

# NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

## **PUBLIC SAFETY COMMITTEE**

Tuesday and Wednesday, September 11-12, 2007

Grand Forks City Hall

Grand Forks, North Dakota

University of North Dakota School of Medicine and Health Sciences Southeast Campus

Northside Fire Station

Fargo, North Dakota

Casselton Ambulance Service

Casselton, North Dakota

Representative Todd Porter, Chairman, called the meeting to order at 1:05 p.m. on Tuesday, September 11, 2007, at the Grand Forks City Hall.

**Members present:** Representatives Todd Porter, Randy Boehning, Mike Brandenburg, Ron Carlisle, Edmund Gruchalla, Pam Gulleeson, James Kerzman, Joe Kroeber, Bob Martinson, Vonnie Pietsch, Don Vigesaa; Senators Joan Heckaman, Ralph L. Kilzer, Gary A. Lee, Elroy N. Lindaas

**Members absent:** Representative Clara Sue Price; Senator John M. Warner

**Others present:** Arthur H. Behm, State Senator, Niagara

Wesley R. Belter, State Representative, Leonard Donald D. Dietrich, State Representative, Grand Forks

Eliot Glassheim, State Representative, Grand Forks

Judy Lee, State Senator, West Fargo

Carolyn Nelson, State Senator, Fargo

Louise Potter, State Representative, Grand Forks

Gerry Uglem, State Representative, Northwood

See attached [appendix](#) for additional persons present.

Senator Ray Holmberg, member of the Legislative Council, was also in attendance.

**It was moved by Representative Carlisle, seconded by Senator G. Lee, and carried on a voice vote that the minutes of the July 17, 2007, meeting be approved as distributed.**

### **STUDY OF THE DEPARTMENT OF EMERGENCY SERVICES**

Chairman Porter called on Mr. Jim Campbell, Director, Emergency Management Division, Grand Forks County, who presented information regarding Department of Homeland Security grant funding received by Grand Forks County and its uses. A copy of the information presented is on file in the Legislative Council office. Mr. Campbell said from 1999 to 2006 Grand Forks County has received approximately \$4 million in Department of Homeland Security grant funding. He said a threat and

vulnerability assessment is annually conducted to determine the basic homeland security needs throughout the county prior to allocation of the funding.

Mr. Campbell said Grand Forks County allocates 30 percent of the Department of Homeland Security grant funding to the incorporated cities within Grand Forks County. He said the cities become subgrantees of Grand Forks County.

Mr. Campbell said Grand Forks County has a homeland security grant group consisting of representatives of emergency response groups. He said the homeland security grant group is responsible for annually developing countywide priorities for all homeland security equipment purchases.

In response to a question from Representative Gulleeson, Mr. Campbell said emergency response agencies from the city of Grand Forks and Walsh, Traill, Steele, and other counties in the region provided assistance to Northwood after the August 2007 tornado disaster.

In response to a question from Representative Porter, Mr. Peter O'Neill, Grand Forks Fire Department, said the Grand Forks Fire Department sent one fire engine and four firefighters to Northwood. He said the Northwood Fire Station along with two of the city's three firetrucks were destroyed during the tornado.

In response to a question from Representative Porter, Mr. Allan Morken, Director, Grand Forks 911 Dispatch Center, said by the end of October 2007 all emergency first responders in Grand Forks County will be equipped with P25 digital two-way public safety radios. He said the funding to purchase the P25 radios was from federal Department of Homeland Security and Department of Justice Community Oriented Policing Services (COPS) grants. He said the P25 radios will provide radio compatibility between all North Dakota and northwest Minnesota emergency response agencies.

In response to a question from Representative Porter, Mr. Campbell said there are three ambulance services in Grand Forks County--Altru Ambulance Service, Larimore Ambulance Service, and Northwood

Ambulance Service. He said the Larimore and Northwood Ambulance Services have received Department of Homeland Security grant funding.

Chairman Porter called on Mr. Morken who presented information regarding the Grand Forks public safety answering point (PSAP). A copy of the information presented is on file in the Legislative Council office. Mr. Morken said the Grand Forks 911 Dispatch Center or PSAP operates under a joint powers agreement to provide services to Grand Forks County, the University of North Dakota, and the city of Grand Forks. In addition, he said, the Grand Forks 911 Dispatch Center also dispatches for approximately 30 rural agencies throughout Grand Forks County. He said the Grand Forks 911 Dispatch Center employs 14 dispatchers and operates four dispatch consoles.

Mr. Morken said approximately 60 percent of the 911 calls received by the Grand Forks 911 Dispatch Center are cell phone calls. He said all counties within North Dakota currently have in place the equipment necessary to receive global positioning system (GPS) information on 911 cell phone calls.

In response to a question from Representative Porter, Mr. Morken said the Grand Forks 911 Dispatch Center averages 50 calls per day.

In response to a question from Representative Porter, Mr. Morken said approximately 10 percent of the \$1 monthly 911 fee is allocated to the operating budget of the Grand Forks 911 Dispatch Center and 90 percent is used for infrastructure. He said approximately 50 percent of the operating budget of the Grand Forks 911 Dispatch Center is from the \$1 monthly 911 fee and the remaining funding is received from the city of Grand Forks, Grand Forks County, the University of North Dakota, and from various fees assessed for nonemergency services.

Chairman Porter called on Mr. Brent A. Nelson, President, North Dakota 911 Association and Walsh County 911 Coordinator, who presented information regarding 911 fees charged the users of telephone and wireless access lines, including revenue collected and its uses. A copy of the information presented is on file in the Legislative Council office. Mr. Nelson said the 911 fees received by political subdivisions are to be used for implementing, maintaining, and operating the emergency services communications system. He said the Emergency Services Communications Coordinating Committee was formed and assigned the responsibility of developing guidelines regarding the allowable uses of the fee revenues collected pursuant to 2007 Senate Bill No. 2169.

Mr. Nelson presented the committee with a copy of the draft guidelines for use of 911 fees by political subdivisions. He said the draft guidelines have been sent to each of the political subdivisions. He said the Emergency Services Communications Coordinating Committee is scheduled to meet in late September 2007 to review and finalize the draft guidelines.

Mr. Nelson said total 911 revenues received by political subdivisions in 2005 were \$7,697,190 and expenditures were \$7,099,682. He said the unexpended funds of \$597,508 are carried forward and utilized by the various political subdivisions for equipment and system enhancements.

In response to a question from Representative Porter, Mr. Nelson said Walsh County receives approximately \$69,000 per year from landline user 911 fees and \$80,000 from wireless user 911 fees. He said approximately \$127,000 of revenues from the 911 fees are used for operating costs of the Walsh County PSAP. He said the remaining two-thirds of the operating budget of the Walsh County PSAP are from Walsh County general fund revenues.

In response to a question from Representative Porter, Mr. Nelson said the Walsh County PSAP averages 288 calls per month. He said approximately 55 percent to 65 percent of the emergency 911 calls are from cell phones.

In response to a question from Senator G. Lee, Mr. Nelson said approximately 60 percent to 65 percent of 911 calls are considered "emergencies" that need immediate response.

In response to a question from Representative Gulleston, Mr. Nelson said equipment costs are fixed per PSAP station. He said PSAPs located in the larger population counties require more stations.

## **EMERGENCY MEDICAL SERVICES SYSTEM STUDY**

Chairman Porter called on Ms. Nancy Capes, Altru Ambulance Service, Grand Forks, who presented information regarding the state's emergency medical services system. Ms. Capes said Altru Ambulance Service employs 37 paramedics and serves over 200,000 people. She said the coverage area for the Altru Ambulance Service includes several cities and counties.

Ms. Capes said Altru Ambulance Service responded to the Northwood tornado. She said immediately after reports of the tornado, Altru Hospital was placed on alert and a disaster trailer was sent to Northwood. She said because of the possibility of other regional emergency needs only a limited number of ambulances could be sent to Northwood.

Ms. Capes said with only 141 ambulance services in North Dakota there is a limited ability to transport patients. She said multiple patient transport emergency vehicles would be needed in case of a large medical emergency. However, she said, there currently is not sufficient funding available for ambulance services to purchase additional vehicles or buildings to protect vehicles and equipment. She said there is much work that needs to be done to improve hospital preparedness for large medical emergencies.

In response to a question from Representative Porter, Ms. Capes said a total of 20 ambulances from the region responded to the Northwood tornado. She said 18 people were injured during the storm.

In response to a question from Senator G. Lee, Ms. Capes said Altru Ambulance Service has provided assistance to other rural ambulance services when they do not have sufficient responders available to respond to emergency calls.

In response to a question from Representative Porter, Ms. Capes said nearly everyday Altru Hospital is filled to capacity. She said there would not be enough hospital beds available to handle a large medical emergency.

Chairman Porter called on Ms. Susan Doherty, Health Policy Consortium, Grand Forks, who said she would like the opportunity to provide the Public Safety Committee with information at a future meeting regarding the capacity of emergency medical services in the state. She said there is a need for additional medical personnel, hospital beds, and ambulances. She said she has concerns regarding emergency medical plans for the state and region.

Chairman Porter called on Mr. Jim Restemayer, Operations Manager, Valley Ambulance and Rescue Service, Grafton, who presented information regarding the state's emergency medical services system. A copy of the information presented is on file in the Legislative Council office. Mr. Restemayer said in recent years maintaining volunteer emergency medical services agencies has become a major concern for North Dakota communities. He said the decline in volunteerism is due to a variety of factors. He said these challenges, left unabated, may ultimately result in the loss of many local emergency medical services.

Mr. Restemayer said emergency medical services volunteers make a far greater time commitment than most other civic or nonprofit organization volunteers, both in terms of responding to emergencies and training. He said time pressures of job and family reduce time available to volunteer. He said while training is often cited as a drawback to volunteering, training demands are more likely to increase than decrease in the future. He said potential volunteers are also hampered by a lack of child care options, especially with the unplanned, middle-of-the-night, and urgent nature of emergency medical services. He said based on population alone, rural areas have a smaller pool of potential workers who must serve larger geographic areas.

Mr. Restemayer said another problem facing the rural emergency medical services provider relates to the infrequent number of calls for service. He said certain small providers may only respond to 12 to 30 calls per year. He said a high volume of service is required to reach or approach financial self-sufficiency. He said long transport times also challenge the lower skill levels of rural providers.

In response to a question from Senator Lindaas, Mr. Restemayer said there are two ambulance services in Walsh County--Grafton and Park River.

In response to a question from Representative Boehning, Mr. Restemayer said Valley Ambulance and Rescue Service's revenues are primarily from

patient billing. He said reimbursement rates are not keeping up with increases in costs. He said Valley Ambulance and Rescue Service does not receive tax revenues from an "ambulance district."

The Legislative Council staff presented a memorandum entitled [Peace Officer Standards and Training Board - Emergency Medical Training Requirements](#). The Legislative Council staff said all peace officers receive first responder certification while in basic training. First responder certification is effective for a two-year period. The Peace Officer Standards and Training (P.O.S.T.) Board requires peace officers to complete a minimum of 60 hours of certified training every three years. Peace officers are not required to recertify as a first responder after completing basic training. The P.O.S.T. Board does not maintain a schedule of certifications received by peace officers, thus does not know how many licensed North Dakota peace officers are certified first responders.

### **DELIVERY AND FUNDING OF VETERANS' SERVICES STUDY**

Chairman Porter called on Mr. Ronald D. Otto, County Veterans' Service Officer, Morton and Oliver Counties, who presented information on delivery and funding of veterans' services. A copy of the information presented is on file in the Legislative Council office. Mr. Otto said 95 percent of the state's veterans' claims processed originate through county veterans' service officers. He said many county veterans' service officers only receive training provided by the state, which is inadequate. He said the mission of the Department of Veterans Affairs should be to provide training and support to county veterans' service officers. He said with additional education, the county veterans' service officers can assist veterans in accessing additional federal funds, which may reduce or eliminate the veteran's reliance on state funding.

Mr. Otto said his recommendations for improving the delivery and funding of veterans' services would include:

1. Modify the mission of the Department of Veterans Affairs to train and provide support.
2. Review job descriptions of county veterans' service officers.
3. Eliminate Department of Veterans Affairs claims personnel and assign them to training and support.
4. Budget necessary funding for training and support.
5. Encourage regionalization and cooperation between counties.

In response to a question from Representative Porter, Mr. Otto said he does not have a plan for regionalization.

In response to a question from Representative Gruchalla, Mr. Otto said approximately 60 percent of veterans belong to a veterans' service organization,

such as the American Legion or the Veterans of Foreign Wars.

In response to a question from Representative Vigesaa, Mr. Otto said the National Association of County Veteran Service Officers, Inc. (NACVSO) was formed in 1989. He said the mission of NACVSO is to promote and protect the rights of veterans and their dependents through education, communication, and technology. He said through membership in NACVSO county veterans' service officers receive training and can become nationally certified. He said extensive training is available from national representatives of the federal Department of Veterans Affairs (VA). He said it costs approximately \$10,000 per county veterans' service officer to complete the national certification training. He said some states have adopted NACVSO certification as a requirement for their county veterans' service officers.

Chairman Porter called on Mr. Lee Finstad, Administrative Committee on Veterans Affairs, Grand Forks, who commented on the committee's study of the delivery and funding of veterans' services. Mr. Finstad said as an attorney he represents veterans in the claims process with the VA. He said legal "diligence" is required when filing veterans' claims. He suggested federal benefits to the state's veterans could increase by 10 percent if the county veterans' service officers received proper training. He said if the county veterans' service officer is not available or is not able to assist veterans during their initial visit to the county veterans' service office, the veterans frequently do not return.

Mr. Finstad said the Administrative Committee on Veterans Affairs has developed a plan to improve training for county veterans' service officers. He said there is a need for additional funding and individuals with technical training in order to mentor and provide support to county veterans' service officers. He said it will take approximately five years to fully implement the training system; however, if additional funding and resources are made available, the training system could be implemented in a matter of several months.

Chairman Porter called on Ms. Cathy Westensee, Grand Forks County Veterans' Service Office, Grand Forks, who commented on the committee's study of the delivery and funding of veterans' services. Based on the veteran population in North Dakota, she said, it is not necessary to have a veterans' service officer in each county. She said the more experienced county veterans' service officers could travel to neighboring counties on a regular basis. She said small population counties cannot afford to nationally certify their county veterans' service officer.

In response to a question from Representative Porter, Ms. Westensee said small population counties could contract with larger population counties that choose to adhere to the national training standards.

Chairman Porter called on Mr. Les Ashe, Traill County Veterans' Service Office, Gilby, who commented on the committee's study of the delivery and funding of veterans' services. Mr. Ashe said there

are approximately 750 veterans residing in Traill County. He said through "outreach" to veterans, he has increased the federal funding to Traill County veterans by approximately \$400,000 during fiscal year 2006 as compared to fiscal year 2005, from \$2.4 million to \$2.8 million. He said counties do not pay their county veterans' service officers "very well." He said most county commissioners are not familiar with the duties performed by county veterans' service officers.

The committee recessed at 4:35 p.m.

The committee reconvened at 9:05 a.m. on Wednesday, September 12, 2007, at the University of North Dakota School of Medicine and Health Sciences Southeast Campus, Fargo.

Chairman Porter called on Mr. Brad Maasjo, Fargo, who presented information regarding the delivery and funding of veterans' services. A copy of the information presented is on file in the Legislative Council office. Mr. Maasjo said the Administrative Committee on Veterans Affairs is comprised of 15 voting members, each appointed by the Governor and representing the five major veteran organizations in the state--American Legion, Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and Vietnam Veterans of America. He said the Administrative Committee on Veterans Affairs is too large, has no qualification criteria, has been dysfunctional, and struggled with its role as a board and with strategic planning. He said the committee size should be reduced to five or seven members and the service terms should be lengthened from three years to five years.

Mr. Maasjo said the membership of the Administrative Committee on Veterans Affairs does not accurately reflect the state's veteran population. He said many veterans are members of more than one of the veteran organizations. He said the choices of who to nominate are severely restricted by the current process, which is not based on the qualification of candidates. He said any organization or citizen should be allowed to nominate an individual for membership on the board. He said the Governor should be allowed to select and appoint on a "best-qualified" basis, giving first priority to experience and qualifications, and then to reflecting as evenly as possible all veterans' groups across the state.

Mr. Maasjo said the county veterans' service officer system is "antiquated" and "dysfunctional." He said there are less than 10 county veterans' service officers in the state who possess national certification to represent veterans on federal claims. He said although North Dakota received \$86 million in direct federal veterans' benefits last fiscal year, other similar-sized states fared better. He said South Dakota received \$132 million in direct federal benefits. He said some county veterans' service officers rarely, if ever, submit a claim. He said other states have realized that they need to assume the veterans' service role at the state government level. He said a drastic change would be very emotional and difficult to

implement; however, it would be prudent to develop a strategy to begin moving toward regionalization.

Mr. Maasjo said the Department of Veterans Affairs budget should be separated from the Veterans Home budget. He said additional positions are needed for the Department of Veterans Affairs to effectively accomplish the delivery of benefits to veterans. He said either the Department of Veterans Affairs should stop providing claims services or salaries of the claims officers should be increased so the commissioner can recruit, train, and retrain qualified employees.

Mr. Maasjo said other recommendations he would propose for the Department of Veterans Affairs would include:

1. Join with the VA outreach program and visit remote areas of the state;
2. Advocate to the VA that outreach should not be limited to reservations but also to the remote and lightly populated areas;
3. Study the appropriate location for the Department of Veterans Affairs; and
4. Prohibit department employees from being in the fiduciary business for any personal gain and request a position within the department to provide fiduciary duties and transfer revenues received from these duties to the veterans' postwar trust fund.

Mr. Maasjo said the seven-member governing board responsible for administration of the Veterans Home has been very successful. He said the governing board currently is under the responsibility of the Administrative Committee on Veterans Affairs. He said the governing board should be separated from the Administrative Committee on Veterans Affairs with the Governor responsible for appointing membership on the board.

In response to a question from Representative Gruchalla, Mr. Maasjo said the VA maintains a data base of known veterans residing in each North Dakota county.

In response to a question from Representative Carlisle, Mr. Maasjo said a subcommittee of the Administrative Committee on Veterans Affairs made the decision to put the commissioner of the Department of Veterans Affairs on paid administrative leave. He said the commissioner serves at the pleasure of the Administrative Committee on Veterans Affairs.

In response to a question from Senator G. Lee, Mr. Maasjo said he would propose that either the Governor or the related supervisory boards be responsible for appointing the administrator of the Veterans Home and the commissioner of the Department of Veterans Affairs.

In response to a question from Representative Gruchalla, Mr. Maasjo said it would not be cost-effective to nationally certify county veterans' service officers who only work a few hours per week.

Representative Martinson said Mr. Maasjo has good ideas and should be "applauded" for

recommending changes. He said it is important to ensure all veterans returning from the war in Iraq receive the benefits they are entitled.

Chairman Porter called on Mr. Jim Deremo, Department Service Officer, North Dakota American Legion, who presented information regarding the delivery and funding of veterans' services. A copy of the information presented is on file in the Legislative Council office. He said the VA is the final arbiter on veterans' benefit claims. He said in fiscal year 2006, the VA Regional Office in Fargo was responsible for delivering approximately \$127 million of direct and indirect federal benefits to North Dakota veterans relating to compensation, pension, and vocational rehabilitation benefits.

Mr. Deremo said many of the state's veterans are elderly and cannot travel very far on their own. He said regionalization takes veterans' services away from these veterans. He said it is essential that North Dakota maintain and improve on its current system to ensure our veterans and other claimants receive the benefits they are entitled. He said the VA's attempt to regionalize has been unsuccessful.

Mr. Deremo said it is a challenge for county veterans' service officers to keep current on their advocacy skills. He said one way to improve the training of veterans' service officers would be for the Department of Veterans Affairs to employ a staff of field officers. He said the state could be divided up and each field officer would be responsible for a number of counties. He said each field officer would be responsible for training county veterans' service officers within the field officer's assigned region. He said county veterans' service officers should be tested regularly to ensure they are maintaining a skill level necessary to do their job.

Mr. Deremo said since the advent of the United States Court of Appeals for Veterans Claims in 1988, veterans' law has become extremely complicated. He said with the number of claims filed and the time required by the claims representatives to effectively process the claims increasing, the state should seriously consider hiring additional claims representatives.

Mr. Deremo said the Department of Veterans Affairs should be the leader in outreach to the state's veterans. He said the department could issue news releases and public service announcements, conduct veterans' benefits fairs across the state, and much more to ensure that all of North Dakota's veterans are fully aware of the benefits they are entitled.

Mr. Deremo said the state could provide fiduciary services to veterans without charging a fee.

In response to a question from Representative Porter, Mr. Deremo said veterans' claims originating with county veterans' service officers are nearly always referred to a claims officer representing one of the major veterans' organizations or a Department of Veterans Affairs claims officer. He said the veteran has the option of choosing the representing organization. He said the veteran is required to sign a

power of attorney for the veterans' claims officer to proceed with the claims process.

Chairman Porter called on Mr. Mark B. Johnson, Administrator, Veterans Home, who provided information regarding the status of funding for the new Veterans Home. Mr. Johnson said the 2007 Legislative Assembly appropriated \$165,700 for repairs and maintenance costs to address Life Safety Code issues at the existing Veterans Home facility until the new facility can be completed. He said these repairs will be completed by early October 2007. He said Foss Associates Architecture and Interiors, Fargo, was chosen as the architect for the new Veterans Home.

Mr. Johnson said the Veterans Home spends approximately \$3,500 to \$4,500 per month to transport veterans to the VA each month.

Chairman Porter called on Ms. Kristin Lunneborg, Veterans Home, who provided information regarding the Veterans Home's pharmacy and prescription drug program. Ms. Lunneborg said the Veterans Home receives a per diem from the VA for each day a veteran is served in skilled or basic care at the Veterans Home. She said the per diem received is to cover veterans' prescription drug and primary care costs, including medical visits, laboratory work, and x-rays. She said prior to 2005, the VA provided these benefits in addition to the per diem. She said because of the elimination of prescription drug services by the VA, the Veterans Home added an in-house pharmacy. She said the Veterans Home's pharmacy costs are estimated to be \$1 million during the 2007-09 biennium.

Chairman Porter called on Mr. Rudy Jenson, Chairman, Administrative Committee on Veterans Affairs, who commented on the status of the commissioner of the Department of Veterans Affairs. Mr. Jenson said the subcommittee of the Administrative Committee on Veterans Affairs placed the commissioner of the Department of Veterans Affairs on paid administrative leave on August 29, 2007. He said the subcommittee has concerns relating to the management of the office. He said he cannot provide additional details until the full Administrative Committee on Veterans Affairs meets to discuss the situation. He said the committee is attempting to find a date at which all 15 members of the Administrative Committee on Veterans Affairs can be present.

Representative Gulleeson said approximately six weeks ago during an American Legion conference, the Governor praised the commissioner of the Department of Veterans Affairs for his work.

In response to a question from Representative Gulleeson, Mr. Finstad said in December 2006 the subcommittee identified serious performance deficiencies and these deficiencies were identified in writing and shared with the commissioner. He said the subcommittee provided goals to correct these deficiencies. He said a recent subcommittee evaluation revealed that only one of the identified

deficiencies was corrected. He said the commissioner has been unresponsive to the recommendations made by the subcommittee and the evaluation committee. He said the commissioner's failure to make the recommended corrective actions led the subcommittee to place the commissioner on administrative leave during a special meeting on August 29, 2007.

In response to a question from Representative Gulleeson, Mr. Jenson said the Governor's office was informed of the subcommittee's ongoing efforts to resolve issues within the Department of Veterans Affairs.

Chairman Porter called on Mr. Jim Brent, Cass County Veterans' Service Office, Fargo, who commented on the committee's study of the delivery and funding of veterans' services. Mr. Brent said knowledge, skill, and ability of the county veterans' service officer are the major factors in ensuring veterans receive all the benefits they are entitled.

Chairman Porter called on Mr. Warren Tobin, Stutsman County Veterans' Service Office, Jamestown, who commented on the committee's study of the delivery and funding of veterans' services. Mr. Tobin said a large percentage of the county veterans' service officer's job relates to dealing with veterans' medical benefits. He said training provided to the state's county veterans' service officers has improved in recent years. He said additional funding would be needed to nationally certify county veterans' service officers.

Chairman Porter called on Mr. Tom Sumers, Veterans' Benefits Specialist, Department of Veterans Affairs, who presented information regarding the delivery and funding of veterans' services. A copy of the information presented is on file in the Legislative Council office. Mr. Sumers said the Department of Veterans Affairs does a great job of taking care of the state's veterans. He said the department has recently implemented a housing deposit assistance grant program for veterans. He said the department is working on creating a disaster relief grant program and an adaptability grant program to address needs that the federal system does not cover.

Mr. Sumers said the Department of Veterans Affairs could provide additional training to the county veterans' service officers if additional staff was added to the department. He said the department currently conducts two training conferences per year and some outreach training based on the available budget. He said the Department of Veterans Affairs does participate in the VA outreach programs. He said the Department of Veterans Affairs should continue to provide claims assistance.

Chairman Porter called on Senator Judy Lee, District 13, West Fargo, who said it is important to carefully evaluate all options for the delivery and funding of veterans' services. She said everyone has the same "goal" regarding providing services to veterans.



Chairman Porter called on Mr. Otto who commented on the committee's study of the delivery and funding of veterans' services. Mr. Otto said regionalization has not worked at the national VA level. However, he said, regionalization has worked in South Dakota.

The committee recessed at 11:00 a.m. and traveled to the Fargo Northside Fire Station.

## **STUDY OF THE DEPARTMENT OF EMERGENCY SERVICES**

Mr. Steven Balstad, Fargo Fire Department, Fargo, welcomed the committee to the Fargo Northside Fire Station. Mr. Balstad said there are six fire stations in Fargo. He said the Fargo Fire Department employs 101 individuals. He said 30 firefighters are assigned to be on duty per each shift. However, he said, the average actual staffing level per shift is 24.5 firefighters due to annual and sick leave. He said the Fargo Fire Department has an average response time of four minutes within the city of Fargo.

Mr. Balstad said the Fargo Fire Department has entered into mutual aid agreements with the cities of Moorhead, Minnesota; Morris, Minnesota; Sioux Falls, South Dakota; Bismarck; and West Fargo. He said mutual aid agreements are written documents between city fire departments indicating backup support will be provided between the city fire departments when necessary.

Mr. Balstad showed the committee members a firetruck and special operations trailer purchased by the Fargo Fire Department with Department of Homeland Security grant funding. He said the firetruck cost \$360,000. He said the special operations truck is designed to respond to emergency situations involving hazardous chemicals or "agents."

In response to a question from Representative Porter, Mr. Balstad said there is an average "shelf life" of 6 years to 10 years for the some of the decontamination equipment purchased by the Fargo Fire Department. He said some of the equipment purchased with Department of Homeland Security grant funding has exceeded its "shelf life" and is no longer considered compliant. He said he was not certain if the city of Fargo plans to budget to replace the noncompliant decontamination equipment.

Upon completion of the tour, the committee recessed for lunch at 12:00 noon.

## **EMERGENCY MEDICAL SERVICES SYSTEM STUDY**

The committee reconvened at 1:45 p.m. at the Casselton Ambulance Service, Casselton.

Chairman Porter called on Mr. Brad Burgum, Emergency Medical Technician volunteer, Casselton Ambulance Service, who provided information regarding the state's emergency medical services system. Mr. Burgum said Casselton has developed a "tiered" response system designed to provide treatment to the patient as quickly as possible. He

said certain individuals throughout the region surrounding Casselton have volunteered to serve as first responders. He said the first responders carry pagers through which they are notified of emergencies at the same time as the ambulance personnel. He said first responders render emergency care while awaiting additional emergency medical services response. He said a first responder is required to fulfill the training, testing, and certification process as developed by the State Department of Health. He said Cass County deputies are also trained and equipped to provide first aid.

Mr. Burgum said quick response units associated with the Casselton Ambulance Service are located in communities surrounding Casselton. He said quick response units are organizations formed to provide care to patients while an ambulance is en route to the scene of an emergency. He said the quick response units do not transport patients.

In response to a question from Representative Guleson, Mr. Burgum said first responders and members of the Casselton Ambulance Service have received additional training to respond to situations involving hazardous chemicals.

In response to a question from Senator G. Lee, Mr. Burgum said it is a challenge to recruit volunteers to serve on the Casselton Ambulance Service. He said employers are not always willing to allow employees to leave during business hours in order to respond to an emergency call.

In response to a question from Senator G. Lee, Mr. Burgum said the Casselton Ambulance Service has implemented a system to pay volunteers \$1 per hour while the individual is on call. He said Casselton cannot afford to pay full-time wages to staff an ambulance service. He said the Casselton Ambulance Service responds to approximately 275 to 325 emergency calls per year.

In response to a question from Representative Vigesaa, Mr. Burgum said there have been instances where the Casselton Ambulance Service has responded to emergencies when neighboring ambulance services did not have sufficient personnel available to respond to calls. He said the Casselton Ambulance Service has been notified in advance when asked to provide backup assistance for neighboring ambulance services.

In response to a question from Representative Porter, Mr. Burgum said the Casselton Ambulance Service has applied for but has not received any Department of Homeland Security grant funding.

Chairman Porter called on Mr. Ken Habiger, Casselton Ambulance Service, who provided information regarding the state's emergency medical services system. He said recruiting volunteers is not only a problem for the Casselton Ambulance Service but a problem for rural ambulance services throughout the nation. In addition, he said, equipment and training costs continue to increase.

In response to a question from Representative Guleson, Mr. Habiger said the Casselton Ambulance

Service has a membership program in which an annual fee of \$30 is charged to households for ambulance services. He said other revenue sources of the Casselton Ambulance Service are from insurance reimbursements, donations, and the Cass County general fund. He said Cass County does not levy taxes specifically to support ambulance services.

In response to a question from Senator Lindaas, Mr. Habiger said other ambulance services have implemented initiatives to recruit volunteers, such as sharing salary costs with the volunteer's regular employer.

In response to a question from Representative Porter, Mr. Habiger said approximately one-half of the Casselton Ambulance Service volunteers are not available during business hours because they work in Fargo or on a farm.

Chairman Porter called on Mr. James Jager, Buffalo Area Quick Response Unit, Buffalo, who provided information regarding the state's emergency medical services system. He said the Buffalo Quick Response Unit covers approximately 300 square miles. He said the Buffalo Area Quick Response Unit is associated with the Casselton Ambulance Service.

In response to a question from Senator Lindaas, Mr. Jager said first responders and volunteers for quick response units and ambulance services generally are not liable for damages, provided that the individuals do not "overstep the bounds" of their training.

Chairman Porter called on Ms. Nancy Satrom, Page Ambulance Service, Page, who provided information regarding the state's emergency medical services system. Ms. Satrom said the Page Ambulance Service volunteers are dedicated individuals. However, she said, it remains a challenge to find volunteers to fill shifts on a daily basis. She said three individuals are needed to be on call and available for each shift. She said each person receives \$1.50 for each 12-hour, on-call shift. She said providing training to new volunteers is costly for small ambulance services.

In response to a question from Representative Porter, Ms. Satrom said the Page Ambulance Service responds to approximately 25 to 35 emergency calls per year. She said the Page Ambulance Service has entered into mutual aid agreements with ambulance services located in Hunter, Hope, and Casselton.

Chairman Porter called on Ms. Brandy Pyle, Casselton City Auditor, Casselton, who provided information regarding the state's emergency medical services system. Ms. Pyle said the residents of Casselton appreciate the people who volunteer for the ambulance service. She said the Casselton Ambulance Service is important to the community.

Chairman Porter called on Mr. Ken Krupich, Operations Manager, F-M Ambulance, Fargo, who presented information regarding the state's emergency medical services system. A copy of the information presented is on file in the Legislative Council office. Mr. Krupich said nationally, emergency

medical services have received approximately 4 percent of Department of Homeland Security grant funds. He said Cass County emergency medical services providers have received only 1.5 percent of the total Department of Homeland Security grant funding received by the county. He said adequate and consistent funding for emergency medical services is critical to ensure ongoing capacity within the system to provide care to North Dakota communities when and where emergencies arise.

Mr. Krupich said F-M Ambulance Service is the largest emergency medical services provider in the state. He said F-M Ambulance Service annually responds to approximately 9,000 calls.

Mr. Krupich said Medicaid payments are significantly less than the actual cost of services provided by North Dakota ambulances. He said the current Medicaid payment is estimated to be only 22 percent of the average ambulance service call cost.

Mr. Krupich said currently there are lengthy delays in the processing of Medicaid reimbursement claims by the Department of Human Services. He said ambulance services have been asked not to submit any further claims as the department is 18 weeks behind in processing claims. He said the F-M Ambulance Service is waiting for over \$100,000 in claims to be processed for services that have already been provided.

In response to a question from Representative Kerzman, Mr. Krupich said F-M Ambulance Service received \$5,000 in Department of Homeland Security grant funding last year which was used for disaster-related equipment.

In response to a question from Representative Kerzman, Mr. Krupich said the F-M Ambulance Service is a subsidiary of MeritCare Health System; however, the ambulance service considers itself a community-based service. He said the hospital in which the patient is transported is based on three priorities--the choice of the patient, the type of services critical to the patient, and the closest facility.

In response to a question from Representative Boehning, Mr. Krupich said the primary source of revenues for the F-M Ambulance Service is user fees.

In response to a question from Representative Kroeber, Ms. Sue Moffet, F-M Ambulance Service, said ambulance services have had concerns with the Department of Human Services "downgrading" Medicaid reimbursements from emergency to nonemergency classification.

Chairman Porter called on Mr. Dean Lampe, Executive Director, North Dakota EMS Association, Bismarck, who presented information regarding Medicare and Medicaid reimbursements for ambulance services. A copy of the information presented is on file in the Legislative Council office. Mr. Lampe said the Medicare and Medicaid rates for ambulance services effective as of July 1, 2007, are:



	Medicare	Medicaid
<b>Basic life support rates</b>		
Mileage	\$9.00	\$5.15
Nonemergency	\$215.16	\$122.82
Emergency	\$344.26	\$197.29
<b>Advanced life support rates</b>		
Mileage	\$9.00	\$5.88
Nonemergency	\$258.20	\$227.97
Emergency	\$408.82	\$268.78
Ambulance response - No transport	N/A	\$87.67

Mr. Lampe said the Medicare and Medicaid rates for ambulance services effective as of July 1, 2008, are:

	Medicare	Medicaid
<b>Basic life support rates</b>		
Mileage	\$9.00	\$5.41
Nonemergency	\$215.16	\$128.96
Emergency	\$344.26	\$207.15
<b>Advanced life support rates</b>		
Mileage	\$9.00	\$6.17
Nonemergency	\$258.20	\$239.37
Emergency	\$408.82	\$282.22
Ambulance response - No transport	N/A	\$92.05

In response to a question from Senator G. Lee, Mr. Lampe said 11 percent of ambulance service calls are covered by Medicaid.

Chairman Porter called on Representative Wesley R. Belter, District 22, Leonard, who commented on the committee's study of the delivery and funding of the state's emergency medical services system. He thanked the dedicated people of Casselton who provide the ambulance service. He said citizens need the support of first responders and ambulance services. He said government should be used to assist the state's emergency medical services system, not impede it.

Chairman Porter called on Mr. Tim Meyer, Director, Division of Emergency Medical Services, State Department of Health, who presented information regarding the plan for distributing \$1.25 million for grants to ambulance services appropriated in 2007 House Bill No. 1296. A copy of the information presented is on file in the Legislative Council office. Mr. Meyer said the State Department of Health made a request for emergency rules relating to distribution of the grant funding, which was approved by the Governor on August 28, 2007.

Mr. Meyer said the State Department of Health drafted a distribution plan that includes: (1) an ambulance service ranking formula; (2) grant guidance; and (3) a grant application form. He said the State Department of Health has involved stakeholders throughout the development process, including the North Dakota EMS Association, and believes the industry is in agreement with the plan.

Mr. Meyer said the state's volunteer ambulance services have been ranked according to multiple factors. He said these factors take into consideration strategic importance and vulnerability. He said a service that scores high in both strategic importance and vulnerability receives a higher ranking. He said the higher-ranked ambulance services are referred to

as "access-critical ambulance services." He said a combination of their application score and their "access-critical" ranking score will determine the awards to ambulance services.

Mr. Meyer said a grant application form and instructions will be sent to all ambulance services eligible for the grant after the State Department of Health receives approval from the Health Council. He said the Health Council will meet on September 19, 2007, to consider the plan.

## COMMITTEE DISCUSSION AND STAFF DIRECTIVES

Representative Porter asked the Legislative Council staff to provide the committee with information during the next meeting regarding the systems for delivering and funding veterans' services in South Dakota, Montana, and Minnesota. He asked that the committee also receive information during the next meeting regarding training requirements for NACVSO certification.

Representative Porter asked that a representative of the Administrative Committee on Veterans Affairs provide the committee with a report during the next meeting on the status of the commissioner of the Department of Veterans Affairs.

Representative Porter asked that a representative of the North Dakota Association of Counties provide the committee with information during the next meeting regarding whether the current system of using mill rates to pay for the salary and expenses of county veterans' service officers is adequate. Representative Guleson asked that the Association of Counties provide the committee with information regarding whether the current structure of using county veterans' service officers is working properly and how it can be improved.

Representative Porter asked that a representative of the North Dakota Association of Counties provide the committee with information during the next meeting regarding the use of 911 fees received by the Association of Counties from political subdivisions and the implementation of the federal "Next Generation 911" Initiative.

Representative Porter asked that a representative of the Department of Emergency Services provide the committee with information during the next meeting regarding the Maximus study relating to the use of the \$1 per month 911 fee and the differences between what the state is charging for providing PSAP services to counties as compared to costs incurred by counties that have their own PSAP.

Representative Porter asked that a representative of the Department of Emergency Services provide the committee with information during the next meeting regarding the amount of Department of Homeland Security grant funding allocated to emergency medical services.

Representative Martinson asked that a representative of the Department of Human Services

provide the committee with information during the next meeting regarding Medicaid rates and delays in reimbursements for ambulance services.

Representative Porter asked that a representative of the Department of Human Services provide the committee with information during the next meeting regarding its process for classifying Medicaid reimbursement for ambulance service calls as either emergency or nonemergency.

Representative Porter said the North Central EMS Institute in Minnesota has conducted a study regarding the costs of ambulance calls. He said the committee may be interested in arranging for a presentation from a representative of the North Central EMS Institute regarding this study during a future meeting.

Representative Porter asked that a representative of the Division of Homeland Security provide the committee with information regarding the use of Department of Homeland Security funding by

counties. He said the committee would like to receive a breakdown of funding expenditures by jurisdiction and emergency responder type.

Chairman Porter said the next Public Safety Committee meeting will tentatively be scheduled for late November or December 2007. The committee adjourned subject to the call of the chair at 3:30 p.m.

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Donald J. Wolf  
Senior Fiscal Analyst

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Jim W. Smith  
Legislative Budget Analyst and Auditor

ATTACH:1