

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### PUBLIC SAFETY COMMITTEE

Monday and Tuesday, November 26-27, 2007  
Department of Emergency Services, Fraine Barracks  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Representative Todd Porter, Chairman, called the meeting to order at 1:00 p.m. on Monday, November 26, 2007, at the Department of Emergency Services, Fraine Barracks, Bismarck.

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

**Member absent:** Representative Clara Sue Price

**Others present:** See attached [appendix](#)

**It was moved by Representative Carlisle, seconded by Senator Lindaas, and carried on a voice vote that the minutes of the September 11-12, 2007, meeting be approved as distributed.**

#### STUDY OF THE DEPARTMENT OF EMERGENCY SERVICES

Mr. Greg Wilz, Director, Division of Homeland Security, Department of Emergency Services, provided information regarding the use of federal homeland security funding by county, including a breakdown by jurisdiction and emergency responder type. A copy of the information presented is on file in the Legislative Council office. He said the federal homeland security grant process requires the state to develop state investment strategies in alignment with national priorities established by the federal Department of Homeland Security. He said the Department of Emergency Services, with assistance from a technical working group and the Department of Emergency Services Advisory Committee, developed a state homeland security strategic plan to use in the federal homeland security grant submission and the homeland security allocation process. He said the department has received approximately \$68.3 million in federal homeland security funding from 1999 through 2007 summarized as follows:

1999	\$410,000
2000-01	\$777,000
2002	\$2,700,000
2003	\$13,200,000
2004	\$19,400,000
2005	\$14,600,000
2006	\$10,700,000
2007	\$6,500,000

Mr. Wilz said the state's 2007 homeland security grant, including a law enforcement terrorism protection grant, totaled \$6,667,608. Of that amount, he said, \$5,250,000 is to be allocated to local governments. He said the department has received spending plans for the funding from 53 counties and one Native American tribe. He said the department has completed a final review of 32 of the plans and has approved expenditures of \$2,361,339. He said the department is waiting for additional information for the remaining plans.

Mr. Wilz said the total federal homeland security funding allocated to local governments for the period 1999 through 2007 was approximately \$54 million. He said \$27 million, or 50 percent, of total allocations was for chemical, biological, radiological, nuclear, and explosives detection and protective equipment, and \$21.5 million, or 40 percent, of total allocations was for interoperable communications.

Mr. Wilz said the total federal homeland security funding expended by local governments during the period 1999 through present was approximately \$44.3 million. He said the expenditures by jurisdiction are:

Fire departments	\$10,879,143
Law enforcement	11,704,164
Emergency management	14,062,898
Public works	789,106
Emergency medical services	2,372,222
Public safety communications	1,057,517
Government administration	1,021,250
Health care	2,414,489
<b>Total</b>	<b>\$44,300,789</b>

In response to a question from Senator Lee, Mr. Wilz said local governments may use homeland security funding for personnel costs such as an emergency manager's salary.

In response to a question from Representative Porter, Mr. Wilz said the department has decided to not allocate funding from the state's 2007 homeland security grant for interoperable communications because the department has been awarded a \$7.5 million federal public safety interoperable communications grant.

In response to a question from Representative Porter, Mr. Wilz said the public safety interoperable communications grant has a 20 percent match requirement.

In response to a question from Representative Porter, Mr. Wilz said the estimated cost to upgrade the remaining radios in the state from analog to digital is approximately \$25 million.

In response to a question from Representative Boehning, Mr. Wilz said local governments cannot use federal homeland security funding as a match for the public safety interoperable communications grant.

In response to a question from Representative Kerzman, Mr. Wilz said the new federal guidelines for homeland security funding require greater regional collaboration. He said the department has allocated \$2 million from the state's 2007 homeland security grant for grants of \$500,000 each to Fargo, Grand Forks, Minot, and Bismarck to build a regional capability to respond to a chemical, biological, radiological, nuclear, or explosives event. He said those cities were selected because of their size and the infrastructure that is currently in place in those cities.

In response to a question from Representative Vigesaa, Mr. Wilz said Native American tribes are treated in the same manner as counties.

In response to a question from Representative Porter, Mr. Wilz said it is not the intent of the department to allow local governments to utilize homeland security funding to replenish items that were previously purchased with homeland security funding and are at the end of their useful lives.

In response to a question from Representative Porter, Mr. Wilz said the department will conduct a survey of all jurisdictions to determine the remaining number of radios to be converted from analog to digital.

Mr. Russ Timmreck, Director, Division of State Radio, Department of Emergency Services, provided information regarding the Division of State Radio and the Maximus study relating to the division's costs and fees. A copy of the information presented is on file in the Legislative Council office. He said the division provides all public safety communications services for 22 counties and is the designated backup public safety answering point for all the other 22 answering points throughout the state. He said the division is also the primary dispatch center for the North Dakota Highway Patrol.

Mr. Timmreck said the Division of State Radio signed a lease agreement with Motorola and is in the process of upgrading its infrastructure and system from analog to digital. He said the division's radio tower equipment is located on Department of Transportation towers.

Mr. Timmreck said North Dakota Century Code (NDCC) Section 54-23.2-09 provides that the Division of State Radio is to charge at least 20 cents per telephone access line and wireless access line for 911 services provided to political subdivisions. He said Section 54-23.2-09 also provides that the division is to establish and charge fees to provide mobile data terminal service based on the actual costs incurred by the division. He said Section 54-23.2-08 provides that

the division is to charge for the law enforcement telecommunications system. He said the director of State Radio may adjust fees for the system to reflect changes in economic conditions and the general economy. He said the current rates are \$10 more than the minimum provided in Section 54-23.2-08 based on a \$10 per month increase implemented in 1993. He said the rates are based on the population of the county and range from \$40 per month for small population counties to \$170 per month for large population counties. He said the division receives approximately \$194,460 in annual revenue from these fees.

In response to a question from Representative Porter, Mr. Timmreck said the Division of State Radio has had discussions with the private sector regarding the possibility of creating a partnership for additional radio towers. He said the division will work with the Department of Transportation and provide information to the committee regarding the possibility of a public and private partnership.

In response to a question from Senator Lindaas, Mr. Timmreck said local governments are allowed to purchase digital radios under the state's contract.

In response to a question from Representative Boehning, Mr. Timmreck said the Division of State Radio does not pay a lease payment to the Department of Transportation for the use of space on its towers. He said the division does pay the Department of Transportation for maintenance completed on its equipment.

In response to a question from Representative Porter, Mr. Timmreck said Maximus was hired as a consultant to review the Division of State Radio's fee structure. He said the division will work on identifying the costs of providing services and will provide the committee with additional information as to appropriate fees for services.

Representative Porter asked the Division of State Radio to provide the committee with information regarding the balance of 911 funds in the 22 counties for which the division serves as the public safety answering point and for information regarding the appropriate fees for its services.

Mr. Terry Traynor, Assistant Director, North Dakota Association of Counties, provided information regarding the use of 911 fees, purpose and potential of 2007 Senate Bill No. 2169, and implementation of the federal "Next Generation 911" Initiative. A copy of the information presented is on file in the Legislative Council office. He said the performance audit of 911 revenues and expenditures suggests the current 911 fee of \$1 per telephone and wireless access line is more than sufficient to fund the costs of 911 systems. He said counties believe this view of the fee is much more limiting than that intended by the Legislative Assembly. He said the North Dakota Century Code and an Attorney General's opinion provide that the fee is to be used for implementing, maintaining, or operating the emergency services communication

system and the definition of that system **includes but is not limited to** 911 services.

Mr. Traynor said in order to implement wireless 911 in the state all political subdivisions receiving 911 fees contracted with the North Dakota Association of Counties to coordinate the implementation of the networking, nonpremise equipment upgrades, testing, and ongoing services necessary for wireless 911. He said the North Dakota Association of Counties entered into a contract with telephone providers for the wireless 911 project. He said the project began in September 2001 and, at that time, the counties submitted 50 percent of the amount received from wireless carriers for the wireless project. He said after several years it became obvious to the project's governing board that 50 percent of the wireless fee was collecting more than what the project would likely need; therefore, in August 2005 the board lowered the remittance percentage to 40 percent of the amount received from wireless carriers. He said currently the remittance percentage of 40 percent is generating significantly less than the monthly project costs; therefore, the fund balance is decreasing fairly rapidly. He said the project's governing board has approved a 20-month extension on the original 5-year master contract and has negotiated reductions in per unit costs in the hope of moderating the drawdown on the fund balance.

Mr. Traynor said the 2007 Legislative Assembly approved a number of very important changes to the statutory provisions governing the funding of emergency services communication systems. He said 2007 Senate Bill No. 2169 broadened the definition of technologies to be collecting fees to include prepaid cellular and Voice over Internet Protocol but also included language to ensure that every unnamed and future technology would be treated equally. He said an Emergency Services Communications Coordinating Committee has been formed and assigned the responsibility of developing guidelines regarding the allowable expenditures as required by Senate Bill No. 2169. He said draft guidelines have been sent to political subdivisions and the committee is expected to finalize the guidelines by the end of the year.

Mr. Traynor said wireless phones were a major change to emergency services communications and the next generation of new technology includes text messaging, photos, video clips, live-streaming video, and crash notification systems. He said the new technology results in challenges, but the opportunities are promising. He said the state will need to convert from an analog system to an Internet protocol system while maintaining the ability to serve legacy communication services. He said the federal Department of Transportation has been tasked with the responsibility to guide the Next Generation 911 effort nationally and the North Dakota 911 Association has already begun its planning efforts. He said he would help arrange for a presentation to the committee by Mr. James Carroll--an expert in the field--if the committee is interested.

Mr. Mark Johnson, Executive Director, North Dakota Association of Counties, provided information regarding the association's uses of homeland security funding. A copy of the information presented is on file in the Legislative Council office. In 2003, he said, the North Dakota Association of Counties entered an agreement with the North Dakota League of Cities and applied for federal funding from the Department of Emergency Services to hire a staff to respond to local governments' homeland security training and exercise needs and requirements. He said this effort led to the creation of the Local Government Homeland Security Training and Exercise Program. He said the program was initially funded in June 2003 with a grant of \$119,500 from the Department of Emergency Services. He said the program received subsequent grants of \$759,000 in 2004 and \$1,100,000 in 2005. He said in federal fiscal year 2005 the federal Department of Homeland Security changed its funding guidelines and directed 80 percent of the state's homeland security funding be allocated to local governments. He said the federal Department of Homeland Security also required that certain amounts of local government funding be dedicated to training and exercises. Beginning in calendar year 2006, he said, the program began to contract directly with local governments to continue to provide fee-for-service contracts for training and exercise activities. He said the program currently consists of four full-time positions--a program director and three program coordinators--and serves 40 counties and four Native American tribes.

Mr. Jerry Hjelmstad, Assistant Director, North Dakota League of Cities, provided information regarding the entity's allocations and uses of homeland security funding. A copy of the information presented is on file in the Legislative Council office. He said the North Dakota League of Cities receives homeland security funding through a grant from the Department of Emergency Services. He said the funding is designated solely for Citizen Corps programs, of which Community Emergency Response Team (CERT), is a major part. He said the purpose of CERT is to create neighborhood teams of citizens who can greatly improve survival chances by initiating and implementing learned disaster and rescue skills until emergency personnel arrive. He said the CERT training program is a 16-hour to 20-hour course that teaches citizens how to take care of themselves and others following a disaster. He said the major training areas are light search and rescue, basic medical procedures, disaster psychology, and basic fire suppression. As of October 2007, he said, there are 28 active Citizen Corps Councils in the state, 88 trained teams, and over 1,500 trained CERT volunteers.

The committee conducted a tour of Department of Emergency Services facilities, including the Emergency Operations Center.

The committee recessed at 4:40 p.m.

## EMERGENCY MEDICAL SERVICES SYSTEM STUDY

The committee reconvened at 9:00 a.m. on Tuesday, November 27, 2007, in the Roughrider Room, State Capitol, Bismarck.

Mr. Tim Meyer, Director, Division of Emergency Medical Services, State Department of Health, provided information regarding:

- An overview of the various levels of training and certification for emergency services personnel.
- A status report on the survey of counties regarding the regions covered by each ambulance service.
- A status report on the assessment of the state's emergency medical services system, including information regarding funding for the assessment.

A copy of the information presented is on file in the Legislative Council office.

Mr. Meyer said the state of North Dakota has five levels of training for emergency care providers--first responder, emergency medical technician (EMT), EMT intermediate '85, EMT intermediate '99, and paramedic. He said the state also has different scope enhancement courses that individuals may take to supplement their training, including emergency vehicle operations, emergency medical dispatch, automobile extrication, manual defibrillation, intravenous maintenance, flight medical crew, epinephrine administration, dextrose administration, bronchodilator administration, and multilumen airway insertion. The following is a summary of emergency care provider certification or licensure requirements and recertification or relicensure requirements:

Emergency Care Providers	Certification or Licensure Requirements	Recertification or Relicensure Requirements
First responder	Complete a 40-hour course and pass a local written and practical test	Complete a 16-hour refresher course
EMT	Complete 110 hours of classroom instruction and pass a national written test and practical test	Option 1 - Complete a 24-hour refresher course with an additional 48 hours of continuing education Option 2 - Pass a cognitive knowledge test Option 3 (proposed) - Pass a practical test
EMT intermediate '85	Hold a valid EMT license, complete 100 training hours and pass a national written test and practical test	Option 1 - Complete a 36-hour refresher course with an additional 36 hours of continuing education Option 2 - Pass a cognitive knowledge test
EMT intermediate '99	Hold a valid EMT license, complete 300 training hours and pass a national written test and practical test	Option 1 - Complete a 36-hour refresher course with an additional 36 hours of continuing education Option 2 - Pass a cognitive knowledge test
Paramedic	Hold a valid EMT license, complete a 1,200-hour course and pass a national written test and practical test	Option 1 - Complete a 48-hour refresher course with an additional 24 hours of continuing education Option 2 - Pass a cognitive knowledge test

In response to a question from Senator Warner, Mr. Meyer said the department provides grants to individuals interested in completing emergency care provider training. He said the grants range from \$175 for first responders to \$750 for EMTs and paramedics.

In response to a question from Senator Heckaman, Mr. Meyer said there have been no changes to the EMT intermediate '85 and EMT intermediate '99 curriculum since 1985 and 1999, respectively. He said there is work being done on the national level to consolidate the two intermediate positions into an advanced EMT position.

In response to a question from Senator Lee, Mr. Meyer said Medicare and other third-party insurers require that at least an EMT level-trained person provide care to qualify for reimbursement. He said care provided by other licensed individuals, such as a nurse or doctor, would also qualify for reimbursement.

In response to a question from Representative Porter, Mr. Meyer said online courses are available for emergency care provider training and continuing education. He said the national registry does limit the total number of distance-learning hours allowed.

In response to a question from Representative Porter, Mr. Meyer said law enforcement receives first

responder certification while in basic training; however, there is no requirement for law enforcement to be recertified.

Mr. Meyer said 2007 House Bill No. 1162 provides that during the 2007-08 interim the State Health Council is to study the minimum requirements of reasonable emergency medical services coverage taking into consideration the response time for emergency medical services. In response to the legislation, he said, the department sent a survey to each county in North Dakota requesting information regarding the ambulance services in their county, including a map of emergency medical services boundaries and information on funds collected and distributed on behalf of emergency medical services. He said counties were given a deadline of November 30, 2007, to submit their responses. He said the department has received responses from 23 of the 53 counties and is working with the remaining counties on their submissions.

In response to a question from Senator Heckaman, Mr. Meyer said the questionnaires were sent to the chair of the county commission and the county emergency manager.

In response to a question from Representative Porter, Mr. Meyer said the department will compile the

survey responses and present the information to the committee.

Representative Porter said it would be interesting to compare the map created through the survey to the emergency services coverage maps used by Division of State Radio.

In response to a question from Senator Lee, Mr. Meyer said he is not familiar with the health care component of the Department of Emergency Services' web-based Emergency Operations Center system.

Representative Porter said the committee can receive information from Mr. Tim Wiedrich, State Department of Health, regarding the health care component of the web-based Emergency Operations Center system at a future committee meeting.

Ms. Maggie Anderson, Director, Medical Services Division, Department of Human Services, provided information regarding Medicaid rates for ambulance services, the processing of Medicaid ambulance claims, and the claims backlog. A copy of the information presented is on file in the Legislative Council office. She said the 2005 Legislative Assembly provided an appropriation of \$170,940, of which \$60,000 was from the general fund, for Medicaid reimbursement to ambulance providers in addition to the inflationary increases provided to all Medicaid providers. She said the intent of the funds was to target 50 percent toward the base ground rates and 50 percent toward the base air rates.

Ms. Anderson said the 2007 Legislative Assembly provided an appropriation of \$347,029, of which \$125,000 was from the general fund, for Medicaid reimbursement to ambulance providers. She said the funds were provided in addition to the inflationary increases provided to all providers and the intent of the funds was to address ground ambulance rates particularly mileage reimbursement. She provided the following summary of Medicaid ambulance rates:

	Effective July 1, 2006	Effective July 1, 2007	Effective July 1, 2008
Basic life support rates			
Mileage	\$3.13	\$5.15	\$5.41
Nonemergency	\$96.23	\$122.82	\$128.96
Emergency	\$100.87	\$197.29	\$207.15
Advanced life support rates			
Mileage	\$4.14	\$5.88	\$6.17
Nonemergency	\$219.20	\$227.97	\$239.37
Emergency	\$258.44	\$268.78	\$282.22
Transportation (fixed wing)	\$808.31	\$840.64	\$882.67
Transportation (rotary wing)	\$808.31	\$840.64	\$882.67
Air mileage (fixed wing)	\$8.62	\$8.96	\$9.41
Air mileage (rotary wing)	\$8.62	\$8.96	\$9.41

Ms. Anderson said 2005 House Bill No. 1206 created a Medicaid provider appeals process and amended statutory provisions relating to the review of Medicaid ambulance claims. She said the Medicaid provider appeals process offers providers the opportunity to request a "second" review of the claim. She said the second review must be conducted by staff not involved in the original decision on the claim. She said if the provider disagrees with the second decision, the provider has the option of appealing the decision to the district court. Since implementation, she said, the appeals process has been used

135 times. Of those appeals, she said, 86 have been submitted by ambulance providers. She said 43 percent of the appeals submitted have been upheld, and 55 percent have been overturned. She said in early calendar year 2007 the department noted a significant increase of ambulance provider appeals. She said staff from the department met several times with ambulance providers and the North Dakota EMS Association to discuss the volume of appeals. She said the meetings led to a better understanding of ambulance service protocols and the various sets of rules under which the services must operate and therefore the number of appeals has significantly decreased.

Ms. Anderson said the 2007 Legislative Assembly appropriated funds to develop and implement a new Medicaid management information system (MMIS). She said the primary reasons for developing a new system are the inability to easily modify the current system and the fragile nature of the current system. She said in the last year there have been two federal changes that have resulted in problems with the current Medicaid management information system and in a backlog of claims. She said the department has been authorizing staff overtime for over a year and is in the process of adding six additional temporary staff in an effort to process claims in a timely basis.

In response to a question from Representative Kroeber, Ms. Anderson said the department is beginning the detailed design phase of the MMIS replacement project. She said the rollout of the new system is expected to occur in July 2009.

In response to a question from Senator Kilzer, Ms. Anderson said the new system will include web-based applications for providers to use to submit claims. She said the department is in the process of developing a training plan relating to the new system which will include training for providers and county employees.

In response to a question from Representative Vigesaa, Ms. Anderson said at the present time the department's claims backlog is approximately 80,000 claims. She said the department's goal is to process 80 percent of claims within 30 days of receipt.

In response to a question from Representative Porter, Ms. Anderson said providers will be able to continue to submit paper claims with the new system.

## DELIVERY AND FUNDING OF VETERANS' SERVICES STUDY

The Legislative Council staff presented a memorandum entitled [Delivery of Veterans' Services - Other States' Efforts and County Veterans' Service Officer Certification](#). The memorandum provides information regarding the delivery of veterans' services in Minnesota, Montana, and South Dakota and information regarding National Association of County Veterans Service Officers, Inc., certification.

In response to a question from Representative Gruchalla, the Legislative Council staff said veterans'

service officers in Montana are employed full-time and veterans' service officers in Minnesota and South Dakota are employed on a full-time or part-time basis.

In response to a question from Representative Porter, the Legislative Council staff said membership dues for the National Association of County Veterans Service Officers, Inc., are \$30 per year for member state officers and \$45 per year for nonmember state officers. The Legislative Council staff said North Dakota is a member of the National Association of County Veterans Service Officers, Inc.

Mr. Gordy Smith, Audit Manager, State Auditor's office, distributed an audit followup report on the performance audit of the Department of Veterans Affairs and the Administrative Committee on Veterans Affairs. A copy of the report is on file in the Legislative Council office. As a result of a followup review, he said, the State Auditor's office determined 18 recommendations were fully implemented, 8 recommendations were partially implemented, and 1 recommendation was not implemented. He said the Department of Veterans Affairs and the Administrative Committee on Veterans Affairs has worked very hard on implementing the recommendations.

In response to a question from Representative Guleson, Mr. G. Smith said the audits conducted prior to the 2004 performance audit were financial in nature.

In response to a question from Senator Kilzer, Mr. G. Smith said state agencies are required to receive an operational audit once every biennium. He said typically there is only one followup review conducted for each performance audit.

Mr. Rudy Jenson, Chairman, Administrative Committee on Veterans Affairs, provided information regarding Department of Veterans Affairs activities, including the status of the commissioner of the Department of Veterans Affairs. A copy of the information presented is on file in the Legislative Council office. He said the department recently completed three outreach activities. He said the department has filled the women veterans' administrator position authorized by the 2007 Legislative Assembly. He said the individual will be starting on December 3, 2007. He said the department completed a fall training conference for county veterans' service officers. He said the conference was well-attended and received many favorable comments. He said the department is working on providing more training to county veterans' service officers. He said the department received 16 applicants for the commissioner position. He said the applications are in the process of being reviewed. He said the Administrative Committee on Veterans Affairs hopes to name a new commissioner by the first of the year.

In response to a question from Representative Porter, Mr. Jenson said a selection committee is in the process of reviewing the applicants for the commissioner position. He said the committee is to

select three applicants to forward for consideration to the Administrative Committee on Veterans Affairs.

In response to a question from Representative Kerzman, Mr. Jenson said the selection committee consists of Mr. Michael Dobmeier, National Judge Advocate, Disabled American Veterans; Mr. Sebastian Roll, Past National Vice Commander, American Legion; and Mr. Jim Verway, Barnes County Veterans' Service Officer.

In response to a question from Representative Guleson, Mr. Jenson said candidates for the commissioner position must have a degree, must be a veteran, and should have some supervisory skills.

In response to a question from Representative Guleson, Mr. Jenson said the Administrative Committee on Veterans Affairs, as well as the veterans' organizations, has studied the performance audit recommendation relating to the size of the Administrative Committee on Veterans Affairs. He said the committee and the veterans' organizations believe the committee's size and composition is appropriate to represent the 60,000-plus veterans in the state.

Mr. Traynor provided information regarding the counties' role in the delivery of veterans' services. A copy of the information presented is on file in the Legislative Council office. He said NDCC Section 37-14-18 requires counties to appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county veterans' service officer. He said Section 57-15-06.6 provides that a dedicated special levy may be imposed by the county commission for payment of the salary, traveling, and office expenses of the county veterans' service officer. He said 50 of the state's 53 counties currently access the special levy to support veterans' service officer budgets. He said with the exception of Sioux County, every county levies less than the authorized two mills.

Mr. Traynor said 11 counties employ full-time veterans' service officers and 6 of the counties employ more than one full-time employee in the office. Statewide, he said, counties employ 34.96 full-time equivalent (FTE) positions yielding an average staffing level of about one-half FTE position per county.

Mr. Traynor said the North Dakota Association of Counties surveyed eight counties--two large, two medium, and four small--regarding their veterans' service officer delivery. He said all counties indicated that from the counties' perspective the current structure is meeting veterans' needs.

Mr. Robert Evans, Williams County Veterans' Service Officer, provided comments regarding the committee's study of the delivery of veterans' services. A copy of his comments is on file in the Legislative Council office. He said the Department of Veterans Affairs has experienced staff turnover resulting in decreased services to veterans. He said if the state considers reorganization of veterans' service officers, the new structure should consist of county veterans' service officers for each county and an area supervisor with sufficient staff to oversee the county

operation and provide adequate backup services. He said he agrees with a recommendation made at a previous committee meeting to change the mission of the Department of Veterans Affairs to include oversight and adequate and quality training of county veterans' service officers.

In response to a question from Representative Carlisle, Mr. Evans said the size of the Administrative Committee on Veterans Affairs is appropriate.

In response to a question from Representative Porter, Mr. Evans said there are approximately 60,000 veterans in North Dakota. He said duplicated membership in veterans' organizations totals approximately 40,500, including 10,000 in the VFW, 22,000 in the American Legion, 4,500 in the Disabled American Veterans, 3,000 in AMVETS, and 1,000 in Vietnam Veterans of America.

In response to a question from Representative Porter, Mr. Evans said the commissioner of the Department of Veterans Affairs does not have to be a member of a veterans' organization.

Mr. Daryl Beard, member of the Administrative Committee on Veterans Affairs, provided comments regarding the committee's study of the delivery of veterans' services. A copy of his comments is on file in the Legislative Council office. He said he believes the size and composition of the Administrative Committee on Veterans Affairs is a good representation of the veterans in the state. He suggested the state be divided into eight regions, each with a nationally certified veterans' service officer in charge of appropriate staff that would travel to communities in those regions.

Mr. Tom Summers, Department of Veterans Affairs, provided comments regarding the committee's study of the delivery of veterans' services. He said the budget for the Department of Veterans Affairs needs to include adequate funding for staff training. He said the training conferences held by the department for county veterans' service officers are improving, and the department is working on providing additional regional training to the service officers.

Representative Porter requested the Department of Veterans Affairs provide the committee with a comparison of the number of claims handled by the state and the number of claims handled by the counties.

Mr. Gerald Beck, Mercer County Veterans' Service Officer, provided comments regarding the committee's study of the delivery of veterans' services. He said North Dakota ranks high in regard to the percentage of veterans receiving assistance.

### **COMMITTEE DISCUSSION**

**It was moved by Representative Martinson, seconded by Representative Carlisle, and carried on a roll call vote to request the Legislative Council staff to prepare a bill draft to implement the suggestions of Mr. Brad Maasjo received by the committee at its September 11-12, 2007, meeting regarding the delivery of veterans'**

**services, including creating a cabinet level Department of Veterans Affairs, relocating the Department of Veterans Affairs to Bismarck, requiring two existing FTE positions to be training officers, requiring the Department of Veterans Affairs to arrange for national certification training for the county veterans' service officers, and reducing the size of the Administrative Committee on Veterans Services from 15 individuals to 7 individuals with 1 individual representing each of the veterans' organizations and 2 individuals that are not members of a veterans' organization.** Representatives Porter, Boehning, Brandenburg, Carlisle, Gruchalla, Martinson, Pietsch, and Vigesaa and Senators Lee, Heckaman, Kilzer, and Lindaas voted "aye." Representative Kerzman voted "nay."

**It was moved by Representative Gruchalla, seconded by Representative Kerzman, and carried on a roll call vote to request the Legislative Council staff to prepare a bill draft to require law enforcement to maintain first responder certification with a "grandfather clause" that current law enforcement who has let certification expire only need to complete the recertification requirements.** Representatives Porter, Boehning, Brandenburg, Carlisle, Gruchalla, Guleson, Kerzman, Martinson, Pietsch, and Vigesaa and Senators Lee, Heckaman, Kilzer, and Lindaas voted "aye." No negative votes were cast.

Representative Porter asked that representatives of the State Department of Health survey rural emergency medical services regarding the status of converting from analog to digital radios and provide the survey results to the committee at a future meeting.

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 receiving a presentation from a representative of the institute regarding this study during a future meeting.

Representative Porter asked that a representative of the State Department of Health provide the committee with information during the next meeting regarding the health care component of the Department of Emergency Services' web-based Emergency Operations Center system.

Representative Porter said the American Heart Association has information regarding stroke and heart attack emergency care. He said the committee may be interested in receiving a presentation from a representative of the association relating to this area during a future meeting.

Representative Porter asked that a representative of the Department of Emergency Services provide the committee with information during the next meeting regarding the department's lease with Motorola for the conversion of the Division of State Radio infrastructure from analog to digital and the possibility of a private and public partnership for additional radio coverage.

Representative Porter asked the Legislative Council staff to provide the committee with information regarding the number of veterans' service officers per county, number of veterans per county, total population per county, number of veterans' claims per county, and amount of transportation aid provided per county.

Representative Boehning asked that a representative of the State Department of Health provide the committee with information regarding ambulance districts that have their own mill levies.

Chairman Porter said the next Public Safety Committee meeting will tentatively be scheduled for late January or February 2008.

The meeting was adjourned subject to the call of the chair at 12:00 noon.

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Roxanne Woeste  
Senior Fiscal Analyst

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Jim W. Smith  
Legislative Budget Analyst and Auditor

ATTACH:1