

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2118

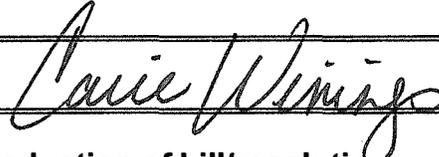
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2118
01/18/2013
Job Number 17391

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to authority to join interstate mutual aid agreements.

Minutes:

Chairman Dever: Opened the hearing on SB 2118.

Greg Wilz, Deputy Director, Department of Emergency Services: See Attached Testimony #1 in support. (2:08) Four months the Governor signed the International Emergency Management Compact. It is a compact covering the prairie region of the United States, between the states and the providences. This particular bill does nothing along our Canadian border, but it does allow for state to state mutual aid agreements to be executed at the local level. Those agreements today exist (gives an example). Right now, in state law, the Governor is required to be a signatory of those agreements and for a lot of years there has been little or no enforcement. But it is at a point in time now where we really need to clean this up. We have his full support to be able to execute those things locally.

(3:29)Chairman Dever: I can imagine in that kind of a circumstances. We had a bill yesterday on WSI where volunteer firefighters, if they die fighting a fire in other states, I could imagine.

Senator Nelson: I am confused on page 1; subsection 3, because it doesn't make sense. First, in line 15, you talk about an adjoining state or province, and that is fine, there is an

article there, but then you say, "or a political subdivision of province", there is no article there. Why did you cross out, "adjoining state or"? If you left that in, you would have the article of "an".

Greg Wilz: I understand your confusion with it. I have read through it many times and I understand that there is something missing there. (goes through it word by word). It should say "of a province". The Governor still has the authority to enter into mutual aid agreements and we did not strike any of that because at some level they are still valid. We have emergency assistance compact and we now have the IEMC, The International Emergency Management Compact. Even though we have those two things, there could be other that he may enter into agreements on. So we needed to keep him in the authority. We left the next section in because of the Canadian border. Even our compact had to be ratified through congress. It made through the Senate about 6 months ago and it just made it through the House about a month ago. I do not know the signature status by the President. Anything along that border requires the Governor involved and that is because of federal law.

Senator Nelson: You do agree that the word "a" needs to be in there?

Greg Wilz: Absolutely. I would ask you to entertain amending that.

Chairman Dever: I think that amendment makes more sense in light of the wording. In the other amendment we are talking about local emergency having agreements with another local unit.

Greg Wilz: Yes, if you look at the law change that we are submitting in the second page, line 4, which is paragraph 3 (reads). We know today that Fargo has mutual aid agreements with Moorhead, and Grand Forks has agreements with East Grand Forks. Many exist along all of our border communities. We are just seeking to make them legal. If something

were to happen down the road that these things are not found void or null in a court of law.

As you know, we could get people injured and we don't want to put anyone at risk.

Chairman Dever: Gives an example of a drilling accident in Beach.

Senator Nelson: You mentioned the western part of the state, and they probably have joint emergency management and with all of the drilling going on up there, and I would think the closest responders could be from both states.

Chairman Dever: We have agreements as far as education as well.

Vice Chairman Berry: These agreements that are proposed on paragraph 3, who makes those decisions?

Greg Wilz: We just had a meeting with the fire chiefs and we discussed that. The Fargo Fire Chief brought that up because it seems to be emergency management organizations. If you go to the beginning part of the chapter where that term is defined, it is defined as pretty much any level of government and anyone who responds to and/or works in the recovery of any incident or an emergency. Our determination is essentially that the authority with this language, as defined in the beginning, would allow pretty much any public entity or private if they are in the response business, to enter into those mutual aid agreements.

Vice Chairman Berry: You are saying that the definition extends to local emergency management organizations?

Greg Wilz: That is what this says, but in the definitions page is defined and is inclusive of all levels of government and all responding entities.

Vice Chairman Berry: My concern is that any time you enter into an agreement to further increase your coverage area or your response time, in terms of making that determination, does it ever shortchange the people of North Dakota.

Greg Wilz: That is well spelled out in the agreement. The legislature over the last three sessions has done a lot of work with us in revamping mutual aid agreements across the state of North Dakota and the state has a recommended template that has been signed off and bought off by a number of organizations to include organizations such as FEMA. The provisions within mutual aid agreements are there that allow immediate call back and allow turndown when a jurisdiction feels they cannot send the assets at the time.

Senator Marcellais: How does this affect the tribal nations?

Greg Wilz: That is at best gray. The department of emergency services works well with our tribes. We don't have a special status. We recognize them as sovereign nations, but within our processes that are mostly mandated by the federal government as well as many of our funding streams. They are pretty much on the same status as a sub grantee, as a county would be. While they are not specifically spelled out within this agreement, we would recognize tribal mutual aid agreements. It is what we do.

Senator Marcellais: Would you be looking at MOU's with the tribal nations?

Greg Wilz: We would not enter into the agreements with the tribes because we don't have response assets, but we would recognize any mutual aid agreement that a tribe would enter into for those resources with other providers that have resources.

Chairman Dever: in case of Standing Rock, it is in two states.

Chairman Dever: Is there any other testimony in support, opposition, neutral?

Closed hearing on SB 2118.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2118
02/01/2013
Job Number 18159

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened SB 2118 for committee discussion.

(Discussion of correcting the grammatical error of needing to add the word "a" in the current language proceeded and whether or not it was necessary to fix. The committee concluded that it was necessary.)

(2:09) Senator Cook: I have a note that reflects something I was thinking about regarding whether or not the state makes a template or everyone writing their own.

Senator Nelson: I have written that they have the recommended template. So it must have been discussed.

Chairman Dever: I believe that having a common template is a good thing because often the people come from multiple locations.

Senator Cook: There are certain things that you make sure you have in the agreement and they may not be defined in a template. Maybe it is a moot point.

Vice Chairman Berry: I have noted that in those agreements they have templates so that the call backs or refusals are allowed so that they can determine if they can spare the people. It is written into the template.

Vice Chairman Berry: Didn't Senator Marcellais ask about tribal laws?

Senator Nelson: It was answered that that was gray area but that they work well together.

Vice Chairman Berry: Does that need to be clarified?

Chairman Dever: I do not think so.

Senator Cook: Moved a Do Pass making sure the grammatical correction is accomplished with an amendment if necessary.

Vice Chairman Berry: Seconded.

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

Senator Schaible: Carrier.

13.8077.01001
Title.02000

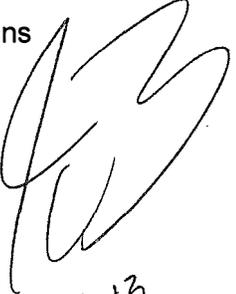
Adopted by the Government and Veterans
Affairs Committee

February 1, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2118

Page 1, line 16, after "er" insert "a"

Renumber accordingly



2-1-13

Date: 2/1

Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2118

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8077.01001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Cook Seconded By Senator Berry

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais	—	
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Senator Schaible

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

REPORT OF STANDING COMMITTEE

SB 2118: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2118 was placed on the Sixth order on the calendar.

Page 1, line 16, after "er" insert "a"

Renumber accordingly

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2118

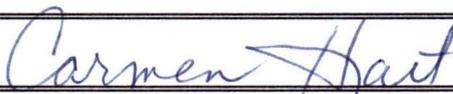
2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2118
March 7, 2013
19603

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to authority to join interstate mutual aid agreements.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on SB 2118.

Greg Wilz, Deputy Director, Department of Emergency Services and Director of Division of Homeland Security, appeared in support. **Attachment 1.** (:43-2:16) In the first section we are taking out the language that is under what the Governor has authority to do. In the second section we are adding a subsection which was read. (Page 2, Line 4-6). He gave some examples of mutual agreements that exist today--Fargo has one with Moorhead, Grand Forks with East Grand Forks, and Wahpeton has one with Breckenridge. Our fear right now is without having a legal basis for these local jurisdictions to enter into these mutual agreements, we have a risk that we no longer can deal with.

Vice Chair Randy Boehning Do we have any agreements with our neighbor to the north?

Greg Wilz Yes. That is a brand new agreement. It is called the IEMC, the International Emergency Management Assistance Compact. It pretty much mirrors what EMAC does. That is the one we work with state to state and bring in the resources. That does require a Governor's declaration. The IEMC had North Dakota and Manitoba as the first two to sign on. The short name for it is called PREMAC which is the Prairie Region Emergency Management Compact, because it really deals with just the heart of the nation and Canada since most of the east and the west provinces and states already have compacts that have been ratified through Congress.

Vice Chair Randy Boehning If you are in the National Guard and you go up there, do they have to have passports?

Greg Wilz Yes, the requirement right now is for passports. We are working on the charter and the rules that we will follow within the confines of this compact are some of the best practices that have been established by Seattle in which they have agreements through the federal government with the Canadian government to operate off of a much simpler form of an ID card.

Rep. Karen Rohr I understand that it covers some legal components, workers' safety, resources. Does it go beyond that like cost sharing and supplies?

Greg Wilz Yes, it does. Two sessions ago the legislature charged our agency to revamp mutual aid across the state of North Dakota. As a part of that requirement, the department basically put together model templates of mutual aid agreements for jurisdictions to use and they were approved at multiple levels of government to include FEMA, to make sure reimbursements and everything happened if __presidential. They can be in depth or as simple as local jurisdictions want.

Chairman Jim Kasper Give me an example of a mutual agreement that is in force right now.

Greg Wilz The one I would use is the agreement between Fargo and Moorhead. For a long time that agreement included hazardous material response because Moorhead essentially had built the team. Though Fargo fire provided people as a part of that team, it literally was housed in Moorhead, and the equipment was mostly purchased by the state of Minnesota and or the local jurisdiction. The state and Moorhead agreement with Fargo was that equipment could travel across the border and be used in a response. Since that agreement Fargo has built their own hazmat capability so I don't know at what level they are still exercising it. I know from a fire to fire department they do have existing agreements out there today.

Rep. Gary Paur If this is such a good idea, why doesn't the Governor approve these mutual aid pacts?

Greg Wilz I don't think it is a function of the Governor not approving them. It is a function of the locals doing business like they have always done it, and that is conversation and a handshake. The mode nationally right now is to formalize these agreements.

Rep. Gail Mooney This allows the local entities to be able to verbally or contractually enter into agreements across border lines, but it, more importantly, protects them on a liability standpoint. Would I be correct in that?

Greg Wilz Yes.

The hearing was closed.

Rep. Karen Rohr moved a Do pass.

Rep. Gail Mooney seconded.

Chairman Jim Kasper Does this bill give you the power to require these agreements or is it simply going to allow the local entities to do them if they so desire?

Greg Wilz This allows them to do them if they so desire. If they do exercise them formally, a copy be provided to NDDDES.

Rep. Ben Koppelman I am assuming there must be a National Guard factor to this that would have made it to where his office was interested in having this done. Why is it your interest in this rather than the League of Cities?

Greg Wilz The Adjutant General serves as the Department of Emergency Services Director. I serve as the Deputy Director and Homeland Security Director. Emergency management has a broad based missionary responsibility and that includes fire, police, bomb squad, search and rescue, etc. We work very closely with our advisory council and numerous associations across the state to include Emergency Management Association, 911 Association, Sheriffs and Chiefs Association, etc. We cannot normally send forces from the National Guard directly across the river. Those calls are made by the National Guard.

Rep. Ben Koppelman Under the order of the Governor in a declared emergency?

Greg Wilz That is pretty accurate. If another state needs guard resources, they have the ability just like when we use them to exercise an agreement or a transfer of soldiers through EMAC.

A roll call vote was taken and resulted in **DO PASS, 13-0, 1 ABSENT.** **Rep. Jason Dockter** is assigned as the carrier.

Date: 3-7-13
 Roll Call Vote #: _____

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2118**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rohr Seconded By Mooney

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Marie Strinden	X	
Rep. Karen Karls	X		Rep. Steven Zaiser	X	
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr	X				
Rep. Vicky Steiner					

Total (Yes) 13 No 0

Absent 1

Floor Assignment Dockter

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

REPORT OF STANDING COMMITTEE

SB 2118, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2118 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

SB 2118

TESTIMONY – SB 2118
SENATE COMMITTEE – GOVERNMENT AND VETERAN AFFAIRS
JANUARY 18, 2013
BY GREG WILZ
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Mr. Chairman and members of the committee, my name is Greg Wilz. I am the Deputy Director of the North Dakota Department of Emergency Services (NDDDES) and Director of Division of Homeland Security.

Senate Bill 2118 strengthens local response capability by enabling emergency management organizations to enter into mutual aid agreements with jurisdictions across state borders. In practice, formal and informal agreements already exist resulting in receipt of assets by North Dakota border jurisdictions as well as the movement of local resources to out-of-state jurisdictions. Up to this point, positive outcomes from mutual aid have outweighed the risk presented by lack of a legal framework; however, mitigation of that risk is mandatory due to the litigious nature of society.

Currently the law requires the Governor's oversight and approval of all mutual aid agreements with other states or jurisdictions within those states. Few if any have been approved by the Office of the Governor effectively voiding legal authority of a jurisdiction to enter into the agreement.

The recommended language provides an effective solution by authorizing local jurisdictions to execute this type of agreement. It also provides tracking capability by requiring the documents to be filed with NDDDES.

I strongly urge your support of this bill and will answer member questions.

TESTIMONY – SB 2118
HOUSE COMMITTEE – GOVERNMENT AND VETERAN AFFAIRS
MARCH 07, 2013
BY GREG WILZ
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Mr. Chairman and members of the committee, my name is Greg Wilz. I am the Deputy Director of the North Dakota Department of Emergency Services (NDDDES) and Director of Division of Homeland Security.

Senate Bill 2118 strengthens local response capability by enabling emergency management organizations to enter into mutual aid agreements with jurisdictions across state borders. In practice, formal and informal agreements already exist resulting in receipt of assets by North Dakota border jurisdictions as well as the movement of local resources to out-of-state jurisdictions. Up to this point, positive outcomes from mutual aid have outweighed the risk presented by lack of a legal framework; however, mitigation of that risk is mandatory due to the litigious nature of society.

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