

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2151
(Senator Bowman)
(Representative Porter)

AN ACT to create and enact two new sections to chapter 37-17.1 of the North Dakota Century Code, relating to intrastate mutual aid by emergency response units; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 37-17.1 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this Act, unless the context otherwise requires:

1. "Assisting unit" means an emergency response unit that renders mutual aid assistance to a requesting unit.
2. "Emergency response unit" includes a fire department, law enforcement agency, emergency medical services operation, and any other public, tribal, and private group that responds to a request for assistance at the scene of an incident.
3. "Incident" means any situation that requires actions to immediately protect lives and property, to provide for public health and safety, or to avert or lessen the threat of a disaster.
4. "Incident command system" means a recognized system adopted by the United States department of homeland security and the division of emergency management for the command, control, and coordination of resources and personnel at the scene of an incident.
5. "Requesting unit" means the emergency response unit with responsibility for responding to an incident which seeks mutual aid assistance from another emergency response unit.

SECTION 2. A new section to chapter 37-17.1 of the North Dakota Century Code is created and enacted as follows:

Intrastate mutual aid. A system of intrastate mutual aid between emergency response units in North Dakota is created by this Act in order to provide a framework for coordinated response and to ensure, to the fullest extent possible, eligibility for emergency grant funds or other reimbursement assistance. Unless other terms have been specifically agreed upon, an emergency response unit may render mutual aid to another emergency response unit in the state under the following terms and conditions:

1. An incident command system must be designated by the requesting unit, and the incident command system must be used. The incident commander may request mutual aid and is responsible for all resources assigned to or responding to an incident.
2. The individual in charge of an emergency response unit may determine whether personnel or equipment is sent beyond the area of responsibility of the unit to respond to a call by a requesting unit. An emergency response unit declining to provide assistance outside its area of responsibility is not liable for damage to a requesting unit.
3. All resources assigned to an incident are under the command of the incident commander. The individual in charge of an assisting unit may retain the ability to withdraw personnel or

resources upon notification to the incident commander. An assisting unit withdrawing from an emergency response operation is not liable for damage to the requesting unit.

4. With the exception of volunteers, each assisting unit shall continue to provide the same salaries and benefits to its personnel assigned to render assistance to a requesting unit as the personnel would receive if on duty within their area of responsibility. If emergency grant funds or other assistance becomes available to the requesting unit, the requesting unit shall reimburse any assisting units, whether paid or volunteer within their own area of responsibility, on an equitable basis at rates consistent with the policies of the agencies or entities providing emergency grant funds or other reimbursement assistance, for costs incurred by the assisting units for salaries and benefits. The cost of repair and maintenance of equipment used or expended while rendering assistance must be borne by the emergency response unit owning the equipment unless emergency grant funds or other assistance becomes available to cover the costs. An emergency response unit taking independent action outside a mutual aid request by the requesting unit is not eligible for reimbursement or compensation of costs.
5. Personnel of an assisting unit who sustain injury or death in the course of their employment are entitled to all applicable benefits normally available to personnel while performing duties for their unit.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2151 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 94 Nays 0 Absent 0

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at ___ o'clock _____ M.

Secretary of State