Members of the Committee:

I am offering this testimony in favor of Senate Bill 2151.

This bill approaches intrastate mutual aid from six common-sense perspectives:

1. The on-scene commander is best able to determine if an incident can be handled with the commander's own resources or if other aid is needed.
2. The person in charge of a potential mutual-aid response unit is best able to determine if the unit can provide mutual aid to an incident without compromising the unit's primary mission.
3. All units responding to an incident must function under one command structure for effective use of resources and safety of all concerned.
4. Personnel of a mutual-aid response unit are performing the duties normally expected of them and should be treated accordingly.
5. Need for mutual aid by nature cannot be readily forecast and specific resources may not be available to support mutual-aid responders. Compensation for mutual aid is based on its premise of rough equity, namely "you help me if you can, I will help you if I can." However, if the supported entity is able to secure such resources, it is only proper that the entity "share the wealth."
6. Regarding units that respond to incidents outside their areas of responsibility absent a mutual-aid request: If you come to dinner uninvited, don't be surprised if you don't get fed.

I recommend that the Committee vote "do pass" on Senate Bill 2151.

North Dakota

## Division of Emergency Management



To: William R. Devlin, Chair  
Political Subdivisions Committee

JOHN HOEVEN  
GOVERNOR

Maj Gen MICHAEL J. HAUGEN  
ADJUTANT GENERAL

From:  Douglas C. Friez, Director

DOUGLAS C. FRIEZ  
STATE DIRECTOR

Subject: Testimony on Senate Bill 2151 - Intrastate Mutual Aid

Date: March 3, 2005

Mister Chairman and Members of the Committee:

I am Douglas C. Friez, Director of the North Dakota Division of Emergency Management and the Governor's Homeland Security Advisor. I am here to testify in favor of Engrossed Senate Bill 2151, which provides for intrastate mutual aid in North Dakota. This proposed legislation will serve to enhance response to emergencies and disasters by providing an "umbrella agreement" for jurisdictions throughout the entire state when such agreements are not in place.

The Senate Government and Veterans Affairs Committee conducted a hearing on this bill on January 13. During the hearing, we submitted amendments that had inadvertently been omitted from the original bill draft. These amendments outlined the goal of the bill and ensured volunteers are covered if funds become available. A third change addressed reimbursement for services provided by both paid and volunteer responders at rates consistent with policies of the granting agencies. These changes are all included in the language of Engrossed SB 2151 which is before you today. The Senate Committee recommended "do pass" 5-0 and the Senate unanimously passed the amended bill, 46-0, on January 25.

In North Dakota, when an emergency occurs and someone asks for help, they know help will come. That's the nature of this state's residents. This may lead you to ask -- why does North Dakota need intrastate Mutual Aid legislation? -- the proposed legislation brought before you today.

In these uncertain times we're going to come across situations when questions will arise where there are no clear cut answers. When the public's safety is involved, whether due to technological or natural circumstance -- an act of terrorism, a hazardous material accident or a tornado -- the slightest hesitation can have deadly results. When the request for assistance comes from one community to another, the response cannot be held up while the involved parties work out an agreement regarding costs and liabilities.

This proposed intrastate Mutual Aid agreement provides the basic groundwork so those communities requesting help from their neighbors, and those responding know where they stand – so there is no hesitation in the face of adversity because we're trying to answer liability or, even, who's-paying-what questions.

Mutual aid is nothing new in North Dakota. Many formal agreements exist between jurisdictions. The proposed legislation will not supersede these agreements. But most of these existing pacts don't extend throughout the state. The proposed legislation fills in the gaps.

The need for such legislation was first put forth at ground zero following the events of September 11, 2001. The Department of Homeland Security (DHS) and National Emergency Management Association (NEMA) recognize, to most effectively move assets between local jurisdictions, formal mutual aid agreements have to be in place. While in North Dakota a handshake or cordial conversation may seem all that's needed for an agreement, these aren't always totally recognized.

With this perspective, the North Dakota Division of Emergency Management identified and brought together 24 agencies and organizations this summer to discuss the need for mutual aid legislation providing umbrella coverage for the state. Upon reaching a consensus for the necessity of such an agreement, the group began exploring existing accords including NEMA's "Proposed Model for Intrastate Mutual Aid Legislation."

Through action by the Legislative Assembly several sessions ago, North Dakota became a member of a nationwide Emergency Management Assistance Compact, allowing North Dakota to send resources to other states as well as receive them when needed. In an event similar to September 11 or more recently hurricanes Charlie and Frances, it's not only up to people in the vicinity of the event to respond, but help is needed from others. Through EMAC over half of this nation's states sent help to the southern states impacted by hurricanes this past summer – including North Dakota.

The capability to respond starts at the very foundation of government – those who are on the front lines in response to an emergency. Fire responders, law enforcement and the medical community have been at the forefront of creating mutual aid agreements, so we enjoined them along with representatives of the League of Cities, Association of Counties, N.D. Insurance Department, N.D. Insurance Reserve Fund, Office of the Adjutant General, and N.D. Indian Affairs Commission.

The committee created a smaller "working group" led by Emergency Management. League of Cities' attorney Jerry Hjelmstad drafted the proposed legislation drawing upon the committee's consensus and direction, NEMA's pilot and existing mutual aid agreements. The draft went through several revisions in response to the working group's suggestions. It was scrutinized by outside experts, to include members of this legislative assembly, willing to lend their voice to the process. It culminated with the proposed mutual aid legislation proposal which you have today. The product of this team effort takes into account the needs of all responders – emergency medical service providers, firefighters, law enforcement and hospitals, to name a few and it applies to all jurisdictions.

It's a simple document with far reaching implications.

A request for help is made, aid is offered – as it's always been done in North Dakota. Responders know they're responsible for their people and equipment. They also know it's their decision whether to respond, what form their response will take and if the situation dictates that they return home, they can do so. If a request for help goes unmet it's with the understanding no fault will be attributed.

The proposed legislation encourages the application of the Incident Command System. This is not new to North Dakota's first responders. The Incident Command System is a component of the National Incident Management System. The Homeland Security Presidential Directive – 5, requires all federal, state, local, and tribal jurisdictions to adopt the National Incident Management System by 2005. In North Dakota, we're well on our way.

For years, many of the state's first responders have been trained using the Incident Command System which outlines the command, control and coordination of resources and personnel at the scene of an emergency. This training will continue. Compliance will be an important factor in continuing to acquire federal funding.

When North Dakota's highly trained respond to a request for help, it will be in a professional, systemic approach.

I thank the House Political Subdivisions Committee for allowing us to present this proposed legislation for passage. We thank you for your continued support in making North Dakota a safer, more secure state.



**Testimony To The  
HOUSE POLITICAL SUBDIVISIONS COMMITTEE  
Prepared March 3, 2005, by the  
North Dakota Association of Counties  
Terry Traynor – Assistant Director**

**CONCERNING ENGROSSED SENATE BILL 2151**

Chairman Devlin and members of the House Political Subdivisions Committee, the North Dakota Association of Counties urges your support of Engrossed Senate Bill 2151.

Local governments of North Dakota have a long history of helping each other out in times of crisis. The statewide response to natural disasters both in the East and in the West has clearly demonstrated this in the past few years. This legislation won't change the willingness to respond, but we believe it will provide an improved framework for future joint efforts.

Others have described and discussed the bill – explaining the need for the emergency clause as well. The counties of North Dakota simply want to go on record in support of this bill and urge a Do Pass recommendation.

**Senate Bill 2151**

**Submitted by**

**Captain Scott Brand, Homeland Security Coordinator - NDHP**

Good morning, Mr. Chairman and members of the House Political Subdivisions Committee. My name is Scott Brand and I am the Homeland Security Coordinator for the North Dakota Highway Patrol. I am here today in support of the proposed legislation relating to intrastate mutual aid by emergency response units. Steve Berg, Burleigh County sheriff, and Dennis Bullinger, Mandan Police Department deputy chief, were on the committee to draft the intrastate mutual aid legislation and they both agreed that the legislation would be beneficial for law enforcement.

Mutual aid is nothing new to law enforcement in North Dakota. Law enforcement has worked together very well during emergency situations under existing mutual aid law, section 44-08-20 of the North Dakota Century Code. Peace officers employed by a law enforcement agency within the state have the power of a peace officer when responding to requests from other law enforcement agencies or officers for aid and assistance. This assistance applies only to singular incidents and does not constitute a continuous request for assistance. This particular section covers the use of required tactical teams and bomb squads.

Historically, law enforcement has been able to handle incidents under this mutual aid agreement. I recall the 1997 flood in Grand Forks where law enforcement from around the state responded to assist the community.

The intrastate mutual aid legislation will fulfill a need for agreements between first responders. The seriousness of the issue—homeland security—emphasizes the need for agencies who are sometimes turf war partisans to work together. This proposed legislation mentions the Incident Command System. The Incident Command System can be used to manage natural and manmade disasters. The system can be expanded or contracted as an incident escalates or becomes controllable.

Now is the time for law enforcement executives to use existing resources to develop partnerships in order to establish a protocol for handling emergencies. Ultimately, by our first responders working together, we can save lives, prevent unnecessary congestion, and ensure the agencies involved eligibility for receipt of Homeland Security Department funds in the future.

Thank you, Mr. Chairman. I would be happy to answer any questions you have at this time.