

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1067

2007 HOUSE POLITICAL SUBDIVISIONS

HB 1067

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1067

House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 4, 2007

Recorder Job Number: 601

Committee Clerk Signature



Minutes:

**Chairman Herbel** Called the meeting to order on HB 1067.

**Larry Kotchman, ND State Forester** testified. ( See attached testimony). Passed around pictures of some of the equipment this would involve.

**Chairman Herbel** asked what the cost would be? Larry Kotchman said there would be no cost to transfer this equipment to the rural fire departments. How do you determine who gets this property if it is transferred if there are a number of people that want them? Is there a procedure to follow?

**Larry Kotchman:** Yes there is a procedure to follow. We have an allocation committee in ND that has a number of representatives from various entities and agencies including the ND firefighters association and ourselves and other federal agencies involved in the distribution of the program. So that committee sets the guidelines and we take applications from the rural fire departments annually and they can request, not only the cost share dollars, but then also they can request federal excess property as well. Most of the excess property is trying to be allocated to the departments that have the greatest need and it is on a first come, first serve basis. That is why we are interested in this new program because it will be far more effective to cut down the backlog. Just to give you an idea of the number of vehicles that are out there,

our inventory that is reportable items which are items valued at more than \$5,000; we have about 357 trucks, trailers, generators and other equipment out there right now on loan to fire departments and other items worth less money such as radios and breathing machine and generators and things of that nature; we have 249 of those items out there on loan right now. We are hopeful that this program will help fulfill needs out there at no additional costs to them.

**Rep. Donald Dietrich:** Looking at the age of the vehicles, what is the condition of the vehicles when they are transferred and if they are not in very good condition, and most fire departments don't have allot of money to repair these vehicles. Will this put a burden on the rural fire departments?

**Larry Kotchman:** Not all the vehicles are kept up in good condition, some are good and some are not so good. You are correct, when you look at the list of federal excess vehicles we have out there., the earliest ones were acquired in about 1981 or 82 and some this year. They come in various shapes, forms, sizes and conditions as well. What we do is we make sure the departments receive other cost share to renovate those vehicles. The departments do invest allot of time and effort into refurbishing these vehicles and you would be amazed at the skill and the quality of work these departments do their own work. Many of them have people that are on their staff that are actually mechanics and they do a fabulous job.

**Rep. Kim Koppelman:** What is the extent of your responsibilities as regards to the fire and how does it all work?

**Larry Kotchman:** Our authorities extend corresponding with the century code and have been there in place for a number of years and our work with the rural fire protection districts and fire departments primarily is one of providing technical and financial assistance as well as training, but we have also gotten more involved recently, within the last five years, because of the national fire plan that was an effort that was funded by the US Congress to get involved with

actual fire suppression activities as well and we work very closely with other agencies such as the state fire marshal, North Dakota Fire Fighters Association, ND Emergency Services and others to provide that kind of assistance. In ND the first responders are the rural fire departments. If they have a large wild land fire situation, which we have had, allot of these last 10 years, they invoke mutual aid; which means they call their neighboring departments that they have mutual aid agreements with. If the fire goes beyond their capability within the 24 hour operational period, then they will begin working with their county emergency manager to get in contact with the division of emergency services and let the state of North Dakota know that they are likely to need assistance and at that time the state forester gets involved. We have a cooperative fire protection agreement that we sign with the five federal land management agencies and that really puts in place for the US fire fighting network of resources that are available to all states that have these agreements and it enables us to order resources through an interagency dispatch system to order resources.

**Rep. Kim Koppelman:** Are these systems available to the larger communities as well as the rural communities or is there a distinction there?

**Larry Kotchman:** Yes there is a distinction. Primarily many of the cooperative fire protection programs have a limit that communities have to be less than 10,000 populations, but we do work with career departments on training.

**Rep. Dwight Wrangham:** Why is it better to own instead of the lending process we are using now?

**Larry Kotchman:** The program that has been in place for many years will stay in place and we will continue to get equipment through that. The Department of Defense will make available equipment through this transfer program as well so states have the option to use both or to use one and we want to use both because we think we will be able to get more

equipment and have departments that want to take title to it. Right now if they get federal excess property it is on loan to them, but they bear the burden of that right now. So when they no longer need it is theirs to dispose of as they see fit.

**Rep. Dwight Wrangham:** Will this be available under both programs?

**Rep. Lawrence Klemin:** This subsection that you are amending proteins to fire protection equipment that is going to be transferred, but is there other types of equipment that would be transferred other than fire protection equipment?

**Larry Kotchman:** No, there would not be.

**Lois Hartman:** Executive Director ND Firefighters Association. I am here just in support of this legislation because it is something the rural fire protection districts have wanted for a long time.

Do Pass motion made by Rep. Kim Koppelman; seconded by Rep. Donald Dietrich

Discussion: Rep. Lawrence Klemin made a suggestion that loan is probably the incorrect word there and suggested that we change it to lend. Lend is what you get; loan is what you do.

Rep. Kim Koppelman withdrew his motion and decided to amend the motion. Rep. William Kretschmar made a motion to amend the wording. No more discussion. Carried.

**Motion made by Rep. Kim Koppelman' Seconded by Rep. Donald Dietrich**

**Do Pass As Amended**

**13 Yes 0 No 1 Absent**

**Carrier: Rep. Donald Dietrich**

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

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1067**

House Political Subdivisions Committee

Check here for Conference Committee

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

Action Taken Do Pass As Amended

Motion Made By Rep. Koppleman Seconded By Rep Dietrich

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	X		Rep. Kari Conrad	X	
Rep. Dwight Wrangham-V. Chair	X		Rep. Chris Griffin	X	
Rep. Donald Dietrich	X		Rep. Lee Kaldor	X	
Rep. Patrick Hatlestad	X		Rep. Louis Pinkerton	X	
Rep. Nancy Johnson	X		Rep. Steve Zaiser	0	
Rep. Lawrence Klemin	X				
Rep. Kim Koppelman	X				
Rep. William Kretschmar	X				
Rep. Vonnie Pietsch	x				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Dietrich

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

REPORT OF STANDING COMMITTEE (410)  
January 4, 2007 4:22 p.m.

Module No: HR-02-0249  
Carrier: Dietrich  
Insert LC: 78157.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1067: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1067 was placed on the Sixth order on the calendar.

Page 1, line 21, overstrike "loan" and insert immediately thereafter "lend"

Renumber accordingly



2007 SENATE POLITICAL SUBDIVISIONS

HB 1067

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1067

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 1, 2007

Recorder Job Number: 4160

Committee Clerk Signature

*Shirley Borg*

Minutes:

**Chairman Cook** called the Senate Political Subdivisions Committee to order. All members (5) present.

**Chairman Cook** opened the hearing on HB 1067 relating to cooperation of the state forester and other agencies on fire and forest protection.

**Larry Kotchman**, State Forester, ND Forest Service, Bottineau, ND, testified in support of HB 1067.

**Senator Hacker:** Does this have to be transferred under the Department of Defense Program or could you have sold it for a dollar.

**Larry Kotchman:** the way the program was set up around the 1970 is the federal excess personal property program. That is still in existence and the federal government retains the title and there is no way to change that and it can not be sold. It has to be turned back to the state forester and then we turn it back to the federal government when it is no longer needed and you can not sell it. This bill would create less of a burden.

**Chairman Cook:** Why are you as State Forester in between this transfer? Is that common for every state or is this unique to North Dakota?

**Larry Kotchman:** It is not unique to ND, it is embedded in the cooperative fire protection legislation that originated as far back as 1927 where it established a relationship between the federal government, the USDA Forest Service, Federal Agency and State Forest Service of the US.

**Larry Kotchman** passed out testimony from Lois Hartman, Executive Director, ND Firefighter's Association, who was unable to be here. (Attachment #2)

No further testimony.

**Chairman Cook** closed the hearing on HB 1067.

**Chairman Cook** asked the committee their wishes.

**Senator Warner** moved a Do Pass.

**Senator Olafson** seconded the motion.

Discussion

Roll call vote: 5 Yes 0 No 0 Absent

Carrier: **Senator Olafson**



**REPORT OF STANDING COMMITTEE (410)**  
March 1, 2007 12:44 p.m.

**Module No: SR-39-4181**  
**Carrier: Olafson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1067, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)**  
recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1067 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1067

(test #1)

60<sup>TH</sup> LEGISLATIVE ASSEMBLY  
House Political Subdivisions Committee

House Bill 1067 - "Relating to the Cooperation of State Forester  
and Other Agencies on Fire and Forest Protection"

January 4, 2007

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

Purpose:

The **State Board of Higher Education** is seeking legislative approval for the State Forester to amend Section 18-02-07 of the North Dakota Century Code, relating to the cooperation of state forester and other agencies on fire and forest protection. The legislation would broaden the state forester's authority to transfer fire protection equipment to rural fire departments and rural fire protection districts.

Background:

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. The North Dakota Forest Service administers cooperative fire protection assistance programs that train, organize and equip North Dakota's 373 rural volunteer and 15 career fire departments. The State Forester cooperates with the USDA Forest Service to loan federal excess property for rural fire protection to departments for enhancing firefighting capabilities. As of December 31, 2006, equipment with an original acquisition value of \$8.44 million was on loan to departments.

Recently the USDA Forest Service and the Department of Defense signed a memorandum of agreement for the operation of a new Department of Defense firefighting property transfer program authorized in the 2005 Defense Authorization Bill. The program requires that the title for property be passed to a "fire fighting agency" at the time the agency takes possession of the property. The "fire-fighting agency" can be either a state or local fire department which eventually receives the property.

The State Forester desires to acquire additional property through the new Department of Defense firefighting property program and transfer it to a rural fire department or rural fire protection district. The State Forester currently has authority in Section 18-02-07 of the North Dakota Century Code to purchase or otherwise acquire fire protection equipment to loan or sell to these departments and districts. The State Forester needs additional authority to transfer the title for fire protection equipment free of charge. This legislative change will allow North Dakota to fully participate in the new Department of Defense Firefighting Property Program.

We respectfully urge your support for House Bill 1067 relating to the cooperation of the State Forester and other agencies on fire and forest protection.

60<sup>TH</sup> LEGISLATIVE ASSEMBLY  
Senate Political Subdivisions Committee  
Senator Dwight Cook, Chairman

House Bill 1067 - "Relating to the Cooperation of State Forester  
and Other Agencies on Fire and Forest Protection"

10:45 a.m., Thursday, March 1, 2007

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

Purpose:

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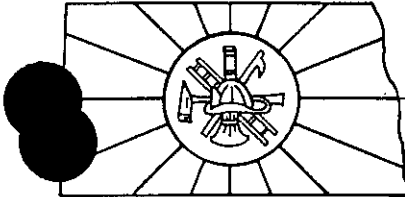
We respectfully urge your support for House Bill 1067 relating to the cooperation of the State Forester and other agencies on fire and forest protection.



*North Dakota  
Firefighter's Association*

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

**Senate Hearing on HB 1067  
Lois Hartman, Executive Director  
North Dakota Firefighter's Association**

Mr. Chairman and members of the Senate Political Subdivisions Committee. I am unable to attend the hearing today, but wish to submit testimony in support of HB 1067. For many years, The North Dakota Forest Service has managed the Federal Excess Personal Property program that has provided various pieces of equipment to rural fire departments and fire districts for the purpose of fire protection. Several departments have operated with the FEPP being their only source for firefighting apparatus. These departments have worked to rebuild federal excess personal property into water tenders and fire pumpers. They take great pride in their work and ability to recycle excess property into usable equipment for the protection of their communities for a fraction of the cost of new equipment.

Title to the property that is received through the Federal Excess Personal Property program has been requested by the rural fire departments and districts for quite some time. They have had issues with trying to get a license for the equipment and insurance as they do not have title. The ND Forest Service provides a letter of authorization for the licensing and insurance for the trucks, but if title could transfer to the fire departments and districts, it would be much easier. When the fire departments or districts need to replace the equipment, it has to be returned to the Forest Service. If the fire department had title, they could dispose of the equipment themselves.

Chairman Cook and members of the committee, the North Dakota Firefighter's Association requests a Do Pass on HB 1067. Thank You.