

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

PUBLIC SAFETY COMMITTEE

Tuesday and Wednesday, October 14-15, 2008
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Todd Porter, Chairman, called the meeting to order at 1:00 p.m.

Members present: Representatives Todd Porter, Ron Carlisle, Edmund Gruchalla, James Kerzman, Joe Kroeber, Vonnie Pietsch, Clara Sue Price, Don Vigesaa; Senators Joan Heckaman, Ralph L. Kilzer, Gary A. Lee, Elroy N. Lindaas, John M. Warner

Members absent: Representatives Randy Boehning, Mike Brandenburg, Pam Gulleson, Bob Martinson

Others present: See attached [appendix](#)

It was moved by Representative Kerzman, seconded by Senator Lindaas, and carried on a voice vote that the minutes of the August 26, 2008, meeting be approved as distributed.

EMERGENCY MEDICAL SERVICES SYSTEM STUDY

Mandatory Hospital Trauma Designation and Quick Response Units

The Legislative Council staff presented a bill draft [\[90287.0100\]](#) relating to mandatory hospital trauma designation and licensure and availability requirements of quick response units (QRUs). The Legislative Council staff said the bill draft:

- Creates a new section to North Dakota Century Code (NDCC) Chapter 23-16 to provide that effective for initial licensures and license renewals taking place after December 31, 2009, as a condition for licensure as a primary care hospital or an acute care hospital, the hospital shall participate in the trauma system established by the State Department of Health.
- Amends NDCC Section 23-27-04.6 to provide that State Department of Health licensure for a QRU is not optional and the department's standards for QRUs may not require 24-hour availability.

Mr. Tim Meyer, Director, Division of Emergency Medical Services and Trauma, State Department of Health, provided comments regarding the proposed bill draft. He said the department supports the proposed bill draft. He said Section 1 of the proposed bill draft appears to meet the intentions of the American College of Surgeons' recommendation to mandate trauma designation for all North Dakota hospitals. If the proposed bill draft is approved by the Legislative Assembly, he said, the department would pursue enabling regulations to ensure all hospitals

have a reasonable mechanism to become a trauma center and maintain trauma designation. He said Section 2 of the proposed bill draft would allow the department to standardize all first responding agencies while eliminating the disincentive of continual coverage for QRUs. He said Section 2 would meet the intent of both the National Highway Traffic Safety Administration's statewide emergency medical services (EMS) assessment and the American College of Surgeons' statewide trauma assessment. A copy of his comments is on file in the Legislative Council office.

In response to a question from Senator Kilzer, Mr. Meyer said hospitals may experience training and equipment expenses to become a trauma center and maintain a trauma designation.

In response to a question from Representative Porter, Mr. Meyer said the State Department of Health does not anticipate incurring any costs relating to the proposed bill draft.

In response to a question from Senator Lee, Mr. Meyer said there are currently eight hospitals in the state that are not designated trauma centers.

In response to a question from Senator Lindaas, Mr. Meyer said to be certified as a Level IV or Level V trauma center, a hospital must have a minimum amount of equipment and all providers that care for trauma patients must have Advanced Trauma Life Support (ATLS) certification.

In response to a question from Senator Heckaman, Mr. Meyer said the department is aware that there is a shortage of ATLS certification courses and the department is working on possible solutions.

Dr. Mark Jackson, Clinical Director, Standing Rock Indian Health Service Hospital, Fort Yates, provided comments regarding the proposed bill draft. He said the Standing Rock Indian Health Service Hospital is working on submitting an application to become a Level V trauma facility. He said the following are two of the hospital's concerns regarding mandatory hospital trauma designation:

- Certifications - Physician assistant and nurse practitioner providers are required to have current certifications for Advanced Cardiac Life Support (ACLS), ATLS, Pediatric Advanced Life Support (PALS), and Trauma Nursing Core Course (TNCC). The committee should consider eliminating or waiving the requirement for TNCC certification for physician assistants

and nurse practitioners. Other states do not require this certification and it poses an unnecessary barrier to participation.

- Quality of care - Assessment of the quality of care is an ongoing requirement, and rural hospitals do not have access to the expertise of an emergency medicine physician to help guide the review of care and offer direction to create meaningful quality improvements. The committee should consider encouraging designated Level I or Level II trauma facilities to actively assist the referring rural hospitals in the systematic review of the quality of care.

A copy of Dr. Jackson's comments is on file in the Legislative Council office.

Mr. Gregory Stomp, Administrator and Chief Executive Officer, Cooperstown Medical Center, provided comments regarding the proposed bill draft. He said Cooperstown Medical Center's primary barrier to becoming a trauma-designated hospital is the certification requirements. He said ATLS certification courses are often filled with a long waiting list. Until a hospital receives its trauma designation or if a hospital loses its trauma designation due to staff turnover, he said, the trauma coordinator at tertiary facilities should review trauma cases and provide suggestions for improving patient care. A copy of his comments is on file in the Legislative Council office.

In response to a question from Representative Porter, Mr. Stomp said volunteer EMS services are not comfortable bypassing local physicians and equipment that can stabilize a patient to drive another 45 minutes to 60 minutes to a trauma-designated facility.

Ms. Kimber Wraalstad, President and Chief Executive Officer, Presentation Medical Center, Rolla, provided comments regarding the proposed bill draft. She said hospitals believe it is in the patients' best interest to be trauma-designated. She said physician certification requirements are a barrier to trauma designation and some physicians are not interested in obtaining ATLS certification. She said Presentation Medical Center is in the process of completing its application to become a trauma-designated facility.

Mr. Arnold "Chip" Thomas, President, North Dakota Healthcare Association, provided comments regarding the proposed bill draft. He suggested the committee delay linking hospital licensure with trauma designation. He said prior to requiring hospitals to participate in the state trauma system, the committee should consider directing the State Health Officer to convene a working group composed of representatives of trauma coordinators, emergency department medical directors, trauma medical directors, and ambulance service personnel to review the following:

- Current hospital trauma assessment, stabilization, monitoring, and transport policies and protocols.

- Current hospital emergency room assessment, stabilization, monitoring, and transport policies and protocols.
- Current ambulance service onsite assessment, stabilization, communication, and transport policies and protocols.
- The roles and functions of the ambulance medical director.
- Hospital affiliation agreements addressing regional emergency and trauma coverage.

A copy of Mr. Thomas's comments is on file in the Legislative Council office.

Dr. Kent Hoerauf, Cochairman, State Trauma Committee, provided comments regarding the proposed bill draft. He said the State Trauma Committee supports the proposed bill draft. He said medical literature repeatedly has proven that hospitals trained in trauma care have better outcomes and less preventable deaths than hospitals not trained in trauma. He said trauma is indiscriminant and no area in North Dakota is immune to the presence of trauma; therefore, all hospitals are necessary to provide uniform trauma coverage so all North Dakota citizens benefit equally throughout the state. A copy of his comments is on file in the Legislative Council office.

In response to a question from Senator Warner, Dr. Hoerauf said the State Department of Health and State Trauma Committee are working on providing more ATLS training opportunities.

Mr. Howard Walth, Training Coordinator, St. Alexius Medical Center, provided comments regarding the proposed bill draft. He said there are currently eight ATLS training classes held per year in North Dakota. He said a recent rule change by the American College of Surgeons will increase the number of participants that may be included in each class.

In response to a question from Representative Porter, Mr. Walth said currently 16 participants are allowed per ATLS training class.

It was moved by Representative Kerzman, seconded by Senator Kilzer, and carried on a roll call vote that the bill draft relating to mandatory hospital trauma designation and licensure and availability requirements of quick response units be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kerzman, and Pietsch and Senators Kilzer, Lee, and Warner voted "aye." Representative Price and Senators Heckaman and Lindaas voted "nay."

Expansion of the Emergency Medical Services Grant Program

The Legislative Council staff presented a bill draft [[90263.0100](#)] relating to expansion of the EMS grant program as recommended by the North Dakota EMS Association. The Legislative Council staff said the bill draft:

- Creates a new section to NDCC Chapter 23-27 to provide that the State Department of Health

contract with a third party for completing an assessment of EMS operations receiving funds under Chapter 23-40, make leadership training available to all EMS personnel, and develop an annual statewide EMS recruitment drive.

- Amends NDCC Section 18-04-04.1 and subsection 1 of Section 26.1-03-17 relating to the insurance tax distribution fund and insurance premium tax collections.
- Provides a \$3,250,000 appropriation from the insurance tax distribution fund to the State Department of Health for providing grants to EMS operations as provided for in NDCC Chapter 23-40.
- Provides a \$1,274,000 appropriation from the insurance tax distribution fund to the State Department of Health for implementing an assessment process, providing leadership training, and developing an annual statewide EMS recruitment drive.

In response to a question from Representative Porter, the Legislative Council staff said the 2007 Legislative Assembly appropriated \$1.25 million from the insurance tax distribution fund to the State Department of Health for an EMS grant program. The Legislative Council staff said representatives of the State Department of Health have reported to the committee at an earlier meeting that the \$1.25 million appropriation will be included in the executive budget recommendation for the 2009-11 biennium. The Legislative Council staff said Section 4 of the proposed bill draft provides an appropriation of \$3.25 million from the insurance tax distribution fund to the department for providing additional grants to EMS operations for a total of \$4.5 million for grants to EMS operations for the 2009-11 biennium.

Mr. Mark Weber, President, North Dakota EMS Association, provided comments regarding the proposed bill draft. He said the association recommends the proposed bill draft be amended as follows:

- Clarify that the assessment of each EMS operation receiving funds under NDCC Chapter 23-40 includes the assessment of the operations and the development of goals to improve the EMS system.
- Provide that leadership training be mandatory only for EMS service directors employed by EMS operations receiving funds under NDCC Chapter 23-40.
- Provide that the State Department of Health provide a stipend to all leadership training participants in addition to reimbursement for lodging, meals, and mileage expenses.

Mr. Meyer commented on the proposed bill draft. He said the 2007 Legislative Assembly provided the State Department of Health a \$1.25 million appropriation from the insurance tax distribution fund to provide grants to EMS operations. He said the department has identified 108 ambulance services as being eligible for the grant program. He said the

department has received applications from 40 ambulance services requesting \$2.36 million. He said the department provided funding for 22 ongoing projects and 11 temporary projects.

Mr. Meyer said the department is currently providing the additional administrative responsibilities relating to the EMS grant program within its current budget. If additional grant funding is approved and additional program requirements are established, he said, the department would need additional funding for administration. A copy of his comments is on file in the Legislative Council office.

It was moved by Senator Heckaman, seconded by Senator Lindaas, and carried on a voice vote that the bill draft relating to expansion of the EMS grant program be amended as follows:

- **Clarify that the assessment of each EMS operation receiving funds under NDCC Chapter 23-40 includes the assessment of the operations and the development of goals to improve the EMS system.**
- **Provide that leadership training be mandatory only for EMS service directors employed by EMS operations receiving funds under NDCC Chapter 23-40.**
- **Provide that the State Department of Health provide a stipend to all leadership training participants in addition to reimbursement for lodging, meals, and mileage expenses.**

It was moved by Senator Heckaman, seconded by Representative Kerzman, and carried on a roll call vote that the amended bill draft relating to expansion of the EMS grant program be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kerzman, Pietsch, and Price and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

Regulatory Authority and Emergency Medical Services-Related Property Taxes

The Legislative Council staff presented a bill draft [\[90286.0100\]](#) relating to the State Department of Health's authority to regulate ambulance services and specialty transportation and the allocation of EMS-related property taxes. The Legislative Council staff said the bill draft:

- Amends NDCC Section 23-27-02 to provide that emergency medical services is defined as the prehospital medical stabilization or transportation of an individual who is sick, injured, wounded, or otherwise incapacitated or helpless, or in a real or perceived acute medical condition, by a person that holds oneself out to the public as being in that service or that regularly provides that service.
- Amends subsection 1 of NDCC Section 23-27-04 to provide that the State Health Council's rules relating to the licensure of EMS

operations include performance standards, which may include response time standards.

- Amends NDCC Section 23-27-04.7 relating to distribution of property tax revenues to EMS operations to provide that a taxing district that levies property taxes for support of EMS shall ensure that every EMS operation that operates in that taxing district receives a portion of the revenue from this tax which is equal to the revenue from mills levied for EMS in the townships covered by the EMS operation.
- Creates a new section to NDCC Chapter 23-27 to provide that the State Department of Health may regulate the dispatch of EMS operations.

In response to a question from Representative Porter, the Legislative Council staff said Section 3 of the proposed bill draft is in response to a recommendation from the North Dakota EMS Association.

Mr. Meyer provided comments regarding the proposed bill draft. He said the department agrees with Sections 1 and 2 of the proposed bill draft to clarify the definition of EMS and provide the department the authority to establish EMS performance standards. He said the department agrees with Section 4 of the proposed bill draft to allow the department to establish regulations to assist local public safety answering points with establishing a uniform system of dispatching appropriate local resources. He said the department is neutral in regard to Section 3 of the proposed bill draft. A copy of his comments is on file in the Legislative Council office.

In response to a question from Senator Kilzer, Mr. Meyer said the definition of EMS was changed by the 2007 Legislative Assembly which resulted in the inability of the State Department of Health to regulate wheelchair vans and no-care stretcher vans. He said specialty transportation should not provide transportation to hospital emergency rooms. Therefore, he said, the definition of EMS should be amended by the 2009 Legislative Assembly.

In response to a question from Representative Kerzman, Mr. Meyer said some ambulance services are not directly dispatched by a public safety answering point. He said the department would like authority to establish regulations regarding the dispatch of EMS operations.

Mr. Weber provided comments regarding the proposed bill draft. He said the North Dakota EMS Association recommends Section 3 of the bill draft be amended to provide that a taxing district levying property taxes for support of EMS shall ensure that every EMS operation that has portions of its service area in that taxing district receives a portion of the revenue from this tax which is equal to the revenue from mills levied for EMS in the townships covered by the EMS operation.

In response to a question from Representative Porter, Mr. Weber said maps maintained by the State Department of Health define EMS service areas.

Mr. Gary Kostelecky, Emergency Manager and 911 Coordinator, Stark County, provided comments regarding the proposed bill draft. He expressed concern with Section 4 of the bill draft authorizing the State Department of Health to regulate the dispatch of EMS operations.

Mr. Greg Wilz, Director, Division of Homeland Security, Department of Emergency Services, provided comments regarding the proposed bill draft. He said the State Department of Health should not have authority over public safety answering points.

It was moved by Senator Warner and seconded by Representative Kerzman that the bill draft relating to the State Department of Health's authority to regulate ambulance services and specialty transportation and the allocation of EMS-related property taxes be amended to remove Section 4.

Chairman Porter suggested that Section 4 of the bill draft be amended to authorize the State Department of Health to regulate only communications methods relating to the dispatch of EMS operations. Chairman Porter asked the department to work with representatives of the North Dakota EMS Association and the Department of Emergency Services and provide the committee with a recommended amendment relating to Section 4 of the proposed bill draft.

Senator Warner and Representative Kerzman agreed to withdraw their motion.

Chairman Porter said the committee will consider the bill draft on Wednesday, October 15, 2008.

The committee recessed at 3:30 p.m. and reconvened at 8:30 a.m. on Wednesday, October 15, 2008.

Chairman Porter said the State Department of Health met with representatives of the Department of Emergency Services, the North Dakota 911 Association, and the North Dakota EMS Association and discussed Section 4 of the proposed bill draft. He said the group recommends Section 4 of the bill draft be amended to provide that the State Department of Health may regulate the communications methods and protocols for EMS operations.

It was moved by Senator Warner, seconded by Senator Heckaman, and carried on a voice vote that the bill draft relating to the State Department of Health's authority to regulate ambulance services and specialty transportation and the allocation of EMS-related property taxes be amended to provide that the department may regulate the communications methods and protocols for EMS operations.

It was moved by Senator Warner, seconded by Senator Heckaman, and carried on a voice vote that the bill draft relating to the State Department of Health's authority to regulate ambulance services and specialty transportation and the allocation of EMS-related property taxes be further amended to provide that a taxing district levying

property taxes for support of EMS shall ensure that every EMS operation that has portions of its service area in that taxing district receives a portion of the revenue from this tax which is equal to the revenue from mills levied for EMS in the townships covered by the EMS operation.

It was moved by Senator Lindaas, seconded by Senator Heckaman, and carried on a roll call vote that the amended bill draft relating to the State Department of Health's authority to regulate ambulance services and specialty transportation and the allocation of EMS-related property taxes be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, Price, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

STUDY OF THE DEPARTMENT OF EMERGENCY SERVICES Emergency Response and Recovery Commission and Emergency Response and Recovery Fund

The Legislative Council staff presented a bill draft [\[90281.0100\]](#) relating to the creation of an emergency response and recovery commission and an emergency response and recovery fund. The Legislative Council staff said the bill draft:

- Creates a new section to NDCC Chapter 37-17.1 to create an emergency response and recovery commission consisting of the Governor, the director of the Department of Human Services, the director of the Division of State Radio, the director of the Division of Homeland Security, and a representative of a political subdivision who must be appointed by the Governor. The Governor is to serve as the chairman of the commission. The commission is to review and approve rules developed by the Department of Emergency Services with respect to the emergency response and recovery fund, approve disbursement of funds from the emergency response and recovery fund, and monitor the balance of the emergency response and recovery fund.
- Creates a new section to NDCC Chapter 37-17.1 to create an emergency response and recovery fund. The fund is to be administered by the Department of Emergency Services and invested by the State Investment Board. On a quarterly basis, the earnings or interest of the fund must be placed in a special operating account that may be used by the emergency response and recovery commission to assist individuals, political subdivisions, and Indian tribes in paying the costs of responding to and recovering from a disaster or emergency declared by the Governor which does not qualify for a presidential disaster declaration. Whenever the amount in the special operating

account exceeds \$2 million, any additional earnings or interest must be transferred to the state general fund.

- Creates a new section to NDCC Chapter 37-17.1 relating to the emergency response and recovery fund to provide that the Department of Emergency Services, subject to approval by the emergency response and recovery commission, adopt rules that include eligibility guidelines and procedures for the disbursement of funds from the emergency response and recovery fund.
- Provides an \$11 million general fund appropriation to the Department of Emergency Services for deposit in the emergency response and recovery fund in the 2009-11 biennium. Of the \$11 million, \$1 million must be deposited in the special operating account created by the bill draft.

Mr. Wilz provided comments regarding the proposed bill draft. He said the Department of Emergency Services supports the proposed bill draft. He said the department recommends the bill draft be amended to provide that the membership of the emergency response and recovery commission include the director of the Department of Emergency Services instead of the director of the Division of State Radio and the director of the Division of Homeland Security.

In response to a question from Representative Price, Mr. Wilz said the proposed bill draft would not affect the Federal Emergency Management Agency response to disasters and emergencies in the state.

In response to a question from Senator Warner, Mr. Wilz said to qualify for a presidential disaster declaration, a disaster or emergency event must result in damage totaling more than \$1 million for public assistance and must damage or destroy at least 100 homes for individual assistance.

It was moved by Representative Price, seconded by Representative Carlisle, and carried on a voice vote that the bill draft relating to the creation of an emergency response and recovery commission and an emergency response and recovery fund be amended to provide that the membership of the emergency response and recovery commission include the director of the Department of Emergency Services instead of the director of the Division of State Radio and the director of the Division of Homeland Security and provide that members be allowed to provide a designee to attend the meeting.

It was moved by Representative Vigesaa, seconded by Representative Price, and carried on a voice vote that the bill draft relating to the creation of an emergency response and recovery commission and an emergency response and recovery fund be further amended to include the State Health Officer on the emergency response and recovery commission.

It was moved by Senator Lindaas, seconded by Representative Carlisle, and carried on a roll call vote that the amended bill draft relating to the creation of an emergency response and recovery commission and an emergency response and recovery fund be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, Price, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

Hazardous Chemical Emergency Response Preparedness Program

The Legislative Council staff presented a bill draft [\[90268.0100\]](#) relating to the hazardous chemical emergency response preparedness program. The Legislative Council staff said the bill draft amends subdivision c of subsection 2 of NDCC Section 37-17.1-07.1 to increase the per chemical fee for the hazardous chemicals preparedness and response program by \$27, from \$25 to \$52, and the maximum fee for a facility by \$266, from \$150 to \$416. The bill draft also provides that the fees collected be distributed as follows:

- One-third to the Department of Emergency Services to actively manage the statewide hazardous chemicals preparedness and response program as required by state and federal law.
- One-third to local emergency planning commissions for local expenses.
- One-third to the North Dakota Firefighters Association. The association is to use the funds to support training and response capabilities for incidents involving hazardous chemicals.

Mr. Wilz provided comments regarding the proposed bill draft. He said the purpose of the hazardous chemical emergency response preparedness program is to ensure that firefighters have access to the appropriate training in response to a fire or other emergency that involves hazardous chemicals. He said the current fee structure generates approximately \$190,000 to \$226,000 in revenue per biennium which is allocated 50 percent to the Department of Emergency Services for administration of the program and 50 percent to the local governments. He said the increased fees would generate \$480,000 in revenue per biennium to be allocated one-third to the Department of Emergency Services, one-third to local governments, and one-third to the North Dakota Firefighters Association.

It was moved by Representative Carlisle, seconded by Representative Kroeber, and carried on a roll call vote that the bill draft relating to the hazardous chemical emergency response preparedness program be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber,

Pietsch, Price, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

Mutual Aid Agreements

The Legislative Council staff presented a bill draft [\[90282.0100\]](#) relating to mutual aid agreements. The Legislative Council staff said the bill draft creates a new section to NDCC chapter 37-17.1 to provide that the Department of Emergency Services is to prepare and distribute to political subdivisions guidelines and model intrastate mutual aid agreements to provide a system for mutual assistance among political subdivisions in the prevention of, response to, and recovery from a local disaster or emergency. The department is to ensure that any intrastate mutual aid agreement entered by a political subdivision complies with the guidelines provided by the department and any federal requirements for federal disaster or emergency reimbursement. The bill draft also repeals Sections 37-17.1-24 and 37-17.1-25 relating to intrastate mutual aid.

Mr. Wilz provided comments regarding the proposed bill draft. He said the proposed bill draft is necessary because the Federal Emergency Management Agency does not recognize the state's current mutual aid legislation.

Mr. Terry Traynor, Assistant Director, North Dakota Association of Counties, provided comments regarding the proposed bill draft. He said the association supports the proposed bill draft. He said counties are aware of the concerns with the state's current mutual aid statutory provisions and believes the concerns need to be addressed.

In response to a question from Representative Kroeber, Mr. Traynor said he anticipates the Department of Emergency Services will involve appropriate representatives of local governments in the establishment of the mutual aid agreement guidelines.

It was moved by Representative Carlisle, seconded by Representative Gruchalla, and carried on a roll call vote that the bill draft relating to mutual aid agreements be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, Price, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

License Plates and Car Registration for Emergency Responders

The Legislative Council staff presented a bill draft [\[90285.0100\]](#) relating to special license plates and free car registration for emergency responders. The Legislative Council staff said the bill draft:

- Creates a new section to NDCC Chapter 39-04 to provide that the director of the Department of Transportation and the Adjutant General design a decorative decal to be placed on a distinctive number plate. An applicant who is an

emergency responder is entitled to issuance of the decals and plates for one motor vehicle.

- Creates a new subdivision to subsection 2 of NDCC Section 39-04-18 to provide that an emergency responder who qualifies for an emergency responder number plate is exempt from motor vehicle registration fees.
- Provides an appropriation of \$750,000 from the general fund to the Department of Transportation for creating and issuing emergency responder number plates.

Mr. Wilz provided comments regarding the proposed bill draft. He said the proposed bill draft would assist with the recruitment of emergency responders.

Mr. Weber provided comments regarding the proposed bill draft. He said many EMS operations struggle to maintain basic operational levels and volunteer numbers, and rural communities are facing an aging and declining population within the current volunteer base. He said the proposed bill draft would assist with the recruitment of EMS personnel.

In response to questions from Senator Warner and Senator Lindaas, Mr. Wilz said the Department of Emergency Services would work with the appropriate emergency responder associations to determine eligibility requirements for the special license plates and free vehicle registration.

In response to a question from Senator Lee, Mr. Wilz said a distinctive license plate would improve management of an emergency scene.

In response to a question from Representative Kroeber, Mr. Weber said the EMS grant program is more important to EMS operations than the proposed special license plate and free vehicle registration.

Retirement Payment Program for Volunteer Emergency Responders

The Legislative Council staff presented a bill draft [\[90280.0100\]](#) relating to a retirement payment program for volunteer emergency responders. The Legislative Council staff said the bill draft creates a new section to NDCC Chapter 37-17.1 to provide that the Adjutant General as director of the Department of Emergency Services establish a retirement payment program for volunteer emergency responders. Under the program the Adjutant General shall establish an account for each eligible volunteer emergency responder and shall contribute \$250 annually to each account established. The Adjutant General may not contribute more than \$5,000 to an account. A volunteer emergency responder must complete 20 years of active volunteer status as a certified responder to be eligible to access the account. A volunteer emergency responder who does not complete 20 years of active volunteer status as a certified responder forfeits all state contributions made to the volunteer emergency responder's account. The Public Employees Retirement System and the Retirement and Investment Office may advise the Adjutant General on implementation of the program,

and the Adjutant General shall adopt rules to implement the program, including determination of eligibility to participate in the program. An expenditure made under this program is deemed to be compensation for volunteer services provided and is made for a public purpose and may not be construed as a gift under Article X, Section 18 of the Constitution of North Dakota.

The Legislative Council staff said the bill draft also provides a \$2,250,000 general fund appropriation to the Department of Emergency Services for the purpose of making volunteer emergency responder retirement program payments during the 2009-11 biennium.

Mr. Wilz provided comments regarding the proposed bill draft. He said the proposed bill draft would provide a monetary benefit to those individuals who have provided a substantial level of voluntary emergency-related services to the state.

In response to a question from Senator Warner, Mr. Wilz said the Department of Emergency Services would manage the program and request funding each biennium to ensure that the program is funded appropriately.

In response to a question from Representative Kroeber, Mr. Wilz said the Department of Emergency Services would administer the retirement program using existing staff.

Mr. Weber provided comments regarding the proposed bill draft. He said the North Dakota EMS Association supports the proposed bill draft.

It was moved by Senator Warner and seconded by Representative Vigesaa that the bill draft relating to a retirement payment program for volunteer emergency responders be approved and recommended to the Legislative Council. The motion failed on a roll call vote. Representatives Pietsch and Vigesaa and Senator Warner voted "aye." Representatives Porter, Carlisle, Gruchalla, Kroeber, and Price and Senators Heckaman, Kilzer, Lee, and Lindaas voted "nay."

North Dakota Employment Rights Act for Volunteer Emergency Responders

The Legislative Council staff presented a bill draft [\[90288.0100\]](#) relating to a North Dakota Employment Rights Act for volunteer emergency responders. The Legislative Council staff said the bill draft provides that an employer may not terminate or demote an employee who is a volunteer emergency responder or in any other manner discriminate against that employee in the terms and conditions of employment based upon the employee being absent or tardy from employment due to serving as a volunteer emergency responder in responding to a disaster or emergency. An employee who will be absent or tardy from the employee's place of employment while serving as a volunteer emergency responder in the case of a disaster or emergency shall make reasonable efforts to notify the employer of that service and shall continue to make those reasonable notification efforts

over the course of the absence. An employer may request an employee to provide the employer a written verification of times and dates for instances during which the employee was absent or tardy from employment due to serving as a volunteer emergency responder in the case of a disaster or emergency.

Mr. Wilz provided comments regarding the proposed bill draft. He said the Department of Emergency Services supports the proposed bill draft. He said the department recommends the bill draft be amended to provide that a volunteer emergency responder also means any specialty response unit.

Mr. Weber provided comments regarding the proposed bill draft. He said the North Dakota EMS Association supports the proposed bill draft, but the association is concerned with the availability of critical EMS personnel.

Nationally Recognized Standards

The Legislative Council staff presented a bill draft [\[90269.0100\]](#) relating to nationally recognized standards for fire departments, law enforcement, EMS, and public communications dispatchers. The Legislative Council staff said the bill draft amends subsection 6 of NDCC Section 37-17.1-06 to provide that the Department of Emergency Services Division of Homeland Security coordinate the adoption of nationally recognized standards for emergency services providers, including fire departments, law enforcement, EMS, and public communications dispatchers. The bill draft provides a \$190,000 general fund appropriation to the Adjutant General for coordinating the adoption of nationally recognized standards for emergency services providers for the 2009-11 biennium. The bill draft also authorizes one full-time equivalent position for the Adjutant General for implementing the responsibility.

Mr. Wilz provided comments regarding the proposed bill draft. He said the Department of Emergency Services supports the proposed bill draft. He said the department recommends the bill draft be amended to remove reference to law enforcement and add a reference to specialty responders.

Mr. Meyer provided comments regarding the proposed bill draft. He said the State Department of Health regulates EMS in accordance with federal standards; therefore, EMS should be removed from the bill draft.

Mr. Michael Reitan, Assistant Chief, West Fargo Police Department, provided comments regarding the proposed bill draft. He said the proposed bill draft would allow each of the disciplines to provide more input into training requirements.

Mr. Jerry Bergquist, 911 Coordinator and Emergency Manager, Stutsman County, provided comments regarding the proposed bill draft. He said the Emergency Services Communications Coordinating Committee, pursuant to NDCC Section 57-40.6-12, is responsible for recommending to the Legislative Council changes to the operating standards for emergency services communications,

including training or certification standards for dispatchers. Therefore, he said, it may not be necessary to include public communications dispatchers in the proposed bill draft.

Mr. Weber provided comments regarding the proposed bill draft. He said the North Dakota EMS Association recommends the bill draft be amended to remove EMS because EMS is regulated by the State Department of Health.

Representative Porter said he believes most emergency responder associations are adopting nationally recognized standards for emergency services providers. He said the bill draft may not be necessary.

Minimum Certification Standards for Special Operations Units

The Legislative Council staff presented a bill draft [\[90283.0100\]](#) relating to minimum certification standards for special operations units. The Legislative Council staff said the bill draft amends NDCC Section 12-60-07 to provide that the Bureau of Criminal Investigation, in consultation with the North Dakota Peace Officers Association, prescribe minimum certification standards and continuing education requirements for all special operations units that operate under the authority of local law enforcement agencies in the state. Special operations units include special weapons and tactics units, crisis negotiation teams, dive and rescue teams, bomb squads, and police working dog units.

Mr. Wilz provided comments regarding the proposed bill draft. He said special operations units operate under the authority of local law enforcement agencies. He said there is no requirement that units be licensed or certified by the state. He said the proposed bill draft provides that the Bureau of Criminal Investigation establish minimum certification standards and continuing education requirements for all special operations units that operate under the authority of local law enforcement agencies.

Mr. Reitan provided comments regarding the proposed bill draft. He said the proposed bill draft would result in special operations units being trained to a specific level.

In response to questions from Representative Carlisle and Senator Warner, Mr. Allen H. Knudson, Legislative Budget Analyst and Auditor, said the Peace Officer Standards and Training Board is established in NDCC Section 12-63-01.1. He said the board consists of nine members, including the director of the Law Enforcement Training Center, six peace officers, one county government representative, and one city government representative. With the exception of the director of the Law Enforcement Training Center, all members are appointed by the Attorney General.

In response to a question from Representative Porter, Mr. Reitan said the Peace Officer Standards and Training Board could establish minimum

certification standards and continuing education requirements for special operations units.

It was moved by Representative Gruchalla, seconded by Senator Warner, and carried on a voice vote that the bill draft relating to minimum certification standards for special operations units be amended to provide that the Peace Officer Standards and Training Board, in consultation with the Bureau of Criminal Investigation, prescribe minimum certification standards and continuing education requirements for all special operations units that operate under the authority of local law enforcement agencies in the state.

It was moved by Representative Gruchalla, seconded by Representative Carlisle, and carried on a roll call vote that the amended bill draft relating to minimum certification standards for special operations units be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, Price, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

State Radio Infrastructure

The Legislative Council staff presented a bill draft [\[90270.0100\]](#) providing an appropriation for expanding coverage of the State Radio system. The Legislative Council staff said the bill draft provides a \$7.2 million general fund appropriation to the Adjutant General for purchasing or leasing infrastructure and equipment for up to eight additional radio towers to expand coverage of the State Radio system during the 2009-11 biennium.

Mr. Wilz provided comments regarding the proposed bill draft. He said the current State Radio system has a mobile to tower propagation of 75 percent. Although the state continues to experience a decline in rural population, he said, economic and recreational activities continue to rapidly escalate demand for expanded communication coverage.

In response to questions from Senator Kilzer and Representative Carlisle, Mr. Wilz said the Department of Emergency Services is considering including funding for expanding coverage of the State Radio system in the agency's 2009-11 biennium budget request.

Representative Gruchalla said the lack of State Radio system coverage is a law enforcement officer safety issue. He said he supports the bill draft.

It was moved by Representative Price, seconded by Representative Carlisle, and carried on a roll call vote that the bill draft providing an appropriation for expanding coverage of the State Radio system be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, Price, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

Mobile Data System

The Legislative Council staff presented a bill draft [\[90271.0100\]](#) providing an appropriation for the transition of the mobile data system to high-speed broadband access. The Legislative Council staff said the bill draft provides a \$750,000 general fund appropriation to the Adjutant General for the purpose of upgrading the Department of Emergency Services' mobile data system to high-speed broadband access during the 2009-11 biennium.

Mr. Wilz provided comments regarding the proposed bill draft. He said the department's current mobile data system is not adequate to meet increasing informational needs in the field. He said the proposed bill draft provides the funding necessary to upgrade the system to a system which leverages private industry technology services.

Mr. Reitan provided comments regarding the proposed bill draft. He said he supports the proposed bill draft.

It was moved by Senator Lindaas, seconded by Representative Gruchalla, and carried on a roll call vote that the bill draft providing an appropriation for the transition of the mobile data system to high-speed broadband access be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

Computer-Aided Dispatch Project

The Legislative Council staff presented a bill draft [\[90267.0100\]](#) providing an appropriation for the Department of Emergency Services' computer-aided dispatch system. The Legislative Council staff said the bill draft provides a \$2 million general fund appropriation to the Adjutant General for completing Phase 2 of the Department of Emergency Services' computer-aided dispatch system, including implementation of an automatic vehicle locator system for the 2009-11 biennium.

Mr. Wilz provided comments regarding the proposed bill draft. He said the 2007 Legislative Assembly appropriated \$980,000 from the general fund to the Department of Emergency Services for the purchase and deployment of a computer-aided dispatch system. He said the appropriation is considered adequate to purchase a base system. He said the proposed bill draft would provide funding to enhance the department's computer-aided dispatch system.

In response to a question from Representative Kroeber, Mr. Wilz said the department plans to purchase and implement a commercial off-the-shelf computer-aided dispatch system.

It was moved by Representative Carlisle, seconded by Representative Kroeber, and carried on a roll call vote that the bill draft providing an appropriation for the Department of Emergency Services' computer-aided dispatch system be

approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

Emergency Management Organizations

The Legislative Council staff presented a bill draft [\[90262.0100\]](#) relating to emergency management organizations. The Legislative Council staff said the bill draft amends NDCC Sections 37-17.1-06 and 37-17.1-07 to provide that each county shall maintain an emergency management organization which serves the entire county or must be a member of a regional emergency management organization that serves more than one county. The bill draft also provides a \$1,500,000 general fund appropriation to the Adjutant General for providing grants to counties who merge emergency management efforts for the 2009-11 biennium.

In response to a question from Representative Porter, the Legislative Council staff said the proposed bill draft does not mandate regionalization of emergency management organizations.

Mr. Wilz provided comments regarding the proposed bill draft. He said the county emergency manager is an important role. He said there are advantages to merging local emergency management organizations. He said the appropriation included in the proposed bill draft serves as incentive funding to assist counties with the merger of emergency management programs.

In response to a question from Representative Porter, Mr. Wilz said the Department of Emergency Services receives federal funds for local emergency management programs and passes through approximately 50 percent, or \$900,000 per biennium, of that funding through to the local emergency management organizations.

Mr. Dean Pearson, Emergency Manager, Bowman County, provided comments regarding the proposed bill draft. He said he is not in support of the proposed bill draft. He said all counties should be eligible to receive funding from the general fund to support emergency management programs. He suggested the committee not approve the bill draft.

In response to a question from Senator Heckaman, Mr. Wilz said currently there are four regional emergency management coordinators.

Ms. Libby Graving, Emergency Manager, Adams County, provided comments regarding the proposed bill draft. She said the appropriation included in the proposed bill draft should be available to all counties whether or not counties merge emergency management efforts.

In response to a question from Senator Heckaman, Mr. Wilz said recently two counties considered merging emergency management programs, but the merger was defeated by one of the counties.

The committee recessed for lunch at 11:55 a.m. and reconvened at 1:00 p.m.

Mr. Reitan provided comments regarding the proposed bill draft. He said the Department of Emergency Services task force on emergency response recommended the consolidation of emergency management organizations as a future vision regarding emergency management.

It was moved by Representative Vigesaa, seconded by Representative Gruchalla, and carried on a roll call vote that the bill draft relating to emergency management organizations be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Pietsch, Price, and Vigesaa and Senators Lee and Warner voted "aye." Representative Kroeber and Senators Heckaman and Lindaas voted "nay."

Study of Next Generation 911

The Legislative Council staff presented a bill draft [\[90266.0100\]](#) relating to a study of the effects of Next Generation 911. The Legislative Council staff said the bill draft provides that the Adjutant General study the effects of Next Generation 911 on the public safety answering points in the state during the 2009-10 interim. The study must address the technology needs relating to Next Generation 911 and any necessary changes to the current 911 funding model. The bill draft also provides a \$100,000 general fund appropriation to the Adjutant General for the 2009-11 biennium for conducting the study.

Mr. Wilz provided comments regarding the proposed bill draft. He said text, data, images, and video are increasingly common forms of communications and are critical to the 911 system. He said the 911 system will be expected to accommodate highly mobile and dynamic communications modes. He said it will be important to study the effects of Next Generation 911 on the public safety answering points.

Mr. Traynor provided comments regarding the proposed bill draft. He said the North Dakota Association of Counties has entered into a contract with L. Robert Kimball & Associates for the development of a master plan relating to the implementation of Next Generation 911. He said the master plan is to be completed by December 2008. He said the 2009 Legislative Assembly may be requested to provide additional funding relating to Next Generation 911.

Mr. Reitan provided comments regarding the proposed bill draft. He said the proposed bill draft provides an opportunity for the Division of State Radio to be a leader in the area of Next Generation 911.

Representative Porter suggested the bill draft be amended to provide that the study include the potential of technology sharing.

It was moved by Representative Carlisle, seconded by Senator Lee, and carried on a voice vote that the bill draft relating to a study of the effects of Next Generation 911 be amended to provide that the study address the most efficient

method of implementing Next Generation 911 including the use of shared technology.

It was moved by Representative Carlisle, seconded by Representative Price, and carried on a roll call vote that the amended bill draft relating to a study of the effects of Next Generation 911 be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, Price, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

Regional Training and Exercising Activities

The Legislative Council staff presented a bill draft [\[90265.0100\]](#) providing an appropriation for regional training and exercising activities. The Legislative Council staff said the bill draft provides a \$400,000 general fund appropriation to the Adjutant General for the purpose of providing grants for regional cross-discipline and cross-jurisdictional training and exercising activities for fire departments, law enforcement, EMS, and public communications dispatchers for the 2009-11 biennium.

Mr. Wilz provided comments regarding the proposed bill draft. He said the proposed bill draft addresses a shortage in funding for training and exercising. He said currently federal homeland security training dollars are available for training relating to weapons of mass destruction.

Mr. Traynor provided comments regarding the proposed bill draft. He said the North Dakota Association of Counties supports the bill draft.

It was moved by Senator Warner, seconded by Senator Lindaas, and carried on a roll call vote that the bill draft providing an appropriation for regional training and exercising activities be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, Price, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

**Study of a Multidiscipline
Emergency Responder Academy**

The Legislative Council staff presented a bill draft [\[90264.0100\]](#) relating to a study of the feasibility of establishing a multidiscipline emergency responder academy for the state. The Legislative Council staff said the bill draft provides that the Adjutant General study the feasibility and desirability of establishing a multidiscipline emergency responder academy within the state during the 2009-10 interim. The study should address the needs of all emergency responders and the possibility of having a single central location with all necessary equipment and training areas. The bill draft also provides a \$100,000 general fund appropriation to the Adjutant General for the 2009-11 biennium for conducting the study.

Mr. Wilz provided comments regarding the proposed bill draft. He said the proposed bill draft

provides for a study to determine future emergency responder training needs.

In response to a question from Representative Price, Mr. Wilz said the study would consider mobile training.

Mr. Reitan provided comments regarding the proposed bill draft. He said he supports the proposed bill draft.

It was moved by Representative Price, seconded by Representative Carlisle, and carried on a voice vote that the bill draft relating to a study of the feasibility of establishing a multidiscipline emergency responder academy for the state be amended to provide that the study address the availability of providing mobile training.

It was moved by Representative Carlisle, seconded by Senator Heckaman, and carried on a roll call vote that the amended bill draft relating to a study of the feasibility of establishing a multidiscipline emergency responder academy be approved and recommended to the Legislative Council. Representatives Porter, Carlisle, Gruchalla, Kroeber, Pietsch, Price, and Vigesaa and Senators Heckaman, Kilzer, Lee, Lindaas, and Warner voted "aye." No negative votes were cast.

OTHER

Chairman Porter thanked the committee members, representatives of the State Department of Health, representatives of the Adjutant General, representatives of the Department of Emergency Services, and the Legislative Council staff for their work during the interim.

It was moved by Senator Lindaas, seconded by Representative Vigesaa, and carried on a voice vote that the chairman and the staff of the Legislative Council be requested to prepare a report and the bill drafts recommended by the committee and to present the report and recommended bill drafts to the Legislative Council.

It was moved by Representative Carlisle, seconded by Representative Price, and carried on a voice vote that the committee be adjourned sine die.

The meeting adjourned sine die at 1:55 p.m.

Roxanne Woeste
Assistant Legislative Budget Analyst and Auditor

Allen H. Knudson
Legislative Budget Analyst and Auditor

ATTACH:1