

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1087

2007 HOUSE TRANSPORTATION

HB 1087

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1087

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-04-2007

Recorder Job Number: 633

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz opened the hearing on HB 1087. Rep. Delmore was absent.**

**HB 1087 relates to inclusion of vehicles of the state forester as authorized emergency vehicles.**

**David Geier** Of the State Forest Service, on behalf of **Larry Kotchman**, spoke in support of the bill. See attached testimony from Larry Kotchman.

**Rep. Weisz:** What are you doing now?

**David:** We have been using hazardous emergency lights and a small anchor light on top of the engines. Currently speaking these are not lights that are easily seen or visible in the event of an emergency.

**Rep. Gruchalla:** You want to put red fire lights on the striped vehicles?

**David:** That is correct.

**Rep. Gruchalla:** If you also want to use the state forester's vehicle, the other vehicles that respond to fires, are they going to be Class A emergency vehicles also?

**David:** What we are looking at right now is the fire engines and the command vehicles. We are not looking at any other vehicles.

**Rep. Ruby:** Under Class C, it includes volunteer firefighters. Why weren't you seeking inclusion in the Class C rather than Class A?

**David:** That would probably better explained by the person from the North Dakota Fireman's Association. I believe that falls under their personal vehicles trying to get to the scene.

**Rep. Thorpe:** Usually there is something that has come up in the past as far as working the fires and such that brings something out, that makes this bill surface, where is the background?

**David:** In the past we've only had small authority to respond to fires. Currently speaking, we have been working with this bill since 2002. We have been noticing when we are out on fires some of the public vehicles come by us and we have no way to try to slow them down or let them know that we are a fire vehicle. We would like to be more visible so that people can see us better.

**Rep. Thorpe:** Would you be on state radio so that these vehicles can hear you and you can communicate with the other responders?

**David:** We are on state radio. We have already responded to many fires last year alone we had over thirty-three people involved in fires throughout the state.

**Rep. Price:** Would there be any objection if we included language that is used under number 7 if it's in the case of an emergency if that would make some people feel better?

**David:** The state forester would have to address that.

**Larry Kotchman,** state forester of North Dakota, spoke to the committee.

**Kotchman:** If I understand you correct, you wanted to insert something like "in case of emergency", basically what we are looking for is to make sure that vehicles that are used in emergency firefighting are covered under the statute as Class A vehicles. These are a fleet of

striped engines that we just developed and they are equivalent to a Class A vehicle, except you don't have the authority to put the red lights on it.

*(Kotchman continued)*

We have been giving additional assistance to wild fires in the state and these requests come from the division of emergency management from the county emergency managers. This past season, these vehicles have been very busy and as we develop these vehicles, we identify this is an area where we need to come into compliance to make sure that they are Class A vehicles. From public safety and firefighter stand point, there are very important that they be recognized as any other fire fighting vehicle.

**Rose Hartman**, Executive Director of the North Dakota Fire Fighters Assoc spoke in support of the bill.

**Rose:** We are here today in support of the bill. We feel that not only for the forest service, but for the rural fire protection and firefighters who are on the scene, for their safety.

**There were no questions from the committee. There was no further support for the bill.**

**There was no opposition to the bill. The hearing was closed. No action was taken at this time.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1087

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-04-2007

Recorder Job Number: 634

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**Chairman Weisz allowed committee discussion on HB 1087. Rep. Delmore was absent. HB 1087 relates to inclusion of vehicles of the state forester as authorized emergency vehicles.**

**Chairman Weisz:** What are the committee's wishes?

**Rep. Owens:** I would like to get an amendment for this to read, instead of "vehicles operated by the state forestry", to read "firefighting stripe teams and command vehicles operated by or under the control of state forestry, in case of emergencies". Because right now vehicles operated by or under the control of state, well, that's any vehicle they've got. So now if they happen to pull over the side of the road, they become a Class A, we are forcing people to recognize that is an emergency vehicle. Which in our current law requires to move over to the other lane, or if it's unsafe to do so, slow down to twenty miles per hour, and if the car is broke down, there is no stipulation right now that it has to be during a case of emergency.

**Rep. Ruby:** Initially I shared those same concerns and then I look further up in the bill and it is discussed above. The forestry service wants to put red lights and warning lights on these vehicles and I'm sure cost wise, they aren't going to put them on every vehicle they own whether it's a pickup or whatever. I am assuming they are only going to put them on the ones

they need this classification then they need those types of lights and as we try to change it and try to be consistent with each group, I don't have a problem with how it is worded, as long as we don't find some abuse.

**Rep. Gruchalla:** If you put red lights on the vehicle, it already becomes a Class A vehicle, and therefore, it has to be used for emergency.

**Rep. Price:** To be Class A, they have to have certain equipment on it, correct?

**Rep. Weisz:** You are suppose to have certain equipment but still by definition they *are* an authorized emergency vehicle.

**Rep. Gruchalla:** I believe that you are not a Class A emergency vehicle until you turn your lights on. You can only turn your lights on in an emergency.

**Rep. Thorpe moved a DO PASS. Rep. Owens seconded.**

**Roll call vote: 12 yes 0 no 1 absent and not voting.**

**Carrier: Rep. Vigesaa**

Date: 1-4-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1087

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By REP SCHMIDT Seconded By D OWENS

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Delmore	ABSENT	
Vice Chairman Ruby	✓		Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut	✓				
Rep. Vigasaa	✓				

Total Yes 12 No 0

Absent 1

Floor Assignment REP VIGESAA

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



**REPORT OF STANDING COMMITTEE (410)**  
January 4, 2007 3:06 p.m.

**Module No: HR-02-0247**  
**Carrier: Vigesaa**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1087: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS**  
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1087 was placed on the  
Eleventh order on the calendar.

2007 SENATE TRANSPORTATION

HB 1087

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1087

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: March 1, 2007

Recorder Job Number: 4182

Committee Clerk Signature

*Jody Hauge*

Minutes:

**Senator Gary Lee** opened the hearing on HB 1087 relating to inclusion of vehicles of the state forester as authorized emergency vehicles.

**David Geyer** from the North Dakota Forest Service read the testimony of Larry Kotchman, State Forester in support of HB 1087. His written testimony is enclosed.

**Senator Potter** asked what the advantages of being emergency vehicles are.

**David** answered that what they were looking for is # 1 Visibility when going in and out of a fire and # 2 When they are on a fire scene people can tell exactly where they are.

**Senator Lee** asked if that would be the difference if this bill was passed, that they would be able to use a light code on their vehicle.

**David** answered yes and supplied photos for the committee to look at. It would allow them to use red lights on the engines for the visibility.

**Senator Lee** asked if the bill offered anything more than visibility.

**David** said right now we are just concerned about visibility and safety for our fireman and the public.

**Senator Fiebiger** asked if this bill reads that any of their vehicles would qualify for these lights. He asked if they envisioned all their vehicles could have these lights.

**David** said that they had the same question in the House Transportation Committee. He said the fire engines are one part of this and then they have the Command Units. The strike team will have a strike team leader to make sure that everyone is safe and working in an efficient manner and he would have a light. Also the instant commander will have one on his vehicle.

**Senator Lee** asked if there was anymore testimony. Hearing none, Senator Lee closed the hearing on HB 1087.

**Senator Andrist** moved a Do Pass on HB 1087.

**Senator Nething** seconded the motion.

The clerk called the roll 6-0-0.

**Senator Andrist** will carry the bill.



**REPORT OF STANDING COMMITTEE (410)**  
March 1, 2007 12:54 p.m.

**Module No: SR-39-4187**  
**Carrier: Andrist**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1087: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1087 was placed on the  
Fourteenth order on the calendar.

2007 TESTIMONY

HB 1087

60<sup>TH</sup> LEGISLATIVE ASSEMBLY  
House Transportation Committee

House Bill 1087 - "Relating to the Inclusion of Vehicles of the State Forester  
as Authorized Emergency Vehicles"

January 4, 2007

Testimony Submitted by:  
Larry Kotchman, State Forester  
North Dakota Forest Service  
307 First Street East, Bottineau, ND 58318

Purpose:

The **State Forester** is seeking legislative approval to amend and reenact Subsection 2 of Section 39-01-01 of the North Dakota Century Code, relating to inclusion of vehicles of the State Forester as authorized emergency vehicles.

Background:

The North Dakota Forest Service is dedicated to protecting lives, property and natural resources through a coordinated wildfire response with local, state, tribal and federal partners. Authority is granted to the State Forester under Sections 4-19-01 and 18-02-07 of the North Dakota Century Code to provide assistance in the prevention and suppression of wildland fires. Wildland firefighting resources are deployed to assist North Dakota rural fire protection districts and other jurisdictions during wildland fire emergencies. Tasks assigned to the North Dakota Forest Service pursuant to the North Dakota State Emergency Operations Plan include providing personnel, equipment and technical assistance support for prevention and suppression of wildland fires.

Wildland firefighting resources were deployed to assist North Dakota rural fire protection districts and other jurisdictions with more than 870 fires that have burned over 53,000 acres during the 2006 wildfire season. The State Forester recently developed a strike team of modern type 6 wildland fire engines. These engines and other emergency vehicles are dispatched upon request from rural fire protection districts placed through county emergency managers to the North Dakota Division of Emergency Services. Designation of these engines as emergency vehicles is needed to ensure firefighter and public safety, as well as rapid response to wildfires. The State Forester needs the same "Class A authorized emergency vehicles" designation that currently exists for vehicles of a governmentally owned fire department under Section 39-01-01 of the North Dakota Century Code.

We respectfully urge your support for House Bill 1087 relating to inclusion of vehicles of the State Forester as authorized emergency vehicles.



60<sup>TH</sup> LEGISLATIVE ASSEMBLY  
Senate Transportation Committee  
Senator Gary Lee, Chairman

House Bill 1087 - "Relating to the Inclusion of Vehicles of the State Forester  
as Authorized Emergency Vehicles"

11:00 a.m., Thursday, March 1, 2007

Testimony Submitted by:  
Larry Kotchman, State Forester  
North Dakota Forest Service  
307 First Street East, Bottineau, ND 58318

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Wildland firefighting resources were deployed to assist North Dakota rural fire protection districts and other jurisdictions with more than 870 fires that have burned over 53,000 acres during the 2006 wildfire season. The State Forester recently developed a strike team of modern type 6 wildland fire engines with grant funds obtained through the National Fire Plan. These engines and other emergency vehicles are dispatched upon request from rural fire protection districts placed through county emergency managers to the North Dakota Division of Emergency Services. Designation of these engines as emergency vehicles is needed to ensure firefighter and public safety, as well as rapid response to wildfires. The State Forester needs the same "Class A authorized emergency vehicles" designation that currently exists for vehicles of a governmentally owned fire department under Section 39-01-01 of the North Dakota Century Code.

We respectfully urge your support for House Bill 1087 relating to inclusion of vehicles of the State Forester as authorized emergency vehicles.