

2009 HOUSE NATURAL RESOURCES

HB 1124

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1124

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 1-15-09

Recorder Job Number: 7108

Committee Clerk Signature

Nancy L. Gerhardt

Minutes:

Chairman Porter – Call the hearing to order HB 1124.

Larry Kotch – State Forester of ND – See **Attachment # 1**. The reason the State Forestry is involved in this is because we have authority granted to us in chapter 419 as well as chapter 1802 of the ND Century Code to be involved in providing assistance and prevention of wildlife fires. We work primarily with rural volunteer fire fighters. We have been involved with providing financial assistance to them and to help with training and equipment. There is a number of tasks assigned to the state forester and the state emergency plan – response to fires. This would be another tool in the toolbox to use to get resources those times we need them. We urge your support for this particular piece of legislation. Questions

Rep. Keiser – Did you say this is Federal language?

Mr. Kotch – Yes, it is language on a public law 10-79. It was passed by congress to enable states to participate in a wildfire compact with Great Plains.

Rep. Keiser – That explains a lot. On page 3 lines 1 to 3 would you explain to me what that means?

Mr. Kotch – Any state that participates in the fire compact and sends resources to another state they have to be covered by Workers Comp. All of our firefighters are.

Rep. Keiser – We are covered by Workers Comp in the state of ND. If we go to another state our people are not covered by ND Workers Comp. You have to buy Workers Comp in that state.

Mr. Kotch – We have been assured by the Governors legal counsel and have been assured we will be covered by Workers Comp.

Rep. Keiser – I would be happy to meet with you and Workers Comp.

Rep. Drovdal – Larry, how long have you been a fireman?

Mr. Kotch – I was a fireman at one time for about 10 years.

Rep. Drovdal – What is wrong with the way it is working now? You are actually taking local volunteers out and putting this system in.

Mr. Kotch – This would not be a change or interruption of anything that the rural volunteers do now. The system in place that uses the rural volunteers as the first responders. This would not disrupt that. If their mutual aid would become overwhelmed and they turn to the state of ND for assistance and this would be a mechanism the Governor could ask for additional resources from a neighboring state. There is nothing wrong with the system now. It works fine. This would be another tool to use.

Rep. Drovdal – At one time we called in outside resources and got a heck of a bill for it.

Mr. Kotch - These are things to make sure wildfire is taken care of.

Rep. Hunskor – What is the extent of resources of our state would be used to assist with fire emergencies in other states? What is the extent of what that's happening? Also what do you draw on when that happens? Which entity from our state goes to help?

Mr. Kotch – The response would become available based on the other states or entities that have resources they could spare at that particular time.

Chairman Porter – Who would be in charge?

Mr. Kotch – The ordering agency. The ordering agency would generally be that entity with jurisdiction. The incident manager is ultimately the person that is responsible – that might be a rural fire chief in some instances.

Chairman Porter – Is there instances where a firefighting force comes in and tell the rural fire chief you're out of here, we're taking over and this is our baby now because you called us?

Mr. Kotch – No. There is a delegation of authority requirements. Authority would not be turned over to an incident commander without a delegation.

Rep. Keiser – This is a compact with states, not the federal government, the BLM, or Forestry.

Mr. Kotch – This is a compact with neighboring states, state to state. The federal folks are not involved with this. It is federal language that was passed by congress, it allows for the consent of congress for states to be involved in state to state agreements.

Rep. Drovdal – Are you saying if help was called in to a fire in a certain district the incoming fire personnel would be under the leadership of the established fire district command that was previously in charge?

Mr. Kotch – When there is a large wildfire incident that happens in ND the first responders are the rural volunteers. The fire chief is in charge of that until he or she delegates that authority away. The only reason they might delegate that authority away is because it has completely overwhelmed their mutual aid capability and they need help. Generally when that has happened they brought in a type 2 or 3 incident commander that has the experience and willingness to take over that fire with the delegation authority. When that happens a unified command is set up so the fire chief is there and involved with the decision making even though he or she might have handed that off to another incident commander.

Rep. Drovdal – In the instances I have been involved in they wouldn't come unless you gave up the command to them. There was no question. They would not add their personnel under the local chief. That was the conditions before they came.

Mr. Kotch – These situations often involve federal jurisdiction. What you are saying is true on federal jurisdiction. If it is on federal lands and gets beyond the rural fire chiefs capability and they order in additional resources then they do require the fire commander with a type 2 or 3 capability take command.

Chairman Porter – Further testimony in support of 1124?

Mr. Greg Wilz – Deputy Director, Dept. of Emergency Services – Director of the Home Land Security for the state of ND – See **Attachment # 2**. Questions

Chairman Porter – How does this fit into the uniform law Human Services dealing with the medical?

Mr. Wilz – Here is an option to bring in resources from this state and other states if they are available. ND is short state level assets to be a real part of the solution on a large scale.

Chairman Porter – Any other testimony in support of HB 1124? Testimony against 1124?
Would you care to clarify the control of the Black Hawk?

Dave Spritzanit – Adjutant General – We can dispatch out helicopters with personnel on the ground. We turned over the operational control to the incident commander on the ground, but what we did was provide a liaison to that incident commander so the incident commander is in control of the operation. He knows where he needs firefighting capability from the air. Then in turn he directed exactly where he wanted it and directed the liaison where they needed to dump the water.

Rep. Drovdal – If this compact was in place how much faster would the Black Hawk helicopter be available?

Mr. Spritzanit – This compact would have nothing to do with fires in ND. If we needed them in a neighboring state we would be able to turn to the neighboring state without having the governor declare a disaster.

Rep. Drovdal – To sum up what this does is lower the levels so the governor doesn't need to declare before you get called into action.

Mr. Spritzanit – That's right.

Rep. Keiser – If you send a helicopter or bull dozer out they are still in control of their ship and still make a decision relative to safety. So it doesn't matter what that fire chief says they can say no.

Mr. Spritzanit – That is correct. We turn them over for operational control, but if it a situation where it will put our National Guard in harm's way they will say NO.

Chairman Porter – Would this compact include the resources of the NG to a neighboring state?

Mr. Spritzanit – Yes, the resources of the National Guard are under control the governor until such time as we are federally activated. The governor can make the decision at any time how to utilize the NG in case of an emergency or disaster or to aid a neighboring state. When we do that it becomes a state expense not a federal expense. When we went to California our costs for equipment and personnel were reimbursed by California.

Chairman Porter – Inside the compact if the state of SD would call and have a fire, rather than call the governor's office they could call Emergency Services. Emergency Services could say sure we'll send a helicopter the governors never notified because he has given away the authority to activate the national guard for interstate assistance?

Mr. Spritzanit – In the case you are citing what would is the state Emergency manager in SD would call us here in ND. Before we would release those resources we would make sure the governor was in concurrence. We work for and are under control of the governor of the state

and from our perspective before we would send someone out of the state I want to make sure our commander in chief of the state – the governor – knows what is going on and agrees with that. The same would be true of any of the state resources. If the DOT were called upon to send trucks or any equipment to SD I'm sure the director of DOT would make sure the governor would concur.

Chairman Porter – Any other questions for the General? Any further testimony in support of 1124? Any opposition? We will close the hearing on HB 1124.

Lois Hartman – Attachments # 3 & 4 emailed to Chairman Porter.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1124

House Natural Resources Committee

Check here for Conference Committee

Hearing Date: 01-22-09

Recorder Job Number: 7546

Committee Clerk Signature

Nancy D. Gerhardt

Minutes:

Chairman Porter: Midwest compact on Forest Service. Rep. Keiser

Rep. Keiser: WSI shares his concerns. The state it's self is responsible for work force safety.

If we send our people out of state on a project and they are injured the state of ND owns the

liability 100%. If there is no money in WSI laws will still be enforced and it will require an

emergency appropriation on the part of ND. What is implied in the compact is this is temporary

employment. As long as temporary employment is maintained then it works. If it violates

temporary employment – and temporary employment in our compact is 21 days or less – that is not standard of the industry. That is just what we have written into our reciprocal agreement.

If we would send someone in over 21 days we don't know what would happen. WSI is walking away from this one saying it is up to you. We have no liability – this is a state general fund liability. If you want to approve it do if you don't, don't.

Chairman Porter: There is another bill in Human Services like this called Emack. In this there is a data base maintained by the Dept. of Health, Emergency Service Division. Volunteers can sign up into this data base and be in a pool where if there is a disaster situation in the state of ND they can be called up. If there is a disaster situation outside of the state of ND they can be called up. Inside of the Emack provisions today the dept. of health has 48 hours to notify Work

Force Safety they are sending volunteers to a disaster situation whether it be in state or out of state. With that notification they have to send a roster, and \$15.00 for each person. That is the token to get them into the Work Force Safety system. If an injury were to occur under Emack today, Rep. Keiser explained it very well, that the state of ND has already agreed inside the Emack provisions that the state will pay back Work Force Safety dollar for dollar anything that is paid out because of that Emack provision, so that if a volunteer falling under Emack is covered or is injured and it comes to \$10,000 the state will pay Work Force Safety \$10,000. There is a big burden on the employers who own that reserve, that Work Force Safety, its back to the state of ND for having that pool of volunteers. The other thing it is very clear on is each state is responsible for the coverage of their volunteers. Why that is important is because if someone from North Carolina is in the Emack and we put the call out that we need people in ND because of a disaster and they come into ND as part of Emack then they are covered by North Carolina, not ND and vis versa. That is the current system. What this bill and the other bill that is in Human Services is addressing are those situations that fall under a Governor's deceleration of response. This covers the situation where SD calls up and they have a fire, and it isn't at the level of a Governor's deceleration. This isn't new, we aren't reinventing something. What we are doing is a fill gap from the base to a Governor's deceleration.

Rep. Keiser: If a volunteer comes up and offers to fill sand bags and gets an injury to his back. Is he covered? If you are under the supervision of someone, whether you are being paid or not, it is deemed to be a Workers Comp issue. The court system in their community service program ran into a huge problem.

Chairman Porter: Further discussion on HB 1124? Rep. Drovdal

Rep. Drovdal: I have trouble voting for this bill.

Chairman Porter: The point of this bill is the availability of resources to the state on both sides prior to the deceleration of a governor's state of emergency. This bill only deals with the movement of resources across state line. It doesn't have anything to do with the command situation and how they act when they come into a situation of taking over an incident command. It has nothing to do with the feds or tribal. Discussion?

Rep. DeKray moves a Do Pass -- 2nd by Rep. Myxter -- discussion on motion

Total: Yes 7 No 3 Absent 3 Volunteers Myxter

FISCAL NOTE
Requested by Legislative Council
12/28/2008

Bill/Resolution No.: HB 1124

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Authorizes the Governor to enter into a compact with other states to promote effective prevention and control of wildland fires. No fiscal impact anticipated.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Laura Glatt	Agency:	NDUS
Phone Number:	328-4116	Date Prepared:	12/30/2008

Date: 1-22-09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1124

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By DeKrey Seconded By Myxter

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep Hanson		
Vice Chairman Damschen			Rep Hunskor	✓	
Rep Clark	✓		Rep Kelsh		
Rep DeKrey	✓		Rep Myxter	✓	
Rep Drovdal		✓	Rep Pinkerton	✓	
Rep Hofstad	✓				
Rep Keiser		✓			
Rep Nottestad		✓			

Total (Yes) 7 No 3

Absent 3

Floor Assignment Myxter

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

REPORT OF STANDING COMMITTEE

HB 1124: Natural Resources Committee (Rep. Porter, Chairman) recommends DO PASS
(7 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1124 was placed on the
Eleventh order on the calendar.

2009 SENATE NATURAL RESOURCES

HB 1124

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1124

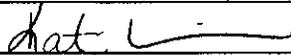
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 26, 2009

Recorder Job Number: 9771

Committee Clerk Signature



Minutes:

Senator Lyson opens the hearing on HB 1124, relating to approval of compact with other states to promote effective prevention and control of forest fires.

Larry Kotchman, State Forester of North Dakota, I am here to testify in favor of the bill (see attached testimony #1).

Senator Hogue I noticed the bill starts off talking about wild land fires and then the rest of the bill talks about forest fire protection and I was wondering if there was if there was a difference between those and if so does North Dakota have those?

Larry Kotchman in other states typically the language refers to forest fires, but when you get into North Dakota and Montana we more typically call them wild land fires. That terminology has changed over the years, but it essentially means the same thing. We do have some forest area in North Dakota and some of our wild land fires have been in forested areas.

Senator Triplett said that experience clearly demonstrates that interstate compacts are an easier, faster and cheaper process to access firefighters and equipment and I am assuming you are comparing to the national system of interagency. Can you explain why that is?

Larry Kotchman the reason it is easier, faster and cheaper to use compacts is to look at it from the perspective from ordering resources from a neighbor. When you don't have an interstate

compact in place you have to go through the interagency dispatch system. When you go through them, resources that are listed there are listed there for a 14 day period. They come with the idea that they are coming for a longer period of time and with that comes an expense that we don't need. Wild land fires in North Dakota are typically a fast moving event and we only need resources for hours or maybe days, not weeks. We could eliminate some expenses with this by going directly to the neighbor and getting the resources for the time we need them for.

Senator Hogue so the governor authorizes this and then at that point it comes under the supervision of the TAG, who is wearing his hat as director of emergency management, is that the way it works?

Larry Kotchman on a compact situation, a governor's declaration for the event would not be required to use the compact. It would be required if we were going to use the interagency dispatch system or EMAC. We would not do this without the consent of the governor's office. We would make this decision between the state forester and the Adjutant General's office.

Senator Hogue under the compact who would decide how many resources we would be ordering?

Larry Kotchman the decision would be made by the division of Emergency Services, State Forester and the Governor's Office. Typically the specifics about what is needed are made by an incident commander.

Senator Triplett did Minnesota and Montana decides to not be part of this contract?

Larry Kotchman they are not part of the Great Plains Wildfire Compact, but they are part of their own compacts. The reason for that is because they have similar types of forests, so their neighbors are similarly equipped and trained for those types of terrains and vegetation.

Greg Wilz, Deputy Director of the Department of Emergency Services and Director of Homeland Security, testified in favor of the bill (see attached testimony #2).

Senator Triplett Can you walk us through why it would take 4 to 5 days under EMAC to get a helicopter to California versus why it would take less time with this new compact?

Greg Wilz if I gave you the impression that EMAC always takes that long I didn't mean to.

There is an actual process that all the states are signed up to. It starts with a state's advertisement asking for something, and then other states will check their resources to see if they have that. The other state's then send an email or message back to the asking state replying that they have the resource sought after and at the same time they fill out a requisition A. it is a sheet of paper that says we have the resources, here is how long it will take to get it there, here is what it will cost you, and here is all the other information you need when you get it. The state then takes that Requisition A and pushes it into a system and compares it with the other ones they receive and look for the best deal. They send the Requisition A back to the state agreed to and signed.

Lois Hartman, Executive Director of the North Dakota Firefighter's Association spoke in favor of the bill (see attached testimony #3).

Senator Lyson Closed the hearing on SB 1124.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1124

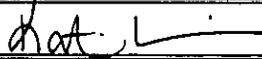
Senate Natural Resources Committee

Check here for Conference Committee

Hearing Date: February 26, 2009

Recorder Job Number: 9774

Committee Clerk Signature



Minutes:

Senator Lyson

Opens the discussion on HB 1124.

Senator Triplett I move to amend the bill to strike out the word "my" in line 19 and insert

"may".

Senator Pomeroy seconds the motion.

A voice vote was taken and the motion passed on a vote of 7 to 0.

Senator Pomeroy moves a Do Pass as amended.

Senator Triplett seconds the motion.

Roll call was taken and the bill received a Do Pass on a vote of 7 to 0.

Date: 2, 26, 2009

Roll Call Vote #: # 1124

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number 98100.0101

Action Taken Do Pass Do Not Pass Amended Amendment

Motion Made By Sen Triplett Seconded By Sen. Pomeroy

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman	/		Senator Jim Pomeroy	/	
Senator David Hogue, Vice Chairman	/		Senator Mac Schneider	/	
Senator Robert S. Erbele	/		Senator Constance Triplett	/	
Senator Layton W. Freborg	/				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

Voice vote on amendment only.

Date: 2, 26, 2009

Roll Call Vote #: #2 1124

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Amendment

Motion Made By Sen. Pomeroy Seconded By Sen. Triplett

Senators	Yes	No	Senators	Yes	No
Senator Stanley W. Lyson, Chairman	/		Senator Jim Pomeroy	/	
Senator David Hogue, Vice Chairman	/		Senator Mac Schneider	/	
Senator Robert S. Erbele	/		Senator Constance Triplett	/	
Senator Layton W. Freborg	/				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Sen. Pomeroy

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

REPORT OF STANDING COMMITTEE

HB 1124: Natural Resources Committee (Sen. Lyson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1124 was placed on the Sixth order on the calendar.

Page 2, line 19, replace "my" with "may"

Renumber accordingly

2009 TESTIMONY

HB 1124

SIXTY-FIRST LEGISLATIVE ASSEMBLY
House Natural Resources Committee

HB Bill 1124 - "Relating to approval of a compact with other states to promote effective prevention and control of forest fires."

January 15, 2009

Testimony Submitted by:
Larry Kotchman, State Forester
North Dakota Forest Service
307 First Street East, Bottineau, ND 58318
E-mail: Larry.Kotchman@ndsu.edu
Telephone 701-228-5422

Chairman Porter and Members of the House Natural Resources Committee:

Purpose:

The **State Board of Higher Education** is seeking legislative approval for the State Forester to create and enact a new chapter to Title 18 of the North Dakota Century Code, relating to approval of a compact with other states to promote effective prevention and control of wildland fires. The proposed legislation is pre-filed at the request of the State Forester to ratify North Dakota's involvement in the "Great Plains Wildland Fire Protection Agreement" approved in 2007 by the 110th Congress in Public Law 110-79. Public Law 110-79 gives the consent and approval of Congress to an interstate wildland fire protection compact promoting effective prevention and control of fires in the Great Plains region of the United States.

Background:

The Great Plains Wildland Fire Protection Agreement provides for the maintenance of adequate fire fighting services by member states and for reciprocal aid in fighting fires among the compacting states of the region including Colorado, North Dakota, South Dakota and Wyoming. The Legislatures in Colorado, South Dakota and Wyoming have passed the enabling legislation. The agreement further states the State Forester or officer holding the equivalent position for wildland fire control may act as the compact administrator for that state. The compact is operative immediately in those states ratifying it. The compact's primary benefit is to expedite mobilization of resources from neighboring states during fire emergencies.

The majority of state to state fire resources are moved through a national system of interagency dispatch centers. When a resource request cannot be filled by the national system, state wildfire compacts are used to fill resource shortages. There are currently seven (7) other interstate wildfire compacts operating within the United States. During times of critical resource shortages, experience clearly demonstrates that interstate compacts are an easier, faster and cheaper process to access firefighters and equipment. House Bill-1124 states the Governor may execute a compact on behalf of the state with any one or more states who may by their legislative bodies, authorize a compact.

An interagency meeting was held on Monday, June 16, 2008, to facilitate a review of the fire compact legislation. Representatives from the following agencies endorsed the need to introduce fire compact legislation during North Dakota's 2009 legislative session:

Deputy Chief of Staff, Governor's Office
Executive Director, ND Firefighter's Association
Commissioner, Department of Agriculture
State Fire Marshal
Director, Aeronautics Commission
Director, Parks and Recreation
Commissioner, State Land Department
Adjutant General, National Guard
Director, Game and Fish Department
Director, Division of Homeland Security
State Forester, North Dakota Forest Service

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.

We respectfully urge your support for House Bill 1124 relating to approval of the "Great Plains Wildland Fire Protection Agreement" with other states to promote effective prevention and control of wildland fires."

Thank you for this opportunity to testify before your committee.

#2
Same given
to Senate.

TESTIMONY - HB 1124
HOUSE COMMITTEE – NATURAL RESOURCES
JANUARY 15, 2009
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 Department of Emergency Services (NDDDES) and Director of Homeland Security for the state of North Dakota. My intent is to provide information relating to HB 1124 authored by the State Board of Higher Education and the State Forester.

NDDDES strongly supports the tenets of HB 1124. In recent years, North Dakota has experienced increased numbers of wildland fire emergencies, most of which have not risen to the level of a Governor's Emergency Declaration and none that have met the federal threshold for a Presidential Disaster Declaration.

The compact delineated in HB 1124 does not require Governor's declaration. It is designed for smaller yet devastating events in which speed of delivery and special types of required assets can be mustered by other states within the compact more efficiently with a higher cost benefit

The articles of the compact closely align with or mirror the intent of Emergency Management Assistance Compact (EMAC) which has been time and event tested and is the backbone of interstate mutual aid. It is successfully implemented in concert with the regional system of federal interagency fire dispatch centers. When unprecedented fire activity overwhelmed California last year, its Governor declared a state emergency and requests for assets were sent through EMAC to all states. The North Dakota National Guard responded by sending UH-60 Blackhawk Helicopters and crews to assist firefighting operations.

The compact will be an extremely important tool in the state's arsenal to combat the wildland fires. I urge committee members to pass HB 1124.

Thank you, I will try to answer any questions you may have.

NDLA, H NAT

From: Porter, Todd K.
Sent: Monday, January 19, 2009 12:58 PM
To: NDLA, H NAT
Subject: FW: HB 1124
Attachments: HB 1124.doc

From: Lois Hartman [mailto:lois@ndfa.net]
Sent: Friday, January 16, 2009 4:05 PM
To: Porter, Todd K.
Subject: HB 1124

Representative Porter,

I had planned to attend the Natural Resources Committee hearing on H.B. 1124 yesterday but was unable to get away from a meeting that ran much longer than anticipated. I would like to submit for consideration the testimony I had prepared to present at the hearing.

Thank You,

Lois Hartman
Executive Director/State Training Director
North Dakota Firefighter's Association
P O Box 6127
Bismarck, ND 58506

Lobbyist # 297

H.B.1124
Interstate Compact Authorization

Chairman Porter and members of the House Natural Resources Committee, my name is Lois Hartman. I am the Executive Director of the North Dakota Firefighter's Association. I had the privilege of attending the meeting in the Governor's office in June of 2008 to discuss the merits of North Dakota entering into an interstate compact for the purpose of wildland fire suppression and prevention.

During the past years, moisture levels have been extremely low and the wildfire season has had an enormous impact to the rural fire departments, including equipment, manpower and local budgets. The NDFA office has been contacted by fire departments seeking grant funds to offset the fiscal impact the large number of wildland fire has had on their normal day-to-day operating expenses. Unfortunately, the NDFA has been unable to help them. When fires grow beyond the capabilities of the rural fire departments, they call for mutual aid. Many of the fire departments have mutual aid agreements with the North Dakota Forest Service, thereby providing them access to state assets. In the event of a large fire or multiple fires within a region, the ND Forest Service could call upon South Dakota for assistance if this legislation is approved.. This bill provides one more tool in their tool box to use to assist in the protection of North Dakota assets.

Mr. Chairman, I respectfully request a do pass to H.B. 1124 which creates the Great Plains Wildland Fire Protection Agreement.

Thank You,
Lois Hartman
North Dakota Firefighter's Association
Lobbyist # 297

SIXTY-FIRST LEGISLATIVE ASSEMBLY
Senate Natural Resources Committee

HB Bill 1124 - "Relating to approval of a compact with other states to promote effective prevention and control of forest fires."

February 26, 2009

Testimony Submitted by:
Larry Kotchman, State Forester
North Dakota Forest Service
307 First Street East, Bottineau, ND 58318
E-mail: Larry.Kotchman@ndsu.edu
Telephone 701-228-5422

Chairman Lyson and Members of the Senate Natural Resources Committee:

Purpose:

The **State Board of Higher Education** is seeking legislative approval for the State Forester to create and enact a new chapter to Title 18 of the North Dakota Century Code, relating to approval of a compact with other states to promote effective prevention and control of wildland fires. The proposed legislation is pre-filed at the request of the State Forester to ratify North Dakota's involvement in the "Great Plains Wildland Fire Protection Agreement" approved in 2007 by the 110th Congress in Public Law 110-79. Public Law 110-79 gives the consent and approval of Congress to an interstate wildland fire protection compact promoting effective prevention and control of fires in the Great Plains region of the United States.

Background:

The Great Plains Wildland Fire Protection Agreement provides for the maintenance of adequate fire fighting services by member states and for reciprocal aid in fighting fires among the compacting states of the region including Colorado, North Dakota, South Dakota and Wyoming. The Legislatures in Colorado, South Dakota and Wyoming have passed the enabling legislation. The agreement further states the State Forester or officer holding the equivalent position for wildland fire control may act as the compact administrator for that state. The compact is operative immediately in those states ratifying it. The compact's primary benefit is to expedite mobilization of resources from neighboring states during fire emergencies.

The majority of state to state fire resources are moved through a national system of interagency dispatch centers. When a resource request cannot be filled by the national system, state wildfire compacts are used to fill resource shortages. There are currently seven (7) other interstate wildfire compacts operating within the United States. During times of critical resource shortages, experience clearly demonstrates that interstate compacts are an easier, faster and cheaper process to access firefighters and equipment. House Bill-1124 states the Governor may execute a compact on behalf of the state with any one or more states who may by their legislative bodies, authorize a compact.

The provisions of the Great Plains Wildland Fire Protection Agreement explain how the member states may improve wildland fire protection by facilitating the increased availability of resources including the exchange of personnel, equipment, supplies, services and funds during a wildland fire emergency. We emphasize that the State of North Dakota only becomes involved in such an emergency at the request of the local jurisdiction through their incident command system. This typically happens when wildfires escape initial attack, the local rural fire protection district exhausts its mutual aid capability and the county emergency manager requests state assistance from the State Emergency Operations Center. Requests are acted upon by the Department of Emergency Services and the North Dakota Forest Service. Specific wildland firefighting emergency procedures are outlined in the North Dakota Emergency Operations Plan.

The decision to activate the fire compact agreement would be made by the Department of Emergency Services and the North Dakota Forest Service. The State of North Dakota would order firefighting resources through the interstate fire compact to address local needs and the wildfire threat to people and property. We do so with the understanding that the State will be responsible for the firefighting costs on state and private lands. When firefighting resources arrive, they would be under the direction of the incident commander.

An interagency meeting was held on Monday, June 16, 2008, to facilitate a review of the fire compact legislation. Representatives from the following agencies endorsed the need to introduce fire compact legislation during North Dakota's 2009 legislative session:

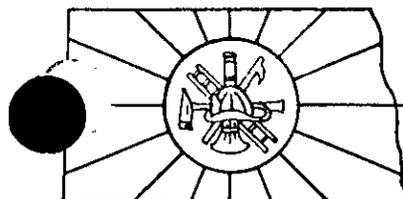
Deputy Chief of Staff, Governor's Office
Executive Director, ND Firefighter's Assn.
Commissioner, Department of Agriculture
State Fire Marshal
Director, Aeronautics Commission
Director, Parks and Recreation

Commissioner, State Land Department
Adjutant General, National Guard
Director, Game and Fish Department
Director, Division of Homeland Security
State Forester, North Dakota Forest Service

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.

We respectfully urge your support for House Bill 1124 relating to approval of the "Great Plains Wildland Fire Protection Agreement" with other states to promote effective prevention and control of wildland fires."

Thank you for this opportunity to testify before your committee.



Organized June 4, 1884. Incorporated January 20, 1901.

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H.B.1124 Interstate Compact Authorization

Mr. Chairman and members of the Senate Natural Resources Committee, my name is Lois Hartman. I am the Executive Director of the North Dakota Firefighter's Association. I had the privilege of attending the meeting in the Governor's office in June of 2008 to discuss the merits of North Dakota entering into an interstate compact for the purpose of wildland fire suppression and prevention.

During the past few years, moisture levels have been extremely low and the wildfire season has had an enormous impact on rural fire departments, including equipment, manpower and local budgets. The NDFA office has been contacted by fire departments seeking grant funds to offset the fiscal impact the large number of wildland fires has had on their normal day-to-day operating expenses. Unfortunately, the NDFA has been unable to help them. When fires grow beyond the capabilities of the rural fire departments, they call for mutual aid. Many of the fire departments have mutual aid agreements with the North Dakota Forest Service, thereby providing them access to state assets. In the event of a large fire or multiple fires within a region, the ND Forest Service could call upon South Dakota for assistance. This bill provides one more tool in their tool box to use to assist in the protection of North Dakota assets.

Mr. Chairman, I respectfully request a do pass to H.B. 1124 which creates the Great Plains Wildland Fire Protection Agreement.

Thank You,
Lois Hartman
North Dakota Firefighter's Association
Lobbyist # 297