

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1016

2001 HOUSE APPROPRIATIONS

HB 1016

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1016

House Appropriations Committee  
Government Operations Division

Conference Committee

Hearing Date January 10, 2001

Tape Number	Side A	Side B	Meter #
01-10-01 tape #2	0 - 4984		
Committee Clerk Signature <i>Kathleen Hall</i>			

Minutes:

The committee was called to order, and opened the hearing on HB 1016, the appropriation budget for the Division of Emergency Management.

Douglas Friez, Director of Emergency Management for North Dakota: Had prepared written testimony. He went through the written testimony before the committee. The Division's request is for \$963,160 in general fund money. This is also the executive recommendation. It takes about \$4.8 million to ensure effective emergency management through the biennium. Other sources of income are the federal government and the Hazardous Chemical Preparedness and Response Program fee system. Our major contributor is FEMA, and also have sources from EPA and USDOT. Nearly half of our dollars are passed directly to local governments and other state agencies.

Page 2 of the written testimony pertains to the Agency Mission and Background. The agency has a full-time staff of 20 persons, and have 13 temporary staff working disaster recovery

programs and 1 temporary staff dedicated to a statewide risk and needs assessment. During 1997, we had over 75 temporary staff. The state has experienced 10 major disasters in North Dakota in 8 years. They are making closeout activities on many disasters and have some ongoing activities, and just getting started on a few. States on page 3, that we believe the Government has several responsibilities related to multi-hazard emergency management. They include alerting and informing the public about potential dangers, assessing situations, activating responders and volunteers, supporting emergency response, and restoration and recovery. To meet these responsibilities the department has an annual work plan, and training and exercise efforts. As significant portion of our workload is directed at assisting statewide efforts. The department does not just develop plans, identify resources, place equipment, and train. They perform training exercises fairly often. The Emergency Operations Center has now been renovated. It is up and running, and the upper floor addition is almost finished. From this center the agency coordinates 125 incidents per year in support of local efforts. Half are hazardous spills or releases. Then come weather-related incidents. The vision for the future is to build a disaster resistant state. Providing effective emergency management is a never ending task. Resources change and plans must be updated. Training is constant and keeping state of the art equipment is expensive. They do see flood potential concerns in the next few years, and have a new focus on US domestic terrorism.

Rep. Carlisle: You do work closely with the weather bureau and that is good. You two put out warnings and such.

Douglas Friez: Thank you. The department does ask in HB 1016 for the elimination of the sunset clause to the statewide Hazardous Chemical Preparedness and Response Program (HCPRP). This program was established in 1991, and at that time the sunset clause was included

because it was unknown at that time how long the adjacent federal program would last. The successes of this program nationwide will merit its existence well into the future. Fees are collected by the department from facilities; 1/2 fees go into the HCPRP and 1/2 fees go back into the counties. Prior to the implementation of this program the state had numerous serious incidents, and now there are only just a few. Do request you pass this bill as presented.

Rep. Glassheim: Does it make sense for the hazardous material fee to be higher for larger users or storers. Should those in a more hazardous situation be paying more? What would the effect of raising that fee be? Are there many places with more than 6 chemicals.

Response: Actually, the organizations that handle more chemicals pay a higher fee. Its \$25 per chemical, or up to \$150 per organization that handles 6 chemicals. It does balance out and gives some equity. There are not a large number of bigger facilities, but the bigger facilities present a more difficult risk to deal with, but possibly the potential for less risk. They take more precautions.

Chairman Byerly: An observation, the ones that would be hard hit would be like operators of oil wells, where the maximum is \$150 per site, but they may operate 20 wells. And at those wells there are things that are stored that are hazardous. Those are the businesses that would really be hurt if you modified that formula.

Response: The system has been so fair that there should be no opposition of doing this.

Rep. Huether: Would the local Cenex dealers where they have large spray and fertilizer complexes come under this.

Response: Yes. Has a listing of types of facilities that come under this. Bulk plants with gas, diesel, anhydrous, and propane; any anhydrous facility; gas stations with above ground storage tanks; oil wells; fertilizer, propane plants.

Chairman Byerly: On the chemical issue, one of the complaints that I have about the program, and it has nothing to do with the program itself, even from oil well operators themselves, is that whoever develops the reporting requirements knows nothing about the units of measure that are used to account for things. The persons requesting the information is not knowledgeable of the chemicals and how they are measured. The chemical storers are having to guess at what is being requested. An example is that gallons are being requested, but the measurement is in pounds. When someone comes forward with a problem of measurement, who has the final authority.

Response: I will have to look at this. We tag into the EPA rules, and the state doesn't have a chemist on staff, so they do try to do their best. We want the public to know what chemicals are being stored in their neighborhood. EPA has the final authority, not the state, in enforcing errors, in conjunction with the State Health Department.

Chairman Byerly: When you activate the office into a full alert, does the Governor have to trigger this?

Response: When the office hears of a problem, they aren't always the first to hear, they assess the situation, and report to General Haugen. They report to the Governor. There may be some action activated just before notifying General Haugen and the Governor. Notice to General Haugen and the Governor are high priority and depends upon community notification. Rely heavily upon local law enforcement.

Chairman Byerly: We understand that you cannot schedule natural disasters, but are there any anticipatory activities that the local entities can do? Can the local communities be involved before the disasters.

Response: This is a difficult issue, the department does encourage localities to plan ahead somewhat. Communities do preliminary activities, and the department encourages this.

City and Counties all have emergency management plans of some sort also. Says who is responsible for what. Generally, it sticks to what the day to day jobs are. There is a significant level of preparedness. Where the need is statewide may be in "crying wolf" too much. We seem to be in good shape right now. The awareness activities and forecasts do go out to localities, and how they deal with them is different. What they do depends on the local leadership. We also have to get some of our information from other agencies, as to water, temperature, etc. Its not perfect.

Rep. Glassheim: Comments as to common sense, and the predictions that do come from the authorities. What the authorities are relaying are not always right.

Rep. Carlisle: The public has to rely on experience and take some responsibility themselves.

Rep. Huether: Is it harder, more expensive to buy flood insurance in these areas?

Response: Nationally, they are remapping the flood plains, and hazardous locations. We are always trying to educate the public as to what insurance to buy, and what coverage to expect.

The chairman closed the hearing on this bill.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1016

House Appropriations Committee  
Government Operations Division

Conference Committee

Hearing Date January 17, 2001

Tape Number	Side A	Side B	Meter #
01-17-01 tape #2		1030-1250	

Committee Clerk Signature *Karen Hall*

Minutes:

The committee was called to order, and opened committee work on HB 1016, the budget appropriation for the Division of Emergency Management.

Chairman Byerly: Opened the discussion as to the requests of the department. Asked the committee members if there were any concerns that needed to be addressed at this time.

(Discussion was related to the needs requested by the testimony from Doug, that most of the general fund money was just salary and wages increases. The committee doesn't remember any other requests of this department.). Some committee members will be taking a tour and getting more informed at a later date.

The chairman closed the committee work on this bill.



2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1016

House Appropriations Committee  
Government Operations Division

Conference Committee

Hearing Date January 26, 2001

Tape Number	Side A	Side B	Meter #
01-26-01 tape #1	2281 - 3015		
Committee Clerk Signature <i>Kelli Hall</i>			

Minutes:

The committee was called to order, and opened committee work on HB 1016, Emergency Management's appropriation bill.

Chairman Byerly: Has anyone run into anything in this bill that we need to be aware of.

Rep. Thoreson: Not really, it is really pretty straight forward.

Rep. Glassheim: We asked some questions, and they e-mailed us the answers to our satisfaction.

Rep. Thoreson: We have no proposed amendments at this time.

Chairman Byerly: Lets talk about this then. There really isn't much in this budget, because most of it revolves around federal funds. The department isn't asking for any more people. Did you run into any questions?

Rep. Glassheim: Printing costs had gone up because they are now having to print the forms from the internet. Previously FEMA would supply the materials and training and the forms to fill out.

Now, the department has to print the forms from the web site.

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Government Operations Division

Bill/Resolution Number HB 1016

Hearing Date January 26, 2001

Chairman Byerly: I would guess most of the increases are due to the pay package increase and inflationary costs. There probably is some IT expenses. The department did not ask for any increases, and the way it was submitted is the way they would like it passed. Between the flood and snowstorms, this department has really earned its stripes.

Rep. Thoreson: On technology, the increase technology costs are a result of the \$300 per month increase in T-1 circuit charges and the new \$800 per month fee for the fiber network, located outside of the capital location.

Rep. Glassheim: Moves DO PASS. Rep. Thoreson seconded.

Vote to Do Pass, 6 yes, 0 no, 1 absent and not voting. Bill passes.

Rep. Thoreson is assigned to carry this bill to the full committee.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Appropriations Committee

Conference Committee

Hearing Date January 31, 2001

Tape Number	Side A	Side B	Meter #
1		x	267 - 900
Committee Clerk Signature <i>L. Thoreson</i>			

Minutes:

**House Appropriations action on HB1016.**

**Rep. Blair Thoreson:** HB1016, pages 277 & 278 in the big book has to deal with budget for division of emergency management, it also has a section to amend section 37 of the Century Code relating to termination of the "C" system for hazardous chemical preparedness and response program, we took a look at the budget which was prepared by Governor Schafer/Hoven and agreed with their recommendations. The committee or substantial number of us did go to the divisions headquarters at Fraine Barracks and took a look at their setup out there, and I was quite impressed by what they do, not having seen that previously and Rep. Glassheim worked on this and met with Doug Friez and his people and had a good discussion about the division. What their asking for is a general fund appropriation for \$963,160 , but their overall budget is much more, but they do have other sources, which includes \$3.79 million from the federal government and about \$200,000 from a hazardous chemical preparedness response program. Right now they

have a full time staff of twenty people there and also a temporary staff of thirteen, plus one temporary individual who is assigned to working with state wide risk need for domestic terrorism. This is something we probably have not seen in North Dakota in the past, but it is getting to be a big issue and their trying to be ahead of the curve on that. In dealing with the amendment to Section 37, their asking to eliminate the sunset clause for the statewide hazardous chemical and preparedness response program. This program was created in 1991 to deal with the demands for community right to know and emergency planning in regard to hazardous materials, and the state program then was established to help businesses, industry, and government insure compliance with federal requirements regarding the storage and handling of hundreds of different hazardous materials from fuel based items to fertilizer's. When the program was established the sunset clause was included because they did not know how long the federal program would last, so they are asking to remove that now. With that I would move HB1016.  
Seconded by Rep. Byerly.

**Rep. Mike Timm:** Any discussion?

**Rep. James Kerzman:** On page 3, the removal of the "C" system, can you give us a little info on that?

**Rep. Blair Thoreson:** That's on line 10 of page 3? Yes. I don't have my notes with me and I can't answer that at the moment.

**Rep. Rex Byerly:** On the chemical system, or on the chemical preparedness and response program, what it is, is that at any sites where there are hazardous chemicals stored as defined by the federal government, the state implements it, but these are all regulations that come down from the fed. What a company has to do, is pay a fee of \$25.00 per chemical per year per site not to exceed \$150 dollars per site. There are about 3500 facilities in the State of North Dakota that

