



North Dakota Legislative Council

Prepared for the Emergency Response Services Committee
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EVOLVING FIRE SERVICE OPERATIONAL AND RESPONSE NEEDS STUDY - BACKGROUND MEMORANDUM

Section 1 of Senate Bill No. 2340 (2025) ([appendix](#)) directs the Legislative Management to study the evolving fire service operational and response needs of the state. The study must include an examination of the:

- Coordination of efforts of existing state resources for improved fire emergency service organization, distribution, mobilization, training, and oversight.
- Creation of fire service regional response teams.
- Establishment of authority for response, standardized training, wildland-urban interface fire prevention codes, and emergency response operational initiatives and responsibilities.
- Existing staffing abilities to cross-train, provide further services, backfill during extended or complex emergencies, minimum training requirements, staff firefighting authorities, firefighting benefits, necessary equipment, and structural needs.
- Identification and implementation of a restructuring of financial support for state and local fire service in North Dakota, reducing the dependency on local property tax.
- Changes necessary to state laws and administrative rules to implement a unified model.

BACKGROUND

In 2024, wildfires burned more than 1,000,000 acres of land in California.¹ In the same year, wildfires burned more than 118,000 acres of land in North Dakota. Testimony provided on Senate Bill No. 2340 indicated a need to develop a fire service response model to better address wildfires. Testimony noted an increase in call volumes and the requirement for specialized training to fight complex fires. Testimony discussed the need to coordinate resources, develop regional response teams, standardize training, review staffing, provide financial support, and develop a unified fire service model. The testimony indicated the study seeks to strengthen firefighting capabilities in the state.

STATUTORY PROVISIONS

State Fire Marshal

North Dakota Century Code Chapter 18-01 provides the duties and responsibilities of the State Fire Marshal. The State Fire Marshal is appointed by the Insurance Commissioner and may appoint the deputies and employees of the Office of the North Dakota Fire Marshal. The State Fire Marshal is responsible for the prevention of fires and for enforcing laws related to the storage, sale, and use of combustibles, explosives, and fireworks. The State Fire Marshal also is responsible for enforcing the fire and life safety code compliance of hazardous materials and the installation and maintenance of fire protection and life safety systems. The State Fire Marshal is tasked with suppressing arson and investigating the origin and cause of fires and explosions and developing programs to educate the citizens of North Dakota on the hazards of fire. The State Fire Marshal reports all suspected cases of arson to the Bureau of Criminal Investigation.

¹ 2024 Incident Archive, Cal Fire (last accessed 10/10/2025).

North Dakota Firefighter's Association

Chapter 18-03 provides the duties and responsibilities of the North Dakota Firefighter's Association (NDFA). The NDFA is responsible for managing fire schools in the state and developing and adopting a statewide fire education and training plan. The NDFA coordinates fire service training at all levels and establishes procedures to govern the certification process for firefighter training. The NDFA must report quarterly to the State Fire Marshal.

North Dakota Forest Service

Chapter 4.1-21 provides the duties of the State Forester. The State Forester is appointed by the State Board of Higher Education and must be a graduate of an accredited school of forestry. The State Forester serves as the Director of the State Forest Service and may hire employees subject to the approval of the State Board of Higher Education and the President of North Dakota State University. The State Forester is responsible for providing assistance to landowners, producers, and public bodies relating to the prevention and suppression of fires and the management of forest resources.

Department of Emergency Services

Chapter 37-17.1, also known as the North Dakota Disaster Act of 1985, provides for the Department of Emergency Services. The Department of Emergency Services consists of the State Emergency Communications Center and the Division of Homeland Security and Emergency Management. The Adjutant General serves as the director of the department and appoints a director for each division.

The Division of Homeland Security and Emergency Management is tasked with coordinating the procurement of supplies, materials, and equipment during a disaster. The division periodically reviews local and regional disaster and emergency plans and provides guidance and standards for the plans. The division also assists local and regional emergency management entities with training and planning. When the Governor issues an executive order during an emergency, the division may be asked to assist in preparing the order, proclamation, or other guidance as necessary. The division may enter agreements with the federal government to coordinate disaster mitigation, preparation, response, and recovery.

The Department of Emergency Services administers a Regional Response Program within the four designated regions of the state which are the Northwest, Northeast, Southwest, and Southeast regions. As initially enacted, the Regional Response Program included only hazardous material response; however, the program later expanded to include bomb squads, special weapons and tactical teams, ambush teams, and search and rescue teams. Fire response is currently not included in the Regional Response Program.

Department of Career and Technical Education

Under Chapter 15-20.1 the Department of Career and Technical Education is overseen by the State Board for Career and Technical Education and consists of members of the State Board of Public School Education, the Executive Director of Job Service North Dakota, and the Commissioner of Higher Education. The board oversees the department and appoints an executive director for the department. The department is tasked with creating plans for the promotion of career and technical education in the state. The department provides career plan advice for students who are interested in various careers. One available plan is for a career in emergency and fire management services, including for the careers of forest fire fighting and prevention supervisors and fire inspectors and investigators.²

NORTH DAKOTA FIRE CHIEF'S ASSOCIATION

The North Dakota Fire Chief's Association provides education, training, and information for fire chiefs in the state.³ The association focuses on five areas: improving the quality of fire protection; elevating the standards of fire education; promoting cooperation with other interested associations, organizations, and governmental agencies; guarding and fostering the welfare and material interest of its membership; and

² *Law, Public Safety, Corrections & Security*, Career Clusters, North Dakota Career and Technical Education.

³ *Fire Chief's Handbook*, State Fire Chief's Association (2021).

promoting the common good, community welfare, and the general welfare of the state and its inhabitants by seeking and establishing efficient means of affording fire protection.

INCIDENT COMMAND SYSTEM

From 2014 to 2024, the National Park Service saw an average of 97,909 acres burned per year in 372 fires across United States national parks.⁴ The Incident Command System (ICS) is used by the National Park Service to respond to wildfires in United States national parks.⁵ The ICS helps to organize the team of responders to contain the fire. The ICS has five functional sections: command, operations, planning, logistics, and finance/administration.⁶ The position in charge of each section is referred to as the general staff position. The command section manages the incident and creates strategy. In the command component there is an information officer, liaison officer, and safety officer. The operations section is led by the operations section chief and directs the tactical operations. The planning section is led by a planning section chief and works to forecast the course of the incident. Within the planning section there is a resources unit, situation unit, documentation unit, and demobilization unit. The logistics section provides supplies for tactical operations. The supply section is led by the logistics section chief and includes a supply unit, facilities unit, ground support unit, communications unit, food unit, and medical unit. The finance/administration section provides fiscal documents and financial planning. The section is led by a finance/administration section chief and consists of the time unit, procurement unit, compensation/claims unit, and cost unit.

OTHER STATES

Oregon

In 2021, Oregon passed Senate Bill 762, which provided changes to Oregon's fire service response. The bill required the State Forestry Department to maintain a comprehensive statewide map of wildfire risk. The bill required the State Fire Marshal to establish minimum defensible space for wildfire risk reduction. The minimum defensible space involves the clearing, treating, or modification of materials capable of supporting the spread of fire and allowing for fire suppression. The bill required the Department of Land Conservation to identify updates to the Statewide Land Use Planning Program, along with local comprehensive plans and zoning codes to reduce wildfire risk. The bill required the Office of Emergency Management to update its statewide emergency plan and the State Forester Department to design and implement a program to reduce wildfire risk through the restoration of landscape resiliency. The bill required the State Forestry Department to establish and maintain an expanded system of automated smoke detection cameras. The bill established a State Wildfire Programs Director under the Governor to oversee the implementation of the provisions passed in the bill. The director was tasked with coordinating and integrating the activities of state agencies to improve efficiency. The bill also created the Wildfire Programs Advisory Council to assist the State Wildfire Programs Director.

South Dakota

South Dakota Codified Laws Chapter 41-20A provides for the creation of a division of Wildland Fire within the South Dakota Department of Public Safety. The division is responsible for the prevention of fires along with fire suppression, education, training, and other duties. The division is administered by the State Wildland Fire Coordinator. The State Wildland Fire Coordinator is required to take action to prevent, suppress, and extinguish forest and wildland wildfire on all state and privately owned forestlands or other lands if the state has entered a cooperative fire suppression agreement. The State Wildland Fire Coordinator is responsible for directing and aiding all fire suppression efforts on state and privately owned forestlands.

Colorado

Colorado Revised Statutes Section 24-33.5-1201 provides for the creation of the Division of Fire Prevention and Control. The director of the division is responsible for the delivery, management, and administration of fire protection and life safety related codes and standards; fire investigations; fire safety

⁴ *Wildland Fire Summary and Statistics Annual Report*, National Interagency Coordination Center, 16, (2024).

⁵ *Responding to Fire*, National Park Service, (December 8, 2023).

⁶ *Wildland Fire: Incident Command System*, National Park Service, (May 23, 2025).

education; and fire prevention in the state. The division also is tasked with fire and wildfire preparedness, response, suppression coordination, and management. Colorado Revised Statutes Section 24-33.5-1203 allows the division to assist units of local government that are charged with fire prevention, protection, investigation, and emergency medical services.

STUDY APPROACH

In conducting its study of the evolving fire service operational and response needs of the state, the committee may wish to receive testimony from:

- The State Fire Marshal;
- Representatives of NDFA;
- Representatives of the North Dakota Forest Service;
- Representatives of the Department of Emergency Services;
- Representatives of the North Dakota Fire Chief's Association;
- Representatives of the Department of Career and Technical Education; and
- North Dakota firefighters.

ATTACH:1