

2019 SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

SB 2096

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Sheyenne River Room, State Capitol

SB2096

1-10-19

30637

Subcommittee

Conference Committee

Committee Clerk: Pam Dever

Explanation or reason for introduction of bill/resolution:

A bill relating to a mutual aid compact with the northern emergency management; relating to agreements for mutual aid.

Minutes:

Att #1 – Colonel Michelle Hagel

Chairman Davison: Let's take attendance. Attendance was taken and all were present. Open hearing on SB2096 and any in support come testify.

Cody Schulz, Dir of Emergency Service and Homeland Security: (see Att #1) We need these compacts to bring in resources from across the nation and Canadian provinces. Only the EMAC is codified in Century Code now. NEMAC is not codified. I recommend a do pass. (5.18)

Chairman Davison: In here we are codifying NEMAC and we are expanding to Canada. How did we do it before? Was it by memorandum?

Cody: Yes. We have been operating administratively through the memorandum of agreement. We have never used the NEMAC to send or receive resources. Legal counsel believe this legislation is best and bring it to same level as EMAC. (6.22)

Chairman Davison: How did you decide it should be reviewed every four years? Looks like new language.

Cody: Do not know. I thought the language was moved.

Sen. Erin Oban: Sub-section 4, section one, where they are striking the language that did say every four years. Just moving it. Is the new language for NEMAC standard language that other states use in forming the agreement with Canada? Is it the same language as memorandum?

Cody: Correct on all counts.

Sen. Kristin Roers : Do you have to have exact language to comply state to state?

Cody: It does apply here, yes.

Chairman Davison: We have not moved any authority to get into the agreement or get out of it?

Cody: We have not. (9.00)

Chairman Davison: Any more questions? Any more testimony? Any against? Hearing is closed. (9.49)

2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB2096

1-31-19

31862

Subcommittee

Conference Committee

Committee Clerk Signature : Pam Dever

Explanation or reason for introduction of bill/resolution:

Relating to the mutual aid compact with the northern emergency management.

Minutes:

Chairman Davison: We have a few minutes. Look at SB2096 in regards to the compact agreement. Was anyone working on amendments? We had no opposition. What are the committee wishes?

Sen. Erin Oban: I move a DO PASS.

Vice Chair Meyer: I second.

Chairman Davison: Discussion? Roll: **YES - 7 NO -- 0 -0-absent PASSED**

Sen. Shawn Vedaa will carry the bill.

Chairman Davison: Done (1.40)

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2096**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen Oban Seconded By Sen. Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Davison	/		Senator Marcellais	/	
Vice Chairman Meyer	/		Senator Oban	/	
Senator Elkin	/				
Senator Roers	/				
Senator Vedaa	/				

Total (Yes) 7 No 0

Absent -0-

Floor Assignment Sen. Vedaa

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

REPORT OF STANDING COMMITTEE

SB 2096: Government and Veterans Affairs Committee (Sen. Davison, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2096 was placed on the Eleventh order on the calendar.

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2096

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2096
3/7/2019
33420

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to a mutual aid compact with the northern emergency management; relating to agreements for mutual aid

Minutes:

Attachment 1

Chairman Kasper opened the hearing on SB 2096.

Cody Schulz, Deputy Director, Department of Emergency Services and Director of Homeland Security Division, appeared in support. Attachment 1. (:18-3:15)

Rep. Schauer: What was the problem before this bill? What were the inconsistencies, and what issues did that cause?

Mr. Schulz: The issue we are looking for is to simply codify the process rather than operate under the memorandum of agreement that the governor had signed. It also clarifies both for legislators and our agency the duties and powers that the governor has to approve or deny those requests.

Rep. Rohr: Is the intent to eventually get all 50 states?

Mr. Schulz: I don't believe so for the NEMAC agreement. I expect it will be a midwest and west of the Rockies type of agreement.

Rep. Schauer: Have you been working with the governor's office on this?

Mr. Schulz: We have.

Chairman Kasper closed the hearing.

Rep. Rohr made a motion for a DO PASS.

Rep. Schauer seconded the motion.

House Government and Veterans Affairs Committee

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A roll call vote was taken. 13-0, 1 absent.

Rep. Rohr will carry the bill.

Date: 3-7-19
 Roll Call Vote #: 7

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2096**

House Government and Veterans Affairs Committee
 Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep Rohr Seconded By Rep. Schauer

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner	X		Rep. Mary Schneider	X	
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Karen Rohr	X				
Rep. Austen Schauer	X				
Rep. Steve Vetter	A				

Total (Yes) 13 No 0
 Absent 1
 Floor Assignment Rep. Rohr

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

REPORT OF STANDING COMMITTEE

SB 2096: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2096 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2096

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Q# #1
pg 1

Testimony – SB 2096
Senate Government and Veterans Affairs Committee
January 10, 2019
By Cody Schulz
Deputy Director, Department of Emergency Services
Director, Division of Homeland Security

Chairman Davison and members of the Senate Government and Veterans Affairs Committee, my name is Cody Schulz. I am the Deputy Director of the Department of Emergency Services (DES) and Director of the Homeland Security Division. I offer this testimony in support of SB 2096.

This bill was filed to address inconsistencies in state law related to two national and international mutual aid agreements; the Emergency Management Assistance Compact (EMAC) and the Northern Emergency Management Assistance Compact (NEMAC).

EMAC is a mutual aid agreement among states and territories of the United States. It enables states to share resources during natural and man-made disasters, including terrorism. Following the 1996 consent of the 104th U.S. Congress to EMAC (PL-104-321), which is required by the Compact Clause of the U.S. Constitution for any compact between states, EMAC has grown to become a nationwide system for providing mutual aid. To be a member of EMAC, each state or territory legislature must have passed legislation which was signed into law, adopting the standard language of the Compact, which North Dakota did, and is codified in NDCC 37-17.1-14.2, 37-17.1-14.3, 37-17.1-14.4, and 37-17.1-14.5.

NEMAC is a compact of U.S. States and Canadian Provinces primarily in the Central and Prairie regions of the United States and Canada that entered into a memorandum of agreement to facilitate cross border emergency management assistance through mutual aid. Even when federal assistance is merited, cross border mutual aid assistance may be more readily available, less expensive, and/or operationally expedient method of managing an incident.

The State and Province Emergency Management Assistance Memorandum of Agreement was ratified by Congressional Joint Resolution (S.J. RES. 44) in early 2013. This allowed jurisdictions, to include any or all of the states of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, New York, North Dakota, Pennsylvania, and Wisconsin, to participate in cross-border mutual assistance for preparedness and response with any or all of the Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan. The compact allows additional states and provinces to join upon execution or adoption. Currently, North Dakota has been executing NEMAC through a Memorandum of Agreement signed by Governor Dalrymple in 2013.

These mutual aid agreements are an integral part of our disaster response framework. In the event of catastrophic events we can provide a scaled, fast response through engaging available resources from other states. EMAC has been utilized a number of times over

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AH # 1
pg 2

the past decade. North Dakota received mutual aid resources from other states during the 2009 and 2011 floods, as well as during the response to the historic Dakota Access Pipeline (DAPL) protests. Without the influx of law enforcement officers from other states, our response and public safety posture would have suffered severely. We have also sent resources, primarily staff, to other states when requested, and the requesting state is required to pay all associated expenses. We provided assistance to six states and Puerto Rico to support response to six hurricanes, a wildfire, and a volcanic eruption in the past two years. This offers our staff the opportunity to help others in need and it is a great training and learning environment for our staff and organization.

This bill ensures consistencies in both law and process between the two mutual aid agreements, and clearly defines that the Governor may request aid when necessary and may deny the request of a requesting state or Canadian province as the Governor determines necessary.

On behalf of the Department of Emergency Services, I recommend SB 2096 receive a Do Pass.

Thank you for your time; I will do my best to answer any questions you may have.

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Testimony – SB 2096
House Government and Veterans Affairs Committee
March 7, 2019
By Cody Schulz
Deputy Director, Department of Emergency Services
Director, Division of Homeland Security

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#1
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