

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1016

2005 HOUSE APPROPRIATIONS

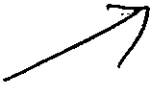
HB 1016

brought to the hearing. **Rep. Bob Skarphol** asked if the reductions listed were just a shift in budget categories. **Mr Weispfenning** answered that the State Water Bank program is responsible for the decrease in leases since there is no state funding and the professional services decrease would be in specialized contracting. **Rep. Al Carlson** asked if anyone in this department recieved a raise in the last biennium. **Mr Weispfenning** answered yes, but mostly through workload adjustments. **Rep. Al Carlson** asked that the details of this and the authority to do this spending be brought to the hearings on this budget. **Mr Weispfenning** discussed the Minor Use Fund, The Honey Promotion Fund, and the Turkey Fund. **Rep. Jeff Delzer** asked if the Minor Use Fund is within the Crop Harmonization Board. **Mr Weispfenning** discussed the distinctions of the two line items, but **Rep. Jeff Delzer** asked that this confusion be looked at and clarified in hearing.

HB 1016
Insurance Commisioner - testifying was Jim Poolman (meter Tape #2 #24.3)

Mr Poolman distributed handout #4-9 (attached) and mentioned that the major adjustment to this year's budget request was the fact that the Perscription Connection program was created in the last biennium but that their were insufficient fund to run it so they are asking for an increase in this budget. **Mr Poolman** assured the committee that they have built in enough of an increase to fully staff the program so that there would be an increase in the amount of one to one help with filling out the forms needed for eligibility since each pharmisceutical company has different rules.

HB 1024
Emergency Management - testifying was Doug Friez (meter Tape #2, #37.6)



Mr Friez reviewed handout # 4-10 (attached) and mentioned there was a big push to change the public safety system from analog to digital. This would be done mostly through federal funding but need the authority to use the funds. **Rep. Jeff Delzer** asked what authority they were presently using. **Mr Friez** answered that legislative approval comes alongside and allocated funding. **Rep. Jeff Delzer** continued by asking by what authority do they sign leases and enter into contracts since these actions mean that the state is ultimately responsible. **Mr Friesz** explained how the federal provisions worked and said that there is a provision in all contracts or leases mentioning that the contract was void if the federal funds were removed. **Rep. Mike Timm, Vice Chairman** asked if any Homeland funds could be set aside to cover this if they were needed. **Mr Friesz** answered that there were rules attached to the Homeland dollars that would make this impossible. **Rep. Francis J. Wald** asked if local emergency response companies were reimbursed for costs for this. **Mr Friesz** answered that some are and some aren't, since the funds have to be requested. **Rep. Bob Skarphol** asked how much was borrowed from the general fund to match the federal funds. **Mr Friesz** answered a total \$5.9 million. He continued that there was a deficiency bill introduced for \$6.2 million. **Rep. Jeff Delzer** asked if private emergency responses were getting any of the funding. **Mr Friesz** reported that the process for distributing the funds were decided locally and it was sometimes hard to get people to attend these meetings.

*Emergency
Management
end*

Rep. Ken Svedjan, Chairman asked about the 29 FTE's listed but that we were unsure what would happen to this, so be prepared to get the details in hearing.

State Treasurer - testifying was Kelly Schmidt (meter Tape #2, Side B, 4.1)

HB1005

2005-HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Government Performance Division

☐ Conference Committee

Hearing Date January 14, 2005

Tape Number	Side A	Side B	Meter #
1	X		1-End
		X	1-3780

Committee Clerk Signature

Stephanie N. Thomas

Minutes: **Chairman Carlson** opened the hearing on HB1016, a bill for an act to provide an appropriation for defraying the expenses of the division of emergency management.

Douglas Friez, Director of Division of Emergency management. (SEE ATTACHED TESTIMONY)

Chair Carlson: Of the 54 employees, how many are State Radio employees?

Douglas: Out of 54, State Radio has 29 employees.

Chair Carlson: Your division is requesting two additional FTE's, are those in the Governor's request?

Douglas: Those are in the optional request.

Chair Carlson: Have you recommended the average fee of \$2750 be raised?

Douglas: The fee is delineated in state law.

Chair Carlson: Is the fee statutory?

Douglas: Yes it is.

Rep. Monson: What kind of facilities subscribe to this?

Douglas: They can be anywhere from the Dakota Gasification Plant, to a Cenex Fertilizer Distribution Point.

Rep. Monson: Do you have schools and things like that?

Douglas: It's not likely, but there maybe some. The universities, for example, some that have large Chemistry lab type things, swimming pools that store chlorine if they store it at a certain level, could come into play. Mostly distribution centers of some kind, or gas stations.

Rep. Monson: Is it based on the quantity?

Douglas: It is, the basis for our state program is something we call The Emergency Planning Community Right To Know Act. This law establishes reportable quantities and threshold quantities. Those are what we have to follow in collecting that fee.

Rep. Glassheim: If one wanted to raise fees, how do we do it. There's no bill in to do that.

Chair Carlson: It would be an amendment to their budget, I'm assuming.

Douglas: I would suggest that the raising of this fee would create some very limited controversy.

Chair Carlson: The money would go to where?

Douglas: The funding comes into our agency, Division of Emergency Management. We have a couple of people that are dedicated to help manage this administratively.

Chair Carlson: Do you have inspectors that go out?

Douglas: We depend on local officials to help us monitor it. We are not the enforcement part of it.

Rep. Monson: You said you have two FTE's dedicated to this program?

Douglas: One of our staff members is fairly significantly consumed in the management of this fee system program. They are not necessarily dedicated, they do other things.

Rep. Glassheim: Could the department give us a suggestion, in writing, as to if we wanted to raise them what would be reasonable?

Douglas: I think we could do that.

Rep. Monson: You said it generates about 110,000 through the fees per year, half goes to the counties. How do we determine how much each county gets.

Douglas: That's actually in the state law, and it's prorated by the facility collection from that county.

Rep. Skarphol: I'm curious about the cap at 150, is there a reason for the cap?

Douglas: We determined that it would be sensible in terms of trying to get the fee system passed, at that time, if we were to put a cap on it. The cap was to make it acceptable to the people that would oppose such a fee.

Rep. Monson: It looks like \$25.00 is the minimum fee, \$27.50 is your average fee, that tells me that about 3800 of these probably have one chemical that you have to monitor in each place.

Douglas: Correct. Let me give you an example, remember that barrel that flew off the truck in Ramsey county, of sodium cyanide. There was some irresponsibly there of the part of the young entrepreneur.

Rep. Monson: Were there any fines given to this guy?

Douglas: We are not the finer's, the EPA is. There are some enforcement responsibilities within the State Health Department for certain things in terms of hazardous materials. There are also some enforcement responsibilities within the State Department of Agriculture.

Rep. Skarphol: How long is this list of chemicals, how many chemicals are on it, and can you give us some of the most common names?

Douglas: The chemical has over 300 chemicals on it, and hydrous ammonia would be one.

Rep. Skarphol: Are we talking about ordinary farm chemicals ?

Douglas: Some of them are ordinary farm chemicals, but the quantities are low enough so that unless you have a huge warehouse or tanking system, your probably not going to have to worry about that. There's exemptions for farmers.

Rep. Skarphol: Would you send us a copy of your training session?

Douglas: Certainly.

Rep. Skarphol: What are we talking about in regards to special funds?

Ross Mushik, Fiscal Manager of Emergency Management: Special funds consists of Bank of North Dakota loan funds for the portion of the disaster which we will be covering during the next biennium. Also from State Radio, that are collected from various users through the 911 system from the counties, and from other units of government using the paging system and other functions of the state radio system.

Rep. Monson: What is your relationship to the Bank of North Dakota, and do you have borrowing authority if you need from them?

Ross: Yes, we receive authority from the Emergency Commission, to enact that portion of the budget, so that we can obtain borrowing authority from the bank of North Dakota.

Chair Carlson: When we look at the budget, I need to see what is outstanding on disasters, what we have borrowed, what we intend to pay back this time?

Douglas: I would commend you to take a look at that. Those are not the decisions of the Division of Emergency Management.

Rep. Monson: Talking about borrowing, so you guys ever bond anything?

Douglas: We are blessed with that state law, and having the state bank, in my opinion. It keeps us from those types of things that we would have to do.

Rep. Skarphol: I'm curious, how does this work, data processing costs are down 227,000, can you give me an idea of why?

Ross: A lot of the transitions that were making with State Radio, and again we are just in our initial consolidation phase working through those two budgets. A lot of the costs that we're seeing, and if we were able to connect through the T1 system with some of the tower sites, we're going to see some pretty significant cost savings, because the costs per line are so much less.

Chair Carlson: Can you get last times budget for State Radio, and how that rolls into your budget?

Doug: Certainly.

Major General, Mike Haugen, Adjutant General: The Division of Emergency Management falls under the Office of the Adjutant General. The physical location of DEM, State Radio, and Fraine Barracks are all in the same location. So I have had the responsibility for the physical housing of State Radio, the physical structure, providing electricity, heating, and lights. A place for them to operate security, has been in my domain the entire time. Now with Emergency Management co-located, because they were just outside our EOC complex, the Emergency Management outside the complex of State Radio, and both of those agencies living there have had the ability to have some synergy's developed for working together, but because of

management practices in the past, really were separate. We have found consolidation a good thing, for instance in computer technology, radio technology, because Emergency Management has individuals who do that, and in fact in the past have been able to assist State Radio in an Emergency basis, because they are simply there. We also look at the grant money for Homeland Security, because Homeland Security falls under the Office of the Adjutant General, and with the grant money that's available, we were able to analyze some of this grant money, transfer the federal dollars into State Radio, for instance are communications. The communications system has been Analog, and we tried to go to a digital radio system statewide. That program was initially going to be about 50 to 60 million dollars, and that was going to be born by the state. That is a major undertaking, with our ability to use Homeland Security dollars to be side by side and work Directly with State Radio. There have been some synergy's made in cost savings, and also a great deal of good things happening for employees.

Chair Carlson: What shows up in your budget about all this?

Maj. Gen. Haugen: The budget for the Office of the Adjutant General does not include DEM, it stands alone in the budget. DEM also includes State Radio.

Rep. Monson: Coverage was mentioned, Do you have very good coverage right now in all the towers that you need, so that everybody is adequately covered in the state?

Wes Hendrickson, IT: As far as coverage now, we are at about 96, 97%. There are some areas in the state where there isn't coverage, with the 36 towers that we have. Initially we want to put in those 36 towers with the new equipment. We feel that digital will probably change that coverage a little bit, but before we decide to add any for stations for coverage, we want to know where those areas specifically are.

Rep. Skarphol: Do you have a way to analyze your blank spots, that scientific?

Wes: Yes, we know that we have fairly good coverage now with the Analog system, but digital is going to change a little bit. We know that Analog, as you get further away from the tower, you gradually get weaker and weaker until your not heard anymore, but digital is a little different. You will have a really good signal, until all of a sudden it just drops off. We're hoping with the digital system we will have better coverage.

Rep. Skarphol: Does past experience indicate that you might have better coverage, because from a cell phone perspective, the digital isn't as good as the Analog.

Wes: I believe that with the Analog we'll probably have communications maybe a little further, but maybe not intelligible. With the digital, we will have the intelligible communications probably at a little further distance.

Rep. Skarphol: Can you refresh my memory, in contracting out the coverage portion, and what the decision making process was? Nextel was one of those being mentioned as a potential candidate to supply this service.

Doug: Recently, there was an RFP, and that's how Motorola got into this business. Nextel did provide a proposal in that RFP. It was a good proposal, but it didn't meet the needs of the Statewide Radio Communications System.

Rep. Skarphol: Was it P-25 Capable?

Wes: What Nextel did propose was not a primary system. There system was not P-25 compliant, and they didn't have any intent to make it the primary communications system.

Rep. Monson: Who owns the towers?

Doug: The State Department of transportation owns the towers.

Rep. Monson: Do you rent the space on them, or do you pay them anything?

Wes: We made an agreement with Department of Transportation, to share their towers. The allow us to put our communications equipment in 36 of them. They do not charge us for anything other than to half pay the fuel costs for the backup generators, electricity, that kind of thing.

Rep. Skarphol: Is it anticipated you'll need more towers than the 36, and if so what are we looking at as far as numbers, and is there spaces to rent?

Wes: The Department of Transportation has identified four additional sites that can be upgraded for our use.

Rep. Monson: Is any progress being made on ties with neighboring states?

Doug: Progress is being made, not real quick. Some of the things holding it up, is making sure that we don't mess with some of the stuff that's already going on.

Chair Carlson: There's a 911 cell phone tax, of a dollar a phone a month. Is there a percent of 911 tax that you receive?

Doug: At this time from the 22 counties that we provide 911 service to, we receive 20 cents of that.

Chair Carlson: Where does the money show up in the budget?

Ross: That would be in the special fund line item.

Rep. Skarphol: I was involved in a discussion about the GIS system you guys are working on. It involved an out of state company, and GLJ. Can you refresh my memory on that whole process again?

Doug: At one time we had identified some special Homeland Security dollars, called Critical Infrastructure Protection dollars, and we had a pot of about 1.6 million dollars that could only be used on very limited. So what we did, is got permission from Department of Homeland Security to utilize that for GIS baseline mapping. We had to drop it, because we didn't have the money, and a way of reconciling that we would some time in the future.

Rep. Skarphol: Could you refresh my memory about the bid process?

Doug: There was a concern about the methodology also. The technology of the out of state firm was more suitable to the job that needed to be done, according to the technical people that served on that committee.

Rep. Monson: Of all the Homeland Security dollars that comes in from the Feds, it all comes into your department, 100 percent comes to you, and than you divvy out the 80 percent , or how does that go?

Doug: There's two funds that we get from the Department of Homeland Security. One is called Homeland Security Money, one is called Law Enforcement. Those are funds that we get directly. We get 100 percent federal funds, 80 percent of those go to local governments.

Rep. Monson: Does the Attorney General get funds directly that don't pass through you?

Doug: None that I'm aware of.

Chair Carlson: We often times hear about Homeland Security dollars, money being wasted. How much has come in, who decides the proper uses of money, and what would be the exit analysis of the money spent?

Doug: The Department of Homeland Security, one of the agencies that inherited was the Federal Emergency Management Agency. One of the Agencies under this, was the Fire Academy and

program. For years the National Fire System has been providing grants, on an application basis nationwide. Those grants do buy fire trucks, and that kind of thing.

Chair Carlson: Do you think that money is going to be required, or is there Homeland Security money that can fill that gap?

Doug: I think the future is that because there is a cabinet level agency, called the Department of Homeland Security, we're going to continue to get significant grants.

Chair Carlson: There can't be reallocation in what your doing to cover that shortfall?

Doug: We're already spending a significant amount of that state dollar on communications.

Rep. Skarphol: If you never got another dime for Homeland Security, do we have an unfunded tail out there that we're going to have to get pretty concerned about?

Doug: Most definently.

Chair Carlson: The border security is an issue, I understand that the highway patrol is taking on a greater role in border security. Is there any Homeland Security dollars being funded for the Highway Patrol, and whether on not that should be considered an ongoing request within the Homeland Security dollars?

Doug: We're involved in a project called Operation Stone Guard. The Department of Homeland Security allowed us to apply the critical infrastructure protection funds, and asked us to apply the critical infrastructure protection funds to providing overtime dollars to local and state law enforcement.

Hearing Closed.

Govt Performance
1016

General Discussion

- ☐ Committee on Committees
- ☐ Rules Committee
- ☐ Confirmation Hearings
- ☐ Delayed Bills Committee
- ☒ House Appropriations
- ☐ Senate Appropriations
- ☐ Other

Date January 31, 2005

Tape Number
2

Side A

B Side
X

Meter #
90-4055

Committee Clerk Signature

Stephanie N. Thomas

Minutes: **Chair Carlson** opened general discussion hearing on HB 1016, relating to defraying the expenses of the division of emergency management.

Ross Mushik: Discussion of handout. (SEE HANDOUT)

Rep. Skarphol: So what your telling us is that going to the T-1 lines changes the coding?

Wes Hendrickson: What we're doing now is that we got land lines that are four wire analog pairs. Two of those circuits plus an NDC circuit head goes into each site that's a four wire pair. What this T-1 will do is that it will bring the one T-1 in, and it will take the place of those three four wire pairs which will actually cost less.

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Rep. Skarhol: If your going to use the T-1's in lea of the phone lines, then it would seem the phone line cost should go down.

Ross: The billings come in two different line items, but right now the majority of the costs are in our telephone. Even the T-1 will show up in our telephone lines, because most of those costs are not internal, their coming from outside the system.

Wes: They're actually through ITD.

Chair Carlson: When you've got funding to switch from the analog to digital is about 5 million bucks special funds. Where does that money come from?

Ross: Federal Department of Homeland Security.

Chair Carlson: So we're using Homeland Security dollars for the key component of the pay for that communications switch over?

Doug Friez: I will provide an overview of Homeland Security Strategy.

Rep. Skarphol: On page 13 you have combined agencies, that's both State Radio, and the Division of Emergency Management?

Ross: Yes.

Rep. Skarphol: Salaries, your going down 121, 000 dollars, but your going to have 34 more employees?

Ross: There is one FTE that is being transferred to ITD.

Chair Carlson: How many divisions do you have when preparing a budget?

Doug: One, the Department of Emergency Management.

Ross: We look at it as two divisions, the Division of Emergency Management, and State Radio, for the purpose of being able to identify for the legislature where the difference comes about.

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Rep. Monson: On pages 14 and 15, your salaries and wages, your salaries are going down and your temps and overtime are going down, but your benefits are going up. How does that happen?

Ross: We had five new positions authorized through the Emergency Commission process, and with the disasters going away, we have this moving scenario that happens. The disasters get closer and closer to their closeout, we start getting rid of employees.

Rep. Monson: How do the benefits go up?

Ross: We have between 8 % to 10% for the temporary employees, because we still have to pay social security. All of the other FTE's have the full compliments of the state benefit package.

Rep. Skarphol: When the Emergency Commission approved the five FTE's, this is an adjusted number, this 2 million.

Rep. Skarphol: If those Homeland Security dollars go away, then do the temporary employees go away?

Doug: They have to. We don't have a choice.

Rep. Skarphol: What percentage of your salary line item is funded with federal dollars that could conceivably go away?

Ross: It's pretty significant, virtually every staff member in our agency is funded in one part or another with federal dollars.

Wayne Barron: Discussion of steps of Homeland Security. (SEE CHARTS)

Chair Carlson: Who is we when you talk about we?

Wayne: The Division of Emergency Management overseas this particular grant.

Chair Carlson: Who else gets money besides you?

Doug: The Health Department gets a big chunk, the Agriculture Department gets some, UND has a special grant, and they administer their borders program with that. Also NDSU gets some for food security.

Chair Carlson: How much money do you get all together if you asked everybody?

Doug: We can give you an estimate of what we know about comes in, but the program we administer is a special program through the Department of Homeland Security.

Rep. Monson: You meet every month whether you have money coming in or not. So your just planning because there is going to be another batch of money coming in.

Wayne: There is integration in programming, for example, we cooperate with the Department of Agriculture, as well as with the Department of Health. They've got parameters they have to meet with their grants, and we have parameters we have to meet under this grant.

Rep. Skarphol: The integration committee is a committee that decides what the allocation by jurisdictional area is? Who decides how the money gets distributed to the juristicional areas?

Wayne: The way it's allocated is it would in a geographic area.

Rep. Skarphol: You get a second grant, does it get distributed in the same ratio as the previous grant?

Wayne: It's going to change based on the assessment data, and it changes on the amount that they've fulfilled in what they've identified as needs.

Rep. Skarphol: How often does the assessment change?

Wayne: The assessment changes every 3 years.

Rep. Skarphol: The importance of the first responder may change if the federal legislation out there pending about educational requirements for EMS's goes through. What affect might that

have on the utilization of Homeland Security dollars to help pay for some of the training needed to upgrade people, or to even go to professional staff in some areas?

Wayne: I might add that this year, for example, the Department of Homeland Security has added a series of requirements for us to ensure happen at a local level.

Rep. Monson: Let's say you get a round of money. Do you target some of that money to places that might be vulnerable using your formula or identification of targets?

Wayne: We've done that in the allocation formula, for example, borders is a significant area that we look at. We've also been able to utilize Critical Infrastructure money.

Closed General Discussion Hearing.

*Govt Performance
1016*

General Discussion

- ☐ Committee on Committees
- ☐ Rules Committee
- ☐ Confirmation Hearings
- ☐ Delayed Bills Committee
- ☒ House Appropriations
- ☐ Senate Appropriations
- ☐ Other

Date February 7, 2005

Tape Number

1

2

Side A

X

B Side

X

Meter #

3100-End

1-End

Committee Clerk Signature

Stephanie N. Thomas

Minutes: **Chair Carlson** opened general discussion on HB 1016, relating to defraying the expenses of the division of emergency management.

Doug Freiz, Department of Emergency Management: Discussion of handout. (SEE HANDOUT)

Chair Carlson: I'm having trouble understanding the connection between the fact that communications was your main priority, and the tie of the dollars for communication and the ties to State Radio.

Doug: Of the allocations that we did, somewhere in the neighborhood of 56 million dollars has been allocated to North Dakota Emergency Management from the Department of Homeland Security since FY99. Of that only 20% of it can be used by state government. 80% must be

passed through to local government. The 20% of that 56 million is the money that we have to make the transition or migration from Analog to Digital radio system.

Chair Carlson: Does that benefit State Radio when you do that?

Doug: It does not benefit the dispatch center, it's going to upgrade our towers.

Chair Carlson: Your transferring equipment over on those with Homeland Security dollars using those DOT towers to migrate from Analog to Digital.

Doug: Correct.

Chair Carlson: Is there any equipment that you funded at State Radio, so that they would be able to now be Digital?

Doug: In order to get State Radio to where it needs to be, in order to utilize that new infrastructure on those towers, that's our optional budget. The 3.7 million that we have identified in the optional package for State Radio is the stuff we can't get to with the existing Homeland Security allocation that the state has available to it. The reason we're in a hurry is because we've got a fairly strong commitment that we're going to complete the infrastructure updates from 18 months to 2 years.

Chair Carlson: Where is the budget for State Radio?

Ross Mushik: The change that your seeing there is indeed the change from State Radio being part of OMB being consolidated into the Division of Emergency Management. The other 3.7 million that your seeing in the optional package, that's the additional hardware software upgrades that we need to do within the State Radio system out at Frainne Barracks to make sure it compliments what's going on out within the localities. Part of the problem is we have to run a

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duel system, until this project is actually complete, we have to run in both Analog and Digital throughout the course of this.

Chair Carlson: How much was State Radio's budget when it was brought to you?

Ross: 3 million 737,000 was the general fund amount.

Rep. Skarphol: Can you get along without it?

Wes Hendrickson: We've got a system now that was put in back in 1976. It's basically 30 years old. Although we are still operating on it at this time, we have upgraded some of our features in our dispatch center. We're not operating the same consoles that we had then, we have upgraded to a more modern computerized consoles. To get the whole system together, all of this stuff out in the field in those 36 sites, that's 30 year old equipment, and to replace we also have to bring in some additional equipment which is called the Central Electronics Bank, which controls all those remote sites when they go to Digital. We have to go out and put in the T-1 circuits which are required for the digital system which we don't have now.

Rep. Skarphol: What kind of an increased cost should we look at for operations?

Wes: The Information Services Division is the ones that are involved in making that T-1 possible. They are buying that as a complete package.

Chair Carlson: When you get more technology, why would we need two more people?

Ross: We're finding that we've got a number of people over 20 years of experience. They're earning more vacation time, and we have significant overtime issues, some significant illnesses that have really put the strain on personnel working there. We're under the opinion that we can make better use of individuals if they're working within their regular shifts, rather than having them come back and work another 12 hour shift because of illness or vacation.

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Chair Carlson: So in your basic budget request, the basic change was that you over last years budget picked up State Radio?

Ross: That's correct.

Chair Carlson: What happens if that doesn't happen for you that we get these towers ready, and then you don't upgrade?

Wes: I believe that this equipment has to be brought into the center to upgrade, as far as dispatch and the equipment room. That has to be in there first in order for the infrastructure outlying in the state to work properly.

Chair Carlson: Why were we not using some of those Homeland Security dollars to make sure that happened, because what good is a tower with everything on it if it won't work back at home?

Wayne Barron: The allocation process for using funding for the State Radio Analog to Digital conversion is a large project. We have a tremendous amount of money tied up for the Motorola contract. Plus, we've been able to utilize 2003/04 funding to actually upgrade the primary law enforcement entities in the state with up to date equipment so they can indeed utilize that system when it is up and running. One of the problematic things with State Radio is that once the towers are up, as this system starts being built, there are things identified that we didn't know anything about previously.

Rep. Skarphol: Can you give us some examples of these things you didn't know anything about?

Wes: We found out that when we started the process one of our big problems was that we didn't have enough power source coming into our building. Our UPS system is not large enough to

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handle the increased requirements of the equipment that's coming in, so we have to put in a larger UPS system.

Chair Carlson: Why would you not take more Homeland Security dollars and set it aside to upgrade the receiving system and put it all into towers?

Wes: It's all part of the connectivity. The equipment that comes into the equipment room and is the control portion, which State Radio would be the controller of that entire system, that equipment has to be in there. If you put the infrastructure out there first, it wouldn't work.

Chair Carlson: Your going to convert, so if you don't upgrade State Radio, you got a problem, right?

Wayne: We have some of those dollars we're looking at in a current allocation for 2005 Homeland Security funding.

Chair Carlson: When is it going to go live, how are you going to pay for it, and where is the money coming from?

Doug: The project itself, the entire migration from Analog to Digital is a vendors decision. I think those figures are fairly accurate, and I believe what we're telling you today is the 3.7 million, whether we spend it on towers or in the dispatch center, is what I view as the state share of that 60 to 80 million dollars.

Rep. Skarphol: You get 20% of the Homeland Security dollars, and you cannot use them for this? Is that what your telling us?

Doug: No, the state share is 20% of the allocation. What I'm saying is that all of this Homeland Security money is federal money. So we're applying federal money to this 60 to 80 million

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dollars. We've identified 3.7 million dollars that we need to do before those 24 months are over, so that we can be ready in 24 months with a system that is fully broadcasting in Digital.

Rep. Skarphol: If we don't put the equipment in, then the new system doesn't have the value that it should have, correct?

Doug: That's correct.

Rep. Skarphol: So why would you not ensure that you had that money that would make the system work, before spending some money other places?

Doug: It doesn't matter how we do this, if we took that 3.7 out of the money that we're using to upgrade some of the 36 towers, than we would upgrade 30 towers. Which towers do we pick?

We have a responsibility to all those people in all those towers. We need to put the package together all at once.

Rep. Porter: If the state is required to pick up the brunt of the backbone of this system at the tower sites, and everywhere else, the state of North Dakota isn't the sole user of this system. Is there going to be an anticipated change in the allocation, so that if we're putting up the tower sites in New Salem that part of the allocation that would go to the cities and counties comes back to the state to help pay for their backbone?

Wayne: The law dictates that we have to transfer 80% of the funding to local units of government. There's no exemption to that, however we've identified in the 2005 year process a way to utilize the Department of Homeland Security system to recoup some of the costs for the benefits that are going to be applied to those jurisdictions. During applicant briefings, we're going to explain to them that they have the option to dedicate 14.04% of the Law Enforcement Terrorism Grant this year to be applied to the Analog to Digital conversion.

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Rep. Porter: In your work of going back out and talking to the agencies, there are the Emergency Managers that have worked on distributing these funds. How far along are the local units of government in their Digital/Analog conversion?

Wayne: The message on Analog to Digital has been heard loud and clear throughout the jurisdictions in North Dakota. Over 11 million dollars has been allocated to communication equipment throughout the state of North Dakota and those jurisdictions.

Rep. Porter: Inside of the Highway Patrol you mentioned the 600,000 dollar figure to convert them over to a Digital system. Inside of that, is that conversion of that 600,000 dollars Homeland Security dollars?

Wayne: That's correct.

Rep. Porter: What about the rest of the agencies, BCI, Emergency Management, and Fire Marshals?

Wayne: It's all Homeland Security dollars.

Rep. Porter: As the 2005 allocation comes in, how many state agencies need digital radios that have not got them yet through the Homeland Security dollars?

Wayne: I can name the North Dakota Game and Fish Department, which has a secondary law enforcement function. The continuation of Parks And Recreation, we just started with that. The State Parole office is one, the Prison system, the North Dakota Forest Service, DOT. There's quite a few yet that that need this type of communication.

Rep. Porter: How many of those like Parks and Recreation and Dot, do you perceive coming out of Homeland Security dollars? How many do you see coming out of either other funds, or the general fund?

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Wayne: Our number one priority is Analog to Digital communications. I foresee, should funding continue at a level plain, that the majority of those will come out of Homeland Security funding.

Rep. Porter: I could see the law enforcement component of Game and Fish, but the biology component of Game and Fish, I'm wondering how that is justified to have a pickup that's used at the fisheries to have a Homeland Security purchased radio, or someone from the State Forestry Department?

Wayne: The primary reason those entities were picked to receive those types of radios, is when you look at Game and Fish, we're talking about the enforcement division of Game and Fish. They are considered the secondary in law enforcement entity in the state of North Dakota. Parks and Recreation are also law enforcement entities in the state. Dot is an employable resource in any type of disaster.

Rep. Porter: If we could convert just the law enforcement aspect of Game and Fish's radios, then the rest of their radios are going to need converting into that system also. The funds to buy radios for the non law enforcement component is going to have to come from someplace, are we looking at that coming from special funds, or the general fund?

Wes: When it comes to this digital system, I think there is a misconception on how this system will work. Any Analog radio, or any Digital radio will work on that system.

Rep. Porter: The information I have was through the FCC, that at some point in time these Analog systems are just going to be turned off. They want to go into the narrow band and frequencies from and Analog type system would be too close to how they had them split up for the Digital, that they would bleed over one another, and it would make systems inoperable.

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Wes: When it comes to this system, we are looking at new frequencies that would be far enough apart. Right now the frequencies we're using are so close together that if we try to talk onto it at the same time they interfere with each other, but our new frequency plan we are planning on separating those frequencies so that won't happen.

Rep. Porter: They've already stopped making parts for most of our Analog radios, and they've stopped supporting that. Are we going to end up in a situation where we're running two systems, and it's actually going to cost us more to run two systems, than it would be to tell these agencies to start looking within their budgets and converting to digital so that we can turn the switch off and have an end date?

Wes: This system is put in and is used. The fact that there will be less and less Analog radios out there, when those finally fail, it would just probably be the best sense for that agency or department to buy a radio that is digital at that time.

Rep. Porter: To maintain a dual system, there's going to be increased costs in doing that. Is there going to be a point in time where you're going to say in 2010 we're turning this switch off. We're going to run a dual system, and have these increased expenses, but in 2010 we're throwing the switch off and we're going to be digital only?

Wes: When we go to this new system, it won't be a dual system, it will just except Analog or Digital communications.

Chair Carlson: You told people a couple of years ago it would be 60 to 80 million dollars to implement the system. Is that the number you used?

Doug: To make this Analog to Digital transition at that time, I believe it was 60 to 80 million dollar pricetag.

Chair Carlson: How much is it going to be, and who is going to pay for it?

Doug: From the Division of Emergency Management, which now is consolidated with State Radio. We will continue to make that conversion, our number one priority. The total cost, I believe, will be somewhat less than that 80 million dollars.

Chair Carlson: The number one priority of Homeland Security is communications. If that's the case, I would like to see a majority of dollars dedicated to communications. Your optional request of 3.7 million dollars, why shouldn't that be paid for out of Homeland Security dollars?

Doug: The total package to get to where we need to get to in a fairly short order of time. We believe that we need to spend the 3.7, and continue to make the Homeland Security inneroperable communications our number one priority

Chair Carlson: There's a lot of money that comes in on Homeland Security to various areas, Department of Health, NDSU, Department of Agriculture, and you guys are the four that I can see. Correct?.

Doug: I have no authority to utilize any of those other departments money. The only ones that I am a state administrative agent on is the money that comes through the Department of Homeland Security for Homeland Security operations and law enforcement.

Chair Carlson: So what's the plan to get to the end zone here? I need to know more of a time frame, and the flow of the dollars.

Ross: That 3.78 million that we're talking about, that number can change. The better part about technology is that the costs tend to be going down. I would say that the numbers will be less than the 3.78 million. We probably won't be able to get into that until after July, when we really need to get into the full process of making sure that equipment gets on board.

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Chair Carlson: Why did the Governor choose not to fund this if it's what you see as a necessity to make it work?

Doug: We thought that what we ought to do is present a 100% budget, because of the consolidation of the two agencies. We presented this as an optional package, because we wanted to show you that there were some additional costs, and these are exactly what they are.

Chair Carlson: If it's a matter of priorities and being functional, did you sell that case to the Governor's office and he said no we are not going to pay for it now, or did he say go find the money somewhere else?

Doug: No, we just agreed with OMB to present it as an optional package.

Chair Carlson: What's the latitude you have with the 10 million dollars that you get to keep?

Wayne: The 20% has to conform to a number of programmatic objectives, that are dictated to us by the Department of Homeland Security. Specific mandates dictate that we have to spend funding on training, exercise, and planning. We also have to develop a state plan, and that plan has a series of objectives. Every dollar that we spend within the state of North Dakota has to have a direct relationship to that specific plan. There are a series of parameters that we have to follow that are dictated by the Department of Homeland Security.

Rep. Porter: As we look at this plan, I don't think that the backbone of the plan should be necessarily 100% born by the State of North Dakota. There are local jurisdictions receiving these dollars with the priority of communications that rely on this infrastructure 100%. When you look out there now, local governments have discarded their own local systems, because this one's free.

Chair Carlson: We have these 37 towers, does that complete the system?

Wes: The towers were DOT towers from when they built them probably 30 years ago. In 1976, we made an agreement with the DOT that they let us use their existing sites.

Chair Carlson: They're pulling down the old stuff, and putting up the new. They haven't built any towers?

Wes: No, we have not built any towers. We are just sharing the structures and the buildings with the DOT.

Chair Carlson: I'm assuming their contract with them requires us to do all the maintenance on the product that you hang on there?

Wes: They are maintaining our equipment in those sites.

Rep. Monson: Where are we at today? Have we started doing any conversion to Digital that amounts to a whole lot of a dent in this 60 to 80 million dollars?

Wes: One of the surprises that we had was that those 36 tower sites were not up to speed on some of the grounding and some of the requirements out there. Those sites will be upgraded for that necessary work. At this time there has been no equipment installed at those sites, that schedule will probably start around May 1.

Rep. Monson: So you've got two pilot towers up and running now?

Doug: They're capable of running.

Rep. Monson: How are you going to pay for that equipment that's been ordered, if we don't give you the 3.7 million?

Doug: The tower project is being provided for through the contract that we have with Motorola.

Rep. Monson: Do you have the money in this years 03/05 budget to pay for those things?

Doug: We have a continuing responsibility to pay that 700,000 dollars off per year until 2012.

Rep. Monson: So the 5 million, you've committed for this?

Doug: The Motorola contract, I believe, was 7.2 million dollars, so that's where the 5 million is.

Chair Carlson: What's the pecking order for command for the Homeland Security dollars?

What is the chain of command to authorize these things?

Wayne: The Department of Homeland Security requested the Governor to submit a agency to administrate this level of funding. So we're now called the SAA. The current federal guidance under the grant dictates that we have to have a senior advisory committee. That committee is made up of the SAA, the principal CDC representative in the state, the hospital representative, the citizen corp. individual who is a staff member of the Division of Emergency Management, and also the Department of Agriculture through the vets office, the Highway Patrol, BCI, as well as UND. That committee looks at allocations, and looks at how we can marry projects together on a state level. The guidance for where those dollars are spent is contained in the state strategy.

Chair Carlson: Do they also decide where the money is distributed?

Wayne: That specific allocation process is discussed with the primary entities involved with the grants.

Rep. Monson: So your timeline is roughly 2012 for the whole system to be up and running?

Doug: The timeline to get as operational as we can is 24 months from now.

Rep. Monson: You won't be spending 60 to 80 million dollars in 24 months?

Doug: The timeline to get the project up and running is 24 months. The timeline to get it paid for, with the Motorola contract, is 2012.

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Rep. Porter: Are you doing a lease purchase with Motorola to get the whole project done?

What's the repayment plan on that lease purchase?

Doug: Yes, we have a lease purchase agreement with Motorola to get the tower project done. At the same time, the 80% money is going to local governments, most of the money is going to buying radios. The 60 to 80 million dollars is the figure that federal engineering told us it was going to cost to get from Analog to Digital about 10 years ago utilizing a trunk system.

Rep. Porter: The 60 to 80 million was the entire statewide planning, including the local governments share for buying a radio. What is the states estimated costs to do the backbone of the system, how are we going to pay that back, and for how many years?

Doug: Right now the Motorola transition of the towers is expected to cost 7.2 million dollars. We think that we need 3.7 million dollars to make the conversion. I'm hoping that will be a fairly significant effort by the state for state dollars.

Chair Carlson: Have you ever presented this to another committee before, saying that there is going to be 8 to 10 million dollars for the state costs to get this up and running, and we've already signed the contract?

Ross: The 7 million dollars that we're paying to Motorola is coming from the Homeland Security grant.

Doug: As we view the 20 % of federal dollars as state money, I can tell you that the locals view that 80% of DHS money as local money.

Chair Carlson: Maybe some of that 80% money should have gone back into these towers and stuff right away.

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Doug: We didn't understand the mechanism to do that. I think we have developed a mechanism to do that, if we can get them to agree.

Rep. Monson: I've had people ask me about coverage for cell phones and 911. Is that going to be improved at all by any of this?

Doug: This has nothing to do with cell phones.

Rep. Glassheim: Can the local people use their money that your passing through to them as grants to get things that either you don't want them to get, or that don't contribute to this overall system?

Wayne: What we have required them to do is what ever type of activity they want to have, it has to have a relationship to the strategies. Any type of equipment that they want to get has to be grounded in an assessment document that they did. We are also going to be implementing some restrictions on use of the funding that says they must spend 10% of the funding on training, a certain amount on planning, and a certain amount on exercises. The reason we're doing that is because we have specific federal requirements to meet. If we don't meet the requirements, we don't get the money anymore. Yes, we can restrict them from certain things, but in doing so we have to do it in a very diplomatic way, one of convincing, and one to show them the error of their ways.

Rep. Glassheim: is that a North Dakota political problem? Do you have federal authority to instruct them to get things that build the whole statewide system?

Wayne: We have authority to make them comply with the goals and objectives as listed in the North Dakota State strategy.

Closed General Discussion Hearing.

*Govt Performance
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General Discussion

- ☐ Committee on Committees
- ☐ Rules Committee
- ☐ Confirmation Hearings
- ☐ Delayed Bills Committee
- ☒ House Appropriations
- ☐ Senate Appropriations
- ☐ Other

Date February 10, 2005

Tape Number

1

Side A

B Side

X

Meter #

1290-End

Committee Clerk Signature

Stephanie Thomas

Minutes: **Chair Carlson** opened general discussion on HB 1016, relating to defraying the expenses of the division of emergency management.

Ross Mushik, Department of Emergency Management: Review of handout.

(SEE HANDOUT)

Chair Carlson: Do we assess any amount of their percentage of work to this Emergency Management process?

Ross: We have a small portion, because as we're combing the agencies, we're seeing a lot more effort that we can use with the dispatchers and the other administrative personnel so that they can learn a little bit more about how Emergency Management truly functions within State Radio.

Chair Carlson: Shouldn't there be a percentage of money assigned to that from the Homeland Security dollars, or not?

Ross: The Homeland Security is more specific in that it cannot be used for communications personnel, but we are using a performance grant that we get from FIMA that's a 50/50 match.

Chair Carlson: It has not offset any of our FTE's, or our FTE costs?

Ross: No it has not.

Rep. Skarphol: So the Homeland Security dollars are strictly used for what?

Ross: There used for planning administrative training exercise, and the equipment.

Rep. Skarphol: So for ongoing administrative use, Homeland security grants cannot be used?

Ross: Not for communications personnel. We can't fund the Highway patrol, or BCI agents.

Chair Carlson: You can pay them overtime. I noticed somewhere that they were overtime picked up, for the Highway Patrol, for extra border guardage

Ross: They did, that was Operation Stone Garden, which was in effect from about the time period prior to the election to the inauguration.

Rep. Skarphol: Do you have another category that you have listed on here as Highway Patrol?

Is that the numerical value attached to that? There's a 200,000 and a 608,000 dollar figure listed as Highway Patrol.

Ross: That 608,000 is the Law Enforcement from that Law Enforcement Terrorism Prevention Grant. That was part of Operation Stone Garden.

Chair Carlson: Do they have restrictions on how they can spend the money, or not?

Ross: Yes, there was overtime, and some travel expenses were included in there.

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Rep. Monson: Parks and Recreation there, does that mean maybe the Peace Gardens, or something like that?

Ross: I'm not sure. Everything is in the Development stage as we're going through this whole process, so they identified the needs as to which of their parks need the communications more directly.

Chair Carlson: I'm still confused about the checks and balances on the money.

Ross: Mobile radios for their Park Rangers.

Rep. Skarphol: On the 3.3 million dollars that you have listed down at the bottom of the page for State Radio, you said that made the initial lease payments for Motorola. How are we going to fund the ongoing lease payments? Where's that money going to come from?

Ross: We've identified where we are within the process, and how we're going to continue to use the Homeland Security money to fund the majority of this. What they're also working on is with the local units of government, to see if they'll agree to fund a portion of that from their share.

Chair Carlson: I understand it's an 8 million dollar lease purchase agreement, is that correct?

Ross: It was somewhere about 9 was the total. That provides us with the functional base Analog to Digital. The total amount for the lease was 9 million 63,000 dollars.

Rep. Skarphol: You talked about that this was a 60 to 80 million dollar project. Where are we at in that 60 to 80 million dollar fair with what we received?

Ross: I think we'd say we'd be close to being better than half way there. That 60 to 80 million dollars was what was established a number of years ago, through the Federal Engineering study. I think our numbers, for what we're looking at initially to rebuild the infrastructure that we have right now, is approximately about 9 million dollars.

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Rep. Skarphol: We've received 35 million dollars according to your chart, in total Homeland Security dollars. Your saying we're near the halfway point on the State Radio. Can we anticipate that the balance of that pricetag, whatever it ends up to be, should be covered by the Homeland Security dollars?

Ross: That's are anticipation. Within the way that we've structured our proposal to the Department of Homeland Security, we'll stay at some level of funding that will allow us to accomplish our tasks.

Rep. Skarphol: What should we anticipate the ongoing operational costs of that new system to be?

Ross: The equipment and services cost proposal, as we're putting the system in, we're at a point where the 18 to 24 months in the project is being laid out and being put into place. Within the first year, there will be some significant effort done by Motorola to ensure the system works the way that we want it. As we were looking at that for the course of this biennium, we took the first two years and added up those numbers, and came up with about 780,000 dollars for the biennium. So about 390,000 dollars in costs that may come up with Motorola.

Rep. Skarphol: What's the additional costs associated with the new system?

Ross: If Motorola has to provide all of the additional costs, we're probably looking at somewhere just shy of 400,000 dollars per year. We do already have some funding allocated through that within our own budget.

Rep. Skarphol: Is Homeland Security dollars available to be utilized for this purpose?

Ross: Ongoing maintenance is not one of the key factors within the Homeland Security grant.

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Chair Carlson: So do you or do you not have this 400 and some thousand dollars built into the budget for maintenance?

Ross: We have a maintenance line item within the budget. Whether it's going to be sufficient is a difficult pattern, but certainly we're being very cautious and careful with our spending pattern.

Chair Carlson: Is your budget the baseline from the State Radio the same as last time to this time other than the Governor's pay package?

Ross: Both the DEM side and the State Radio side are 100% budgets.

Chair Carlson: When you assess the counties for their usage, do you take the maintenance and ongoing costs of supporting the system into account?

Wes Hendrickson, State Radio: Are system is actually statewide. The counties use us as a 911 answering point. We're just dedicating our time to those 22 counties, which is a percentage of 100% of our usage. Our highest county, McHenry county, we had 933 major incidents which would probably be a medical type incident where somebody needed to be transported to a hospital. That was our highest county.

Chair Carlson: Would you be able to build these companies enough, and does it consider the fact that there's ongoing maintenance of 400 and some thousand dollars a year to the system? Is that all built into the charges that you have to them?

Wes: I would say no.

Chair Carlson: Is that statutory?

Wes: Yes.

Chair Carlson: The 80 cents goes where again?

Wes: To the county.

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Chair Carlson: If we're not charging them what the true costs are, why aren't we?

Wes: They're only a part of what we do. The Highway Patrol probably dominates our dispatch, with all of the activity that they have.

Chair Carlson: Is that a state responsibility, a Homeland Security responsibility, or is it a county responsibility based on usage?

Wes: I know the counties have been on our system since day one. The Highway Patrol, Game and Fish, the Crime Bureau, all of these have been on our system. I don't believe we've ever looked at charging them a fee for usage.

Rep. Skarphol: I'm not fully understanding this whole 20 cent fee. Is that in the 22 counties that you are serving?

Wes: Yes, we collect 20 cents per access line in each county.

Rep. Skarphol: When you get a call, and it's out of Cass County, do you collect any kind of compensation for that?

Wes: That call is taken care of by us. It's not charged to us, we don't get anything for it.

Rep. Skarphol: As a percentage of the total calls coming into the 911 that you handle, would you say that your compensated for half of them?

Wes: I think as far as our 22 counties, those are the only counties that are supposed to come into us on 911. I would say that we're probably in that.

Chair Carlson: So if somebody gets on the phone in Cass County, and they have their own central system, why doesn't the phone ring there instead of here?

Wes: Sometimes it does. We get transfer calls from Cass County Dispatch Center.

Rep. Skarphol: If it's done on a hard line, I assume your not getting the call.

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Wes: In cases, we're not getting the call on the wireless, or the cell phone either.

Rep. Skarphol: Your busiest county had 933 incidents, and I assume you got paid 20 cents a piece for every one of those.

Wes: We get paid 20 cents per access line, no matter how many inputs we have.

Rep. Skarphol: How do we change the compensation system to address the services you're providing, to be paid by the origination of where the calls are coming from?

Wes: That's a good question. It's difficult to figure out. Most of these 1,000 or 2,000 calls that occur along that area are interstate travel calls. We have contact with those officers, and we take the information and we get that drunk driver stopped.

Rep. Skarphol: You have no idea of the utilization of the other 80 cents that's being collected. You're only aware of how the 20 cents works, but you are not aware of what the Association of Counties does with the 50 cents they're provided or anything?

Wes: I wouldn't be able to give you a specific and accurate answer.

Chair Carlson: Are you being properly compensated for the services you're providing to the counties?

Wes: For the 22 counties, I base the 20 cents on the population. For example, McHenry County we would average about 1,197 dollars a month. For the 77 incidents, that averaged out to about \$15.54 per incident that we handled.

Chair Carlson: You don't see the option to charge anybody else fees for their usage?

Wes: How would you do that?

Rep. Skarphol: If you could give us a substantiated number of the origin of the calls, I don't see that being problematic. You don't need to design the mechanism for charging this, but if you

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can say the call originated in Cass County or in Burleigh County, I don't see assessing the dollar amount to compensate you for the service as a big deal.

Wes: I believe that if I took these 2100 and some incidents, and presented them to the Cass County authorities, and said you owe us a specific amount of revenue because we handle 2100 and some incidents in your county, they would say that wasn't our county. It was on the interstate, state highway system, and that's your responsibility to begin with.

Chair Carlson: You have 5 positions that were funded last biennium for 5 Emergency Program Specialists. What do they do, and I'm assuming that's Homeland Security money, and are we going to get hooked with them in the future?

Ross: They are all 100% federally funded. They work on our grants program, the 28 million dollars that's going out to the counties. We have strict guidelines that we follow with all those equipment purchases, the counties submit budgets and requests for particular funding. We have to determine if those requests are eligible. We have three people that work specifically with the counties, and two additional are involved in planning and operations within the communications center, dealing with Homeland Security issues.

Chair Carlson: The optional funding package, this is what you'd like to have for money that is not included in the Governor's budget?

Ross: Yes, that's correct.

Chair Carlson: What happens if we don't give you the 780?

Ross: We'll have to find a place within the budget if we have to and cut something else out, because it's a new system coming into place. As we progress through this 24 months with the system, whether we have to work through that with Motorola and with DOT to find out if the

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staffing within DOT is going to be capable of doing all of these things. If we don't end up using the money, we're not going to spend it on anything else.

Chair Carlson: Could you tell me a little about their request. Were you involved in this budget at all?

Joe Morrisette, OMB: In viewing the optional request in relation to the other budgets and needs statewide, there is some uncertainty here with these costs, and there's the hope that some of them can be paid with homeland Security funding. It didn't float to the top in relation to the other optional requests that were considered in other budgets.

Chair Carlson: What would be your plan besides deficiency appropriation? You've got to maintain the system once it's running, and we find that we don't have the Homeland Security dollars. You're just assuming that we'd do it, and then come to the Emergency Commission for payment?

Joe: I guess those would be the options if there was not Homeland Security funding available, if there was not the option to reallocate from any other areas within their budget. Their two options would be to seek a deficiency appropriation, or seek funding from the contingencies appropriation in OMB.

Rep. Skarphol: Let's just say, for example, in this top part of this there's 3.7 million dollars. We don't give them any of it, and they have to do half of it, or let's say 2 million dollars worth. Then you say they come for a deficiency appropriation. Who picks up the tab for that 2 million dollars, while they're waiting for us to come around here again two years from now? Just as a general, for any agency, how do they end up spending more than has been appropriated? Where do they get the money to pay it, until we give them the authority to have it?

Joe: If you considered these optional requests, and you don't fund them, they wouldn't really have the authority to go and do them anyway, and then spend a deficiency.

Chair Carlson: Do you have the ability for a line item transfer?

Ross: No, we don't.

Chair Carlson: How many are tied to State Radio?

Ross: All of them.

Closed General Discussion Hearing.

*Govt Performance
1016*

General Discussion

- ☐ Committee on Committees
- ☐ Rules Committee
- ☐ Confirmation Hearings
- ☐ Delayed Bills Committee
- ☒ House Appropriations
- ☐ Senate Appropriations
- ☐ Other

Date February 11, 2005

Tape Number

1

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Side A

X

B Side

X

Meter #

2180-End

1-2300

Committee Clerk Signature

Stephen J. Thomas

Minutes: **Chair Carlson** opened general discussion on HB 1016, relating to defraying the expenses of the division of emergency management.

Discussion of Amendment. (SEE AMENDMENT 58039.0101)

Rep. Glassheim: Why do the counties get money, is this through 911?

Rep. Skarphol: The Association of Counties gets 50 cents out of the dollar collected, and administer some aspect of it. I think it's appropriate that we get a better accounting of how those dollars are being used.

Rep. Glassheim: So Emergency Services only gets 50 cents out of the dollar?

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Rep. Skarphol: They get 20 cents out of a dollar that's collected for the 22 counties that are utilizing their service.

Discussion of Amendment. (SEE AMENDMENT 58039.0102)

Rep. Skarphol: As far as the equity pool, that 5 million dollar equity pool that's out there, what would the effect on this agency have been with regard to that pool?

Joe Morrisette, OMB: On this sheet prepared by Central Personnel, State Radio is still merged in with OMB. The Division of Emergency Management employees, based on this draft, would be eligible for 9400 dollars in total from that 5 million dollars. There would be some adjustments for the State Radio employees that are now part of DEM.

Rep. Glassheim: Who makes the decision on the increase of the director?

Rep. Skarphol: Adjutant General. If the raises that were given to Division of Emergency Management personnel, was premised on the fact that it was because of the increased responsibility of State Radio, why was there not a commensurate reduction in OMB's office salaries for the lack of that responsibility?

Sheila, OMB: There has been a lot of cross training between the DEM employees and the State radio employees, that didn't go on before when State Radio was under OMB. Although they were in the same building, they didn't coordinate this. They've really changed the duties of the State Radio employees to do Emergency Management things that they weren't doing before.

Rep. Monson: I wonder what control we really do have over them though. If the Fed's are saying you have to give them 80%, does the state have any control over that once it's gone for the locals?

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Chair Carlson: My understanding is that yes, they do. That's why they've set up this retrospective review process, and these committees. Then I received a copy of a letter from the Attorney General. "The State of North Dakota has most recently entered into an 8 year, 8 million dollar lease with Motorola. Unfortunately, the overall funding available for Law Enforcement Terrorism Prevention Grants is now declining, and in years to come the impact to smaller states including our own maybe significant. Last year ND received 4 million 374,000 in Law Enforcement terrorism Grants. The Department of Homeland Security now estimates that 2005 will be a 979,000 dollar cut for ND, giving our state a projection of approximately 3.3 million dollars to work with. As a result, we are concerned that the adequate funding will not be available to finish this project in a timely manner. This deals with State Radio, and the transfer from Digital to Broadband, leaving the state with a communication system that's incomplete. Homeland Security officials have assured us that they will also ask Fire and Emergency Managers for a portion of their terrorism funding in the next year as well. With that, we are hoping you will seriously consider allowing the State of ND to utilize 14 .04% of the total of Law Enforcement Terrorism Prevention Grants awarded to your county. This would raise approximately 381,000 dollars would be applied to the current Motorola lease purchase agreement. We feel very strongly that with the decrease in funding from Homeland Security, your commitment is critical to the success of this very worthwhile and essential project to the State of ND. We will continue to work diligently. Thank you for your consideration." This came from the Attorney General, to each of the county sheriffs. I think we need to understand better whose making the decisions, where the flow of money is, if this is so crucial to us are we

1016

going to make sure it gets completed, the responders and agencies are involved in the process of distributing the funds, and the priorities found in the needs assessments are met.

Rep. Skarphol: What mechanism do we have to get this kind of review, because quite frankly, the agency can go out there and collect information, then bring us back whatever they want us to hear. The agency is really not the right entity to do the review. What mechanism do we have available, from your perspective, to utilize to do that, other than an audit?

Sheila: I'm wondering, because it is actually local political subdivision. The Association of Counties or the League of Cities could help out.

Rep. Skarphol: I think we need to find the mechanisms that make this happen. We need an ongoing early evaluation system on things like this, to be able to point out to us the weaknesses, and where we need to go.

Rep. Skarphol: I would move Amendment 0101, with regard to the auditing of State Radio 911 services, with my changes.

Rep. Monson: Second.

Chair Carlson: Voice vote, amendment approved.

Discussion of Amendment. (SEE AMENDMENT 58039.0102)

Chair Carlson: Do you want 900,000 in that column?

Rep. Skarphol: Yes, 900,000.

Rep. Skarphol: I would move 0102, with the 900,000 dollars inserted in the blank, and with the word "written" inserted on the third to the last line between prior and approval.

Rep. Monson: Second.

Rep. Glassheim: The four additional towers, was that potentially to get federal money?

Chair Carlson: They said no.

Chair Carlson: Voice vote on Amendment 0102, amendment approved.

Discussion of handout. (SEE WRITTEN HANDOUT)

Chair Carlson: When the money comes from Homeland Security, we've designated EMS or Emergency Services or whatever we call them now, as our agency to receive the money. Do they have to run it through the Emergency Commission first, and then it goes to them, or how does that work?

Sheila: That is correct. They have to petition the Emergency Commission to accept and expend those funds.

Chair Carlson: Could you tell me, the Emergency Commission funded five people for them during the interim, right. It was not in the original budget, but was that part of their deficiency appropriation?

Sheila: No. The Emergency Commission can only authorize five additional people at the end of the biennium. If they are to go forward in 05/07, you approve them through the regular budget.

Rep. Skarphol: I would move a do pass on HB 1016, as amended.

Rep. Glassheim: Second.

HB 1016 is a do pass, as amended.

Closed General Discussion Hearing.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016
Emergency Management

House Appropriations Full Committee

☐ Conference Committee

Hearing Date February 15, 2005

Tape Number
5

Side A

Side B
X

Meter #
#20.6 - # end

Committee Clerk Signature

Chris Alexander

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1016.

Rep. Bob Skarphol explained that this is a unique agency in that mostly it borrows what it needs to do what they need and then they repay the loan. It is also unique in that it acquired State Radio that resulted in a transfer of funds of \$3.7 million. We adjusted for the compensation package. We added section 5 to the bill that requires that the state auditor conduct a performance audit of the fees collected for the 911 services and the utilization of such fees during the biennium beginning July 1, 2005. The audit will provide a recommendation by the auditor's office as to the appropriate method of funding costs incurred by the division of management for providing these services including the answering of calls from counties not under contract for 911 services. The results of this audit will be presented to the appropriations committee. It is our intention that this be a complete audit of all 911 fees including those provided for the Association of Counties and the distribution of those funds as well as the local funds and how they are utilized. Because the department gave substantial raises to their employees after the transfer of funds from the State Radio, they were unable to provide the funds necessary to

complete full implementation of state radio under their 100% budget. So, we added section 6 which allows them to borrow \$900,000 with prior written approval from the Department of Homeland Security to use Homeland Security dollars to repay the loan and the accrued interest from future funding made available from the department. We gave them the list of the projects that they have to do to make state radio functional and allowed them to borrow this amount of money to get it all up and running.

Rep. Bob Skarphol moved to adopt amendment #0105 to HB1016.

Rep. David Monson seconded.

Rep. Francis J. Wald asked if the audit done in section 5 would bypass the fiscal review committee and present its findings to the appropriations committee at the next session.

Rep. Bob Skarphol explained that this was not the intent of the committee and that this change should be reflected in the amendment.

Rep. Al Carlson asked if this section of law already existed that defined where audits needed to go after they are completed.. (meter Tape #5, side B, #24.5)

Ms Roxanne Woeste from legislative council answered that by the nature of the duties of the legislative audit and fiscal review committee they would automatically receive a briefing of this audit but we can specifically state this in this amendment if you so wish.

Rep. Ken Svedjan, Chairman commented that for safety's sake we ought to include this in the amendment and keep it part of our motion here.

Rep. Ole Aarsvold asked if there are fees associated with this audit wouldn't this mean this is a fiscal audit instead of a performance audit.

Rep. Bob Skarphol answered that this amendment speaks of fees collected for 911 services and the utilization of fees.

Rep. Ken Svedjan, Chairman called for a voice vote on the motion to adopt amendment #0105 to HB1016. Motion carried.

Rep. Al Carlson moved to adopt amendment #0104 to HB1016.

Rep. David Monson seconded

Rep. Al Carlson explained that emergency management is the agency who receives the homeland security dollars for the state and there has been a great deal of discussion concerning these funds and if we were meeting the goals that were established for them. We have received several emails with questions about the overall distribution of the funding and the priorities that are set forth and the chain of command that has been established. These amendments deal with these concerns. There is a process for a local needs assessment concerning the distribution of funds. In 2003 we received \$18 million, in 2004 we received \$19.5 million and in 2005 we expect \$14.3 million. It is distributed 80% to the local and 20% to the emergency management department. The priority throughout the system is communication. The system switch from analog to digital is not complete and there doesn't seem to be enough money for this so there is a request out there asking the counties to kick back in some of their funds to complete this and help pay for the maintenance on it. We are trying to understand this whole process and this amendment asks them to reevaluate the process and report it back to us.

Rep. Eliot Glassheim commented that he heard that the state had very little control over what the locals were doing and the point was to get the state to set priorities for the locals to buy in to, including replacing some general fund costs. But the way this is written it says that the state should take into consideration the local needs assessments and try to provide for those needs, which seems to further compounds the problem of getting money from the locals to help pay for the state services that they are using. (meter Tape #5, side B, #27.1)

Rep. Al Carlson commented that there were issues on both sides of this equation. Very few people were deciding how the money was being distributed without taking into consideration the needs of the local community. This forces everyone to look to see if the money was spent according to the provisions of the homeland security program. This will make sure everyone is on the same page.

Rep. Bob Skarphol spoke in support of the amendment by explaining that it was hard to get a feel for how the fees are utilized and Emergency Management has tried to distribute logically but there is no reporting of it is being utilized.

Rep. Tom Brusegaard asked if the priority on communication is a directive from Homeland Security

Rep. Al Carlson clarified that the priority was established by the state. There are restrictions on the distribution and uses of the funds from Homeland Security.

Rep. Joe Kroeber commented that there are updates on homeland security funding uses that tell you where the money was spent. These reports have come to the interim committee.

Rep. Bob Skarphol commented that he was not insinuating that any money was spent inappropriately, but that there should be a system of reporting this use.

Rep. Al Carlson commented that there are tons of funds going into the system from several entities and no one can explain the entire of the system. (meter Tape #5, side B, #38.4)

Rep. Ken Svedjan, Chairman called for a voice vote on the motion to adopt amendment #0104 to HB1016. Motion carried.

Rep. Al Carlson moved to adopt amendment #0103 to HB1016.

Rep. David Monson seconded.

Rep. Al Carlson explained that this amendment requires political subdivision to spend a portion of their Homeland Security dollars on the cost of migration of the communication system from analog to digital.

Rep. Bob Skarphol asked if we can use "require" language and suggested we use "encourage" instead.

Rep. Al Carlson read a letter from the Attorney General's office stating the Attorney General's decision concerning getting local homeland security dollars.

Rep. Ken Svedjan, Chairman commented that we should leave the language in as it is and check on our authority here so we can inform the Senate.

Rep. Ken Svedjan, Chairman called for a voice vote on the motion to adopt amendment #0103 to HB1016. Motion carried.

Rep. Al Carlson moved a Do Pass As Amended motion on HB1016.

Rep. Bob Skarphol seconded.

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Pass As Amended motion on HB1016. Motion carried with a vote of 22 yeas, 0 neas and 1 absence. Rep Skarphol will carry this bill to the house floor.

Rep. Ken Svedjan, Chairman closed discussion on HB1016.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1016

Page 1, line 2, after "management" insert "; and to provide for an audit of state radio 911 services"

Page 2, after line 18, insert:

"SECTION 5. AUDIT - STATE RADIO 911 SERVICES. The state auditor shall conduct an audit of the fees collected by the division of emergency management for 911 services and the utilization of such fees by the division for providing 911 services during the biennium beginning July 1, 2005, and ending June 30, 2007. The audit shall include a recommendation by the state auditor of the appropriate method of funding costs incurred by the division for providing these services, including the costs incurred by the division for answering calls from counties not under contract with the division for 911 services. The results of the audit must be presented to the appropriations committees of the sixtieth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a new section to the bill to require the State Auditor to conduct an audit of the fees collected by the Division of Emergency Management for 911 services and the utilization of such fees by the division for providing 911 services.

Date: 2-11-05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1016

House *Government Performance*

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number *SB039.0101*

Action Taken *DO PASS AS Amended*

Motion Made By *Rep Skarphol* Seconded By *Rep Glassheim*

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlson	X		Rep. Glassheim	X	
Vice Chairman Skarphol	X				
Rep. Monson	X				

Total (Yes) *4* No *0*

Absent *0*

Floor Assignment *Rep Skarphol*

If the vote is on an amendment, briefly indicate intent:

Changes to Amendment

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1016

Page 1, line 2, after "management" insert "; and to provide authorization for a loan from the Bank of North Dakota"

Page 2, after line 18, insert:

"SECTION 5. STATE RADIO COMMUNICATIONS - LOAN AUTHORIZATION.

Subject to the approval of the emergency commission and the budget section, the division of emergency management may borrow an amount not to exceed ~~900,000.00~~ from the Bank of North Dakota for expenses associated with the migration of the state radio communications system from analog to digital during the biennium beginning July 1, 2005, and ending June 30, 2007. The loan may only be provided if the division has the prior approval to repay any loan, including accrued interest, from future funding made available from the United States department of homeland security. Any funds borrowed by the division under this section are hereby appropriated."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a new section to the bill to provide the Division of Emergency Management with the authority to borrow funds from the Bank of North Dakota for expenses associated with the migration of the State Radio system from analog to digital.

Date: 2-11-05
Roll Call Vote #: 2

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1016

House Government Performance

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 58039.0102

Action Taken DO PASS, AS Amended

Motion Made By Rep Skarphol Seconded By Rep Glassheim

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlson	X		Rep. Glassheim	X	
Vice Chairman Skarphol	X				
Rep. Monson	X				

Total (Yes) 4 No 0

Absent 0

Floor Assignment Rep Skarphol

If the vote is on an amendment, briefly indicate intent:

Changes to Amendment

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1016

Page 1, line 2, after "management" insert "; and to require political subdivision financial participation in the state radio communications system migration project"

Page 2, after line 18, insert:

"SECTION 5. State radio communications system migration project - Political subdivision financial participation. The division of emergency management shall require political subdivisions to spend a portion of federal homeland security funding allocations on costs associated with the migration of the state radio communications system from analog to digital."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a new section to the bill to provide that the Division of Emergency Management shall require political subdivisions to spend a portion of federal homeland security funding allocations on costs associated with the migration of the State Radio Communications system from analog to digital.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1016

Page 1, line 2, after "management" insert "; and to provide for a report to the legislative council"

Page 2, after line 18, insert:

"SECTION 5. HOMELAND SECURITY FUNDING ALLOCATION REVIEW PROCESS - REPORT TO THE LEGISLATIVE COUNCIL. The division of emergency management shall implement during the 2005-06 interim a review process relating to the division's allocation of federal homeland security funds to political subdivisions. The process shall assure that all agencies and responders are involved in the distribution of the federal funds and that the priorities included in the local needs assessment are met. The division shall, as requested, provide an appropriate committee of the legislative council a report detailing the uses of federal homeland security funds at the state and local level and a report regarding any discrepancies relating to the needs assessment completed by the division and purchases made with federal homeland security funds."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds a new section to the bill to require the Division of Emergency Management to implement a review process relating to the allocation of federal homeland security funds, and the division report to an appropriate committee of the Legislative Council regarding uses of federal homeland security funds at the state and local level and any discrepancies relating to the needs assessment completed by the division and purchases made with federal homeland security funds.

Date: **February 15, 2005**
Roll Call Vote #: **1**

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1016

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number **58039.0107**

Action Taken **DO PASS AS AMENDED**

Motion Made By **Rep Carlson** Seconded By **Rep Skarphol**

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer	X	
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Gulleeson	X		Rep. James Kerzman	X	
Rep. Ron Carlisle	AB		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	X				

Total Yes **22** No **0**

Absent **1**

Floor Assignment **Rep Skarphol**

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1016: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 2, after "management" insert "; to provide for a performance audit of 911 services; to provide authorization for a loan from the Bank of North Dakota; to provide for a report to the legislative council; and to require political subdivision financial participation in the state radio communications system migration project"

Page 1, line 18, replace "3,784,380" with "3,760,579"

Page 1, line 22, replace "23,481,584" with "23,457,783"

Page 1, line 23, replace "19,744,380" with "19,733,090"

Page 1, line 24, replace "3,737,204" with "3,724,693"

Page 2, line 7, replace "6,821,939" with "6,798,138"

Page 2, line 11, replace "62,067,760" with "62,043,959"

Page 2, line 12, replace "56,961,521" with "56,950,231"

Page 2, line 13, replace "5,106,239" with "5,093,728"

Page 2, after line 18, insert:

"SECTION 5. PERFORMANCE AUDIT - 911 SERVICES. The state auditor shall conduct a performance audit of the fees collected for 911 services and the utilization of such fees during the biennium beginning July 1, 2005, and ending June 30, 2007. The audit must include a recommendation by the state auditor of the appropriate method of funding costs incurred by the division of emergency management for providing these services, including the costs incurred by the division for answering calls from counties not under contract with the division for 911 services. The results of the audit must be presented to the legislative audit and fiscal review committee and the appropriations committees of the sixtieth legislative assembly.

SECTION 6. STATE RADIO COMMUNICATIONS - LOAN AUTHORIZATION. Subject to the approval of the emergency commission and the budget section, the division of emergency management may borrow an amount not to exceed \$900,000 from the Bank of North Dakota for expenses associated with the migration of the state radio communications system from analog to digital during the biennium beginning July 1, 2005, and ending June 30, 2007. The loan only may be provided if the division has the prior written approval to repay any loan, including accrued interest, from future funding made available from the United States department of homeland security. Any funds borrowed by the division under this section are hereby appropriated.

SECTION 7. HOMELAND SECURITY FUNDING ALLOCATION REVIEW PROCESS - REPORT TO THE LEGISLATIVE COUNCIL. The division of emergency management shall implement during the 2005-06 interim a review process relating to the division's allocation of federal homeland security funds to political subdivisions. The process must assure that all agencies and responders are involved in the distribution of the federal funds and that the priorities included in the local needs assessment are met. The division, as requested, shall provide an appropriate committee of the legislative council a report detailing the uses of federal homeland

security funds at the state and local level and a report regarding any discrepancies relating to the needs assessment completed by the division and purchases made with federal homeland security funds.

SECTION 8. State radio communications system migration project - Political subdivision financial participation. The division of emergency management shall require political subdivisions to spend a portion of federal homeland security funding allocations on costs associated with the migration of the state radio communications system from analog to digital."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1016 - Division of Emergency Management - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$6,821,939	(\$23,801)	\$6,798,138
Operating expenses	3,325,844		3,325,844
Capital assets	4,957,923		4,957,923
Grants	46,962,054		46,962,054
Adult services			
Total all funds	\$62,067,760	(\$23,801)	\$62,043,959
Less estimated income	<u>56,961,521</u>	<u>(11,290)</u>	<u>56,950,231</u>
General fund	\$5,106,239	(\$12,511)	\$5,093,728
FTE	54.00	0.00	54.00

Dept. 512 - Division of Emergency Management - Detail of House Changes

	REDUCES COMPENSATION PACKAGE TO 3/4	TOTAL HOUSE CHANGES
Salaries and wages	(\$23,801)	(\$23,801)
Operating expenses		
Capital assets		
Grants		
Adult services		
Total all funds	(\$23,801)	(\$23,801)
Less estimated income	<u>(11,290)</u>	<u>(11,290)</u>
General fund	(\$12,511)	(\$12,511)
FTE	0.00	0.00

This amendment also:

- Adds a new section to the bill to require the State Auditor to conduct a performance audit of the fees collected for 911 services and the utilization of such fees.
- Adds a new section to the bill to provide the Division of Emergency Management with the authority to borrow funds from the Bank of North Dakota up to \$900,000 for expenses associated with the migration of the State Radio Communications system from analog to digital.

- Adds a new section to the bill to require the Division of Emergency Management to implement a review process relating to the allocation of federal homeland security funds, and the division report to an appropriate committee of the Legislative Council regarding uses of federal homeland security funds at the state and local level and any discrepancies relating to the needs assessment completed by the division and purchases made with federal homeland security funds.
- Adds a new section to the bill to provide that the Division of Emergency Management shall require political subdivisions to spend a portion of federal homeland security funding allocations on costs associated with the migration of the State Radio Communications system from analog to digital.

2005 SENATE APPROPRIATIONS

HB 1016

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1016

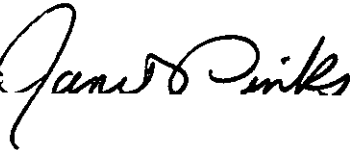
Senate Appropriations Committee

☐ Conference Committee

Hearing Date February 28, 2005

Tape Number	Side A	Side B	Meter #
1	a		0

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on HB 1016.

Douglas Friez, Director, Division of Emergency Management presented written testimony and testified in support of HB 1016. He indicated that the Division of Emergency Management is a consolidation of DEM and State Radio, including the Homeland Security partnership. He discussed the upgrade of State Radio, the agreement with Motorola, the Federal Homeland Security Partnership, the optional budget package, the presidential declared disaster funds, the FTE's and temporary staff positions as well as hazardous chemical preparedness. He further discussed the major goals achieved of receiving full accreditation for emergency management, indicating that North Dakota is only the fourth in the nation to attain this status. He talked about the reclassification of employees with DEM and the pay increases during the last biennium and the need for two state radio personnel positions..

Page 2

Senate Appropriations Committee

Bill/Resolution Number 1016

Hearing Date February 28, 2005

Several questions were raised about the pay increases and reclassification process, whether pay increases came from the general fund or federal monies, whether the federal monies are just handed to North Dakota or received on a draw basis and whether federal funds would continue to pay salaries over time, clarification of the state radio budget and if the two positions were in the Governor's budget, the Homeland Security and federal mandates, numbers of employees in the division which is 54 FTE; 29 with State radio and 25 with emergency management, 15 temporary employees working with Homeland Security, where the Adjutant General fits into the picture, and the performance audit on the hazardous chemical fee system which is set by state law

A green sheet analysis was requested, to see how the two divisions were merged

There being no further questions or testimony, **Chairman Holmberg** closed the hearing on HB 1016.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1016

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 11, 2005

Tape Number	Side A	Side B	Meter #
1		x	5,155

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the discussion of HB 1016. **The subcommittee will consist of Senators Grindberg, Andrist and Lindaas.**

Chairman Holmberg indicated the pay changes that had taken place were changes due to job classification changes.

Senator Christmann felt that there should be a performance audit the Division of Emergency Management. We can't afford to have this division being done wrong.

Chairman Holmberg, because of dollar amounts we get more issues regarding Emergency management then other divisions because of the federal money, perhaps this can be audit can be refined.

Senator Bowman expressed his concern that Homeland Security money is to go to the counties but a request was made to send 17 percent back to the state, then section 8 was added to the bill which indicated the DEM shall require political subdivisions to spend a portion of the money for

the digital program. This needs to be really clarified. The other thing is the counties have to be accountable for every dollar in there but the counties tried to find out what the 17 percent going back to DEM was and they didn't have to answer.

Senator Krauter indicated the requirements were that 80 percent of money went to political subdivision for the particular safety factor they were looking at but the division was able to add rather large administrative/maintenance fees. A performance audit would be justified. The other thing is the ATV's being allowed some places not others.

Senator Grindberg indicated we would be starting Monday with subcommittees, but I would like to take a good look at the organizational chart reflecting the agency two years ago and today to see how the organization is coming together. We also have the name of the Homeland security expert with NCSL and we will spend a fair amount of time looking at our model versus what other states are doing. Any changes or recommendations will be based more on independent big picture thoughts of what is going on in this country and look at the long-term.

Chairman Holmberg closed the discussion.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1016

Senate Appropriations Committee

☐ Conference Committee

Hearing Date March 31, 2005

Tape Number	Side A	Side B	Meter #
1	a		-2,092

Committee Clerk Signature

Minutes:

Chairman Holmberg opened the discussion on HB 1016.

Senator Grindberg distributed and discussed amendments regarding the Division of Emergency Management. He indicated he looked at the House actions and indicated the amendment, removes Section 8, removes borrowing authority, and removes the \$4.6 million dollar package for State Radio. The significant changes to the division of emergency management are do include a new division of homeland security and state radio will become two divisions, there will be 35 FTE's for Homeland Security and State Radio and 1 deputy director, and the Division of Emergency Management will have 19 employees, salaries for the Division of Emergency Management personnel be rolled back to the salary levels and job classifications prior to the changes the agency made during this interim effective July 1, all salaries for Homeland Security and State Radio will remain in tact and a performance audit will be performed and an Advisory Committee has been added. Both division will be reporting to the Adjutant General.

Senator Grindberg moved a do pass on the amendments, Senator Lindaas seconded, a voice vote was taken and the motion carried.

Discussion was made about the role of the Advisory Committee, the direction of the Homeland Security, about an organizational chart which Legislative Council will provide, and the option that this will go to Conference Committee.

Senator Grindberg moved a DO PASS AS AMENDED, Senator Andrist seconded. A roll call vote was taken resulting in 12 yes, 1 no and 2 absent. The motion carried and Senator Grindberg will carry the bill.

Chairman Holmberg closed the discussion on HB 1016.

Date 3/31/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 1016

Senate SENATE APPROPRIATIONS

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

DP as A

Motion Made By

Seconded By

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG	/		SENATOR KRAUTER	/	
VICE CHAIRMAN BOWMAN	/		SENATOR LINDAAS	/	
VICE CHAIRMAN GRINDBERG	/		SENATOR MATHERN	/	/
SENATOR ANDRIST	/		SENATOR ROBINSON	/	
SENATOR CHRISTMANN	/		SEN. TALLACKSON		
SENATOR FISCHER	/				
SENATOR KILZER	/				
SENATOR KRINGSTAD	/				
SENATOR SCHOBINGER	/				
SENATOR THANE	/				

Total (Yes)

12

No

1

Absent

2

Floor Assignment

Grindberg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1016, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 2, after "management" insert "and a division of homeland security and state radio communications" and replace "911 services; to provide" with "the division of emergency management; to provide a statement of legislative intent"

Page 1, line 3, remove "authorization for a loan from the Bank of North Dakota"

Page 1, line 4, replace "and to require political subdivision financial participation in the state radio" with "to create and enact a new section to chapter 54-23.2 of the North Dakota Century Code, relating to a division of homeland security and state radio communications advisory commission; and to amend and reenact sections 54-23.2-01, 54-23.2-04.1, 54-23.2-09, 57-40.6-11, and 57-40.6-12 of the North Dakota Century Code, relating to a division of homeland security and state radio communications."

Page 1, remove line 5

Page 1, line 21, replace "3,760,579" with "3,540,596"

Page 2, line 1, replace "23,457,783" with "23,237,800"

Page 2, line 2, replace "19,733,090" with "19,519,635"

Page 2, line 3, replace "3,724,693" with "3,718,165"

Page 2, line 10, replace "6,798,138" with "6,578,155"

Page 2, line 14, replace "62,043,959" with "61,823,976"

Page 2, line 15, replace "56,950,231" with "56,736,776"

Page 2, line 16, replace "5,093,728" with "5,087,200"

Page 2, after line 16, insert:

"SECTION 4. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS. It is the intent of the fifty-ninth legislative assembly that the total full-time equivalent authorization includes 35 full-time equivalent positions for the division of homeland security and state radio communications, consisting of 29 positions relating to state radio communications, 5 positions authorized during the 2003-05 biennium by the emergency commission for homeland security, and 1 deputy director position from the division of emergency management."

Page 2, replace lines 22 through 31 with:

"SECTION 6. PERFORMANCE AUDIT - DIVISION OF EMERGENCY MANAGEMENT. The state auditor shall conduct a performance audit of the division of emergency management, including a review of fees collected for 911 services and the utilization of the fees during the biennium beginning July 1, 2005, and ending June 30, 2007. The audit must include a recommendation by the state auditor of the appropriate method of funding costs incurred by the division of emergency management for providing 911 services, including the costs incurred by the division for answering calls from counties not under contract with the division for 911 services. The state auditor

must be granted access to all county and county consortium records pertaining to 911 information. The results of the audit must be presented to the legislative audit and fiscal review committee and filed with the appropriations committee of the sixtieth legislative assembly."

Page 3, remove lines 1 through 7

Page 3, replace lines 18 through 22 with:

"SECTION 8. AMENDMENT. Section 54-23.2-01 of the North Dakota Century Code is amended and reenacted as follows:

54-23.2-01. Definitions. Wherever the word "director" is hereinafter used, it shall mean the director of the office of management and budget. The word "system" hereinafter used shall mean As used in this chapter, unless the context otherwise requires:

1. "Director" means the adjutant general.
2. "Division" means the division of homeland security and state radio communications.
3. "System" means the state radio broadcasting system.

SECTION 9. AMENDMENT. Section 54-23.2-04.1 of the North Dakota Century Code is amended and reenacted as follows:

54-23.2-04.1. Lost or runaway children and missing persons. The state radio department division shall:

1. Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost or runaway children and missing persons. The state radio department shall implement
2. Implement a data exchange system to compile, to maintain, and to make available for dissemination to North Dakota and to out-of-state law enforcement agencies, descriptive information ~~which~~ that can assist appropriate agencies in recovering lost or runaway children and missing persons.
- ~~2.~~ 3. Establish contacts and exchange information regarding lost or runaway children and missing persons with the national crime information center.
- ~~3.~~ 4. Notify all enforcement agencies that reports of lost or runaway children and missing persons ~~shall~~ must be entered as soon as the minimum level of data specified by the state radio department division is available to the reporting agency and that no waiting period for entry of such data exists. If the enforcement agency is unable to enter the data, the state radio department shall division immediately upon notification shall enter the information into the national crime information center file.
- ~~4.~~ 5. Compile and retain information regarding lost or runaway children or missing persons in a separate file, in a manner that allows the information to be used by law enforcement and other agencies ~~deemed~~ considered appropriate by the state radio department division, for investigative purposes. The enforcement agency is responsible for maintaining the disposition of the case and ~~shall~~ periodically shall review the case with the

reporting party and the state radio department division to ensure all available information is included and to determine the current status of the case.

- ~~5.~~ 6. Provide prompt confirmation of the receipt and entry of the lost or runaway children and missing persons report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection ~~6~~ 7.
- ~~6.~~ 7. Allow any parent, guardian, or identified family member to submit a missing persons report to the state radio department division which will be included in the state radio department division file system and transmitted to the national crime information center, if they are unable to receive services from the local law enforcement agency.
- ~~7.~~ 8. Compile and maintain a historical data repository relating to missing persons for all of the following purposes:
 - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons.
 - b. To provide a factual and statistical base for research ~~that~~ which would address the problem of lost or runaway children and missing persons.

SECTION 10. AMENDMENT. Section 54-23.2-09 of the North Dakota Century Code is amended and reenacted as follows:

54-23.2-09. Mobile data terminal and 911 service fees. State radio communications

1. The division shall establish and charge fees to provide mobile data terminal service to interested local law enforcement agencies. The fees must be based on actual costs incurred by state radio communications the division for providing the service.

State radio communications

2. The division may provide 911 services to a political subdivision with a population of fewer than twenty thousand and shall charge at least twenty cents per telephone access line and wireless access line for 911 services provided to political subdivisions. The fee for 911 wireless services must be charged to and paid by the political subdivision receiving services from state radio communications the division under this section from and after the date of the agreement entered into by the political subdivision or its designee under section 57-40.6-05, whether the date of that agreement is before or after April 4, 2003. Each county currently receiving 911 services from state radio communications the division shall abide by the standards established by law.

SECTION 11. A new section to chapter 54-23.2 of the North Dakota Century Code is created and enacted as follows:

Advisory commission. The division of homeland security and state radio communications advisory commission consists of five members appointed by the governor. Each member must be appointed for a term of four years. Each member of the advisory commission is entitled to be paid a per diem of sixty-two dollars and fifty cents per day and is entitled to be reimbursed for the member's actual and necessary

expenses at the rates and in the manner provided by law for other state officers. The compensation and expenses must be paid out of division appropriations. The advisory commission shall advise the division regarding collaboration with political subdivisions and potential efficiencies with state radio communications.

SECTION 12. AMENDMENT. Section 57-40.6-11 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-11. Annual report to legislative council. State radio The division of homeland security and state radio communications, in cooperation with entities affected by this section and section 57-40.6-10, shall facilitate the review of emergency 911 telephone system standards and guidelines and shall report annually to the legislative council on the operation of and any recommended changes in the standards and guidelines.

SECTION 13. AMENDMENT. Section 57-40.6-12 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-12. Reports of coordination of public safety answering points coverage. The governing body of a city or county, which adopted a fee on telephone exchange access service and wireless service under this chapter, shall make an annual report of the income, expenditures, and status of its emergency services communication system. The annual report must be submitted to the ~~state radio~~ division of homeland security and state radio communications and to the public safety answering points coordinating committee. The committee is composed of three members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, and one appointed by the ~~office~~ of management and budget adjutant general to represent the ~~state radio~~ division of homeland security and state radio communications. The public safety answering points coordinating committee shall file its report with the legislative council by November first of each even-numbered year."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1016 - Division of Emergency Management - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$6,821,939	\$6,798,138	(\$219,983)	\$6,578,155
Operating expenses	3,325,844	3,325,844		3,325,844
Capital assets	4,957,923	4,957,923		4,957,923
Grants	46,962,054	46,962,054		46,962,054
Total all funds	\$62,067,760	\$62,043,959	(\$219,983)	\$61,823,976
Less estimated income	<u>56,961,521</u>	<u>56,950,231</u>	<u>(213,455)</u>	<u>56,736,776</u>
General fund	\$5,106,239	\$5,093,728	(\$6,528)	\$5,087,200
FTE	54.00	54.00	0.00	54.00

Dept. 512 - Division of Emergency Management - Detail of Senate Changes

REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR SALARIES AND WAGES ²	TOTAL SENATE CHANGES
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REPORT OF STANDING COMMITTEE (410)
April 1, 2005 9:46 a.m.

Module No: SR-60-6978
Carrier: Grindberg
Insert LC: 58039.0202 Title: .0300

Salaries and wages	(\$6,490)	(\$213,493)	(\$219,983)
Operating expenses			
Capital assets			
Grants			
Total all funds	(\$6,490)	(\$213,493)	(\$219,983)
Less estimated income	<u>(2,939)</u>	<u>(210,516)</u>	<u>(213,455)</u>
General fund	(\$3,551)	(\$2,977)	(\$6,528)
FTE	0.00	0.00	0.00

¹ This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month.

² This amendment reduces funding for salaries and wages by \$213,493, of which \$2,977 is from the general fund to remove funding related to continuing salary increases provided to Division of Emergency Management employees not directly affiliated with homeland security and state radio responsibilities during the 2003-05 biennium.

2005 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1016

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Government Performance Division

☒ Conference Committee

Hearing Date April 7, 2005

Tape Number	Side A	Side B	Meter #
1	X		1-2150

Committee Clerk Signature



Minutes: **Chair Carlson** opened conference committee hearing on HB 1016.

Sen. Grindberg: When I carried this bill to the floor, I preference my remarks with the committee recommendation on the changes as this bill is a work in progress. Speaking as chairman of the subcommittee, we tried to take a big picture perspective of the role of the Division of Emergency Management, the inclusion of the Homeland Security initiatives, as well as the transfer of State Radio. So, we tried to be a bigger picture perspective of what would be the right direction from a policy and appropriations perspective, and that's kind of how we set about our work. We met 3 or 4 times, we toured the State Radio, Frainne Barracks, and got to meet a number of the employees. What we passed in the Senate is we removed the 2 sections that the House had put in. One of those being section 8, which throughout time this bill was in the Senate, there was a lot of feedback from all corners of the state over heartache over this issue of local match, and some of that is responsibility of the legislative process and the timing, and how we work here versus the communication of the agency and employees. The other item we

removed was the section on the borrowing authority that the House had provided. When we asked questions of the agency, as well as legislative council, we were really kind of unclear as to the repayment mechanism, and how that would apply towards the optional package request that 4.6 million that was provided to us as a way to take a bite out of that optional package through repayment. The direction we took, as far as agency, is we felt that the uncertainty of what Homeland Security funding is going to look like in the future, particularly coming from Congress, and the role and importance of that combined with the transfer proposal of Executive Branch, and moving State Radio, that it would be in the best interest to have a new division created. When we ask for an organizational chart of the proposed structure, it was in my opinion very confusing, and not easy to follow, the direction seemed complicated. We felt 2 divisions, let the Division of Emergency Management continue to do what it does, create a new division, move those 5 Homeland Security employees to that division, and call it the Division of Homeland Security. The importance of communication with this whole federal movement with Homeland Security, it was a good fit to have State Radio Communications there as well. Create a new division so that years down the road say the Homeland Security funding goes away, then we don't need a Homeland Security Department anymore, but the importance of investing in State Radio would stay in tact, and that would be the Division of State Radio. We also established an advisory committee for that division. We left that loose at this point, knowing that again as this idea moves forward, the wishes of this conference committee is if that stays in tact, some work has to be done to strengthen that advisory committee role. The other item we felt was necessary and explained on the floor of the Senate was with the responsibility of the new employee classifications and the payraises, they would stay intact for those 5 positions of Homeland

Security that were defined by the budget section, and as well as State Radio. If you look at the total executive recommendation of 54 employees, they break down as follows. We eliminated the Deputy Director position from the Division of Emergency Management, and added it to the new division, therefore, 19 positions under the proposal exist within the Division of Emergency Management. The 29 State Radio positions would transfer under the new division, as well as the 5 Homeland Security, so that would be 35 under the new division, and 19 under the Division of Emergency Management for a total of 54. When council drafted the amendments to make all this fit, if you look at section 9, you'll see lost or runaway children and missing persons. According to council, these are changes to make the current statute in relationship to State Radio all fit together.

Chair Carlson: The lost and runaway missing persons is under the State Radio section of code?

Roxanne, Legislative Council: Correct. If your looking on the amendments, section 8 and 9, 54-23.2 is a State Radio chapter, so all those corrections in there refer to the new divisions.

Sen. Andrist: I just wanted to amplify the way I felt about the reorganization. It wasn't those pay increases that rather caught everybody by surprise, as it was the concern for we don't think Homeland Security money is very solid. Under the original plan, we would be embedding Homeland Security money in all of these positions. So, if the Homeland Security money went away, what do we do with that. Under the reorganization plan, we embed that Homeland Security money specifically to certain persons, and than if the money goes away, we can just close those positions.

Chair Carlson: Did you address those salaries any place in particular in the bill? So, you allowed those that you reclassified as Homeland Security to maintain the raises, and you reduced the other ones?

Sen. Grindberg: That is the intent behind it. The raises on the Division of Emergency Management side would revert back to business as prior to the action.

Chair Carlson: So, the raises that are by those people that are in Emergency Services that you left over there would be removed, or reduced?

Roxanne: There's no direct language in the bill, but that footnote explains what we did. We reduced salaries and wages, and then in affect, the increases are involved with the original Emergency Management employees. Those increases, except for the Deputy Director, which under these amendments would be the new division director, or member of that new division. In essence, the people that were original Emergency Management employees, the salaries and wages associated with those employees for the next biennium has been reduced to reflect their old salaries.

Sen. Grindberg: Our visit with central personal and OMB, we spent one meeting just talking about the process used. One of the things we learned in there is we can't tell an agency whether or not they can give raises or not. We can cut the funding, but if they can find it, they'll stay in tact.

Chair Carlson: So, how does it get followed? How does this footnote get followed?

Roxanne: I believe the Senator just described the legislature cannot set the wages for individuals. Agencies do have the ability to give raises, so this was the Senate's way of issuing some intent on what they intend that agency to do.

Chair Carlson: Can the same effect not be done by removing that amount of money from the salary line, and if they don't have it, they can't?

Roxanne: We removed the funding. The footnote just describes the removal of funding.

Chair Carlson: My concern is that everybody's major priority was communications. We were concerned that the communications were not getting completed, and there was money being spent on all sorts of things except completing the #1 priority which was communications throughout the state. Our amendment in section 8 required the political subdivisions to return a portion of those dollars to get the mitigation finished from Analog to Digital. It was a statement saying we want a plan to get this thing done, and if this money continues to flow, we want this system completed.

Rep. Skarphol: I'm just curious, \$213,000 reduction in salary. Is that Homeland Security dollars that we are talking about here?

Roxanne: Of the \$213,493 that was reduced from the salaries and wages, 2777 was from the general fund, the remaining was from the special funds, and the large portion of that I believe is Homeland Security dollars, but there is a little bit of other federal dollars and some other miscellaneous dollars in there also.

Rep. Skarphol: The \$900,000 borrowing authority that we granted. I don't see any reflection of it in the amendment.

Rep. Skarphol: The Senate removed that section.

Sen. Grindberg: We had information of 4.6 million optional package, and we did not address that. We spent a fair amount of time with the agency, time with OMB, the executive office, just not totally clear of the plan, and that never made the executive budget, and that was what we had

heartburn with. If this was such a priority, why wasn't it in the executive budget recommendation?

Rep. Skarphol: Are explanation of that was that because they could only come in with 100% budget, there priority was the salary change, thus they left out the optional package portion of it that would actually make the State Radio system functional. It was our thought that we needed to get the thing functional if we had most of the pieces, and they needed the remaining dollars to make it functional. We needed to do that, and thus the language to let them borrow the money, as long as they had written assurance that Homeland Security dollars would be available to pay those costs.

Sen. Andrist: The agency told us that there's no way that they can ever get that kind of written assurance. They said funding just is not released that way in advanced. When it's released it's released, and there is no promise ahead of time. We were somewhat persuaded that the agency has capital needs for rebuilding that State Radio system. We thought there should be a way to use more of these Homeland Security dollars in that process, and I don't know if these amendments are going to make that possible, but use some of that \$213,000 in that process, rather than in salary packages.

Sen. Lindaas: I'd like to address section 11, we talked about communication. There's radio communication, and then there's communication within the department, and this would put 5 people on this commission. It's a little vague right now, and I think the language has to be more specific, but perhaps geographically these people from the rural level of the State Radio would kind of act as an advisory group. They would be the hands on people out there to help look at policy and so on that's going on within the department.

Rep. Glassheim: Are we losing any advantages by not having Homeland Security, State Radio, and Emergency Management under one authority?

Sen. Grindberg: What I explained on the floor to answer your question is, Game & Fish operates with various divisions, Commerce operates with various divisions, many of our agencies have various divisions. I think from an organizational perspective, leadership and strong management will lead to good communication, which is the name of the game. If you're all housed in the same area, it's how it's structured, and how it be described is very important. So, if you take a look at Commerce there's 4 divisions. We all know what they do, they exist together, they're a team. The same approach could work here, because they all are going to be working in the same building, and the roles and responsibilities are defined.

Sen. Andrist: If I could amplify that, that's a good explanation. I feel good about the fact that everything is under the umbrella of the Adjutant General, so if there is a state security issue, or a disaster issue, he has within his portfolio the National Guard, the Division of Emergency Management, and he still has the State Radio Division. I think it gives them the opportunity to be very creative.

Closed Conference Committee Hearing.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Government Performance Division

☒ Conference Committee

Hearing Date April 11, 2005

Tape Number
1

Side A
X

Side B

Meter #
1-2220

Committee Clerk Signature

Stephanie N. Thomas

Minutes: **Chair Carlson** opened conference committee hearing on HB 1016.

Major General Mike Haugen, Adjutant General: I've done some research, and looked at the other state's and where we fit in our organization compared to several other states. In about 10 states, the Emergency Management does Homeland Security. In about 24 states, the Adjutant General owns the Division of Emergency Management. In several states they have created a new Homeland Security Department. In some other ones, the Adjutant General, although he owns Emergency Management, they have named a specific Homeland Security Coordinator, so by the time you get done looking at the organizational structures around the nation and how they spend grant money, there's no template. Everybody does it a little differently. So, if you look at our structure, we match about 10 of the other states in having it under Emergency Management. When we did look at the creation of Homeland Security Department or Homeland Security Coordinator, the Governor selected the Homeland Security Coordinator. He did so by consulting

with myself and Doug Friez, and decided that he wanted a non uniform individual in the Homeland Security area.

Chair Carlson: Are you not the head of it all?

Major General Haugen: I do supervise and am directly over the Division of Emergency Management, as a Homeland Security Coordinator specifically named, it's Doug Freiz from DEM. Now, having said that and looked at organization, I will tell you that DEM's job and workload in the Homeland Security arena, almost everybody in the Division of Emergency Management has something to do with Homeland Security. When we also acquired State Radio, State Radio as a public safety agency obviously does public safety, but in the grant money that can be spent on Public Safety Officials and salaries, that cannot be spent on public safety salaries.

Rep. Skarphol: How did we do it in this biennium?

Major General Haugen: FEMA dollars, FEMA grant money. FEMA also falls under the Division of Homeland Security now. So, we used FEMA grant money for payraises in State Radio. Homeland Security money, because Homeland Security is part of the Division of Emergency Management's daily function. When the personal in Emergency Management got the Homeland Security duties, their workload increased significantly, and that is why we went to Central Personal and had all jobs reviewed.

Sen. Grindberg: Central Personal would take difference to that, because we spent an hour with them, but it was less than par on usual normal reclassification involvement with Central Personal.

Sen. Andrist: My concern was I wanted to understand, you say that Homeland Security money can't be spent on public safety, and State Radio is a public safety function, so no Homeland Security dollars can flow to State Radio?

Major General Haugen: The Homeland Security grant money cannot be used for salaries for public safety. It can be used for equipment, training, and planning.

Sen. Andrist: The thing on the Senate side that we were interested in was embedding Homeland Security salary dollars into specific positions, and not scattered across the board, because we have this fear that Homeland security will be an evolving thing that may disappear completely. Whereas, the way it was constructed when it came to us there was dollars for this person, dollars for this person. If Homeland Security money disappears how do we fund those things? We'd have to make some personal slashes pretty substantial.

Major General Haugen: I can tell you that DEM goes up and down with the numbers of personal working for it considerably, as events require. If you look back at 1997, there were probably 150 people working in Emergency Management, through 1998. Now, there's about 20, so we go through a rift process again just like any agency that suffers a change in responsibilities. So, I would assume if Homeland Security dries up, then the Homeland Security duties are going to dry up as well. That's the reason we increased the 5 FTE's, because job responsibilities and requirements increased.

Sen. Grindberg: I'm just thinking how this organizational change that we made in the Senate is now before us in conference committee. Everything that's been described would work under the Senate version, because you have the flexibility. State Radio is what it is, the 5 Homeland Security positions are now under this new division, Emergency Management continues to do it's

traditional role with FEMA and Emergency Management and disasters, job descriptions can be reclassified to share in duties, they're both under your Emergency Management Division, so it would be allowed to coexist without being overly problematic, would it not?

Major General Haugen: Yes, it would. I'm just concerned that there are some synergy's that we would lose when you separate the two out. For instance, right now almost all of the Division of Emergency Management personal do some Homeland Security duties. So, if you pair State Radio and Homeland Security, all the people in Emergency Management are doing Homeland Security duties, almost all of them.

Sen. Grindberg: Would it behoove us to have further reclassification, and shift 3 to 5 employees over to the Homeland Security and make it pure, so people are responsible for co-areas. I think you can understand the frustration that we had, because there was no way to track and understand, to make that a little more clear. In the case with Emergency Management and disasters and hiring people, those are all contract employees, those aren't state new positions approved at the state with permanent positions.

Major General Haugen: They're not permanent positions, but they do go up and down. Some are temporary, some are contract, but if we were to have a reduction, then we would simply follow state rift policy. The reason we needed the FTE's, and the reason we changed the position descriptions and reviewed them, was because of increased duty requirements.

Rep. Skarphol: I can understand where you are coming from, as far as why you think that you need to give increase and salaries to people, because of increased workload. I'm having a little difficulty in understanding where this agency came from, because I didn't see any commonsert reductions anywhere else in state government for the reduced workload.

Major General Haugen: I don't believe there was any reductions in any workload. I think since 911 workloads have increased dramatically.

Chair Carlson: He was relating to the fact that it used to be under the guidance of the Office of Management and Budget, and as it moved over it seemed to become more of a workload. I understand his point, because sometimes when things move all of a sudden they become more important and there's more work involved with them. So, as you look at the bill before us, they made some adjustments, they addressed the salary increase issue, and they divided out and made a separate division with the deputy as a head. So, there's Emergency Management, State Radio, and Homeland Security, so there will basically be 3 under the guidance of your office. Your thinking it should be back to just 2?

Major General Haugen: My first choice is to wait for the performance audit that's being done right now to finish to see what we ought to really look like.

Chair Carlson: What is that performance audit on, because this bill calls for one of Emergency Management.

Major General Haugen: There's one going on right now for Emergency Management. The audit started on 3-17-05.

Chair Carlson: So, your saying your preference would be to leave the divisions alone until after the audit comes back. The trouble is that we are on a 2 year reaction time here.

Major General Haugen: I just don't see how we can take Homeland Security and put it either under State Radio or DEM, because just about everybody has a piece of the Homeland Security functions. State Radio has a public safety, we cannot spend Homeland Security dollars on them except to buy equipment.

Sen. Grindberg: Nobody said you had to. You're one agency with two divisions. Nothing would prohibit them from using Homeland Security money for Division of Emergency Management or the New division of Homeland Security, is there?

Roxanne, Legislative Council: As the bill sits with the Senate amendments, there is just one budget for both divisions. There's no restrictions on how the funds would be used for each division, but just one budget for each.

Sen. Andrist: This is what we like about our change is we think you have the ultimate flexibility. If you've got to many people in Division of Emergency Management, and you have need to have release of federal dollars, and you need somemore work done in Homeland Security, you could crosstrain and move a person over, and vise versa. What we wanted to accomplish was to separate the Division of Emergency Management from Homeland Security not for administrative purposes. That's why we left you as administration of both, so we had the salaries clearly defined and we could attribute Homeland Security dollars to homeland Security, and we didn't get this mushy, duel agency. We just made a division within the agency, rather than a combined agency.

Major General Haugen: That is a different perspective that I had on it, because it looked to me, in the amendment, as though we would have two separate budgets, separate directors of Emergency Management and Homeland Security.

Sen. Andrist: they may have evolved separate budgets, but they would be under the same umbrella.

Sen. Grindberg: The Department of Commerce, for example, which is a state agency with four divisions, we appropriate a salary and wages line for those four divisions. The department has

the discretion with this state general fund money, as well as federal money to meet their salary obligations. With that type of flexibility with four divisions, would this not work with this approach?

Roxanne: That would be my understanding. This is a similar situation with the Department of Commerce.

Rep. Skarphol: Does this not give the flexibility to the Adjacent General to make the decisions about that flexibility with the recommendation of the division director?

Roxanne: That is correct, as my understanding.

Sen. Grindberg: That was our overall intent, that with 911 everyone understands the importance of State Radio. I would assume that part of the executive recommendation to move State Radio from OMB to DEM, now to this Division of Homeland Security, that it aligns it with the future needs of the country and state regarding that issue. If Homeland Security money gets next at the federal level, then we shouldn't be responsible to sustain those 5 FTE's as a state, but State Radio could move forward and continue to provide the main backbone of the impetus of Homeland Security.

Rep. Skarphol: As I'm understanding this, there's been a separation, and your saying there's a lot of responsibilities with regard to Homeland Security and the Division of Emergency Management. Had they never had that responsibility, those folks wouldn't have any responsibility in that regard. Since the Senate took action to separate the two, I'm assuming that those duties that exist in the Division of Emergency Management will move to the Division of Homeland Security. If you don't think the manpower numbers that have been addressed are sufficient to make that happen, then we may need to further amend this. I think that is the

expectation of the Senate as I understand it, that the Homeland Security responsibilities shall shift from DEM to the new division.

Major General Haugen: The salaries are based on a percentage of duties, and so each month a chunk of the salary to an individual in Emergency Management, some comes from state funds, some comes from federal FEMA type dollars, and some comes from Homeland Security. So, each month there is a percentage given based upon work duties. That is a way of maximizing the same people doing different jobs. If we require to take everything and just go to one person, I think we may lose some efficiencies by taking this person out of DEM, and putting them into State Radio or Homeland Security.

Rep. Skarphol: Your office will have that responsibility to decide the division of authority or division of expenditures, not DEM.

Major General Haugen: I agree with you if it were a clean break, but it just seems to me that we are going to lose some efficiencies of people who are trained in some areas to do Homeland Security, and then they fall under Homeland Security. I then would like to use them in DEM for the morning, and Homeland Security duties in the afternoon. If I still have the authority to do that, and say well part of your salary is from Homeland Security, then I think we've sort of stated what we want to do, but I'm back doing sort of the same organization that we're at now, because I have people doing homeland Security and DEM duties.

Chair Carlson: It is my understanding that this idea of having separate duties is not a new idea. It's also not unusual to share employees on a percentage basis between time used.

Sen. Lindaas: With the performance audit that just started recently, in your estimation can you give us any idea as to when that audit will be complete or summarized?

Page 9

House Government Performance Division

Bill/Resolution Number HB1016

Hearing Date April 11, 2005

Major General Haugen: I heard 4 months from now, it looks like that will be done.

Adjourned Conference Committee Hearing..

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Appropriations Committee
Government Performance

☒ Check here for Conference Committee

Hearing Date April 12, 2005

Tape Number
1

Side A
X

Side B

Meter #
15.6-35.2

Committee Clerk Signature

Robin Purvisley for Steph B Thomas

Minutes: Chairman Carlson opened hearing on HB1016. Roll call was taken with all members present.

Gen. Mike Haugen, Adjutant General Handed out proposed organization chart (See handout).

Chairman Carlson What would the deputy director's job description be? Would he be over all three?

Gen. Haugen Yes, all three.

Chairman Carlson Would there be only one deputy? Would there be a director of each division?

Gen. Haugen Yes, one deputy. There could be a classified employee as a director. What we have done in the salary structure is looked at the way we acquired the money, through general funds, EMPG grants, and the Homeland Security money, as well. Three basic areas. We have, in trying to meld the agency now, have used money from each area to pay those salaries of those

individuals because individuals do more than one thing. If we are to follow the new proposed guidelines I brought forward, we would look at taking some of that salary restructuring and aligning more of the Homeland Security in the pure Homeland Security area. What would we call this agency? National level has changed to Dept. Of Homeland Security and FEMA and 22 agencies now make up Dept. Of Homeland Security. Should we mirror the Federal system because that is who we deal with and should we be called Homeland Security Dept. And have Emergency Management under it, Homeland Security and State Radio? I guess I'm ambivalent on this. This venue would be a good time to change the name, if we are going to.

Sen. Andrist What is the difference between this structure and the structure the Senate side brought to the table? How would this service you better than the Senate's proposal?

Gen. Haugen Senate proposal had Homeland Security with State Radio. Really Homeland Security and Emergency Management operate more closely together. They are tied more closely in funding and finance and the administrative tasks. Whereas State Radio is more of a dispatcher function and hardware oriented organization. We thought if we broke out Homeland Security as a completely separate division we could pinpoint the five positions that have been added so they would be stand alone easier than the State Radio complex.

Sen. Grindberg Your last statement, easier to identify - if you have 29 State Radio and five Homeland Security how to the get co-mingled.

Gen. Haugen The State Radio as the stand alone operators, dispatchers and the five Homeland Security that have been added are in addition to and with the DEM folks doing Homeland Security. We can put them anywhere and list them on paper but their functionality is more

aligned with Emergency Management folks than State Radio personnel, except for Russ Timerick.

Sen. Grindberg Somewhat subjective in how it would work. We read through a number of the documents and put your common sense hat on about Homeland Security in North Dakota and you identify the national HLS efforts and by and large ties into communications. Major of HLS was coordinated communications plan so obviously needs to be part of State Radio.

Gen. Haugen The relationships that we currently have, when we acquired State Radio, was in the operator arena, very little other than dispatching and hardware. The DEM and HLS has migrated much more towards planning, training, looking to the future, working with border issues, working with National Guard on things that are much more aligned in law enforcement arena than just natural disaster. We do a lot of planning for terrorist activities and work on terrorism.

Sen. Andrist I still think this is workable either way. Looking at organization chart, what branch are those 7 FTEs?

Gen. Haugen Those individuals are currently on board either doing secretarial administrative duties or budgetary for all of the agency. One of those FTEs was doing administrative work for just State Radio, now it is combined. That is where we have people doing more broader things than just functioning in one area.

Chairman Carlson Sen. Grindberg, what did he do that you didn't do?

Sen. Grindberg We had two deputies, one for HLS and DEM. State Radio would be under HLS.

Gen. Haugen The proposal has no changes in the total number of FTEs.

Chairman Carlson But they have five in the bill for Emergency Commission of HLS and you have nine. So that is a difference?

Sen. Grindberg Totally of 54, House version and Senate version...

Chairman Carlson But they are distributed differently on this chart. Doesn't he have nine and the bill says five authorized positions for Emergency Commission of HLS and one deputy director position for DEM. The total might be the same but where you put them might be different.

Gen. Haugen I did not go beyond the deputy director language down to selecting a grade...

Chairman Carlson We don't need that.

Rep. Skarphol The State Radio portion of this, they had 29 and still have 29. Trying to figure out, prior to having HLS, how many employees did DEM have and how many have been added because of HLS?

Gen. Haugen There were 20 personnel and they are the same now, about the same.

Rep. Skarphol 25, as I add these up.

Gen. Haugen OK, 25.

Sen. Grindberg As is passed the House, 20 in DEM, 29 in State Radio and 5 HLS. That is the way it came to us. Our bill read 19 DEM and 35...

Rep. Skarphol I wonder if DEM was overstaffed at the time you got HLS because you didn't have to add any people? If you did not have to add any people to take on the role, I'm wondering about the whole picture here.

Gen. Haugen I don't believe so, of course that varies with emergencies in the state, either cleaning up emergencies or occurring emergencies. As the natural disasters go up and down, so

does the workload. When we have HLS duties after Sept. 11 with anthrax, the border issues, with the increase in grants distribution and training, I think they went from probably where they should have been staffed to understaffed. That's why we asked for the five more in HLS.

Rep. Skarphol If we were to create the flow chart here and the number of emergencies continue to go down and the workload, based on the emergencies we've had in the past, go down, do you anticipate a reduction in that number 8 FTEs on the DEM? Natural assumption that if the workload reduced that number would be reduced?

Gen. Haugen Don't think that number would go much lower.

Sen. Lindaas Question raised the other day about the Advisory Committee and I've put together a shell or list of people involved in that, if you are interested.

Chairman Carlson We need to hear about that but we are going to run out of time today. We important to me. Confused on flow chart. Sen. Andrist, can you clear the water?

Sen. Andrist We should provide some flexibility, if we do three divisions or two divisions. Still think that I would like to have the same deputy doing HLS and State Radio because they seem to be, in a time of real disaster, linked. At least like to have authority to join them if the Adjutant General became convinced that would be good. It would be useful if we could get an hour block.

Chairman Carlson I will request an hour block because I have some questions on the 911 services, completing of the backbone conversion of analogy and digital, whose participating and whose using. Need these questions answered. Hearing adjourned on HB1016.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Government Performance Division

☒ Conference Committee

Hearing Date April 13, 2005

Tape Number	Side A	Side B	Meter #
1	X		990-End
		X	1-967

Committee Clerk Signature



Minutes: **Chair Carlson** opened conference committee hearing on HB 1016.

Major General Mike Haugen, Adjutant General: Overview of handout. (SEE HANDOUT, SECURITY DEPARTMENT CHART)

Chair Carlson: Where would city law enforcement fit in this?

Major General Haugen: They'd be represented by the Chiefs of Police, they could also be with Emergency Managers, and Fire Department.

Sen. Andrist: I'm concerned our advisory committee's getting to large, our table to big. I would think we could do some combining here. If we've got the Fraternal Order of Police, and the League of Cities, they both work around cities, so I would do one or the other. The Sheriff's Association, Association of Counties, I'd do the same, one or the other. I think we can pair this to a working group of not more than 7.

Chair Carlson: I cannot necessarily disagree with that, but I will make an analogy to the board of directors and some changes we made at Workers Comp. Originally, we allowed businesses to

have so many employees, and so much payroll to have a representative. What we failed to say is that we really wanted the owner there, the guy who understood the business, instead of this Human Resources person. So, my concern about this makeup is that the actual players have involvement in the process.

Sen. Grindberg: When we met yesterday, it was my suggestion that it would be wise for the Governor's office and the Adjutant General to come in with a recommendation on the make of the advisory committees to fine tune this, so it has a statewide perspective with the responsibility, and in dialog with this committee to come up with the right solution.

Major General Haugen: I certainly agree with the Senator. I also know that if you get to many it doesn't matter, because half of them aren't going to be able to make the meetings anyways.

The original amendment, I believe had 5, and I don't know if that's maybe to small for the kind of representation that you had just previously discussed. These names were brought up as those areas that have an interest in the communications system, and if we could combine I think that's great.

Sen. Lindaas: I'm not sure what part this entity I'm going to mention plays anymore. It used to be very active in this, and the organization is called the Racist Century to Amateur Civil Emergency Services, and in times of emergencies, they've played a big part in the past. That's just another entity to be put on here. Their interest and their part in emergencies has been quite vital in the past.

Chair Carlson: I'm not sure if that's the part that we want at the table or not, but you get into the floods and you get into those things, those guys were everywhere with their communications making things work.

Sen. Lindaas: They use various frequencies, and there's a part that they play, and whether it's vital or enough of a part to be included in this, I wouldn't want to say for sure.

Major General Haugen: I would recommend law enforcement as absolutely paramount. Next, would be first responders from both fire and ambulance. In law enforcement, I know that there is specific needs that Highway Patrol has versus the sheriff's, although they both use the State Radio System. I think they need to be on here, the rest will be subject to discussion and get us in the neighborhood of 8 as about a maximum.

Rep. Skarphol: I guess one of the concerns that I have is that I'm not always certain that translates into the communications getting adequately driven out into the state to the local entities out there. I think there is sometimes some miscommunications, some lack of communications, some level of discontent with what is going on. In certain regions, some have more of an opportunity to participate, and others willing or unwilling, I don't have the answers.

Sen. Andrist: I've been visiting with Sen. Gleeson who has reminded me that we shouldn't be using the terminology of Fraternal Order of Police, because that's not a representative organization, that the union. We should be using the Peace Officers Association. He suggested that if we gave them 3 positions when asked for diversity, and then I thought somebody from the Highway Department and EMT's we'd have a small group that would be pretty representative here.

Chair Carlson: I'm not quite sure that the role is always played by the EMS, and EMT's, because most of them are volunteers in the rural areas, and sometimes, or most of the time leaving their jobs to respond to the emergency, so they obviously need to be part of this process along the way.

Sen. Grindberg: The version handed out today is the version that was adopted by the Senate with 2 divisions, 2 deputy directors, 35 FTE's under Homeland Security and State Radio. It would be 29 FTE's with State Radio, 5 Homeland Security positions, and 1 transfer from the Division of Emergency Management. So, the FTE's stay the same at 54, it's just that this is the clear model with what the Senate version was. Yesterday, the handout showed 3 divisions, with a deputy over all three, and the FTE's were all matched at 54, but it was a deputy and 7 administration employees.

Chair Carlson: Now, they are all rolled back into Emergency Management?

Sen. Grindberg: Correct.

Chair Carlson: We have an emergency, State Radio by law is required to provide 24 hr. dispatch service and those kinds of things. Whose in charge when something happens?

Major General Haugen: State Radio would start the emergency without anybody being there, because they handle things day in and day out. Then, as the emergency is elevated it goes to a react officer, and then he makes a determination whether they need to rotate around those jobs and those react officers. Then they determine whether we need to call people in and kick off the emergency, and whether we need to set up the Emergency Operations Center.

Chair Carlson: As I look at Homeland Security being in with State Radio, I'm a little confused by some of the people with Homeland Security. A lot of their function was to deal with the federal government and to get the money dispensed, and to get it to the proper place, and what it was to be spent for, but now we are kind of lumping them in with the emergency side and the State Radio. I'm not sure that's right, but what you're telling me is that they aren't in charge

anyway, it's going to be the guy from Emergency Management, and he hooks up with State Radio to handle emergencies.

Major General Haugen: The call comes in, the State Radio personal on duty will handle the call to dispatch to do what's required, and then page a react officer as needed. Then that individual will then call or kick off the Emergency Operations Center, and call in more staff. Some are in Homeland Security, some are in DEM in the pay structure. What they do does not necessarily on a daily basis compare to what they do during an emergency.

Chair Carlson: I have mixed feelings about that, because on one hand I want to make sure I know who's in charge, and I think things are getting diluted to the point where we don't know who's in charge. Who is in charge of this process?

Major General Haugen: Today's structure under State Radio, the person in charge of State Radio is Russ Timerick. If you go and look on the DEM side, under there is Doug Friez. If you go down to the Homeland Security side most of the grants and etc., is Wayne Barron. If you look at training and operations there's 2 or 3 people on the DEM side, and then just branch it down.

Chair Carlson: I see more of a tie to the DEM side than I do to Homeland Security side, if there was an actual emergency.

Major General Haugen: I agree.

Chair Carlson: I'm not convinced of the value of some of the Homeland Security dollars that have been spent. When we're buying \$35,000 bomb robots, when they couldn't probably find the last time they had a bomb, or they couldn't possibly see where there was going to be a bomb, then I have some concerns about when we don't finish the backbone of our radio system that is

so crucial. We're not so much as organizational is it is the proper use of the funds to complete the system.

Major General Haugen: I agree with you. There is federal guidelines of 80/20 on this Homeland Security money. 80% must go to local communities. There are guidelines that they are given, assessments that they must make for equipment and training. Some of the money was not necessarily spent in the most judicious way, but local communities have that option. They do have guidelines, and they are to purchase off the assessment. The 20% that remains, some of that can be used for our communications system. There was a letter sent by BCI and the Highway Patrol asking communities if they would turn back 14% of their 80% to help build this backbone. They didn't like it, however they also used the state system to provide the backbone for the communication system out of the 20%, and their own money for equipment.

Chair Carlson: That's why our section 8 was so popular, where it said the Division of Emergency Management shall require political subdivisions to spend a portion of their federal Homeland Security funding allocations on costs associated with the migration of State Radio communications systems from Analog to Digital.

Major General Haugen: Just about everybody's going to be involved. When we run 24 hr., that's how we have to do it.

Rep. Glassheim: As I look at it, it seems to me that Homeland Security people are much more closely tied to Emergency Management than to State Radio in what they do, what their functions are, what they need to know, they both respond. Homeland Security is more focused on human disasters, and Emergency Management is focused on disasters caused by nature, but they're both involved in disasters and emergency response that requires planning, contact and coordination,

significantly they require interaction between the two of them, they already do salaries of part pay here and part pay there, so I know there's been some heartburn, but as an organizational thing it seems to me they're better off together. I had a brief conversation with League of Cities, and it seems that there is a need to get local folks knowing who they are dealing with, and who they need to deal with.

Major General Haugen: Part of the problem with Homeland Security duties was that first of all Emergency Managers is by in large a part time force. They have been thrust into the Homeland Security arena, some of them dragging and kicking. They don't have the time, they aren't paid for it, and that's not their interest. Some of these individuals think they do not want to be in that arena.

Chair Carlson: The concern that I had was that there's been a significant amount of dollars that have flowed in and out to the locals. In many cases, decisions were made by relatively few people as to what was going to be the use of that money as long as it falls within the guidelines. I'm not sure that I agree it was the right way to spend the money in a lot of cases. So, I viewed the Homeland Security to head the division up here, as to carefully monitor what's happening to all this money.

Major General Haugen: I believe there are guidelines out there. A lot of the Emergency Manager's, they like doing the training and the preparedness and dealing with emergency situations. They mostly want to stay away from the spending and handling of all this money.

Rep. Skarphol: Are there federal guidelines that explicitly prohibit the state from encouraging expenditures to go on a certain fashion?

Doug Friez: The guidelines are that 80% of the money must be passed through to local government. Then there's a big thick list of the eligible equipment, and what we can do as a state agency is try and encourage this as closely as possible.

Rep. Skarphol: So, the locals have ultimate authority on how all of those dollars are going to be spent?

Doug: They do. We have asked them to make sure all stakeholders are represented at these group meetings where they facilitate the use of that allocation. It's a difficult process, it's a changing process, and a growing process. We're doing the best we can, but it's not perfect.

Sen. Andrist: As Abraham Lincoln says, "the world will no longer remember what we say here." With Homeland Security, the federal government is healing its way. We can try to influence guidelines, but meanwhile while we are trying to do that, they're probably changing the guidelines on top. I don't think we can control this, because probably through the process of collaboration among these people. The most important thing we can do is the establishment of this advisory committee, so we can get these people around the table and say how can we spend this 80%.

Rep. Skarphol: Do you have a report from each of these local entities as to what their needs assessments were, and what their rankings were?

Major General Haugen: Yes, they are supposed to do an assessment.

Rep. Skarphol: Have you reviewed it, and is one of their top priorities the full implementation of State Radio, and if a top priority do you have any idea of how much of the dollars they received has been invested in accomplishing that?

Major General Haugen: I do not know, but I can provide it for you. I can tell you that when we look at their radio needs, we have them buy the compatible radio that can go Analog to Digital.

Rep. Skarphol: I understand that, but the radio is useless to them to go digital, if this digital system isn't operational. The first priority ought to be to ensure they have the system they need.

Chair Carlson: There was a significant amount of money required to finish the system to make it fully operational on the House side.

Major General Haugen: I would like to see the system done as bad as anybody. We work extremely hard on trying to figure out how to get this, other than just come to the legislature and say give us 70 million dollars to set up a new system.

Chair Carlson: We're saying that we're not satisfied if the system doesn't get complete, and we're wondering how are we going to get it done.

Rep. Skarphol: In reading through the bill with the Senate amendments, on page 3, section 7, it requires a review process. When you get down to lines 19 and 20, and it says a report regarding any discrepancies relating to the needs assessment completed by the division and purchases made. I would hope we would remember to amend that in whatever changes we may make to this bill, so that it is relating to the needs assessment completed by the division and the local political subdivision, so that we ensure they are also accountable if their needs assessment is exactly reflective of how they spent their dollars.

Chair Carlson: The only real difference between the House and Senate versions was the health insurance. It only exchanges about \$6,000. The way it reads now is you have it set up with 5 FTE's in the Division of Homeland Security and State Radio, and 19 in the other division.

Sen. Andrist: My frustration with the bill the way it came to us was it seemed like we had pressing needs in a modern communications system. All the state Homeland Security dollars had flowed into salary increases, and that's how we got on this whole process. How do we get the money to do what we need it to do? How do we structure this to get these Homeland Security dollars, with their relief, to doing what we need doing the most?

Chair Carlson: I would feel your frustration with that.

Rep. Skarphol: We did include a borrowing authority for \$900,000 in our bill as we sent it over to you. That 900,000 was the priorities that would have been required to complete and make functional State Radio without any additional towers. You removed that borrowing authority, and I understand that. Had you intended that 900,000 come out of existing dollars somewhere? Was there any kind of mandate that they get it completed, or are we just relying on them to get it completed as money becomes available?

Sen. Grindberg: We didn't get a glance as to how the federal money was to repay that note. My understanding was that it was attributed towards that 4.6 optional request. I think we all understand the need for the backbone, but it's more process than anything right now.

Rep. Skarphol: I just curious about the 900,000, because they indicated to us that they needed that money to get it done. We said if your going to get the money, this is how you're going to do it. Did you just say you don't need to finish that, or find another way to finish it?

Sen. Andrist: My recollection is the agency said just the opposite about that 900,000. They said they don't get a promise of Homeland Security funds to come, when they're released, they're released. We took it out, because based on what they told us, we thought it was a useless amendment, not that it wasn't a good idea.

didn't drive it home for the Governor that this was a real significant problem where it didn't get funded in the package. We need to get this system up, running, and functional.

Sen. Grindberg: On this organizational chart, go back and give this one last crack at what you think would work, irregardless of what we have done.

Major General Haugen: There is a Mobile Communications Committee that has met and has been involved in this, that includes the sheriff's, the HP, and IT in this whole process. This has not just been done by DEM.

Rep. Glassheim: I've never been quite clear as to whether anybody at the state level could veto a local, eligible facility proposal.

Doug: One of the things that we've done for the 05 allocation is to try and address that as limited as we have the ability to. That is to ask them to look at a percentage, 20% on communications, 10% on planning, exercising, and that kind of thing. We're growing this as we go through.

Adjourned Conference Committee Hearing.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Government Performance Division

☒ Conference Committee

Hearing Date April 14, 2005

Tape Number
1

Side A
X

Side B

Meter #
689-3020

Committee Clerk Signature



Minutes: **Chair Carlson** opened conference committee hearing on HB 1016.

Major General Mike Haugen, Adjutant General: Overview of handout.

(SEE HOMELAND SECURITY DIAGRAM) This particular view is shared by employees, personal from the field, as well as myself, as the right organizational structure for Homeland Security. The changes that you have proposed, they also concur that it should be Department of Homeland Security in ND to match the federal requirements. They also concurred that State Radio should be a stand alone, and that the Division of Homeland Security, the current Homeland Security/DEM, should be the two that are tied together. We currently have a paygrade 15 in charge of State Radio. That would become the Deputy Director, same paygrade, no change in that position. We would move the Director as it has been suggested in the Senate language, I would be appointed as the Director.

Sen. Andrist: I like this structure pretty good. I'm pleased it's been done with some collaboration with some of the locals. I presume that disaster recovery now becomes what was

essentially the Emergency Management. I'm not sure what the State Operation Center is, that hasn't been in our language so far.

Major General Haugen: That's the basement where everyone migrates to during emergencies. That's the functioning of all state agencies, they come to the Emergency Operations Center.

Sen. Andrist: Is that staffed then?

Major General Haugen: It's staffed by Division of Emergency Management personal today, and some of whom are also doing the Homeland Security duties.

Sen. Andrist: I'm just wondering why Disaster Recovery and State Operation Center are in separate sub groups. Seems like their work is intrinsically the same.

Ross Mushik: The Disaster Recovery section actually operates separately, because that is the segment that is headed by one FTE position within the division. Under the guidelines, we only have one FTE position that is the administrator for both the public assistance and the Hazard Mitigation Program. All of the other employees that work for that individual are all temporaries. From 97, we had 150 temporary staff working through the disaster programs, now we're down to about 10. As we go into the State Operation Center, that would involve everybody else within the division that isn't part of Homeland Security. There would be probably about 14 that would be responsible as components of the State Operations Center.

Rep. Skarphol: The 10 temporaries are funded by Disaster Emergency money, and they would be off-budget then?

Ross: They are in the budget, and there's a temporary line item.

Roxanne, Legislative Council: They are funded in the salaries and wages line item for the Division of Emergency Management, under the temporary salaries. They are not authorized

FTE, so they're not really off-budget, because they're not authorized FTE, they're considered temporary people.

Rep. Skarphol: Are they state employees, or are they temps?

Roxanne: They are temps, I believe.

Chair Carlson: Is that a contract relationship with them, or how do we do that?

Ross: It's just a temporary relationship.

Rep. Skarphol: So, in the event of a disaster that required a ramping up of the number of those employees, how do handle that in the budgeting process?

Ross: What we do in the event of a disaster is we go through the whole planning process trying to determine what the appropriate numbers of staff will be. Then we take that information to the Emergency Commission during the timeframe when the legislature is not in session, and outline the plan as to how many people we're going to be bringing on to cover the various portions of the program, both the public assistance and the Hazard Mitigation. If we have a need for individual and family unmet needs program, we bring that information, and indicate how many people will be bringing in the temporary status.

Rep. Skarphol: I understand all that, but the funding of them you have to go borrow the money, and then come back with a deficiency appropriation if there's not enough money in you salary line item I would assume. Is that correct?

Ross: Correct.

Major General Haugen: If your satisfied with the information on the organizational structure, I think we might move onto the administrative committee.

Rep. Skarphol: The Homeland Security issue, in general, to me it's a grant receiving and dispersing entity. As such, I guess I'm thinking they really are separate type individuals then what the Emergency Management people are. Am I missing something here in this whole picture?

Major General Haugen: I believe that the talents used to administer the grant money are also the same talents that are used in applying for and dispensing FEMA dollars. So, they really aren't that different of skill sets. It just depends upon where you're getting the money, and for what.

Rep. Skarphol: I don't argue the parallel issues involved, same competencies. Say the Homeland Security had been told it will be handled by the Attorney General, and not by Division of Emergency Management. I would see it as still being something that happened, and there should be an ability to separate the duties more than I'm hearing based on what you're telling me.

Major General Haugen: I think you could do that, and separate them out, but what I think we are able to do by using the same individuals is to maximize the talent. Keep people doing Homeland Security duties, and then as we need to for whatever disasters occur, we can put the Homeland Security duty on standby for awhile while we're doing Emergency Management.

Sen. Andrist: I would hope that there would be an understanding between our committee that we would expect considerable flexibility here. We've chartered a lot of new ground here, we're trying to fix a problem we've perceived as badly injured if not broken, and I'd like the agency to be able to have enough flexibility to run with it. We can judge that work how it's been done when we come back in two years.

Chair Carlson: I agree. I think that it's really hard to have the complete division to the structure, and know if it's going to work right off the bat. Are you proposing the name go to the Department of Homeland Security?

Major General Haugen: Yes. It would be the Department of Homeland Security, and under that would be State Radio, and Division of Homeland Security.

Chair Carlson: I have some questions on the advisory committee. My only concern is that the major users of the system should be at the table. I want to make sure the makeup reflects the people that are using this system, instead of somebody telling them how they should use the system. Who all uses it, and who should be at the table?

Sen. Andrist: I talked to two different Sheriff's who seem pretty knowledgeable. I put together a compilation of their suggestions. They said the major players are included here. The EMT's and all of those that use State Radio some, but in a perifial way. One of them thought that we have a House member and a Senate member that would be able to provide further information 2 years from now.

Chair Carlson: So, your saying 7 members for 4 year terms. Three of the members be appointed by the Governor from the ND Peace Officers. At least one of them a county sheriff, and one will represent city police. One shall be chosen from the Highway Patrol, and the 911 Association. Who makes up the 911 Association?

Wes Hendickson, State Radio: People that make up the 911 Association are 911 coordinators for the counties throughout the state. They usually handle all the 911 work that has to be done. Their job is to ensure that their addressing is up to date for their counties, that their resources, ambulance, fire, and police have what they need, and the method of being notified in an accident

and medical emergency. They formed this 911 Association, so they can sit down and talk to each other, and find out what's going on with the 911 system in ND.

Sen. Andrist: I don't know whether the Governor should appoint who of these seven should be appointed. I presume legislative management should appoint the House and Senate member. I don't know whether the Peace Officers should pick the three, or whether they should nominate three and let the Governor make the final choice. It almost seems like each association could make it without the Governor, but I think that's one of the things we should decide.

Rep. Skarphol: Your list is encompassing of law enforcement, it doesn't have any participation from our firefighters, EMS, EMT's, and there is a lot of players. I understand law enforcement's interest in State Radio, but I think the Homeland Security aspect of this involves a lot more than just law enforcement. It concerns me that we've limited it to four law enforcement people, one 911 Association member, and that's it.

Sen. Andrist: That may partly be because the recommendation was based on recommendations of a couple of sheriff's. I did ask that question, and they said the EMT's, the ambulances and the fire departments use the radio and communications system, but they really don't have any significant policy issues with them.

Rep. Skarphol: I think they would have policy issues with regard to how Homeland Security dollars are asked to be distributed, and I would assume this advisory committee is going to have some input into issues such as those as well.

Sen. Andrist: I'm certainly not married to this. This is just to get something on the table.

Major General Haugen: We came up with a few more names than Sen. Andrist's list here, the Association of Counties, and the League of Cities.

Chair Carlson: Will you bring back your suggested list on Monday. I want to know who the main users are of the system.

Sen. Lindaas: I would think that the fire departments should be included in here. I'd rather have them in there than a member of the legislature, perhaps one member of the legislature is enough. The idea that we put the members in here, I think they should be nominated by their peers, and perhaps go from that standpoint.

Rep. Skarphol: In looking at the rest of the document that you provided, you show the states utilization of the Homeland Security dollars that they've got of 8.6 million dollars out of a total of 35.5 million. That 26.8 million dollars that's gone to the locals, I would like to have some idea how the locals have spent that money. How much in State Radio, how much in what type of things, for our next meeting.

Chair Carlson: There's a call in here requesting an audit from the State Auditor in section 6. The audit must include a recommendation by the State Auditor of the appropriate method for funding costs incurred by the Division of Emergency Management providing 911 services. Is that worded so that you know what you're supposed to do?

Gordy Smith, State Auditor' Office: A preference from the Auditor's Office would be rather than just saying of the appropriate method of funding costs, we'd rather that be changed to providing options of appropriate methods of funding, because we'll be interviewing other states, and whose to say that there's not more than one appropriate method. I guess we would rather present those options to the legislature, and let the legislature decide what they prefer as the appropriate method.

Adjourned Conference Committee Hearing.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Government Performance Division

☒ Conference Committee

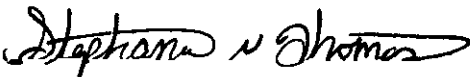
Hearing Date April 18, 2005

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1

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Committee Clerk Signature 

Minutes: **Chair Carlson** opened conference committee hearing on HB 1016.

LTC. Dave Thiele, Staff Judge Advocate for the ND National Guard: Overview of handouts. (SEE HANDOUTS)

Sen. Andrist: I would presume that the language that designate this non voting member then, that they propose from the Adjutant Generals Office to be the chair man.

LTC. Thiele: That could be either way. I think we've got several members that were, for example, members of the Workers Comp Advisory Board at one time. Members of that board were actually the chair and then the CEO of the organization was a participating member. There's different ways to do that. Either the Adjutant General's represent could chair it, or it could just be a member.

Rep. Glassheim: Could you tell me again, what function is the Integration Committee? How would that function with this, or not at all?

LTC. Thiele: The committee is directed through the Federal Department of Homeland Security, and they pretty much create this committee, here's who the members should be. We would envision then as them working hand in hand with the Advisory Council. I would envision that they could not necessarily meet at all times, but periodically I think it would be beneficial for them to meet together. You want to make sure they are not working against each other, they're working together maybe selecting items of interest that one can research and come back to the other group with. The primary function of that group is to determine funding issues.

Rep. Glassheim: The Advisory Board is not just over the radio, it's over the whole?

LTC. Thiele: That's correct.

Rep. Glassheim: These people are already are doing some kind of unofficial advising to the department?

LTC. Thiele: Yes.

Rep. Glassheim: Others have suggested DOT and IT for their expertise on the committee. Is there any need for that?

LTC. Theiee: I think that's the struggle. Where do you draw the line. At some point, the members of this group have to be hopefully of sufficient expertise that they will draw in the people necessary to provide that level of expertise. One of the key things that this committee can do is facilitate communication with the local members. Communicate with them and bring things back. They need to be kind of Centers of Influence. They should also bring in the people at the lowest levels, because that's where you get your best ideas from, but then let the commission take those ideas and run with it and communicate with the field using their authority.

Rep. Glassheim: You've condensed local law enforcement to one seat as opposed to Peace Officers, Sheriff's, and Police Chiefs. Do they represent significantly different problem areas, relative especially to the radio that should be all represented?

LTC. Thiele: I think if you ask them, they'd tell you that they do have different interests, and again it comes down to how large do we want the composition of this commission. What's a reasonable number, and still be effective? Research will tell you when you start getting above 7, you start to lose some degree of effectiveness.

Rep. Glassheim: My assumption is just that if you have 10 on a committee, you're going to get 7 or 8 at each meeting, so not to bad.

Sen. Andrist: If the Governor is to make the appointments from this pool or nomination, I think we almost have to spell out which organizations make that nomination.

Sen. Grindberg: It's clear. The evolution of this has come to a point now where it's a little bit of what everybody wanted, including the Adjutant General. I think it's clear, and now anyone looking at it can tell what's going on.

Chair Carlson: If we can resolve the members of the board, so we can get the proper language prepared, I think we have minimal changes before us on the rest of the bill.

Sen. Lindaas: Looking at the recommendations here, I guess it was my thought that instead of the counties, that the sheriff should be involved instead of the League of Cities. The local law enforcement, the city police, and so on would be a better fit. That's my perception.

Rep. Skarphol: The funding, you've talked about one or the other of these two committees or boards, we're going to address the funding aspect. Would you enlighten me again?

LTC. Thiele: One of the primary functions of the other committee, the Integration Committee, is to look at funding. I did not mean to apply that the Advisory Commission would not work there. I think that's an area where they're invaluable. I think one thing that we all recognize is the idea that we need to work together with the local level authorities on purchases and where that money is going. I think everyone's in agreement that the critical need right now is that backbone of that communication structure, and that we all need to prioritize that.

Rep. Skarphol: The appropriateness of all of this, is there any kind of accountability aspect and exit analysis to how these funds are used after they've been received, and if so who follows up in that?

LTC. Thiele: I'm not aware if there's any.

Ross Mushik: Yes, within the whole context of everything that's done in terms of the strategy, the locals have identified what types of equipment are their shortfalls, and how they need to address those shortfalls. There's a variety of things in that list that will get to that point of addressing those. We have about 18 million dollars that has to be spent by the end of October, so we're going to see mail trucks just dropping stuff into our laps over the course of the summer, and through the fall.

Rep. Skarphol: Explaining what they've spent?

Ross: Actually, this will be the start of their purchasing.

Rep. Skarphol: Let me give you an example. Page 4, you've got custom software, several different categories, one of them CJIS. I'd like to know how much money the locals have committed to CJIS, for example? There are things that I think we should see as an exit analysis of how this money is being utilized.

Ross: Within all of their plans, they have to address how that equipment will be used, and then the usage of that equipment. We have a monitoring plan that we're putting in place in conjunction with the State Auditor's. This was something that we hadn't gotten fully into at that point, but we will be addressing those. That's a long commitment, because we have to see what's happening not just this year, but through biennium's.

LTC. Thiele: I think what you're pointing to is exactly what we've identified as one of the major issues, which is, we need everybody on the same page as where this money is going. The Fed's have dictated that 80% of these dollars go to the local level.

Rep. Skarphol: Can you just give me an example of issues that these two different committees would deal with without needed input from the other group? I'm having difficulty understanding why we just don't make one group that encompasses all of these.

LTC. Thiele: That might actually be a good idea to combine the two. The Department of Homeland Security has directed that we have this other group together. It's a different group obviously than what we envisioned for the Homeland Security Advisory Council. Your correct, in many instances they're going to be looking at the same issues. Do they need to work together at the same meeting, I don't know.

Ross: Within the FY/05 Homeland Security Grant Program, as we're dealing with the Senior Advisory Committee states the purpose of this senior advisory committee is to enhance the integration of disciplines involved in Homeland Security including public health and medical initiatives. Their focus is how all that Center for Disease Control money and Homeland Security work together.

Chair Carlson: I've heard complaints from the hospitals that their expected to take all of the patients that would show up in and emergency, but yet they're not even involved in the system.

Rep. Skarphol: With regard to this advisory committee, I can see situations that arise where you may want to have more law enforcement people involved in a discussion then what's on this committee. I think if we're going to do this we maybe need to incorporate some kind of language that allows for the advisory committee to invite in other members that would be pertinent to whatever specific discussions. I think there needs to be some flexibility there.

Sen. Grindberg: I would support that, whether the language said the Adjutant General has the authority to point X more members, or the Governor.

Chair Carlson: I thought the intent of the committee was to make sure all the right people got to the table. If we do that and leave them a little bit of flexibility, then get our hands off of it, than next time if that's not working we'll know.

Sen. Andrist: The problem we've got is everybody asks for a little bit different list. I think Rep. Skarphol's suggestion is a good one, but I don't know if they shouldn't just have the authority to bring other people into a meeting rather than to make them members of the committee.

Chair Carlson: If we're going to go through and do this, do we need to call out the layout of the department anywhere in statute?

Roxanne, Legislative Council: I'd like to consult with the staff that worked with me on the Senate amendments, but I know we'd need some other changes. I don't know if it's necessary that we put this organizational chart into statute. I don't believe so, but I would need to consult with legal staff.

Chair Carlson: I have a concern if we don't somehow make it known, that it will be run just like it was run. I think we've wasted a lot of time then.

Roxanne: We could perhaps put something into the bill that it is the legislative intent that this new agency, this new Department of Homeland Security is going to be made up of two divisions, and kind of try to state those.

Sen. Grindberg: I think we ought to go with what we have on paper, the advisory committee, Rep. Skarphol's thoughts, and have Dave and his team, and the Adjutant General come back and say how many discretionary additional members.

Rep. Glassheim: I thought to take out the local law enforcement and put in Peace Officer, Sheriff's, and Police Chiefs which would give you 10 instead of 11, and then accept everything else that was here. It seems to me that we ought to specify and add permanent members if your going to have an advisory committee, rather than changeable members.

Roxanne: I guess I just need a little bit more directive on exactly what you'd like to see in the advisory board statute. Do you want to see these 8 members only, do you want to include Rep. Glassheim's comments, I need to have a little bit more direction there.

Chair Carlson: The way they submitted the Advisory Board to us, I don't think has enough law enforcement on it when you group them all together. I have a concern that's not right, especially when a sheriff has a different idea of how things are going to be run, compared to a city police chief.

LTC. Thiele: If I could suggest probably two from local law enforcement, at least one of which is from the sheriff's, and then add language at the end saying the Adjutant General has authority to appoint additional board members as needed.

Sen. Lindaas: I guess my concern on this is that we reach out to those local folks, and their various entities there as we've mentioned. I think that's where we have to go to pick up this list. To make it too broad, it might get diluted in some direction that we really don't want to go.

Chair Carlson: What I don't understand is what are the organized groups that these people belong to? What do they call them? Do we think the Governor needs to make these approvals, or can we allow them just to submit the name?

Sen. Lindaas: I think if the association is intact on any of these entities, that they should be able to appoint their own member amongst their peers.

Sen. Andrist: I'm loose on this. I think it's important that we specify which association. They need to have some process to know whose responsible to make this choice. I really can't see any need for by-laws.

LTC. Thiele: My only thought there was just to the extent that there's some structure, as far as how you vote on issues, and things like that.

Sen. Andrist: The department is going to be concerned where we are at on those. We generally roll back the pay increases, but they'll want to know where they're at on that.

Chair Carlson: If you have any language changes as you read through the version that you sent back to us, then we'll iron those out tomorrow. If we can agree on the board and structure, I think we're done.

Adjourned Conference Committee Hearing.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Government Performance Division

☒ Conference Committee

Hearing Date April 19, 2005

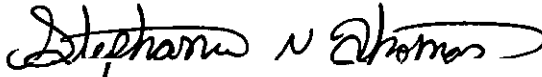
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Committee Clerk Signature



Minutes: **Chair Carlson** opened conference committee hearing on HB 1016.

Major General Mike Haugen, Adjutant General: Overview of handout. (SEE

HOMELAND SECURITY DIAGRAM) The only difference on this advisory board is there's only one board listed instead of the interim committee. The federal requirements will be met with the advisory board makeup. My trepidation with having two completely different advisory groups is what if they come up with different recommendations. They come to me with two different recommendations, and I'm instantly going to make one group disappointed, and one happy. That's not what we're trying to solve here, we're trying to solve issues, and have recommendations that come forward. I would propose that we look at just having one advisory board, and let the subcommittees decide on recommendations and how to meet.

Rep. Skarphol: I think that we need to give the Adjutant General some flexibility, because I don't think one advisory board is going to answer all of the questions that are involved here. I think he needs the flexibility to call in the people when he needs to discuss State Radio. I think

Homeland Security is a different issue, he needs to invite different people at that time. There's different need at different times, so I think the flexibility is key. I don't know how to do that other than saying the Adjutant General shall create an advisory committee of up to however many people, and grant him the flexibility within that to provide for subcommittees to address specific issues.

Sen. Grindberg: Second.

Sen. Andrist: As long as the motion is for my proposal here, than I'm very supportive. What I've been thinking since yesterday is two advisory committees don't make sense, there ought to be a way to combine them. Since we've had so much of a struggle figuring out who the players are, it was my suggestion that the Adjutant General work with the Association of Counties, and the League of Cities. These are the people that pick the police chiefs, that work with the sheriff's, that appoint the 911 members in the Homeland Security people, and I think they could collaborate and create this committee. My proposal also included language which says that with authority to draw in other key local providers of emergency services as needed. (SEE

PROPOSAL)

Sen. Lindaas: I have to respectfully disagree with my colleague on the issue of having the League of Cities, and the Associations of Counties. These are people who appoint the other entities, and I'm thinking the other entities themselves should be involved in this. I think we have to go right to the grass roots of those folks that are right out there.

Chair Carlson: I tend to agree with you on a couple of regards. I see the players as more important, but those that do it full time compared to those that provide the service on the ground have two different perspectives on how it should run, in my opinion. I'm all for the flexibility. If

we could say that there be a committee of 10 or 11, and the presence must be there from the sheriff's, deputies from the Highway Patrol, the police chiefs, all the effective parties, so that there's some idea that these guys know that they're going to get to the table.

Rep. Glassheim: Did the Adjutant General have in mind just giving him authority to appoint 9 or 11 members, or do we want to list groups? Would you just make up the list later on, rather than put it in code or what?

Major General Haugen: I have a list of who we think should have the voice in this group, and it is quite extensive, it'll be over a dozen. In there, we have all of those individual players at the grass roots level, to include League of Cities, Association of Counties, and someone from the Legislative Assembly. We are looking for communication. We want to understand the issues from the local, as well as disseminate information back to them.

Rep. Glassheim: Your proposal is for us to make the large committee inclusive, and then to allow them to break into smaller groups later on. Is that what you're proposing?

Major General Haugen: That's what I would encourage is that we get plenty of representation, and then let them determine how best to function when it comes to individual requirements.

Rep. Skarphol: I think from my perspective what I'm hearing is that you've got three different interest groups. You have the group, the integration committee that have to make decisions under federal guidelines as to how to distribute the money, or whatever with regard to policies, diseases, and that type of situation. Then you have a second group that would be advising you with regard to State Radio, and you have a third group that would be advising you with regard to the utilization of the Homeland Security dollars out at the local level. Is that kind of a correct assumption?

Major General Haugen: That's exactly correct.

Rep. Skarphol: How do you compose a committee that's all encompassing without being cumbersome. That's the issue that I see, which is why we need to provide you with the flexibility to do this.

Major General Haugen: I think that you have interest in all areas by everyone who is there, but they'll have primary concerns.

Sen. Lindaas: I think there is a motion on the floor, unless it was disregarded.

Rep. Skarphol: I would withdraw my motion.

Sen. Grindberg: I withdraw my second.

Sen. Andrist: If you look at the language in my proposal, it says that this committee shall be comprised of local emergency management, and State Radio users, local police, sheriff's, and emergency response person to be appointed to 4 year staggered terms, and so on. It's saying what we really want is that it's going to be comprised of local persons. The only place the League of Cities, and the Association of Counties is given a say is in that they are to collaborate with the Adjutant General, so he doesn't create this committee all by himself. He's got somebody he's talking with, picking the players.

Sen. Lindaas: I would offer the following language. I would offer that the Adjutant General, in collaboration with the ND Peace Officer's Association, the ND Emergency Medical Association, the ND 911 Association, the ND Highway Patrol, and the ND Emergency Management Association shall create an advisory committee of up to 9 members to be appointed to 4 years staggered terms, with the authority to draw on other key local providers of emergency services as needed. Following that, there would be the language that the advisory commission shall advise

the division regarding collaboration, etc., down the line. I would offer that as a motion if it's valid.

Rep. Skarphol: My concern is it doesn't adequately address the integration committee.

Sen. Andrist: The integration committee goes away, and becomes a part of this.

Rep. Skarphol: Are there requirements as to who has to be on an integration committee?

Major General Haugen: The grant proposal for guidelines for 2005 state that the state shall establish a senior advisor committee, or similar entity of senior officials. They shall include Homeland Security, and Public Health to cover medical initiatives. So, there is Office for Disaster Preparedness, Center for Disease Control, the hospitals, someone from the National Pharmaceutical Stockpile, and Citizen Corp. Then it says they are encouraged to broaden the membership. Then you get to the basic committee we're discussing, and that is law enforcement, fire, public health, behavioral health, public works, agriculture, information technology, and other pertinent disciplines.

Rep. Glassheim: I will give the simplest motion that I can think of. The Adjutant General shall create an advisory committee, or committees made up of local and state interests, to advise them on departmental matters.

Sen. Grindberg: How many members?

Rep. Glassheim: I don't care, whatever you want. He may need 12 or 14, he may need two committees of 9 each, that's why I didn't put anything in.

Sen. Grindberg: Second.

Chair Carlson: We have a motion and a second. Read it again.

Rep. Glassheim: The Adjutant General shall create an advisory committee, or committees of up to 11 members made up of local and state interests, to advise them on departmental matters.

Sen. Lindaas: I'm agreeable with that.

Sen. Grindberg: The pay, and the advisory commission shall, is the rest of this language part of the motion?

Chair Carlson: I think if you're going to have them on there, they should be entitled to per diem pay.

Rep. Skarphol: Unless, they are full time state employees.

Sen. Andrist: How about the 4 year staggered terms type thing?

Chair Carlson: I like that idea to. We'll just add the same language.

Sen. Andrist: I think we're talking about almost the same thing. I can support Rep. Glassheim's motion. I like Sen. Lindaas's just a little bit better, and I like mine the best of the three, but I would feel a little bit more comfortable if we knew that since the Adjutant General is going to create this committee, if he was collaborating with a couple of other people in the creation of this thing. I think he will probably do that anyway, so I'm satisfied.

Chair Carlson: Do we want to have the staggered terms, and the pay and stuff in there?

Rep. Skarphol: Yes.

Sen. Andrist: Do we need any language on this other committee that the Adjutant General wants to merge with this one? Can he do that administratively?

Major General Haugen: Yes.

Voice vote, motion carries.

Rep. Skarphol: I would move that we change the name to the ND Department of Emergency Services, rather than Homeland Security.

Sen. Grindberg: Second.

Voice vote, amendment adopted.

Chair Carlson: One of the issues I wrote down to talk about today was the salary issue that you guys have changed. Is there any discussion, I know somewhere there's a note from someone that says they were hoping to reinstate some of the money.

Sen. Andrist: It was my suggestion, and I discussed with somebody in the department, and I think someplace in there we should withdraw the language that specifically said the salaries have to be rolled back, and include language in there that gives them a small pool of money for key administrative people in the new agency. Probably not the whole \$213,000, but maybe up to half of that, or up to \$100,000. The Division of Homeland Security with 3 subdivisions under it, it's going to require a significantly high level administrator, and if they had a little bit extra money and flexibility, I think it would be helpful.

Sen. Grindberg: My thoughts are, the rational we had with the model we adopted in the Senate was that Emergency Management go back to business as usual, because we restructured, created the division and then created the State Radio job classifications and payraises, and the Homeland Security positions as endorsed, and then create a division for that. The Internet was to have emergency services go back to what they were doing prior to all these changes, so the rational was that they go back to their same paygrades. Now, it's kind of difficult for me to look at and see what's goes where, and so identifying what is the right thing to do, maybe a pool of some amount that helps the General solidify this whole long term approach.

Rep. Skarphol: State Radio to me, the raises that were put in there, some of them maybe were appropriate, but I still think that there were some things done. Was that all of the raises given throughout the agency, or was that only a portion of them? What actually transpired?

Roxanne, Legislative Council: During the departments testimony to the Senate on their budget, they gave the Senate some information on the raises that they had given to the employees, and they kind of separated them out to Emergency Management employees, and State Radio. So, in essence, we only looked at those raises that were given to Emergency Management personal, and removed funding that represented those increases for the next biennium from the budget.

Rep. Skarphol: So, the raises that were given to State Radio are not reflected?

Roxanne: That's correct. In essence, we tried, by our amendments, to leave that funding for those increases to continue in 05/07.

Major General Haugen: With the reorganization, again we need to go back and look with the Human Resources, at the job descriptions and the grading process.

Rep. Skarphol: I'd probably be willing to go along with \$50,000, but it's going to take the approval of the budget section to activate it, as far as I'm concerned. I'm not going to go along with giving them any more than what you've already given them, unless they have to bring a proposal to budget section for approval.

Sen. Andrist: If I heard a motion to reinstate \$50,000, and anything additional they'd have to go to the budget section?

Rep. Skarphol: Anything of the \$50,000. Anything that they want to adjust above and beyond what the Senate approved, would require budget section approval.

Sen. Andrist: Why put the \$50,000 in there? Maybe, they come up with a package of \$70,000, which they're able to sell to the budget section. Why should we constrain the budget section from doing that?

Chair Carlson: With that logic Senator, then no amount of money would be enough that they could justify.

Sen. Andrist: They still have to deal with the budget section, which is the appropriations committee members.

Rep. Glassheim: Doesn't it really depend upon classification by HR. We're talking about a reality based pay, and if somebody is now supervising 12 people instead of 37, aren't they at a different classification. Won't we get that from an HR redoing of the divisions, which none of us can know now.

Chair Carlson: The question then again would be if that was the procedure they followed with the \$213,000, why did we take that away. If we were assuming they were following normal guidelines, why were we withdrawing raises that have been followed in the first place, if they followed all the guidelines.

Rep. Glassheim: The Senate undid what the department had done, in terms of supervising, status, and all of that. So, it has to be somewhat reality based.

Sen. Lindaas: My concern here is that this is kind of an unknown, even to them at this point, until they get down to reclassifying and realigning the departments.

Chair Carlson: If anybody wants to bring amendments the next meeting dealing with the salary after taking with the Adjutant General, I'd be happy to entertain those. We want some fact based

information here. We want budget section approval, and if we can get that then why would we fight.

Sen. Andrist: Does any committee member have any other concerns now, other than the salary package, or is that the last piece of the puzzle?

Chair Carlson: I'm concerned about the backbone of the whole system getting finished. That was my concern when it left the House, and nobody's eased that concern yet.

Sen. Andrist: Would you be comfortable with a line of legislative intent that says it's the intent of the legislature that any new funding from Homeland Security in so far as possible be prioritized for completing of the communication system?

Chair Carlson: If we're buying radios, digital handheld radios, and depending on where you go they don't work.

Sen. Grindberg: Do we want to reexamine the borrowing authority piece with budget section approval? At some point during the biennium, they can come back and request borrowing authority deficiency appropriation, so that we're not dealing with this 2 years from now.

Chair Carlson: We tried to do that. That was our methodology. We probably didn't have the best system in the world, because we thought the money was more backed than it really was. We'd be glad to do that, because I think the communications is the key to this whole thing. We got a structure now, somebody that we want to be in charge, we've got the name right, we're going to try and sort out the salaries, now let's make sure the system is finished.

Adjourned Conference Committee Hearing.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Government Performance Division

☒ Conference Committee

Hearing Date April 20, 2005

Tape Number	Side A	Side B	Meter #
1	X		1141-End
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Committee Clerk Signature 

Minutes: **Chair Carlson** opened conference committee hearing on HB 1016.

Major General Mike Haugen, Adjutant General: The name change is one issue that I'd like to bring up, and then we were also talking about the reduction in salaries. The Division of Emergency Management has had a history of name changes over its entire life. From Civil Defense in 1951--73, then it became Disaster Emergency Services from 73/85, and then went to the Division of Emergency Management. It has changed as the needs of the state and nation have changed. The name that was discussed yesterday was Department of Emergency Services, which seems to very closely resemble the Disaster Emergency Services in the 70's and early 80's. I fear that there will be some confusion, and some trepidation among Emergency Medical Services in the state, which are the EMT's, and they refer to themselves at Emergency Medical Services, EMS. We did some polling of our personal around the counties, and that was the name that was least liked was Emergency Medical Services. The Department of Homeland Security and the Department of Emergency Management felt better described their duties.

Chair Carlson: You don't like that at all?

Major General Haugen: I just believe that there is probably some angst among other groups that feel that name is going to be too close to their group. It's sort of going back to the future, back to the 70's, because we're actually dealing a lot more with Homeland security dollars, Homeland Security grant money, and there is a cabinet level Department of Homeland Security nationwide that we would better mirror the nationwide name.

Rep. Skarphol: Are you willing to just let the department go away when the money goes away then to?

Major General Haugen: I believe if the money goes away, then the department would go away.

Rep. Skarphol: Including Emergency Services. It would appear to me that Emergency Services is a much more permanent entity than Homeland Security. It should be a service agency, not a management agency. They should provide services to our managers out in the field.

Major General Haugen: I think that management is a big part of what they do, training is a big part of what they do with servicing grants and money in the counties.

Rep. Skarphol: I don't argue about the management aspect of it here locally, but I think the name Emergency Management somewhat resented our locals. They feel they're the ones out there doing the work and having to make the decisions, and they don't need someone perceived to be their boss who isn't on sight and doesn't know what's going on.

Sen. Andrist: We did unanimously pick this name yesterday. I would say that I have no heartburn for the name other than to suggest that it would be good not to call it the Department of Homeland Security, because then there's confusion between one of the two major divisions which is the Division of Homeland Security. So, I think it should have a name other than that,

either Department of Emergency Services, or Department of Emergency Management. I think the name we picked is fine, however.

Sen. Grindberg: I would agree. We made the decision, the General's off the hook. We've put a lot of time in trying to set the direction and really provide a good vehicle.

Chair Carlson: I agree with that. What's more important to us is what services are provided in the end, and when the people call and there is a disaster they know where to call, and a 911 system that works. A name is just a name.

Major General Haugen: If we could move on to the salary. (SEE HANDOUT #1) If we are to spend all this time reorganizing and discussing how this agency is to be organized and run, to adjust payraises downward is going against the outcomes we're looking for. We are looking for an agency that has enthusiastic employees to provide service and to detract from their salaries, because of arbitrary adjustments, is not the way the state personal function should happen.

Rep. Skarphol: As I look at your documentation, there's only one thing missing, and that is where's the commensurate reductions? If there is significant increase in responsibilities because of the transfer of State Radio, where does the Human Resource analysis about the commensurate reductions of duties and whatever entity it come out of?

Major General Haugen: I don't believe there was any reductions in duties. There's been an increase in duties, that's why there was an increase in pay, increases in responsibilities.

Sen. Grindberg: The Senate version in our recommendation was creating these divisions, and putting Emergency Management back to its former duties. Therefore, our rational was rollback to the former responsibilities, because we put in Homeland Security and State Radio which is part of what happened. Now, we've got a blend, and so I'm hearing the General correctly, we're

talking about how did they go about reevaluating this model, and so I think that's what he's trying to convey here that it's somewhat complex. That former organizational chart, you had employees all over the place doing various things, and being paid from various funds, and what I think he's saying now is this we can live with, but we need to reevaluate who is going to be doing what, and accountable to who. I don't have any problem with the language handed out yesterday, as long as Central Personal is inserted in this process. That they go back, reevaluate, come back to the budget section, and then we can treat it accordingly.

Rep. Skarphol: Are you folks sure you want to go here, because I'm not talking about what you're talking about. State Radio came from somewhere. If there was not a reduced responsibility in that agency that should have caused a reevaluation of the job descriptions in that agency, then I'm having difficulty understanding why there's additional responsibilities in this one. I'm talking about OMB, State Radio was in OMB. I made this point to the Governor, quite frankly. If the raises that were done here are appropriate because of the transfer of State Radio, then why weren't there commensurate reductions at OMB?

Sen. Grindberg: Our action was directed towards Emergency Management. We felt State Radio was appropriate.

Rep. Skarphol: I don't have a problem with State Radio. What I'm saying is that if there's increased responsibility at the Division of Emergency Management because of the acquisition of State Radio that warrant salary increases, then why wasn't there a commensurate reduction at OMB because of the lack of those continued responsibilities?

Sen. Andrist: Essentially, if we follow the plan that the Senate drafted to eliminate those 213,000 dollar increases, and then authorize the agency to study the reclassification, and to come

with a plan before the budget section for supplemental increases because of increased responsibility, maybe that's a compromise that we can handle.

Sen. Grindberg: I'm reminded of the general fund of that reduction we made is only like \$6,000.

Chair Carlson: Rep. Skarphol, your thought was that if we're going to re-authorize any of the \$213,000, you want to know where we are going to reduce it somewhere else.

Rep. Skarphol: Logically, that would be my assumption. Somebody else had responsibility for this, OMB for State Radio. Once it was moved, it was felt that in the Division of Emergency Management there needed to be salary adjustments based on the increased responsibility in roles.

Chair Carlson: How much money was in the State Radio that the raises of that \$213,000, do we know?

Sen. Grindberg: None.

Rep. Skarphol: So, there are no additional duties on the Department of Emergency Services or Management staff now, because they acquired State Radio? If not, then why were there reevaluations of their positions?

Sen. Andrist: To a large degree, I agree with Rep. Skarphol, except they did take on some extra work, because of the Homeland Security mandate for which they also got a significant amount of federal funding.

Major General Haugen: There were 2 positions eliminated out of State Radio, director and deputy director. There were duties that they did in budgetary requirements that Ross Mushik now does, and if you remember State Radio has been neglected. There were duties that were not being done that are now being done. We're looking at a new backbone system that basically has

taken a great deal of time. I believe there are things that should have been done in the past, that have not been.

Sen. Grindberg: I agree with that.

Chair Carlson: I can't argue that, because I don't know the internal workings, and at some level we have to trust some people saying that it's going to be better, but Rep. Skarphol's point is well taken as where is the efficiency. Now, we combine things and somebody didn't have as much to do and somebody else has got more to do, but we still pay everybody the same, or more. I think what the Senate's proposal is, if I understand it, is to require the department, with the assistance of Human Resources, to go and reevaluate the new structure which we've created, and address what they believe would be appropriate raises, and then bring that recommendation to the Emergency Commission, or the budget section for approval. Then continue to hold back the rollback of the \$213,000. Is that what your proposal is?

Sen. Andrist: That would be my suggestion.

Sen. Grindberg: I agree.

Chair Carlson: The most important part for me is to keep Human Resources involved in the process, so that they follow some standard guidelines of how you do this process, and how you classify people.

Sen. Andrist: If you look at the proposal that came from the Adjutant General, on the second line with the word beginning with along, strike it out through 2004. Now, it just says upon completion positions affected shall be presented to the legislative interim budget committee for funding approval. If we had taken out the \$213,000, we've also taken out the positions previously increased language. So, we leave the \$213,000 out, we authorize them to study the

need for new classifications and come to the budget section for approval, and then we'll give them the necessary money. (SEE HANDOUT #2)

Rep. Skarphol: How do we give them the money? We don't have the authority in budget section to appropriate, and you have to have a dollar amount that is available.

Chair Carlson: Are we going to create a pool up to, or what are we going to do?

Sen. Grindberg: It might make sense to keep this so we can all understand it, just restore up to, with the amount that we took out.

Chair Carlson: I'm not adverse to that, but I think we need a whole process of our involvement, and how it gets redistributed.

Major General Haugen: The process will look at each job again, in the new organization. What if grades go up?

Chair Carlson: That could happen, but that happens to us all the time. They use dollars rolled up within other salaries, and they found many unique methods of funding those grade changes.

Sen. Grindberg: I would move Sen. Andrist's recommendation on the language, then up to the amount reduced by the Senate.

Sen. Andrist: So, we put the \$213,000 back in, but we take out the language along with any other positions, so on and so forth. So, whatever increases come out of that \$213,000 will be based on what we've done in this session, not what was done in 2004.

Chair Carlson: Correct.

Sen. Grindberg: Budget section approval, and Central Personal.

Major General Haugen: I think LTC. Thiele's concern before was specific positions, and who it applies to, and who it doesn't if it was removed.

Chair Carlson: I don't think this in any way affects a given position. I think this is flexible for you people to deal with. We have a motion to take the amendment that Sen. Andrist adjusted, taking out the line "along with any other positions previously increased by a paygrade change in 2004," leave the rest of the language, include the involvement of Human Resources, and that the money available would be in the amount up to \$213,000, or whatever we had removed from the budget.

Roll call vote, amendment passes.

Major General Haugen: We'd like to address the 1.6 million, and go over some of the specifics on that optional adjustment and the possibility of the borrowing authority.

Ross Mushik: Overview of handout. (SEE HANDOUT #3)

Chair Carlson: Which ones did we pick off of this list to fund in the House?

Ross: All but 2 FTE's.

Roxanne, Legislative Council: If you're speaking in regards to that special section that was added by the House that allowed them for the loan authorization, yours are the ones. The priority 1, the 200 for the connection of the State Radio towers, 2 T/1 lines at 200,000, the next 120 for the voice recorder, the 150 for the message switch interface, the next 150 for the consoles, the next 200 for the mapping interface, and then 80,000 for the mobile data terminal upgrade. Those totaled the 900,000 that you had added in that special section.

Rep. Skarphol: Why weren't these included in your original budget request? Why were they put in the optional package?

Ross: When we had originally prepared the budget, it was to be prepared as a hold even type budget, so the only way the other things could be addressed would be through an optional. We

didn't push it hard enough, and say here are the real problems that we have. Now that we're deep in the system, these are the problems that we have.

Rep. Skarphol: Were the increased salaries included in your original request?

Ross: Yes, they were.

Sen. Andrist: This is one of the things we struggle with on our side. When we went to OMB to find out their reasoning in not including them, they told us that they never received a request for this money.

Joe Morrisette, OMB: They were included in their request as optional. Some of the detail was not provided, but the total was included as an optional request to their budget. There is some misunderstanding there, because they were part of there request in the fashion that Ross laid out, because their base request amount was limited.

Ross: They weren't included in the Governor's request. If it wasn't included in the Governor's request, it was simply outlined further back, but without any funding attached to it.

Chair Carlson: I've had trouble from the first day understanding how we aren't spending money to complete our communication system. Everyone tells us it's the most vital money, then I look at the fact that we sent out \$28 million in 04, or grants in the last 2 years, \$28 million to the locals, and we keep 7 million dollars at the state, and we still don't even have a system that's close to working. Seems odd to me when that is your priority, and that is not what you're spending your money on.

Sen. Andrist: I strongly agree with you, and I wonder if Ross can provide us any kind of an understanding why we spent \$7 million on things that are of lesser importance than this.

Ross: I don't have exactly all the reasons, but what happens within the whole context of Homeland Security is it is not driven entirely by the state, it's driven at the local level.

Sen. Andrist: \$28 million went to the local level, and we'll hang them with the responsibility of how they spent their \$28 million. How about the \$7 million that went to you?

Ross: Within the \$7 million, a significant portion of that has been designated toward the system upgrades, and we're working toward that structure.

Chair Carlson: Does the county have to different awards? Is one the general award, and one is for infrastructure for communications? Aren't there two pots of money, that I'm reading?

Ross: I attempted to just show a breakout of the approximate percentages.

Sen. Grindberg: I see this as one of two things. Either we do nothing, or we provide a certain dollar amount for the agency to come back to the budget section that addresses the backbone, and then we can approve it now and have them implement it a year from now, or however long it takes to implement it, and have a deficiency appropriation. We're going to give them some flexibility to enhance this backbone during the biennium with our approval as it progresses, or we're not. I'm not interested in funding FTE's at this point in time.

Chair Carlson: We were convinced there was money to back that \$900,000. What ever happened to that?

Ross: When we had been talking about that to the House members, it had been related to future obligations of federal Homeland Security money, obligating that money into the future, and that's simply not possible.

Chair Carlson: Are you not going to get it?

Ross: We can't obligate future federal laws.

Chair Carlson: We're not obligating. We're just saying that you can't do it until you prove to us verification that you're going to get it.

LTC. Thiele: What the language in that section said was you can get it only if you get advanced in writing from the Fed's that you're going to get the money. They can't do that. They cannot give us a guarantee in advance of the appropriation of the funding authority. Are we absolutely convinced the money is coming, yes. Can we get that written assurance, no.

Rep. Skarphol: We didn't ask for written assurance that they were going to get the money. We asked for written assurance that if they got the money, that it could be used for backbone. That's the difference that I see, and how the language should have read.

Chair Carlson: Is there language that we can write that will allow you to access the \$900,000?

LTC. Thiele: I think if you just write a deficiency authorization. The money is coming, and we will have the ability to use that money for the backbone.

Chair Carlson: If that language can get improved, I'm all for it.

Ross: We will certainly provide a detailed list and cost of each and every one of those items that we purchased, if you so approve the deficiency appropriation.

Roxanne: If you're thinking along the lines of that section added by the House for the loan authorization up to \$900,000, perhaps we could just remove that sentence that says the loan may only be provided if the division has prior written approval to repay any loan, including accrued interest from future funding made available, for instance, the Department of Homeland Security. Then they would have that loan, they would come to you next session for funding, and you could decide are you going to repay that with general funds, or are you going to make them pay that with federal funds that they are receiving.

Chair Carlson: I think we want to make sure that the repayment is Homeland Security dollars.

Rep. Glassheim: Would you be allowed to use future Homeland Security dollars to pay for something that is already finished?

Ross: I'm not exactly sure on that status. We have the Motorola contract which we've established at about \$762,000 per year as our payment on that. Motorola is out on a limb on getting their money back on that system if something would happen in Homeland Security, but our estimation based on things that we've looked at over the course of the last several years would indicate that there's sufficient money to allow that payment to take place, hopefully with these other additional items that would be taking place through the deficiency appropriation.

Rep. Glassheim: If you bought some hardware with a loan, could you use 2,700 Homeland Security dollars to pay that back?

Ross: Yes, we could.

Sen. Grindberg: I would further add if there's intent language we could put in there to encourage the Executive Branch to identify and include the final pieces of this during the next biennium, so that the message is sent from us that we don't want to be messing around with unclear directives, or unclear requests two years from now.

Chair Carlson: I have a concern with this, because when we switched from Analog to Digital there's a lot less range, as far as I understand, then Digital. Is that correct, or not?

Major General Haugen: I believe that we do not know some of the problems, and that's why Motorola is there getting up the towers, there will be some anomalies somewhere. They will have to work on those, but by in large the difference is everybody is going to Digital from

Analog. You're not going to be able to replace Analog radios in 3 to 4 years. Secondly, the way in which they operate allows you to have a clear concise and quality signal, up until it drops off.

Chair Carlson: I now there are some concerns out there that we get this completed from the local 911 operators, the EMT's, and those people out there concerned about the whole process, because they are the ones called to the scene. That's exactly why we included a section in the bill that the Senate took out, where it said the Department of Emergency Management shall require political subdivisions to spend a portion of their money on cost association with migrating from Analog to Digital, and people all went nuts. The reality is the users got to pay, and I'd put the section back in a heartbeat, because I want those people on notice that they got to participate in the cost of this thing.

Sen. Andrist: If it satisfies the committee, we could take out the requirement that they get prior written approval, but it would be my thinking that certainly we'll give them the authority to spend their Homeland Security money and even spend it in advance to do this work, if they know the money is going to be there to repay any money that is borrowed.

Rep. Skarphol: I'd like to require that they spend the first Homeland Security money they get to pay this \$900,000. Not optional, not authorized, but they're going to spend it to do this \$900,000 the first money they get.

Chair Carlson: I think we just have to be careful to word it so we don't screw up the guidelines that the Fed's send the money with. I think the intent is very important that the locals send money back, that they share in the cost of getting the communication system complete, instead of having everybody driving around with a Digital radio, a brand new one, and no tower to hook it to.

Rep. Skarphol: We need to put something together that would make them more accountable for how they spend their money, and how they participate in completing this backbone. I'm talking about a study or a report, not a mandate, because we can't do that based on federal law.

Roxanne: Section 7, which was added by the House, it's the section relating to a review process. It says the division has requested shall provide an appropriate committee to the legislative council report detailing the uses of federal Homeland Security funds at the state and local levels and the report regarding any discrepancies relating to the needs assessment completed by the division and purchases made with federal Homeland Security funds. We're going to refine that sentence a little bit by saying the needs assessments completed by the division and local subdivisions.

Chair Carlson: That is an important part of the whole bill is to make sure that we reevaluate how all the money is getting spent.

Sen. Andrist: I wouldn't even have any objections to putting section 8 back in, but maybe your suggestion is even better that it become intent language, so it doesn't sound like a mandate.

Chair Carlson: What we have is we have a new structure, we dealt with the pay issue, we dealt with the name change, we talked about the backbone, and that was the only major changes in the bill that will be tomorrow.

Adjourned Conference Committee Hearing.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1016

House Government Performance Division

☒ Conference Committee

Hearing Date April 21, 2005

Tape Number
1

Side A
X

Side B

Meter #
950-1825

Committee Clerk Signature



Minutes: **Chair Carlson** opened conference committee hearing on HB 1016.

Roxanne, Legislative Council: Overview of amendment. (SEE AMENDMENT 58039.0205)

Sen. Grindberg: Section 33, that doesn't look familiar to me.

Roxanne: It references in code the State Division of Emergency Management. They changed that to the Division of Homeland Security.

Chair Carlson: If you pay particular attention to 12 and 13, we spent a lot of time discussing the organization. Read through and make sure it says what we want it to say.

Sen. Andrist: I'm really in awe at how well Roxanne has put this together, as well as I can tell.

Chair Carlson: I agree with you, I think that she took the language that we were looking for and put it into understandable terms.

Sen. Andrist: I have a reasonable level of confidence that the agency also understands the intent of this committee, and we'll use that as much as they probably will the statute itself.

Rep. Skarphol: I would move amendment 0205 to HB 1016.

Page 2

House Government Performance Division

Bill/Resolution Number HB 1016

Hearing Date April 21, 2005

Sen. Andrist: Second.

Roll call vote. HB 1016 is a do pass, as amended.

Adjourned Conference Committee Hearing.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

That the Senate recede from its amendments as printed on pages 1564-1568 of the House Journal and pages 1262-1266 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 1, replace "division" with "department"

Page 1, line 2, replace "management" with "services" and replace "911 services" with "the department of emergency services"

Page 1, line 4, remove "and" and replace "require political subdivision financial participation in the state radio" with "provide a statement of legislative intent; to provide for a department of emergency services and an advisory committee; and to amend and reenact subdivision b of subsection 2 of section 28-32-01, subsection 3 of section 37-17.1-05, sections 37-17.1-06, 37-17.1-07, 37-17.1-07.1, 37-17.1-11, 37-17.1-13, 37-17.1-14, 37-17.1-14.1, 37-17.1-15, 37-17.1-22, and 37-17.1-23, subsection 2 of section 39-01-01, and sections 39-10-03.2, 54-23.2-01, 54-23.2-04.1, 54-23.2-09, 57-40.6-11, 57-40.6-12, 61-16.2-03, and 65-06-01 of the North Dakota Century Code, relating to the department of emergency services."

Page 1, remove line 5

Page 1, line 8, replace "division" with "department"

Page 1, line 9, replace "management" with "services"

Page 1, line 19, replace "division" with "department" and replace "management" with "services"

Page 1, line 21, replace "3,760,579" with "3,540,596"

Page 1, line 24, replace "13,062,469" with "13,062,469"

Page 1, after line 24, insert:

"Salaries and wages pool	<u>213,493</u> "
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Page 2, line 1, replace "23,457,783" with "23,451,293"

Page 2, line 2, replace "19,733,090" with "19,730,151"

Page 2, line 3, replace "3,724,693" with "3,721,142"

Page 2, line 7, replace "division" with "department" and replace "management" with "services"

Page 2, line 10, replace "6,798,138" with "6,578,155"

Page 2, line 13, replace "46,962,054" with "46,962,054"

Page 2, after line 13, insert:

"Salaries and wages pool

213,493"

Page 2, line 14, replace "62,043,959" with "62,037,469"

Page 2, line 15, replace "56,950,231" with "56,947,292"

Page 2, line 16, replace "5,093,728" with "5,090,177"

Page 2, line 20, replace "division" with "department"

Page 2, line 21, replace "management" with "services"

Page 2, replace lines 22 through 29 with:

"SECTION 5. PERFORMANCE AUDIT - DEPARTMENT OF EMERGENCY SERVICES. The state auditor shall conduct a performance audit of the department of emergency services, including a review of fees collected for 911 services and the utilization of the fees during the biennium beginning July 1, 2005, and ending June 30, 2007. If possible, the audit should include options for the appropriate method of funding costs incurred by the department for providing 911 services, including the costs incurred by the department for answering calls from counties not under contract with the division for 911 services. The state auditor must be granted access to all county and county consortium records pertaining to 911 information. The results of the audit must be presented to the legislative audit and fiscal review committee and filed with the appropriations committee of the sixtieth legislative assembly."

Page 2, line 30, after **"COMMUNICATIONS"** insert **"SYSTEM"** and after **"AUTHORIZATION"** insert **"- BUDGET SECTION APPROVAL"**

Page 2, line 31, replace "division" with "department"

Page 3, line 1, replace "management" with "services"

Page 3, line 4, replace "only may be provided if the division has the prior written approval to repay any" with ", including interest, is to be repaid with federal funds made available from the United States department of homeland security."

Page 3, remove line 5

Page 3, line 6, remove "department of homeland security." and replace "division" with "department"

Page 3, line 9, replace "division" with "department" and replace "management" with "services"

Page 3, line 10, replace "division's" with "department's"

Page 3, line 13, replace "division" with "department"

Page 3, line 14, remove "an appropriate committee of"

Page 3, line 16, replace "assessment" with "assessments" and replace "division" with "department and local political subdivisions"

Page 3, replace lines 18 through 22 with:

"SECTION 8. LEGISLATIVE INTENT - STATE RADIO COMMUNICATIONS SYSTEM MIGRATION PROJECT - POLITICAL SUBDIVISION FINANCIAL

PARTICIPATION. It is the intent of the fifty-ninth legislative assembly that political subdivisions spend a portion of the federal homeland security funding allocations on costs associated with the migration of the state radio communications system from analog to digital.

SECTION 9. LEGISLATIVE INTENT - STATE RADIO COMMUNICATIONS SYSTEM MIGRATION PROJECT. It is the intent of the fifty-ninth legislative assembly that the office of management and budget address all remaining costs associated with the migration of the state radio communications system from analog to digital in the department's budget request for the 2007-09 biennium.

SECTION 10. SALARIES AND WAGES POOL - BUDGET SECTION APPROVAL. The department, in conjunction with the North Dakota human resource management services division of the office of management and budget, shall reevaluate job classifications impacted by the department's reorganization. The department shall report the positions affected by the department's reorganization and a detailed justification of any prior salary increases and a recommendation and analysis of any proposed salary increases or decreases to the budget section. The sum of \$231,493, or so much of the sum as may be necessary, included in the salaries and wages pool line item in section 3 of this Act, is available to the department for providing salary increases to positions affected by the reorganization subject to budget section approval.

SECTION 11. AMENDMENT. Subdivision b of subsection 2 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

- b. The adjutant general with respect to the division of emergency management department of emergency services.

SECTION 12. Department of emergency services. The department of emergency services consists of a division of state radio and a division of homeland security. The adjutant general is the director of the department. The adjutant general shall provide for shared administration of both divisions. The division of homeland security consists of the state operations center section, the disaster recovery section, and the homeland security section. The adjutant general shall appoint a separate director of each division. A division director serves at the pleasure of the adjutant general. The adjutant general shall fix the compensation of a division director within limits of legislative appropriation.

SECTION 13. Advisory committee to department of emergency services. The adjutant general shall create one or more advisory committees to the department of emergency services. An advisory committee may consist of not more than eleven members representing local and state interests in the department. Members must be appointed to four-year staggered terms. An advisory committee shall advise the department regarding collaboration with political subdivisions, and each member of an advisory committee shall report to the local interest each member represents concerning recommendations approved by the committee. Each member of the advisory committee is entitled to be paid sixty-two dollars and fifty cents per day and is entitled to be reimbursed for the member's actual and necessary expenses at the rates and in the manner provided by law for other state officers. The compensation and expenses must be paid out of department appropriations.

SECTION 14. AMENDMENT. Subsection 3 of section 37-17.1-05 of the North Dakota Century Code is amended and reenacted as follows:

3. A disaster or emergency must be declared by executive order or proclamation of the governor if the governor determines a disaster has occurred or a state of emergency exists. The state of disaster or emergency shall continue until the governor determines that the threat of an emergency has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist. The legislative assembly by

concurrent resolution may terminate a state of disaster or emergency at any time. All executive orders or proclamations issued under this subsection must indicate the nature of the disaster or emergency, the area or areas threatened, the conditions which have brought it about or which make possible termination of the state of disaster or emergency. An executive order or proclamation must be disseminated promptly by means calculated to bring its contents to the attention of the general public, unless the circumstances attendant upon the disaster or emergency prevent or impede such dissemination, and it must be promptly filed with the ~~division~~ of emergency management department of emergency services, the secretary of state, and the county or city auditor of the jurisdictions affected.

SECTION 15. AMENDMENT. Section 37-17.1-06 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-06. State division of emergency management homeland security.

1. ~~A~~ The division of emergency management is hereby established in the office of the adjutant general. The division shall have a director appointed by, and to serve at the pleasure of, the adjutant general and the director's compensation must be fixed by the adjutant general within the legislative appropriations. The division shall homeland security, must have ~~other~~ professional, technical, secretarial, and clerical employees as necessary for the performance of its functions. The director of the division shall fix the compensation of the staff in conformity with state merit system regulations and may make such expenditures within the appropriations therefor, or from other funds made available to the director for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.
2. The division of emergency management homeland security shall prepare and maintain a state disaster plan and keep it current, which plan may include provisions for:
 - a. Averting or minimizing the injury and damage caused by disasters or emergencies.
 - b. Prompt and effective response to a disaster or emergency.
 - c. Emergency relief.
 - d. Identification of areas particularly vulnerable to a disaster or emergency.
 - e. Recommendations for zoning, building, and other land use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other mitigation and preparedness measures.
 - f. Assistance to local officials in developing and maintaining local emergency management systems.
 - g. Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from any disaster or emergency.
 - h. Preparation and distribution of emergency management assistance program guidance to the appropriate state and local officials.

- i. Organization of manpower and chains of command.
 - j. Coordination of federal, state, and local emergency management activities.
 - k. Coordination of state disaster or emergency operations plans with the disaster or emergency plans of the federal government.
 - l. Other necessary matters.
3. The division of emergency management homeland security shall take an integral part in the development and revision of local disaster or emergency operations plans prepared under section 37-17.1-07. To this end it shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to local emergency management organizations. These personnel shall consult with local emergency management organizations on a regularly scheduled basis and shall make field examinations of the areas, circumstances, and conditions to which particular local disaster or emergency plans are intended to apply and may suggest or require revisions.
4. In preparing and revising state disaster or emergency plans, the division of emergency management homeland security shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic, and volunteer organizations and community leaders. In advising local emergency management organizations, the division shall encourage them also to seek advice from these sources.
5. State disaster or emergency plans or any parts thereof have the force of law upon implementation by the governor.
6. The division of emergency management homeland security shall:
- a. Coordinate the procurement and prepositioning of supplies, materials, and equipment for disaster or emergency operations.
 - b. Provide guidance and standards for local disaster or emergency operational plans.
 - c. Periodically review local disaster or emergency operational plans.
 - d. Coordinate state or state and federal assistance to local emergency management organizations.
 - e. Establish and operate or assist local emergency management organizations to establish and operate training programs and programs for emergency public information.
 - f. Make surveys of industries, resources, and facilities, within the state, both public and private, as are necessary to carry out the purposes of this chapter. The use of sensitive and proprietary logistical data submitted to the state in confidence by individual industries and suppliers must be accorded full confidentiality and will be released only in aggregate form.
 - g. Plan and make arrangements for the availability and use of any private facilities, services, and property, and, if necessary and if in fact used, coordinate payment for that use under terms and conditions agreed upon.

- h. Establish access to a register of persons with types of training and skills important in mitigation, preparedness, response, and recovery.
- i. Establish access to a register of equipment and facilities available for use in a disaster or emergency.
- j. Prepare, for issuance by the governor, executive orders, proclamations, and guidance as necessary or appropriate in managing a disaster or emergency.
- k. Coordinate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster mitigation, preparation, response, and recovery.
- l. Be the state search and rescue coordinating agency, establish access to a register of search and rescue equipment and personnel in the state, and plan for its effective utilization in carrying out the search for and rescue of persons when no violation of criminal laws exists.
- m. Do other things necessary, incidental, or appropriate for the implementation of this chapter.

SECTION 16. AMENDMENT. Section 37-17.1-07 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-07. Local emergency management organizations.

- 1. All areas of the state are within the jurisdiction of and must be served by the division of emergency management homeland security and by a local emergency management organization.
- 2. Each county shall maintain an emergency management organization which serves the entire county.
- 3. Each city shall provide an emergency management organization of its own, or it shall participate in the countywide emergency management organization. Each governing board of a city shall make its determination on the basis of the city's emergency management requirements, hazards, capabilities, and resources. The division of emergency management homeland security shall publish and keep current a list of cities desiring to have an emergency management organization of their own.
- 4. The mayor of a city or chairman of the board of county commissioners shall notify the division of emergency management homeland security of the manner in which the city or county is providing or securing emergency management activities, identify the person who will coordinate the activities of the local emergency management organization, and furnish additional information relating thereto as the division requires.
- 5. Each local emergency management organization shall prepare and keep current a local disaster or emergency operational plan for its area.
- 6. The local emergency management organization shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the disaster or emergency responsibilities of their local agencies and officials.

SECTION 17. AMENDMENT. Section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-07.1. Hazardous chemicals preparedness and response program.

1. Program components.

- a. State emergency response commission. The governor shall appoint members of the state emergency response commission to carry out the commission's responsibilities as outlined in Public Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, and the responsibilities of the commission members as outlined in the North Dakota emergency operations plan.
- b. Program development. In conjunction with the state emergency response commission, the local emergency planning committees, and the local emergency management organizations, the division of emergency management homeland security shall coordinate the development and maintenance of a state hazardous chemicals preparedness and response program.
- c. Chairperson. The director of the division of emergency management homeland security shall serve as the chairperson chairman of the state emergency response commission. In the absence of the chairperson chairman, the designated vice chairperson chairman shall serve as chairperson chairman. The chairperson chairman shall recognize the assignment of representatives to the commission who are designated through a delegation of authority by a member. The chairperson chairman shall designate a commission secretary, solely for the purpose of documenting and distributing clerical proceedings, from the staff of the division of emergency management homeland security.
- d. Facility reporting. For the purpose of complying with the reporting requirements set forth in sections 302, 304, 311, 312, and 313 of Public Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, the owner and operator of any facility, as defined in SARA title III, shall submit those reports to the North Dakota division of emergency management homeland security as required by SARA title III, which shall establish and maintain the state repository for these reports.

2. Establishment of funds.

- a. State hazardous chemicals preparedness and response fund. There is created in the state treasury a nonlapsing restricted account to be known as a state hazardous chemicals preparedness and response fund. The fund consists of revenue collected from the state hazardous chemical fee system and funds appropriated by the general assembly. Moneys in the fund shall be appropriated biennially to the division of emergency management homeland security for carrying out the purposes, goals, and objectives of SARA title III, and the state hazardous chemicals preparedness and response program.
- b. County hazardous chemicals preparedness and response account. The county treasurer of each county shall establish a nonlapsing restricted account, to be known as the county hazardous chemicals preparedness and response account. The county hazardous chemicals preparedness and response account consists of revenue from the state hazardous chemicals fee system, county, federal or state funds, grants, and any private donations provided to finance the county hazardous chemicals preparedness and response program.

- c. Facility fee system. Each owner and operator of a facility, as defined in SARA title III, shall pay an annual hazardous chemicals fee to the division of emergency management homeland security by March first of each year. The fee is twenty-five dollars for each chemical within the meaning of 40 CFR 355.20 or its successor which is required under section 312 of SARA, title III, to be listed on the hazardous chemical inventory form (tier II) which the owner or operator must submit to the division. The federal requirements must be used for completing the tier II form, including the threshold amounts, as outlined in 40 CFR 370.20. The maximum fee for a facility under this section is one hundred fifty dollars. The division of emergency management homeland security shall transfer to the county hazardous chemicals preparedness and response account one-half of the funds collected from the state's hazardous chemicals fee system.
 - d. Exemptions. The owners or operators of family farm enterprises that are not engaged in the retail or wholesale of hazardous chemicals and facilities owned by the state or local governments are exempt from the fee under subdivision c. For purposes of this section, the terms "family farm" and "farmer" have the same meaning as set forth in section 6-09.11-01.
 - e. Accept funding. The state and county governments are authorized to accept and may deposit grants, gifts, and federal funds into the hazardous chemicals preparedness and response fund and accounts for the purpose of carrying out the hazardous chemicals preparedness and response program.
 - f. ~~Definition.~~ "Hazardous chemical" means as defined in 40 CFR 355.20 and 29 CFR 1910.1200.
 - g. City fee system. The state hazardous chemicals fee system does not supersede a city fee system for hazardous chemicals.
3. Recovery of response costs.
- a. General rule. A person who causes a release, as defined in 40 CFR 355.20, of a hazardous chemical in excess of the reportable quantity of that chemical, as defined in 40 CFR 355.20, is liable for the response costs incurred by state or local hazardous chemical response personnel. The state agency, local agency, volunteer organization, or hazardous chemical response personnel, as identified in the state or local emergency operations plan, which undertakes a response action may recover those response costs in an action brought before a court of competent jurisdiction. If more than one jurisdiction, organization, or agency incurs response costs for the same hazardous chemical release or incident, those hazardous chemical response jurisdictions, agencies, organizations, or personnel may file a joint action and may designate one entity to represent the others in the action.
 - b. ~~Amount.~~ In the action to recover reasonable and necessary response costs, state agencies, local agencies, or volunteer organizations may include operational, administrative, personnel, and legal costs incurred from its initial response action up to the time that it recovers its cost. Reasonable and necessary costs are those additional costs incurred that are a result of the responsible party's failure or inability to implement or initiate the necessary actions to protect life, property, and the environment.

4. Penalties and fines.

- a. ~~Civil fines.~~ A person who violates any of the reporting, planning, or notification requirements outlined in the provisions of the Emergency Planning and Community Right-to-Know Act of 1986 [title III of Public Law 99-499, 42 U.S.C. 11001 et seq.], or fails to pay a state hazardous chemicals fee is subject to a civil fine of not more than fifteen thousand dollars for each separate offense. For purposes of this subdivision, each day of continued violation constitutes a separate offense. All civil fines collected under this subdivision must be deposited in the state general fund. The state and its political subdivisions and employees of the state or a political subdivision acting within the scope of their employment are not subject to the civil fines established in this subdivision.
- b. Criminal penalty. Any person who knowingly falsifies information or who intentionally obstructs or impairs, by force, violence, physical interference, or obstacle, a representative of state or local government or state or local hazardous chemicals response personnel attempting to perform duties and functions in state or local emergency operations plans or complying with Public Law 99-499, SARA title III, is guilty of a class B misdemeanor. The state and its political subdivisions and employees of the state or a political subdivision acting within the scope of their employment are not subject to the penalty established in this subdivision.

5. Enforcement.

- a. If the director of the division of emergency management homeland security determines that a violation of this chapter has occurred, the director shall make all evidence available to the attorney general for use in any remedial action the attorney general's office determines appropriate, including injunctive relief.
- b. Nothing in this section may be construed to deny use of the remedies authorized under chapter 32-40.

SECTION 18. AMENDMENT. Section 37-17.1-11 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-11. Disaster or emergency mitigation.

1. In addition to disaster or emergency mitigation measures as included in the state and local disaster or emergency operational plans, the governor shall consider, on a continuing basis, steps that could be taken to mitigate or reduce the harmful consequences of disasters or emergencies. At the governor's direction, and pursuant to any other authority and capability they have, state agencies charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land use planning, and construction standards, shall make studies of disaster or emergency mitigation-related matters. The governor, from time to time, shall make recommendations to the legislative assembly, local governments, and other appropriate public and private entities as may facilitate measures for mitigation or reduction of the harmful consequences of disasters or emergencies.
2. The North Dakota state engineer and the water commission, in conjunction with the division of emergency management homeland security, shall keep land uses and construction of structures and other facilities under

continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood, or other catastrophic occurrence. The studies under this subsection must concentrate on means of reducing or avoiding the dangers caused by this occurrence or the consequences thereof.

3. If the division of emergency management homeland security determines, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning; existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the disaster or emergency; and changes in zoning regulations, other land use regulations, or building requirements are needed in order to further the purposes of this section, it shall specify the essential changes to the governor. If the governor, upon review of the determination, finds after public hearing, that the changes are essential, the governor shall so recommend to the agencies or local governments with jurisdiction over that area and subject matter. If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall so inform the legislative assembly and request legislative action appropriate to mitigate the impact of the disaster or emergency.
4. The governor, at the same time that the governor makes recommendations pursuant to subsection 3, may suspend the standard or control which the governor finds to be inadequate to protect the public safety and by regulation place a new standard or control in effect. The new standard or control remains in effect until rejected by concurrent resolution of both houses of the legislative assembly or amended by the governor. During the time it is in effect, the standard or control contained in the governor's regulation must be administered and given full effect by all relevant regulatory agencies of the state and local governments to which it applies. The governor's action is subject to judicial review in accordance with chapter 28-32 but is not subject to temporary stay pending litigation.

SECTION 19. AMENDMENT. Section 37-17.1-13 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-13. Communications. The division of emergency management homeland security shall ascertain what means exist for rapid and efficient communications in times of a disaster or emergency. The division shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state and federal telecommunications or other communications system or network, including the military installations. In studying the character and feasibility of any system or its several parts, the division shall evaluate the possibility of multipurpose use thereof for general state and local governmental purposes. The division shall make recommendations to the governor as appropriate.

SECTION 20. AMENDMENT. Section 37-17.1-14 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-14. Mutual aid.

1. Counties and cities must be encouraged and assisted by the division of emergency management homeland security to conclude suitable arrangements for furnishing mutual aid in emergency management. The arrangements must include provision of aid by persons and units in public employ.

2. In review of local disaster or emergency plans, the division of emergency management homeland security shall consider whether they contain adequate provisions for the rendering and receipt of mutual aid.

SECTION 21. AMENDMENT. Section 37-17.1-14.1 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-14.1. Mutual aid - Cooperation.

1. The division of emergency management homeland security shall encourage and assist political subdivisions to enter mutual aid agreements with other public and private agencies within the state for reciprocal aid and assistance in responding to and recovering from actual and potential disasters or emergencies.
2. In reviewing emergency operations plans and programs of political subdivisions, the division of emergency management homeland security shall consider whether ~~they~~ the plans and programs contain adequate provisions for mutual aid.
3. Local emergency management organizations may assist in negotiation of mutual aid agreements between the governor and an adjoining state or province or a political subdivision of an adjoining state or province and shall carry out arrangements of any such agreements relating to the local political subdivision.

SECTION 22. AMENDMENT. Section 37-17.1-15 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-15. Weather modification. The division of emergency management homeland security shall keep continuously apprised of weather conditions which present danger of precipitation or other climatic activity severe enough to constitute a disaster. If the division determines that precipitation resulting from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, ~~it~~ the division shall direct the officer or agency empowered to issue permits for weather modification operations to suspend the issuance of the permits. Thereupon, no No permits may be issued until the division informs the officer or agency that the danger has passed.

SECTION 23. AMENDMENT. Section 37-17.1-22 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-22. Disaster or emergency response and recovery costs. Whenever the governor declares a state of disaster or emergency in accordance with section 37-17.1-05, or when the governor enters into an agreement with the federal government following a disaster or emergency declared by the president of the United States, the director of the division of emergency management homeland security shall determine and record the costs of the state response and recovery operations in accordance with an agreement with the federal government or in accordance with procedures established by the governor in the case of a state-declared disaster or emergency. Immediately following the response or recovery operations, or prior thereto if ~~deemed~~ determined necessary by the governor, the governor shall make application to the state emergency commission for a grant of funds in an amount equal to the response and recovery costs of the state. Notwithstanding other provisions of chapter 54-16, it must be conclusively presumed upon receipt by the emergency commission of such application from the governor that a disaster or emergency exists, and ~~such the~~ commission ~~shall~~ immediately shall grant and direct the transfer to the department of the governor's designated representative of an amount equal to that certified in such application by the governor.

SECTION 24. AMENDMENT. Section 37-17.1-23 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-23. Disaster or emergency recovery funding - Loan authorization.

1. When approved by the emergency commission, the division of emergency management homeland security is authorized to borrow from the Bank of North Dakota, to match federal funds under the Robert T. Stafford Disaster Emergency Assistance Act [Public Law 93-288, as amended]. In addition to the principal repayment, the Bank of North Dakota shall receive interest on the loan at a rate equal to other state agency borrowings. On behalf of the state, the division of emergency management homeland security shall administer the disaster or emergency recovery program according to state procedures based on federal laws or regulations. After a county or group of counties have been declared a major disaster or emergency area by the president, the division shall submit a request to the emergency commission for:
 - ~~1.~~ a. Approval to make an application for a loan from the Bank of North Dakota;
 - ~~2.~~ b. Approval for additional personnel required to perform the anticipated recovery activities; and
 - ~~3.~~ c. Authority to spend additional state and federal funds for the recovery program.
2. If the request is acceptable, the emergency commission shall approve the request and issue a notice of its action to the division, Bank of North Dakota, and the office of management and budget. The division shall keep the emergency commission apprised of the progress of the recovery operation and submit a final report upon completion of the project. The emergency commission is responsible to repay any loan, including accrued interest, from the Bank of North Dakota which is provided under this section. If at the end of the biennium a balance exists on the loan, the emergency commission shall request the legislative assembly for a deficiency appropriation to repay the loan.

SECTION 25. AMENDMENT. Subsection 2 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

2. Authorized emergency vehicles:
 - a. Class A authorized emergency vehicles means:
 - (1) Vehicles of a governmentally owned fire department.
 - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of a municipal police department within the municipality or by a sheriff or deputy sheriff not including special deputy sheriffs, or by the director of the department of corrections and rehabilitation and the director's authorized agents who have successfully completed training in the operation of class A authorized emergency vehicles.
 - (3) Vehicles clearly identifiable as property of the department of corrections and rehabilitation when operated or under the control of the director of the department of corrections and rehabilitation.

- (4) Ambulances.
 - (5) Vehicles operated by or under the control of the director, district deputy director, or a district deputy game warden of the game and fish department.
 - (6) Vehicles owned or leased by the United States and used for law enforcement purposes.
 - (7) Vehicles designated for the use of the adjutant general or assistant adjutant general in cases of emergency.
 - (8) Vehicles operated by or under the control of the director of the parks and recreation department.
 - (9) Vehicles operated by or under the control of a licensed railroad police officer and used for law enforcement purposes.
- b. Class B authorized emergency vehicles means wreckers and such other emergency vehicles as are authorized by the local authorities.
 - c. Class C authorized emergency vehicles means:
 - (1) Vehicles authorized by the state and division of homeland security or local division of emergency management organizations.
 - (2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.
 - (3) Vehicles, other than ambulances, used by emergency medical services personnel.

SECTION 26. AMENDMENT. Section 39-10-03.2 of the North Dakota Century Code is amended and reenacted as follows:

39-10-03.2. Class C authorized emergency vehicles. All class B specifications apply to class C authorized emergency vehicles except that a rotating blue flashing light must be displayed in place of an amber light as provided in section 39-10-03.1. With respect to vehicles used by state and local disaster emergency services personnel, the division of emergency management homeland security is responsible for adopting rules for the use of flashing blue lights in accordance with chapter 28-32.

SECTION 27. AMENDMENT. Section 54-23.2-01 of the North Dakota Century Code is amended and reenacted as follows:

54-23.2-01. Definitions. Wherever the word "director" is hereinafter used, it shall mean the director of the office of management and budget. The word "system" hereinafter used shall mean As used in this chapter, unless the context otherwise requires:

- 1. "Director" means the director of the division of state radio.
- 2. "Division" means the division of state radio of the department of emergency services.
- 3. "System" means the state radio broadcasting system.

SECTION 28. AMENDMENT. Section 54-23.2-04.1 of the North Dakota Century Code is amended and reenacted as follows:

54-23.2-04.1. Lost or runaway children and missing persons. The ~~state~~ radio department division shall:

1. Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost or runaway children and missing persons. The ~~state~~ radio department shall implement
- ~~2.~~ 2. Implement a data exchange system to compile, to maintain, and to make available for dissemination to North Dakota and to out-of-state law enforcement agencies, descriptive information ~~which~~ that can assist appropriate agencies in recovering lost or runaway children and missing persons.
- ~~3.~~ 3. Establish contacts and exchange information regarding lost or runaway children and missing persons with the national crime information center.
- ~~4.~~ 4. Notify all enforcement agencies that reports of lost or runaway children and missing persons ~~shall~~ must be entered as soon as the minimum level of data specified by the ~~state~~ radio department division is available to the reporting agency and that no waiting period for entry of such data exists. If the enforcement agency is unable to enter the data, the ~~state radio~~ department shall division immediately upon notification shall enter the information into the national crime information center file.
- ~~5.~~ 5. Compile and retain information regarding lost or runaway children or missing persons in a separate file, in a manner that allows the information to be used by law enforcement and other agencies ~~deemed~~ considered appropriate by the ~~state~~ radio department division, for investigative purposes. The enforcement agency is responsible for maintaining the disposition of the case and ~~shall~~ periodically shall review the case with the reporting party and the ~~state~~ radio department division to ensure all available information is included and to determine the current status of the case.
- ~~6.~~ 6. Provide prompt confirmation of the receipt and entry of the lost or runaway children and missing persons report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection ~~6~~ 7.
- ~~6.~~ 7. Allow any parent, guardian, or identified family member to submit a missing persons report to the ~~state~~ radio department division which will be included in the ~~state~~ radio department division file system and transmitted to the national crime information center, if they are unable to receive services from the local law enforcement agency.
- ~~7.~~ 8. Compile and maintain a historical data repository relating to missing persons for all of the following purposes:
 - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons.
 - b. To provide a factual and statistical base for research ~~that~~ which would address the problem of lost or runaway children and missing persons.

SECTION 29. AMENDMENT. Section 54-23.2-09 of the North Dakota Century Code is amended and reenacted as follows:

54-23.2-09. Mobile data terminal and 911 service fees. State radio communications

1. The division shall establish and charge fees to provide mobile data terminal service to interested local law enforcement agencies. The fees must be based on actual costs incurred by state radio communications the division for providing the service.

State radio communications

2. The division may provide 911 services to a political subdivision with a population of fewer than twenty thousand and shall charge at least twenty cents per telephone access line and wireless access line for 911 services provided to political subdivisions. The fee for 911 wireless services must be charged to and paid by the political subdivision receiving services from state radio communications the division under this section from and after the date of the agreement entered into by the political subdivision or its designee under section 57-40.6-05, whether the date of that agreement is before or after April 4, 2003. Each county currently receiving 911 services from state radio communications the division shall abide by the standards established by law.

SECTION 30. AMENDMENT. Section 57-40.6-11 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-11. Annual report to legislative council. State radio The division of state radio, in cooperation with entities affected by this section and section 57-40.6-10, shall facilitate the review of emergency 911 telephone system standards and guidelines and shall report annually to the legislative council on the operation of and any recommended changes in the standards and guidelines.

SECTION 31. AMENDMENT. Section 57-40.6-12 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-12. Reports of coordination of public safety answering points coverage. The governing body of a city or county, which adopted a fee on telephone exchange access service and wireless service under this chapter, shall make an annual report of the income, expenditures, and status of its emergency services communication system. The annual report must be submitted to the ~~state radio~~ division of state radio and to the public safety answering points coordinating committee. The committee is composed of three members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, and one appointed by the ~~office~~ of management and budget adjutant general to represent the ~~state radio~~ division of state radio. The public safety answering points coordinating committee shall file its report with the legislative council by November first of each even-numbered year.

SECTION 32. AMENDMENT. Section 61-16.2-03 of the North Dakota Century Code is amended and reenacted as follows:

61-16.2-03. Duties of state engineer. The state engineer shall:

1. Collect and distribute information relating to flooding and floodplain management.
2. Coordinate local, state, and federal floodplain management activities to the greatest extent possible, and encourage appropriate federal agencies to make their flood control planning data available to communities and districts for planning purposes, in order to allow adequate local participation in the planning process and in the selection of desirable alternatives.

3. Assist communities and districts in their floodplain management activities within the limits of available appropriations and personnel in cooperation with the division of emergency management homeland security.
4. Do all other things, within lawful authority, which are necessary or desirable to manage the floodplains for uses compatible with the preservation of the capacity of the floodplain to carry and discharge the base flood. In cooperation with communities and districts, the state engineer shall conduct, whenever possible, periodic inspections to determine the effectiveness of local floodplain management programs, including an evaluation of the enforcement of and compliance with local floodplain management ordinances.

SECTION 33. AMENDMENT. Section 65-06-01 of the North Dakota Century Code is amended and reenacted as follows:

65-06-01. Volunteer firefighter, emergency or disaster volunteer, community emergency response team member, in training defined. The term "volunteer firefighter" means any active member of an organized volunteer fire department of this state and any other individual performing services as a volunteer firefighter for a municipality at the request of the chief or other individual in command of the fire department of that municipality or of any other officer of that municipality having authority to demand service as a firefighter. Firefighters who are paid a regular wage or stipend by the municipality for serving as a firefighter, or whose entire time is devoted to service as a firefighter for the municipality, for the purpose of this chapter, are not volunteer firefighters.

The term "emergency or disaster volunteer" means any individual serving without remuneration who is actively engaged in training to qualify as a disaster emergency worker or is responding to a hazard, emergency disaster, or enemy attack on this country, and who is registered with the disaster emergency organization of a municipality, which has been officially recognized by the director of the state division of emergency management homeland security.

The term "in training" means only those periods of time, during which an emergency or disaster volunteer is receiving instruction, or is engaged in exercises or operations, in preparation for qualification as a disaster emergency worker in the event of a hazard, emergency, disaster, or enemy attack on this country.

The term "community emergency response team member" means an individual registered as a community emergency response team member with the appropriate authority. For purposes of this chapter, a community emergency response team member is acting as a community emergency response team member only when the individual is receiving approved community emergency response team training or is acting as a member of a community emergency response team in an emergency or disaster.

Upon request of the organization, the disaster emergency organization of a municipality shall provide the organization with its roster of registered community emergency response team members.

The term "municipality" when used in reference to emergency or disaster volunteer means the state, cities, counties, municipalities, districts, or any other geographical entity of this state. This definition is not in any way intended to alter any interpretation or ruling in regard to the use of the term "municipality" when used in reference to volunteer firefighters."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1016 - Department of Emergency Services - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$6,821,939	\$6,798,138	(\$219,983)	\$6,578,155	\$6,578,155	
Operating expenses	3,325,844	3,325,844		3,325,844	3,325,844	
Capital assets	4,957,923	4,957,923		4,957,923	4,957,923	
Grants	46,962,054	46,962,054		46,962,054	46,962,054	
Salaries and wages pool			213,493	213,493		\$213,493
Loan proceeds			900,000	900,000		900,000
Total all funds	\$62,067,760	\$62,043,959	\$893,510	\$62,937,469	\$61,823,976	\$1,113,493
Less estimated income	56,961,521	56,950,231	897,061	57,847,292	56,736,776	1,110,516
General fund	\$5,106,239	\$5,093,728	(\$3,551)	\$5,090,177	\$5,087,200	\$2,977
FTE	54.00	54.00	0.00	54.00	54.00	0.00

Dept. 512 - Department of Emergency Services - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	REDUCES FUNDING FOR SALARIES AND WAGES AND CREATES A SALARIES AND WAGES POOL 1	AUTHORIZES THE BORROWING OF FUNDS 2	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$6,490)	(\$213,493)		(\$219,983)
Operating expenses				
Capital assets				
Grants				
Salaries and wages pool		213,493		213,493
Loan proceeds			900,000	900,000
Total all funds	(\$6,490)	\$0	900,000	\$893,510
Less estimated income	(2,939)		900,000	897,061
General fund	(\$3,551)	\$0	\$0	(\$3,551)
FTE	0.00	0.00	0.00	0.00

1 The conference committee agreed to create a salaries and wages pool of \$213,493, of which \$2,977 is from the general fund, with funding from the salaries and wages line item. The funding is available to the department for providing salary increases to positions affected by the department's reorganization subject to approval by the Budget Section. The Senate had reduced funding for salaries and wages by \$213,493, of which \$2,977 is from the general fund, to remove funding relating to continuing salary increases provided to Division of Emergency Management employees during the 2003-05 biennium.

2 The conference committee agreed with the House amendment to authorized the department to borrow up to \$900,000 from the Bank of North Dakota for expenses associated with the migration of the State Radio Communications system from analog to digital. The loan, including accrued interest, is to be repaid with federal funds made available from the United States Department of Homeland Security. The Senate had removed this borrowing authority from the bill.

This amendment also:

- Revises Section 5 of the engrossed bill added by the House to broaden the scope of the audit to the entire department, including fees collected for 911 services and the utilization of such fees. These changes were also made by the Senate.
- Revises Section 8 of the engrossed bill added by the House to provide legislative intent that political subdivisions spend a portion of federal homeland security funding allocations on costs associated with the migration of the State Radio Communications system from analog to digital instead of requiring political subdivisions to spend a portion of federal homeland security funding allocations on the migration. The Senate had removed this section from the bill.
- Adds a section to the bill providing legislative intent that the Office of Management and Budget address all remaining costs associated with the State Radio Communications system migration project in the department's budget request for the 2007-09 biennium. This section was not included in either the House or the Senate version of the bill.
- Provides for the reorganization of the Division of Emergency Management to the Department of Emergency Services, including a division of state radio and a division of homeland security, and the establishment of an advisory committee to the department. The Senate had reorganized the agency into the Division of Emergency Management and the Division of Homeland Security and State Radio Communications.

PASSED

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1016 (, as (re)engrossed):

Date: April 20, 2005

Your Conference Committee House Government Performance (Approp)

For the Senate:

YES / NO

Sen. Grindberg

X

Sen. Andrist

X

Sen. Lindaas

For the House:

YES / NO

Chairman Carlson

X

Rep. Skarphol

X

Rep. Glassheim

X

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

_____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE:

CARRIER:

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted
Statement of purpose of amendment

MOTION MADE BY:

SECONDED BY:

VOTE COUNT _____ YES _____ NO _____ ABSENT

Revised 4/1/05

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1016 (, as (re)engrossed):

Date: April 21, 2005

Your Conference Committee House Government Performance

For the Senate:

YES / NO

For the House:

YES / NO

Sen. Grindberg	X	Chairman Carlson	X
Sen. Andrist	X	Rep. Skarphol	X
Sen. Lindaas	X	Rep. Glassheim	X

recommends that the SENATE HOUSE (ACCEDE to) RECEDE from)

the Senate House amendments on (SJ/HJ) page(s) 1564 -- 1567

____, and place _____ on the Seventh order.

X, adopt (further) amendments as follows, and place HB 1016 on the Seventh order:

____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) HB 1016 was placed on the Seventh order of business on the calendar.

DATE: April 21, 2005

CARRIER: Rep. Carlson

LC NO. 58039.0205 of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

MOTION MADE BY: Rep. Skarp

SECONDED BY: Sen. Andrist

VOTE COUNT 6 YES 0 NO 0 ABSENT

Revised 4/1/05

REPORT OF CONFERENCE COMMITTEE

HB 1016, as engrossed: Your conference committee (Sens. Grindberg, Andrist, Lindaas and Reps. Carlson, Skarphol, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1564-1568, adopt amendments as follows, and place HB 1016 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1564-1568 of the House Journal and pages 1262-1266 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 1, replace "division" with "department"

Page 1, line 2, replace "management" with "services" and replace "911 services" with "the department of emergency services"

Page 1, line 4, remove "and" and replace "require political subdivision financial participation in the state radio" with "provide a statement of legislative intent; to provide for a department of emergency services and an advisory committee; and to amend and reenact subdivision b of subsection 2 of section 28-32-01, subsection 3 of section 37-17.1-05, sections 37-17.1-06, 37-17.1-07, 37-17.1-07.1, 37-17.1-11, 37-17.1-13, 37-17.1-14, 37-17.1-14.1, 37-17.1-15, 37-17.1-22, and 37-17.1-23, subsection 2 of section 39-01-01, and sections 39-10-03.2, 54-23.2-01, 54-23.2-04.1, 54-23.2-09, 57-40.6-11, 57-40.6-12, 61-16.2-03, and 65-06-01 of the North Dakota Century Code, relating to the department of emergency services."

Page 1, remove line 5

Page 1, line 8, replace "division" with "department"

Page 1, line 9, replace "management" with "services"

Page 1, line 19, replace "division" with "department" and replace "management" with "services"

Page 1, line 21, replace "3,760,579" with "3,540,596"

Page 1, line 24, replace "13,062,469" with "13,062,469"

Page 1, after line 24, insert:

"Salaries and wages pool

213,493"

Page 2, line 1, replace "23,457,783" with "23,451,293"

Page 2, line 2, replace "19,733,090" with "19,730,151"

Page 2, line 3, replace "3,724,693" with "3,721,142"

Page 2, line 7, replace "division" with "department" and replace "management" with "services"

Page 2, line 10, replace "6,798,138" with "6,578,155"

Page 2, line 13, replace "46,962,054" with "46,962,054"

Page 2, after line 13, insert:

"Salaries and wages pool

213,493"

Page 2, line 14, replace "62,043,959" with "62,037,469"

Page 2, line 15, replace "56,950,231" with "56,947,292"

Page 2, line 16, replace "5,093,728" with "5,090,177"

Page 2, line 20, replace "division" with "department"

Page 2, line 21, replace "management" with "services"

Page 2, replace lines 22 through 29 with:

"SECTION 5. PERFORMANCE AUDIT - DEPARTMENT OF EMERGENCY SERVICES. The state auditor shall conduct a performance audit of the department of emergency services, including a review of fees collected for 911 services and the utilization of the fees during the biennium beginning July 1, 2005, and ending June 30, 2007. If possible, the audit should include options for the appropriate method of funding costs incurred by the department for providing 911 services, including the costs incurred by the department for answering calls from counties not under contract with the division for 911 services. The state auditor must be granted access to all county and county consortium records pertaining to 911 information. The results of the audit must be presented to the legislative audit and fiscal review committee and filed with the appropriations committee of the sixtieth legislative assembly."

Page 2, line 30, after "**COMMUNICATIONS**" insert "**SYSTEM**" and after "**AUTHORIZATION**" insert "**- BUDGET SECTION APPROVAL**"

Page 2, line 31, replace "division" with "department"

Page 3, line 1, replace "management" with "services"

Page 3, line 4, replace "only may be provided if the division has the prior written approval to repay any" with ", including interest, is to be repaid with federal funds made available from the United States department of homeland security."

Page 3, remove line 5

Page 3, line 6, remove "department of homeland security." and replace "division" with "department"

Page 3, line 9, replace "division" with "department" and replace "management" with "services"

Page 3, line 10, replace "division's" with "department's"

Page 3, line 13, replace "division" with "department"

Page 3, line 14, remove "an appropriate committee of"

Page 3, line 16, replace "assessment" with "assessments" and replace "division" with "department and political subdivisions"

Page 3, replace lines 18 through 22 with:

"SECTION 8. LEGISLATIVE INTENT - STATE RADIO COMMUNICATIONS SYSTEM MIGRATION PROJECT - POLITICAL SUBDIVISION FINANCIAL PARTICIPATION. It is the intent of the fifty-ninth legislative assembly that political subdivisions spend a portion of the federal homeland security funding allocations on

costs associated with the migration of the state radio communications system from analog to digital.

SECTION 9. LEGISLATIVE INTENT - STATE RADIO COMMUNICATIONS SYSTEM MIGRATION PROJECT. It is the intent of the fifty-ninth legislative assembly that the office of management and budget address all remaining costs associated with the migration of the state radio communications system from analog to digital in the department's budget request for the 2007-09 biennium.

SECTION 10. SALARIES AND WAGES POOL - BUDGET SECTION APPROVAL. The department, in conjunction with the North Dakota human resource management services division of the office of management and budget, shall reevaluate job classifications impacted by the department's reorganization. The department shall report the positions affected by the department's reorganization and a detailed justification of any prior salary increases and a recommendation and analysis of any proposed salary increases or decreases to the budget section. The sum of \$213,493, or so much of the sum as may be necessary, included in the salaries and wages pool line item in section 3 of this Act, is available to the department for providing salary increases to positions affected by the reorganization subject to budget section approval.

SECTION 11. AMENDMENT. Subdivision b of subsection 2 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

- b. The adjutant general with respect to the division of emergency management department of emergency services.

SECTION 12. Department of emergency services. The department of emergency services consists of a division of state radio and a division of homeland security. The adjutant general is the director of the department. The adjutant general shall provide for shared administration of both divisions. The division of homeland security consists of the state operations center section, the disaster recovery section, and the homeland security section. The adjutant general shall appoint a separate director of each division. A division director serves at the pleasure of the adjutant general. The adjutant general shall fix the compensation of a division director within limits of legislative appropriation.

SECTION 13. Advisory committee to department of emergency services. The adjutant general shall create one or more advisory committees to the department of emergency services. An advisory committee may consist of not more than eleven members representing local and state interests in the department. Members must be appointed to four-year staggered terms. An advisory committee shall advise the department regarding collaboration with political subdivisions, and each member of an advisory committee shall report to the local interest each member represents concerning recommendations approved by the committee. Each member of the advisory committee is entitled to be paid sixty-two dollars and fifty cents per day for time spent in attendance at meetings and is entitled to be reimbursed for the member's actual and necessary expenses at the rates and in the manner provided by law for other state officers. The compensation and expenses must be paid out of department appropriations.

SECTION 14. AMENDMENT. Subsection 3 of section 37-17.1-05 of the North Dakota Century Code is amended and reenacted as follows:

3. A disaster or emergency must be declared by executive order or proclamation of the governor if the governor determines a disaster has occurred or a state of emergency exists. The state of disaster or

emergency shall continue until the governor determines that the threat of an emergency has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist. The legislative assembly by concurrent resolution may terminate a state of disaster or emergency at any time. All executive orders or proclamations issued under this subsection must indicate the nature of the disaster or emergency, the area or areas threatened, the conditions which have brought it about or which make possible termination of the state of disaster or emergency. An executive order or proclamation must be disseminated promptly by means calculated to bring its contents to the attention of the general public, unless the circumstances attendant upon the disaster or emergency prevent or impede such dissemination, and it must be promptly filed with the division of emergency management department of emergency services, the secretary of state, and the county or city auditor of the jurisdictions affected.

SECTION 15. AMENDMENT. Section 37-17.1-06 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-06. State division of emergency management homeland security.

1. A The division of emergency management is hereby established in the office of the adjutant general. The division shall have a director appointed by, and to serve at the pleasure of, the adjutant general and the director's compensation must be fixed by the adjutant general within the legislative appropriations. The division shall homeland security, must have ~~other~~ professional, technical, secretarial, and clerical employees as necessary for the performance of its functions. The director of the division shall fix the compensation of the staff in conformity with state merit system regulations and may make such expenditures within the appropriations therefor, or from other funds made available to the director for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.
2. The division of emergency management homeland security shall prepare and maintain a state disaster plan and keep it current, which plan may include provisions for:
 - a. Averting or minimizing the injury and damage caused by disasters or emergencies.
 - b. Prompt and effective response to a disaster or emergency.
 - c. Emergency relief.
 - d. Identification of areas particularly vulnerable to a disaster or emergency.
 - e. Recommendations for zoning, building, and other land use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other mitigation and preparedness measures.
 - f. Assistance to local officials in developing and maintaining local emergency management systems.

- g. Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from any disaster or emergency.
 - h. Preparation and distribution of emergency management assistance program guidance to the appropriate state and local officials.
 - i. Organization of manpower and chains of command.
 - j. Coordination of federal, state, and local emergency management activities.
 - k. Coordination of state disaster or emergency operations plans with the disaster or emergency plans of the federal government.
 - l. Other necessary matters.
3. The division of emergency management homeland security shall take an integral part in the development and revision of local disaster or emergency operations plans prepared under section 37-17.1-07. To this end it shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to local emergency management organizations. These personnel shall consult with local emergency management organizations on a regularly scheduled basis and shall make field examinations of the areas, circumstances, and conditions to which particular local disaster or emergency plans are intended to apply and may suggest or require revisions.
4. In preparing and revising state disaster or emergency plans, the division of emergency management homeland security shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic, and volunteer organizations and community leaders. In advising local emergency management organizations, the division shall encourage them also to seek advice from these sources.
5. State disaster or emergency plans or any parts thereof have the force of law upon implementation by the governor.
6. The division of emergency management homeland security shall:
 - a. Coordinate the procurement and prepositioning of supplies, materials, and equipment for disaster or emergency operations.
 - b. Provide guidance and standards for local disaster or emergency operational plans.
 - c. Periodically review local disaster or emergency operational plans.
 - d. Coordinate state or state and federal assistance to local emergency management organizations.
 - e. Establish and operate or assist local emergency management organizations to establish and operate training programs and programs for emergency public information.
 - f. Make surveys of industries, resources, and facilities, within the state, both public and private, as are necessary to carry out the purposes of

this chapter. The use of sensitive and proprietary logistical data submitted to the state in confidence by individual industries and suppliers must be accorded full confidentiality and will be released only in aggregate form.

- g. Plan and make arrangements for the availability and use of any private facilities, services, and property, and, if necessary and if in fact used, coordinate payment for that use under terms and conditions agreed upon.
- h. Establish access to a register of persons with types of training and skills important in mitigation, preparedness, response, and recovery.
- i. Establish access to a register of equipment and facilities available for use in a disaster or emergency.
- j. Prepare, for issuance by the governor, executive orders, proclamations, and guidance as necessary or appropriate in managing a disaster or emergency.
- k. Coordinate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster mitigation, preparation, response, and recovery.
- l. Be the state search and rescue coordinating agency, establish access to a register of search and rescue equipment and personnel in the state, and plan for its effective utilization in carrying out the search for and rescue of persons when no violation of criminal laws exists.
- m. Do other things necessary, incidental, or appropriate for the implementation of this chapter.

SECTION 16. AMENDMENT. Section 37-17.1-07 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-07. Local emergency management organizations.

- 1. All areas of the state are within the jurisdiction of and must be served by the division of emergency management homeland security and by a local emergency management organization.
- 2. Each county shall maintain an emergency management organization which serves the entire county.
- 3. Each city shall provide an emergency management organization of its own, or it shall participate in the countywide emergency management organization. Each governing board of a city shall make its determination on the basis of the city's emergency management requirements, hazards, capabilities, and resources. The division of emergency management homeland security shall publish and keep current a list of cities desiring to have an emergency management organization of their own.
- 4. The mayor of a city or chairman of the board of county commissioners shall notify the division of emergency management homeland security of the manner in which the city or county is providing or securing emergency

management activities, identify the person who will coordinate the activities of the local emergency management organization, and furnish additional information relating thereto as the division requires.

5. Each local emergency management organization shall prepare and keep current a local disaster or emergency operational plan for its area.
6. The local emergency management organization shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the disaster or emergency responsibilities of their local agencies and officials.

SECTION 17. AMENDMENT. Section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-07.1. Hazardous chemicals preparedness and response program.

1. Program components.
 - a. State emergency response commission. The governor shall appoint members of the state emergency response commission to carry out the commission's responsibilities as outlined in Public Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, and the responsibilities of the commission members as outlined in the North Dakota emergency operations plan.
 - b. Program development. In conjunction with the state emergency response commission, the local emergency planning committees, and the local emergency management organizations, the division of emergency management homeland security shall coordinate the development and maintenance of a state hazardous chemicals preparedness and response program.
 - c. Chairperson. The director of the division of emergency management homeland security shall serve as the chairperson chairman of the state emergency response commission. In the absence of the chairperson chairman, the designated vice chairperson chairman shall serve as chairperson chairman. The chairperson chairman shall recognize the assignment of representatives to the commission who are designated through a delegation of authority by a member. The chairperson chairman shall designate a commission secretary, solely for the purpose of documenting and distributing clerical proceedings, from the staff of the division of emergency management homeland security.
 - d. Facility reporting. For the purpose of complying with the reporting requirements set forth in sections 302, 304, 311, 312, and 313 of Public Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, the owner and operator of any facility, as defined in SARA title III, shall submit those reports to the North Dakota division of emergency management homeland security as required by SARA title III, which shall establish and maintain the state repository for these reports.
2. Establishment of funds.

- a. State hazardous chemicals preparedness and response fund. There is created in the state treasury a nonlapsing restricted account to be known as a state hazardous chemicals preparedness and response fund. The fund consists of revenue collected from the state hazardous chemical fee system and funds appropriated by the general assembly. Moneys in the fund shall be appropriated biennially to the division of emergency management homeland security for carrying out the purposes, goals, and objectives of SARA title III, and the state hazardous chemicals preparedness and response program.
 - b. County hazardous chemicals preparedness and response account. The county treasurer of each county shall establish a nonlapsing restricted account, to be known as the county hazardous chemicals preparedness and response account. The county hazardous chemicals preparedness and response account consists of revenue from the state hazardous chemicals fee system, county, federal or state funds, grants, and any private donations provided to finance the county hazardous chemicals preparedness and response program.
 - c. Facility fee system. Each owner and operator of a facility, as defined in SARA title III, shall pay an annual hazardous chemicals fee to the division of emergency management homeland security by March first of each year. The fee is twenty-five dollars for each chemical within the meaning of 40 CFR 355.20 or its successor which is required under section 312 of SARA, title III, to be listed on the hazardous chemical inventory form (tier II) which the owner or operator must submit to the division. The federal requirements must be used for completing the tier II form, including the threshold amounts, as outlined in 40 CFR 370.20. The maximum fee for a facility under this section is one hundred fifty dollars. The division of emergency management homeland security shall transfer to the county hazardous chemicals preparedness and response account one-half of the funds collected from the state's hazardous chemicals fee system.
 - d. Exemptions. The owners or operators of family farm enterprises that are not engaged in the retail or wholesale of hazardous chemicals and facilities owned by the state or local governments are exempt from the fee under subdivision c. For purposes of this section, the terms "family farm" and "farmer" have the same meaning as set forth in section 6-09.11-01.
 - e. Accept funding. The state and county governments are authorized to accept and may deposit grants, gifts, and federal funds into the hazardous chemicals preparedness and response fund and accounts for the purpose of carrying out the hazardous chemicals preparedness and response program.
 - f. ~~Definition.~~ "Hazardous chemical" means as defined in 40 CFR 355.20 and 29 CFR 1910.1200.
 - g. City fee system. The state hazardous chemicals fee system does not supersede a city fee system for hazardous chemicals.
3. Recovery of response costs.

- a. General rule. A person who causes a release, as defined in 40 CFR 355.20, of a hazardous chemical in excess of the reportable quantity of that chemical, as defined in 40 CFR 355.20, is liable for the response costs incurred by state or local hazardous chemical response personnel. The state agency, local agency, volunteer organization, or hazardous chemical response personnel, as identified in the state or local emergency operations plan, which undertakes a response action may recover those response costs in an action brought before a court of competent jurisdiction. If more than one jurisdiction, organization, or agency incurs response costs for the same hazardous chemical release or incident, those hazardous chemical response jurisdictions, agencies, organizations, or personnel may file a joint action and may designate one entity to represent the others in the action.
 - b. ~~Amount.~~ In the action to recover reasonable and necessary response costs, state agencies, local agencies, or volunteer organizations may include operational, administrative, personnel, and legal costs incurred from its initial response action up to the time that it recovers its cost. Reasonable and necessary costs are those additional costs incurred that are a result of the responsible party's failure or inability to implement or initiate the necessary actions to protect life, property, and the environment.
4. Penalties and fines.
 - a. ~~Civil fines.~~ A person who violates any of the reporting, planning, or notification requirements outlined in the provisions of the Emergency Planning and Community Right-to-Know Act of 1986 [title III of Public Law 99-499, 42 U.S.C. 11001 et seq.], or fails to pay a state hazardous chemicals fee is subject to a civil fine of not more than fifteen thousand dollars for each separate offense. For purposes of this subdivision, each day of continued violation constitutes a separate offense. All civil fines collected under this subdivision must be deposited in the state general fund. The state and its political subdivisions and employees of the state or a political subdivision acting within the scope of their employment are not subject to the civil fines established in this subdivision.
 - b. Criminal penalty. Any person who knowingly falsifies information or who intentionally obstructs or impairs, by force, violence, physical interference, or obstacle, a representative of state or local government or state or local hazardous chemicals response personnel attempting to perform duties and functions in state or local emergency operations plans or complying with Public Law 99-499, SARA title III, is guilty of a class B misdemeanor. The state and its political subdivisions and employees of the state or a political subdivision acting within the scope of their employment are not subject to the penalty established in this subdivision.
 5. Enforcement.
 - a. If the director of the division of emergency management homeland security determines that a violation of this chapter has occurred, the director shall make all evidence available to the attorney general for use in any remedial action the attorney general's office determines appropriate, including injunctive relief.

- b- Nothing in this section may be construed to deny use of the remedies authorized under chapter 32-40.

SECTION 18. AMENDMENT. Section 37-17.1-11 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-11. Disaster or emergency mitigation.

1. In addition to disaster or emergency mitigation measures as included in the state and local disaster or emergency operational plans, the governor shall consider, on a continuing basis, steps that could be taken to mitigate or reduce the harmful consequences of disasters or emergencies. At the governor's direction, and pursuant to any other authority and capability they have, state agencies charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land use planning, and construction standards, shall make studies of disaster or emergency mitigation-related matters. The governor, from time to time, shall make recommendations to the legislative assembly, local governments, and other appropriate public and private entities as may facilitate measures for mitigation or reduction of the harmful consequences of disasters or emergencies.
2. The North Dakota state engineer and the water commission, in conjunction with the division of emergency management homeland security, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood, or other catastrophic occurrence. The studies under this subsection must concentrate on means of reducing or avoiding the dangers caused by this occurrence or the consequences thereof.
3. If the division of emergency management homeland security determines, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning; existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the disaster or emergency; and changes in zoning regulations, other land use regulations, or building requirements are needed in order to further the purposes of this section, it shall specify the essential changes to the governor. If the governor, upon review of the determination, finds after public hearing, that the changes are essential, the governor shall so recommend to the agencies or local governments with jurisdiction over that area and subject matter. If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall so inform the legislative assembly and request legislative action appropriate to mitigate the impact of the disaster or emergency.
4. The governor, at the same time that the governor makes recommendations pursuant to subsection 3, may suspend the standard or control which the governor finds to be inadequate to protect the public safety and by regulation place a new standard or control in effect. The new standard or control remains in effect until rejected by concurrent resolution of both houses of the legislative assembly or amended by the governor. During the time it is in effect, the standard or control contained in the governor's regulation must be administered and given full effect by

all relevant regulatory agencies of the state and local governments to which it applies. The governor's action is subject to judicial review in accordance with chapter 28-32 but is not subject to temporary stay pending litigation.

SECTION 19. AMENDMENT. Section 37-17.1-13 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-13. Communications. The division of emergency management homeland security shall ascertain what means exist for rapid and efficient communications in times of a disaster or emergency. The division shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state and federal telecommunications or other communications system or network, including the military installations. In studying the character and feasibility of any system or its several parts, the division shall evaluate the possibility of multipurpose use thereof for general state and local governmental purposes. The division shall make recommendations to the governor as appropriate.

SECTION 20. AMENDMENT. Section 37-17.1-14 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-14. Mutual aid.

1. Counties and cities must be encouraged and assisted by the division of emergency management homeland security to conclude suitable arrangements for furnishing mutual aid in emergency management. The arrangements must include provision of aid by persons and units in public employ.
2. In review of local disaster or emergency plans, the division of emergency management homeland security shall consider whether they contain adequate provisions for the rendering and receipt of mutual aid.

SECTION 21. AMENDMENT. Section 37-17.1-14.1 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-14.1. Mutual aid - Cooperation.

1. The division of emergency management homeland security shall encourage and assist political subdivisions to enter mutual aid agreements with other public and private agencies within the state for reciprocal aid and assistance in responding to and recovering from actual and potential disasters or emergencies.
2. In reviewing emergency operations plans and programs of political subdivisions, the division of emergency management homeland security shall consider whether ~~they~~ the plans and programs contain adequate provisions for mutual aid.
3. Local emergency management organizations may assist in negotiation of mutual aid agreements between the governor and an adjoining state or province or a political subdivision of an adjoining state or province and shall carry out arrangements of any such agreements relating to the local political subdivision.

SECTION 22. AMENDMENT. Section 37-17.1-15 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-15. Weather modification. The division of emergency management homeland security shall keep continuously apprised of weather conditions which present danger of precipitation or other climatic activity severe enough to constitute a disaster. If the division determines that precipitation resulting from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, it the division shall direct the officer or agency empowered to issue permits for weather modification operations to suspend the issuance of the permits. Thereupon, no No permits may be issued until the division informs the officer or agency that the danger has passed.

SECTION 23. AMENDMENT. Section 37-17.1-22 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-22. Disaster or emergency response and recovery costs. Whenever the governor declares a state of disaster or emergency in accordance with section 37-17.1-05, or when the governor enters into an agreement with the federal government following a disaster or emergency declared by the president of the United States, the director of the division of emergency management homeland security shall determine and record the costs of the state response and recovery operations in accordance with an agreement with the federal government or in accordance with procedures established by the governor in the case of a state-declared disaster or emergency. Immediately following the response or recovery operations, or prior thereto if ~~deemed~~ determined necessary by the governor, the governor shall make application to the state emergency commission for a grant of funds in an amount equal to the response and recovery costs of the state. Notwithstanding other provisions of chapter 54-16, it must be conclusively presumed upon receipt by the emergency commission of such application from the governor that a disaster or emergency exists, and ~~such the~~ commission ~~shall~~ immediately shall grant and direct the transfer to the department of the governor's designated representative of an amount equal to that certified in such application by the governor.

SECTION 24. AMENDMENT. Section 37-17.1-23 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-23. Disaster or emergency recovery funding - Loan authorization.

1. When approved by the emergency commission, the division of emergency management homeland security is authorized to borrow from the Bank of North Dakota, to match federal funds under the Robert T. Stafford Disaster Emergency Assistance Act [Public Law 93-288, as amended]. In addition to the principal repayment, the Bank of North Dakota shall receive interest on the loan at a rate equal to other state agency borrowings. On behalf of the state, the division of emergency management homeland security shall administer the disaster or emergency recovery program according to state procedures based on federal laws or regulations. After a county or group of counties have been declared a major disaster or emergency area by the president, the division shall submit a request to the emergency commission for:
 - 1- a. Approval to make an application for a loan from the Bank of North Dakota;
 - 2- b. Approval for additional personnel required to perform the anticipated recovery activities; and

- ~~2.~~ c. Authority to spend additional state and federal funds for the recovery program.
2. If the request is acceptable, the emergency commission shall approve the request and issue a notice of its action to the division, Bank of North Dakota, and the office of management and budget. The division shall keep the emergency commission apprised of the progress of the recovery operation and submit a final report upon completion of the project. The emergency commission is responsible to repay any loan, including accrued interest, from the Bank of North Dakota which is provided under this section. If at the end of the biennium a balance exists on the loan, the emergency commission shall request the legislative assembly for a deficiency appropriation to repay the loan.

SECTION 25. AMENDMENT. Subsection 2 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

2. Authorized emergency vehicles:
- a. Class A authorized emergency vehicles means:
- (1) Vehicles of a governmentally owned fire department.
 - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title or by a salaried employee of a municipal police department within the municipality or by a sheriff or deputy sheriff not including special deputy sheriffs, or by the director of the department of corrections and rehabilitation and the director's authorized agents who have successfully completed training in the operation of class A authorized emergency vehicles.
 - (3) Vehicles clearly identifiable as property of the department of corrections and rehabilitation when operated or under the control of the director of the department of corrections and rehabilitation.
 - (4) Ambulances.
 - (5) Vehicles operated by or under the control of the director, district deputy director, or a district deputy game warden of the game and fish department.
 - (6) Vehicles owned or leased by the United States and used for law enforcement purposes.
 - (7) Vehicles designated for the use of the adjutant general or assistant adjutant general in cases of emergency.
 - (8) Vehicles operated by or under the control of the director of the parks and recreation department.
 - (9) Vehicles operated by or under the control of a licensed railroad police officer and used for law enforcement purposes.
- b. Class B authorized emergency vehicles means wreckers and such other emergency vehicles as are authorized by the local authorities.

c. Class C authorized emergency vehicles means:

- (1) Vehicles authorized by the state ~~and~~ division of homeland security or local division of emergency management organizations.
- (2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.
- (3) Vehicles, other than ambulances, used by emergency medical services personnel.

SECTION 26. AMENDMENT. Section 39-10-03.2 of the North Dakota Century Code is amended and reenacted as follows:

39-10-03.2. Class C authorized emergency vehicles. All class B specifications apply to class C authorized emergency vehicles except that a rotating blue flashing light must be displayed in place of an amber light as provided in section 39-10-03.1. With respect to vehicles used by state and local disaster emergency services personnel, the division of emergency management/homeland security is responsible for adopting rules for the use of flashing blue lights in accordance with chapter 28-32.

SECTION 27. AMENDMENT. Section 54-23.2-01 of the North Dakota Century Code is amended and reenacted as follows:

54-23.2-01. Definitions. Wherever the word "director" is hereinafter used, it shall mean the director of the office of management and budget. The word "system" hereinafter used shall mean As used in this chapter, unless the context otherwise requires:

1. "Director" means the director of the division of state radio.
2. "Division" means the division of state radio of the department of emergency services.
3. "System" means the state radio broadcasting system.

SECTION 28. AMENDMENT. Section 54-23.2-04.1 of the North Dakota Century Code is amended and reenacted as follows:

54-23.2-04.1. Lost or runaway children and missing persons. The ~~state~~ radio department division shall:

1. Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost or runaway children and missing persons. The state radio department shall implement
2. Implement a data exchange system to compile, to maintain, and to make available for dissemination to North Dakota and to out-of-state law enforcement agencies, descriptive information ~~which~~ that can assist appropriate agencies in recovering lost or runaway children and missing persons.
2. 3. Establish contacts and exchange information regarding lost or runaway children and missing persons with the national crime information center.

- 3- 4. Notify all enforcement agencies that reports of lost or runaway children and missing persons ~~shall~~must be entered as soon as the minimum level of data specified by the state radio department division is available to the reporting agency and that no waiting period for entry of such data exists. If the enforcement agency is unable to enter the data, the state radio department shall division immediately upon notification shall enter the information into the national crime information center file.
- 4- 5. Compile and retain information regarding lost or runaway children or missing persons in a separate file, in a manner that allows the information to be used by law enforcement and other agencies ~~deemed~~ considered appropriate by the state radio department division, for investigative purposes. The enforcement agency is responsible for maintaining the disposition of the case and ~~shall~~ periodically shall review the case with the reporting party and the state radio department division to ensure all available information is included and to determine the current status of the case.
- 5- 6. Provide prompt confirmation of the receipt and entry of the lost or runaway children and missing persons report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 6 7.
- 6- 7. Allow any parent, guardian, or identified family member to submit a missing persons report to the state radio department division which will be included in the state radio department division file system and transmitted to the national crime information center, if they are unable to receive services from the local law enforcement agency.
- 7- 8. Compile and maintain a historical data repository relating to missing persons for all of the following purposes:
 - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons.
 - b. To provide a factual and statistical base for research ~~that~~ which would address the problem of lost or runaway children and missing persons.

SECTION 29. AMENDMENT. Section 54-23.2-09 of the North Dakota Century Code is amended and reenacted as follows:

54-23.2-09. Mobile data terminal and 911 service fees. State radio communications

1. The division shall establish and charge fees to provide mobile data terminal service to interested local law enforcement agencies. The fees must be based on actual costs incurred by state radio communications the division for providing the service.

State radio communications

2. The division may provide 911 services to a political subdivision with a population of fewer than twenty thousand and shall charge at least twenty cents per telephone access line and wireless access line for 911 services provided to political subdivisions. The fee for 911 wireless services must be charged to and paid by the political subdivision receiving services from

state radio communications the division under this section from and after the date of the agreement entered into by the political subdivision or its designee under section 57-40.6-05, whether the date of that agreement is before or after April 4, 2003. Each county currently receiving 911 services from state radio communications the division shall abide by the standards established by law.

SECTION 30. AMENDMENT. Section 57-40.6-11 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-11. Annual report to legislative council. ~~State radio~~ The division of state radio, in cooperation with entities affected by this section and section 57-40.6-10, shall facilitate the review of emergency 911 telephone system standards and guidelines and shall report annually to the legislative council on the operation of and any recommended changes in the standards and guidelines.

SECTION 31. AMENDMENT. Section 57-40.6-12 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-12. Reports of coordination of public safety answering points coverage. The governing body of a city or county, which adopted a fee on telephone exchange access service and wireless service under this chapter, shall make an annual report of the income, expenditures, and status of its emergency services communication system. The annual report must be submitted to the ~~state radio~~ division of state radio and to the public safety answering points coordinating committee. The committee is composed of three members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, and one appointed by the office of management and budget adjutant general to represent the ~~state radio~~ division of state radio. The public safety answering points coordinating committee shall file its report with the legislative council by November first of each even-numbered year.

SECTION 32. AMENDMENT. Section 61-16.2-03 of the North Dakota Century Code is amended and reenacted as follows:

61-16.2-03. Duties of state engineer. The state engineer shall:

1. Collect and distribute information relating to flooding and floodplain management.
2. Coordinate local, state, and federal floodplain management activities to the greatest extent possible, and encourage appropriate federal agencies to make their flood control planning data available to communities and districts for planning purposes, in order to allow adequate local participation in the planning process and in the selection of desirable alternatives.
3. Assist communities and districts in their floodplain management activities within the limits of available appropriations and personnel in cooperation with the division of emergency management homeland security.
4. Do all other things, within lawful authority, which are necessary or desirable to manage the floodplains for uses compatible with the preservation of the capacity of the floodplain to carry and discharge the base flood. In cooperation with communities and districts, the state engineer shall conduct, whenever possible, periodic inspections to determine the effectiveness of local floodplain management programs,

including an evaluation of the enforcement of and compliance with local floodplain management ordinances.

SECTION 33. AMENDMENT. Section 65-06-01 of the North Dakota Century Code is amended and reenacted as follows:

65-06-01. Volunteer firefighter, emergency or disaster volunteer, community emergency response team member, in training defined. The term "volunteer firefighter" means any active member of an organized volunteer fire department of this state and any other individual performing services as a volunteer firefighter for a municipality at the request of the chief or other individual in command of the fire department of that municipality or of any other officer of that municipality having authority to demand service as a firefighter. Firefighters who are paid a regular wage or stipend by the municipality for serving as a firefighter, or whose entire time is devoted to service as a firefighter for the municipality, for the purpose of this chapter, are not volunteer firefighters.

The term "emergency or disaster volunteer" means any individual serving without remuneration who is actively engaged in training to qualify as a disaster emergency worker or is responding to a hazard, emergency disaster, or enemy attack on this country, and who is registered with the disaster emergency organization of a municipality, which has been officially recognized by the director of the state division of emergency management homeland security.

The term "in training" means only those periods of time, during which an emergency or disaster volunteer is receiving instruction, or is engaged in exercises or operations, in preparation for qualification as a disaster emergency worker in the event of a hazard, emergency, disaster, or enemy attack on this country.

The term "community emergency response team member" means an individual registered as a community emergency response team member with the appropriate authority. For purposes of this chapter, a community emergency response team member is acting as a community emergency response team member only when the individual is receiving approved community emergency response team training or is acting as a member of a community emergency response team in an emergency or disaster.

Upon request of the organization, the disaster emergency organization of a municipality shall provide the organization with its roster of registered community emergency response team members.

The term "municipality" when used in reference to emergency or disaster volunteer means the state, cities, counties, municipalities, districts, or any other geographical entity of this state. This definition is not in any way intended to alter any interpretation or ruling in regard to the use of the term "municipality" when used in reference to volunteer firefighters."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1016 - Department of Emergency Services - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$6,821,939	\$6,798,138	(\$219,983)	\$6,578,155	\$6,578,155	

Operating expenses	3,325,844	3,325,844		3,325,844	3,325,844	
Capital assets	4,957,923	4,957,923		4,957,923	4,957,923	
Grants	46,962,054	46,962,054		46,962,054	46,962,054	
Salaries and wages pool			213,493	213,493		\$213,493
Loan proceeds			<u>900,000</u>	<u>900,000</u>		<u>900,000</u>
Total all funds	\$62,067,760	\$62,043,959	\$893,510	\$62,937,469	\$61,823,976	\$1,113,493
Less estimated income	<u>56,961,521</u>	<u>56,950,231</u>	<u>897,061</u>	<u>57,847,292</u>	<u>56,736,776</u>	<u>1,110,516</u>
General fund	\$5,106,239	\$5,093,728	(\$3,551)	\$5,090,177	\$5,087,200	\$2,977
FTE	54.00	54.00	0.00	54.00	54.00	0.00

Dept. 512 - Department of Emergency Services - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	REDUCES FUNDING FOR SALARIES AND WAGES AND CREATES A SALARIES AND WAGES POOL ¹	AUTHORIZES THE BORROWING OF FUNDS ²	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$6,490)	(\$213,493)		(\$219,983)
Operating expenses				
Capital assets				
Grants				
Salaries and wages pool		213,493		213,493
Loan proceeds			<u>\$900,000</u>	<u>900,000</u>
Total all funds	(\$6,490)	\$0	\$900,000	\$893,510
Less estimated income	<u>(2,939)</u>		<u>900,000</u>	<u>897,061</u>
General fund	(\$3,551)	\$0	\$0	(\$3,551)
FTE	0.00	0.00	0.00	0.00

¹ The conference committee agreed to create a salaries and wages pool of \$213,493, of which \$2,977 is from the general fund, with funding from the salaries and wages line item. The funding is available to the department for providing salary increases to positions affected by the department's reorganization subject to approval by the Budget Section. The Senate had reduced funding for salaries and wages by \$213,493, of which \$2,977 is from the general fund, to remove funding relating to continuing salary increases provided to Division of Emergency Management employees during the 2003-05 biennium.

² The conference committee agreed with the House amendment to authorized the department to borrow up to \$900,000 from the Bank of North Dakota for expenses associated with the migration of the State Radio Communications system from analog to digital. The loan, including accrued interest, is to be repaid with federal funds made available from the United States Department of Homeland Security. The Senate had removed this borrowing authority from the bill.

This amendment also:

- Revises Section 5 of the engrossed bill added by the House to broaden the scope of the audit to the entire department, including fees collected for 911 services and the utilization of such fees. These changes were also made by the Senate.
- Revises Section 8 of the engrossed bill added by the House to provide legislative intent that political subdivisions spend a portion of federal homeland security funding allocations on costs associated with the migration of the State Radio Communications system from analog to digital instead of requiring political subdivisions to spend a portion of federal homeland security funding allocations on the migration. The Senate had removed this section from the bill.
- Adds a section to the bill providing legislative intent that the Office of Management and Budget address all remaining costs associated with the State Radio Communications system migration project in the department's budget request for the 2007-09 biennium. This section was not included in either the House or the Senate version of the bill.

- Provides for the reorganization of the Division of Emergency Management to the Department of Emergency Services, including a division of state radio and a division of homeland security, and the establishment of an advisory committee to the department. The Senate had reorganized the agency into the Division of Emergency Management and the Division of Homeland Security and State Radio Communications.

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

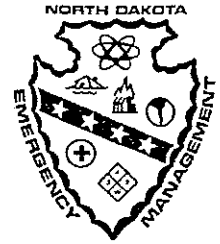
HB 1016

Full House Apps

Handover 4-910
1-7-05

North Dakota

Division of Emergency Management



JOHN HOEVEN
GOVERNOR

Maj Gen MICHAEL J. HAUGEN
ADJUTANT GENERAL

To: Representative Ken Svedjan, Chairman – House Appropriations Committee
From: Douglas C. Friez, Director
Subject: Testimony on House Bill 1016
2005 to 2007 Budget Request for the Division of Emergency Management
Date: January 7, 2005

Mr. Chairman, members of the committee, my name is Douglas C. Friez, Director of the Division of Emergency Management (DEM). Today, I will discuss with you the five major topics contained within the "Summary of Major Goals and Objectives" section in regard to House Bill 1016. More detailed information will be provided at subsequent House Appropriation subcommittee hearings.

Major performance requirements of the consolidated Division of Emergency Management and State Radio include: responsibilities for disaster response, recovery, and mitigation operations; traditional statewide emergency management planning, training, and exercising; public safety communications; managing a hazardous chemical preparedness program; coordination of homeland security initiatives; as well as related state and federal emergency management and homeland security programs administration.

First, the Division will coordinate and manage the long awaited state radio analog to digital migration project for comprehensive communications interoperability throughout North Dakota. Digital technology will enable the state to achieve true interoperable communications necessary to provide integrated response to all types of emergencies including a Homeland Security event. Thirty-six towers will be upgraded to meet the P-25 digital requirements and replace existing dedicated circuit lines with digital T-1 data lines to speed the transmission of information. Additionally, twenty-one towers remain to be fitted to accommodate requirements for mobile data transmission (MDT) circuitry, thus completing that needed statewide coverage. Currently, local, county, state, tribal, and federal users, in concert with the migration, are purchasing the necessary systems to achieve crucial statewide communications interoperability.

To accommodate the migration project, DEM entered into an agreement with Motorola on November 23, 2004, for a total amount of \$7,063,553.93. The company is establishing an increased presence in Bismarck to begin the migration project with a completion target of 18 to 24 months. To date, the state has dedicated \$2,762,673.00 in federal Homeland Security funding toward this effort. As additional US Department of Homeland Security (DHS) funding becomes available, significant Federal dollars will be dedicated to meet the remaining obligation of this agreement.

The Division requests your approval of an optional general fund package in the amount of \$3,780,000.00 to provide necessary State Operations Center infrastructure in terms of equipment and communication upgrade modifications for essential interoperability among state, local, tribal and federal jurisdictions. The request will also provide the flexibility to augment shortfalls and fulfill needs for the safety and protection of all North Dakota citizens, to include enhancements in the following areas: agricultural surveillance and response; critical infrastructure protection; Global Information System (GIS) baseline mapping; border security; ND Criminal Justice Information Sharing (NDCJIS); Continuum of Government and Continuity of Operations (COG-COOP) initiatives; and a state alternate Emergency Operations Center on the campus of NDSU.

To further enhance public safety, the Division also requests your approval of an optional general fund package in the amount of \$500,000.00 for a Computer Aided Dispatch system. This system will provide significantly increased communications and data transmission capability with law enforcement, fire, emergency medical, and other first responders in the field.

Second, the agency will continue to implement homeland security initiatives and directives related to the North Dakota Homeland Security Strategic Plan. This plan delineates fifteen major areas of concentration including interoperable communications, local preparedness, and information dissemination.

The Division is managing \$56 million (FFY99 through FFY2005) in DHS funds for local and state equipment purchases; for planning, training, exercising initiatives; and for developing and enhancing state, local, tribal, federal, and private partnerships. Federal rules require that approximately 80% of the DHS allocation must be provided directly to local entities and first responder units. Through cooperation among state and local officials, DHS funding has been distributed to fire departments, law enforcement entities, emergency medical units, hospitals, public works providers, as well as other initial response groups in cities and counties throughout the state.

The Division has established effective working relationships with key organizations including the N.D. League of Cities, the Association of Counties, the N.D. LEAD Center, and numerous state, local and tribal agencies to provide updated training, exercising and operational planning programs to first responders, government officials, educational leaders, and citizens across the state.

Third, efforts will continue to enhance citizen and law enforcement information gathering, analysis, and sharing through the State Operations Center to appropriate state, local, tribal, and federal authorities. Through cooperation within the State Operations Center among Emergency Management, State Radio, National Guard, Highway Patrol, and Bureau of Criminal Investigation staff; the State Fusion Center provides North Dakota the capability to gather, analyze, and share intelligence and information with the appropriate levels of authority.

Fourth, the Division continues to manage the closeout process for Presidentially declared disasters from 1997 through 2004, and to coordinate development of long term mitigation plans and projects to protect lives, property, and the environment from future events. Since 1993, the Division has managed nearly one-half billion dollars in FEMA disaster recovery assistance. The State share of that one-half billion has been \$36 million. We have six open disasters with approximately \$33.9 million of that one-half billion still pending recovery. Our commitment to assure an efficient closeout process and deploy staff appropriately is ongoing. As new disasters have impacted the State, the Division has been able to facilitate response by utilizing the North Dakota Emergency Operations Plan to mobilize state resources in the various phases of project management.

Fifth, it is imperative that our agency effectively manages personnel to successfully administer statewide emergency management and homeland security efforts in awareness, preparedness, prevention, response, and recovery. As well, we strive to appropriately address and process the increased usage demands placed upon the North Dakota State Radio system by citizens, and state, local, tribal, and federal authorities.

The Division staff consists of 25 FTEs in emergency management, with five added during the biennium under Emergency Commission and Budget Section authority due to DHS initiatives; 29 FTEs in State Radio; and 15 temporary positions working in disaster recovery (10) and homeland security (5).

A recent review of our state communications system revealed a significant increase in call volume into State Radio equating directly to increased response requirements which in turn have increased information processing and transmission demands for each dispatcher. Some of these demands include: increased response calls related to meth and associated criminal activities; increase in the number of units for 9-1-1 response from 86 to 504 (a 486% increase in the last five years); providing back-up to several major cities and other public safety answering points (PSAPS); support to the Game and Fish Report All Poachers program; Amber Alert coordination with the Highway Patrol, BCI, and the Department of Transportation; and cellular 9-1-1 and cellular/land-line transfer calls from across the state. The statewide analog to digital communication migration will enhance interoperability, which will further elevate radio traffic. The dispatchers must provide these services based on increased responsibilities related to operational protocols and also must meet continuing education and certification requirements. In summary, the review and projected increased system demands revealed a critical need for two additional dispatchers; therefore, the Division requests your approval of two FTE's and related funding in an optional general fund package. We have been addressing this increased workload through overtime expenditures. I am convinced we can do this more efficiently and cost effectively with the two additional FTEs in the dispatch center.

Finally, I feel it is important to inform committee members that a major goal was recently achieved when the Emergency Management Accreditation Program, sponsored by the National Emergency Management Association and the Federal Emergency Management Agency, conferred full accreditation upon the Division. North Dakota is only the fourth program in the nation to attain this status of excellence and accountability.

Mr. Chairman and members of the committee, I thank you for your attention to our testimony. The Division of Emergency Management needs your continuing support in making North Dakota a safer, more secure state. Our challenges are formidable, but achievable through cooperation and program execution. Please contact me anytime to discuss this request or emergency management in general.

Respectfully submitted,

Douglas C. Friez
ND State Emergency Management/State Radio Director
Governor's Homeland Security Advisor

DCF:RM/as

(4)

North Dakota Division of Emergency Management
Overview Presentation to the House Appropriations Committee
January 7, 2005

Funding	2003-2005 Legislative Appropriation	2003-2005 Estimated Expenditures or Currently Filled FTE Positions	(1) Variance		2005-2007 Executive Recommendation	(2) 2005-2007 Recommendation Change (Variance) to 2003-2005 Legislative Appropriations	
Salaries and Wages	\$ 3,037,559.00	\$ 4,221,480.00	\$	1,183,921.00	\$ 6,821,939.00	\$	3,784,380.00
Operating Expenses	\$ 1,637,032.00	\$ 2,901,513.00	\$	1,264,481.00	\$ 3,325,844.00	\$	1,688,812.00
Equipment	\$ -	\$ -	\$	-	\$ -	\$	-
Capital Assets	\$ 12,000.00	\$ 45,000.00	\$	33,000.00	\$ 4,957,923.00	\$	4,945,923.00
Grants	\$ 33,899,585.00	\$ 73,301,889.90	\$	39,402,304.90	\$ 46,962,054.00	\$	13,062,469.00
Total	\$ 38,586,176.00	\$ 80,469,882.90	\$	41,883,706.90	\$ 62,067,760.00	\$	23,481,584.00
General fund	\$ 1,369,035.00	\$ 1,390,452.90	\$	21,417.90	\$ 5,106,239.00	\$	3,737,204.00
Federal funds	\$ 34,349,660.00	\$ 75,132,109.00	\$	40,782,449.00	\$ 54,452,211.00	\$	20,102,551.00
Special funds	\$ 2,867,481.00	\$ 3,947,321.00	\$	1,079,840.00	\$ 2,509,310.00	\$	(358,171.00)
Total	\$ 38,586,176.00	\$ 80,469,882.90	\$	41,883,706.90	\$ 62,067,760.00	\$	23,481,584.00
FTE	20	25		5	54		34
FTE Optional Package					2		2

(1) Explanation of Major Funding and FTE Variances for the 2003-2005 Legislative Appropriation to 2003-2005 Current Estimates

	FTE	General Fund	Federal and Special Funds	Total
1. 2003 and 2004 Federal Fiscal Year Homeland Security funding increase which received Emergency Commission approval.	5	\$ -	\$ 32,736,000.00	\$ 32,736,000.00
2. Disaster costs in Cass and Barnes counties in June 2003.			\$ 1,451,058.00	\$ 1,451,058.00
3. Snow emergency in January 2004 and flooding disaster in March 2004.			\$ 7,516,231.00	\$ 7,516,231.00
4. Bio-terrorism training grant from the ND Department of Health.			\$ 159,000.00	\$ 159,000.00
5. Reimbursement to Bureau of Reclamation for fire costs.		\$ 21,417.90		\$ 21,417.90
		\$ 21,417.90	\$ 41,862,289.00	\$ 41,883,706.90

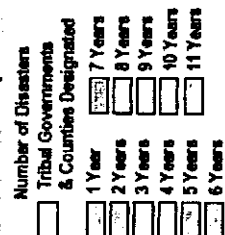
(2) Explanation of Major Funding and FTE Changes (Variances) for the 2005-2007 Recommendation to 2003-2005 Legislative Appropriations

	FTE	General Fund	Federal and Special Funds	Total
1. Consolidation of the DEM and State Radio.	29 from State Radio	\$ 3,737,204.00	\$ 1,735,988.00	\$ 5,473,192.00
2. Continuation of analog to digital migration for public safety.			\$ 4,945,923.00	\$ 4,945,923.00
3. Homeland Security grant payments to subrecipients through Federal budget cycles.			\$ 13,062,469.00	\$ 13,062,469.00
		\$ 3,737,204.00	\$ 19,744,380.00	\$ 23,481,584.00

Summary of Major Goals and Objectives and Related Performance Measurement Data for the 2005-2007 Biennium (to the extent available)

1. Coordinate and manage the State Radio analog to digital migration project for comprehensive public safety throughout North Dakota.
2. Implement Homeland Security initiatives and directives related to the North Dakota Homeland Security Strategic Plan for equipment purchases, planning, training, and exercising for development and enhancement of State, local, tribal, and Federal partnerships.
3. Enhance citizen and law enforcement information gathering, analysis, and sharing through the State Operations Center to appropriate State, local, tribal, and Federal authorities.
4. Manage the closeout process for Presidential declared disasters from 1997 through 2004, and coordinate development of long term mitigation plans and projects to protect lives, property, and the environment from future events.
5. Manage agency personnel to effectively administer statewide Homeland Security efforts in awareness, preparedness, prevention, response, and recovery; and to address and process the increased usage demands on the State Radio system throughout North Dakota by citizens, and State, local, tribal, and Federal authorities.

1993-2004



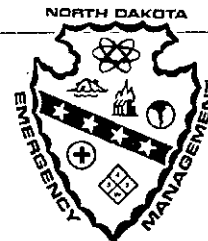
1993 - DR-1001 (PA & IA) - 39C & 3T
1994 - DR-1032 (PA only) - 25C & 2T
1995 - DR-1050 (PA only) - 32C & 3T
1996 - DR-1118 (PA only) - 33C & 4T
1997 - DR-1157 (PA only) - 53C & 3T
1997 - DR-1174 (PA & IA) - 53C & 4T
1998 - DR-1220 (PA & IA) - 16C & 2T
1999 - DR-1279 (PA & IA) - 41C & 4T
2000 - DR-1334 (PA & IA) - 26C & 2T
2000 - DR-1353 (PA only) - 9C
2001 - DR-1376 (PA only) - 36C & 2T
2002 - DR-1431 (PA only) - 5C & 1T
2003 - DR-1483 (PA only) - 1C
2004 - DR-3196 (PA only Category B) 8C & 1T
2004 - DR-1515 (PA only) 19C & 3T

Counties by Disaster

Adams (2)	1997 -2
Barnes (11)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001, 2003
Benson (11)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001, 2004
Billings (2)	1997-2
Bottineau (7)	1995, 1997-2, 1999, 2000, 2001, 2004
Bowman (3)	1997-2, 2000
Burke (7)	1993, 1997-2, 1999, 2000, 2004-2
Burleigh (8)	1993, 1995, 1996, 1997-2, 1999, 2000, 2001
Cass (8)	1993, 1996, 1997-2, 1998, 1998, 2000, 2001
Cavalier (9)	1993, 1995, 1996, 1997-2, 1999, 2000, 2001, 2004
Dickey (9)	1993, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001
Divide (5)	1993, 1997-2, 1999, 2000
Dunn (2)	1997-2
Eddy (10)	1993, 1994, 1995, 1996, 1997-2, 1999, 2000, 2001, 2004
Emmons (7)	1993, 1995, 1996, 1997-2, 1999, 2000
Foster (8)	1994, 1995, 1996, 1997-2, 1999, 2000, 2001
Golden Valley (3)	1997-2, 2000
Grand Forks (9)	1993, 1996, 1997-2, 1999, 2000, 2001, 2002, 2004
Grant (3)	1993, 1997-2,
Griggs (10)	1993, 1994, 1995, 1996, 1997-2, 1999, 2000, 2001, 2004
Hettinger (4)	1993, 1994, 1997-2
Kidder (9)	1993, 1994, 1995, 1996, 1997-2, 1999, 2000, 2001
LaMoure (10)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001
Logan (9)	1993, 1994, 1995, 1996, 1997-2, 1999, 2000, 2001
McHenry (9)	1995, 1996, 1997-2, 1999, 2000, 2001, 2004-2
McIntosh (9)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000
McKenzie (5)	1994, 1997-2, 2000, 2004
McLean (9)	1993, 1995, 1996, 1997-2, 1999, 2000, 2001, 2004
Mercer (4)	1993, 1997-2, 2004
Morton (7)	1993, 1996, 1997-2, 1999, 2000, 2001
Mountrail (7)	1997-2, 1999, 2000, 2001, 2004-2
Nelson (11)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001, 2004
Oliver (6)	1993, 1994, 1996, 1997-2, 2000
Pembina (11)	1993, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001, 2002, 2004
Pierce (10)	1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001, 2004
Ramsey (10)	1993, 1994, 1995, 1997-2, 1998, 1999, 2000, 2001, 2004
Ransom (9)	1993, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001
Renville (6)	1995, 1997-2, 1999, 2000, 2004
Richland (8)	1993, 1994, 1996, 1997-2, 1999, 2000, 2001
Rolette (9)	1993, 1994, 1995, 1996, 1997-2, 1999, 2000, 2001
Sargent (10)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001
Sheridan (9)	1993, 1994, 1995, 1996, 1997-2, 1999, 2000, 2001
Sioux (5)	1993, 1995, 1997-2, 1999
Slope (2)	1997-2
Stark (3)	1993, 1997-2
Steele (9)	1993, 1994, 1995, 1997-2, 1999, 2000, 2001, 2004
Stutsman (11)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001, 2002
Towner (10)	1993, 1994, 1995, 1997-2, 1998, 1999, 2000, 2001, 2004
Traill (10)	1993, 1995, 1996, 1997-2, 1999, 2000, 2001, 2002, 2004
Walsh (12)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001, 2002, 2004
Ward (6)	1997-2, 1999, 2000, 2004-2
Wells (9)	1993, 1994, 1995, 1996, 1997-2, 1999, 2000, 2001
Williams (7)	1993, 1994, 1997-2, 1999, 2000, 2004
Spirit Lake Nation (11)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001, 2004
Turtle Mountain Band of Chippewa (11)	1993, 1994, 1995, 1996, 1997-2, 1998, 1999, 2000, 2001, 2004
Standing Rock Sioux (5)	1993, 1995, 1997-2, 1999
Three Affiliated Tribes (6)	1997-2, 1999, 2000, 2002, 2004

North Dakota

Division of Emergency Management



JOHN HOEVEN
GOVERNOR

Maj Gen MICHAEL J. HAUGEN
ADJUTANT GENERAL

DOUGLAS C. FRIEZ
STATE DIRECTOR

To: Representative Al Carlson, Chairman
Government Performance Division, House Appropriations Committee

From: *D. Friez* Douglas C. Friez, Director

Subject: Testimony on House Bill 1016
2005 to 2007 Budget Request for the Division of Emergency Management

Date: January 14, 2005

Mr. Chairman, members of the committee, my name is Douglas C. Friez, Director of the Division of Emergency Management (DEM). Today, I will provide you with information related to House Bill 1016 and respond to questions you may have.

To initiate my testimony, I would point out to the committee that this budget reflects the initial consolidation of the budgets of DEM and State Radio and complies with the 2005-2007 general fund budget request limit as directed by the Office of Management and Budget.

Major performance requirements of the consolidated Division of Emergency Management and State Radio include: responsibilities for disaster response, recovery, and mitigation operations; traditional statewide emergency management planning, training, and exercising; public safety communications; managing a hazardous chemical preparedness program; coordination of homeland security initiatives; as well as related state and federal emergency management and homeland security programs administration.

The Division, in cooperation with ITD and system users, will coordinate and manage the long awaited state radio analog to digital migration project for comprehensive communications interoperability throughout North Dakota. Digital technology will enable the state to achieve true interoperable communications necessary to provide integrated response to all types of emergencies including a Homeland Security event. Thirty-six towers will be upgraded to meet the P-25 digital requirements and replace existing dedicated circuit lines with digital T-1 data lines to speed the transmission of information. Additionally, twenty-one towers remain to be fitted to accommodate requirements for mobile data transmission (MDT) circuitry, thus completing that needed statewide coverage. Currently, local, county, state, tribal, and federal users, in concert with the migration, are purchasing the necessary systems to achieve crucial statewide communications interoperability.

To accommodate the migration project, DEM entered into an agreement with Motorola on November 23, 2004, for a total amount of \$7,063,553.93. The company is establishing an increased presence in Bismarck to begin the migration project with a completion target of 18 to 24 months. To date, the state has dedicated \$2,762,673.00 in federal Homeland Security funding toward this effort. As additional US Department of Homeland Security (DHS) funding becomes available, significant Federal dollars will be dedicated to meet the remaining obligation of this agreement.

The Division will continue to implement homeland security initiatives and directives related to the North Dakota Homeland Security Strategic Plan. This plan delineates fifteen major areas of concentration including interoperable communications, local preparedness, and information dissemination.

In regard to Homeland Security, North Dakota, on state and local levels, has evaluated and adjusted training and operational initiatives; heightened security of key facilities; increased intelligence gathering and sharing among law enforcement, military and public agencies; enhanced direct communications with federal counterparts; and launched public information campaigns designed to empower individuals and organizations at the local level.

The Division is managing \$56 million (FFY99 through FFY2005) in DHS funds for local and state equipment purchases; for planning, training, exercising initiatives; and for developing and enhancing state, local, tribal, federal, and private partnerships. Federal rules require that approximately 80% of the DHS allocation must be provided directly to local entities and first responder units. Through cooperation among state and local officials, DHS funding has been distributed to fire departments, law enforcement entities, emergency medical units, hospitals, public works providers, as well as other initial response groups in cities and counties throughout the state.

The Division has established effective working relationships with key organizations including the N.D. League of Cities, the Association of Counties, the N.D. LEAD Center, and numerous state, local and tribal agencies to provide updated training, exercising and operational planning programs to first responders, government officials, educational leaders, and citizens across the state.

Efforts will continue to enhance citizen and law enforcement information gathering, analysis, and sharing through the State Operations Center to appropriate state, local, tribal, and federal authorities. Through cooperation within the State Operations Center among Emergency Management, State Radio, National Guard, Highway Patrol, and Bureau of Criminal Investigation staff; the State Fusion Center provides North Dakota the capability to gather, analyze, and share intelligence and information with the appropriate levels of authority.

The Division requests your approval of an optional general fund package in the amount of \$3,780,000.00 to provide necessary State Operations Center infrastructure in terms of equipment and communication upgrade modifications for essential interoperability among state, local, tribal and federal jurisdictions. The request will also provide the flexibility to augment shortfalls and fulfill needs for the safety and protection of all North Dakota citizens, to include enhancements in the following areas: agricultural surveillance and response; critical infrastructure protection; Global Information System (GIS) baseline mapping; border security; ND Criminal Justice Information Sharing (NDCJIS); Continuum of Government and Continuity of Operations (COG-COOP) initiatives; and a state alternate Emergency Operations Center on the campus of NDSU.

To further enhance public safety, the Division also requests your approval of an optional general fund package in the amount of \$500,000.00 for a Computer Aided Dispatch system. This system will provide significantly increased communications and data transmission capability with law enforcement, fire, emergency medical, and other first responders in the field.

The Division continues to manage the closeout process for Presidentially declared disasters from 1997 through 2004, and to coordinate development of long term mitigation plans and projects to protect lives, property, and the environment from future events. Since 1993, the Division has managed nearly one-half billion dollars in FEMA disaster recovery assistance. The State share of that one-half billion has been \$36 million. We have six open disasters with approximately \$33.9 million of that one-half billion still pending recovery. Our commitment to assure an efficient closeout process and deploy staff appropriately is ongoing. As new disasters have impacted the State, the Division has been able to facilitate response by utilizing the North Dakota Emergency Operations Plan to mobilize state resources in the various phases of project management.

It is imperative that our agency effectively manages personnel to successfully administer statewide emergency management and homeland security efforts in awareness, preparedness, prevention, response, and recovery. As well, we strive to appropriately address and process the increased usage demands placed upon the North Dakota State Radio system by citizens, and state, local, tribal, and federal authorities.

The consolidation of the Division of Emergency Management and State Radio provided the opportunity to establish an ongoing mechanism to maximize the synergy existing between the two agencies. Process Improvement Teams were formed utilizing staff and outside resources to bring about an increase in performance effectiveness and efficiency. Current processes are evaluated and improvement opportunities identified. Solutions for improvement are then analyzed, selected and implemented. Successful solutions become standardized protocols.

For the 2005-2007 budget as presented, the consolidated staff consists of 54 FTEs, five of which were added during the biennium under Emergency Commission and Budget Section authority due to DHS initiatives. Additionally, 15 temporary staff are fulfilling duties related to disaster recovery (10) and homeland security (5).

A recent review of our state communications system revealed a significant increase in call volume into State Radio equating directly to increased response requirements which in turn have increased information processing and transmission demands for each dispatcher. Some of these demands include: increased response calls related to meth and associated criminal activities; increase in the number of units for 9-1-1 response from 86 to 504 (a 486% increase in the last five years); providing back-up to several major cities and other public safety answering points (PSAPS); support to the Game and Fish Report All Poachers program; Amber Alert coordination with the Highway Patrol, BCI, and the Department of Transportation; and cellular 9-1-1 and cellular/land-line transfer calls from across the state. The statewide analog to digital communication migration will enhance interoperability, which will further elevate radio traffic. The dispatchers must provide these services based on increased responsibilities related to operational protocols and also must meet continuing education and certification requirements. In summary, the review and projected increased system demands revealed a critical need for two additional dispatchers; therefore, the Division requests your approval of two FTE's and related funding in an optional general fund package. We have been addressing this increased workload through overtime expenditures. I am convinced we can do this more efficiently and cost effectively with the two additional FTEs in the dispatch center.

In regard to the Hazardous Chemical Preparedness and Response Program, we currently have nearly 4,000 facilities in our database. These facilities pay a hazardous chemical fee of \$25.00 per reportable chemical that is stored, distributed, or used per facility, up to a maximum of \$150.00 per facility. This fee has remained the same since the inception of the program in 1991. The average facility fee is about \$27.50 per year. I am certain that with our assistance we help ensure compliance with the federal law. A business may be forced to shut down if found to be non-compliant and required to pay the associated fines. That's okay if they are negligent. But in North Dakota, many of the smaller organizations impacted by the law are extremely pleased to have our annual compliance assistance, at an extremely low fee.

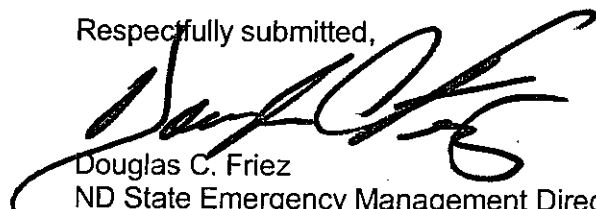
This fee system generates approximately \$110,000 per year. Fifty percent of the fees collected each year go into the State hazardous chemicals preparedness response fund to provide planning, training and exercising initiatives, pay administrative costs associated with maintaining the hazardous chemical program database, and help provide information to facilities and local governments to ensure compliance with the federal law. The other 50 percent of the fees collected each year go back to the Local Emergency Planning Committee (LEPC) in the counties where the facility is located so that they can conduct hazardous chemicals preparedness and response initiatives. LEPC's generally use their share of the funds for: computers and related equipment to maintain and manage hazardous chemical information; communications equipment used in emergency response; protective clothing for first responders; local outreach efforts; special exercises and training efforts; and to purchase county or facility response equipment and supplies.

This Hazardous Chemical Emergency Planning and Community Right-to-Know system has been one of the most successful disaster mitigation stories I've witnessed in my career as an emergency manager. Prior to the implementation of this program, we had more than a dozen serious hazardous material incidents in the state over a two-year period. Now, because of training, awareness, and common sense, incidents rarely reach a magnitude requiring ongoing, extremely expensive response and recovery. Additionally, the Hazardous Chemical Preparedness and Response Program enables us to access federal grant monies for planning and training enhancements at the local level.

Finally, I feel it is important to inform committee members that a major goal was recently achieved when the Emergency Management Accreditation Program, sponsored by the National Emergency Management Association and the Federal Emergency Management Agency, conferred full accreditation upon the Division. North Dakota is only the fourth program in the nation to attain this status of excellence and accountability.

Mr. Chairman and members of the committee, I thank you for your attention to our testimony. The Division of Emergency Management needs your continuing support in making North Dakota a safer, more secure state. Our challenges are formidable, but achievable through cooperation and program execution. Please contact me anytime to discuss this request or emergency management in general.

Respectfully submitted,



Douglas C. Friez
ND State Emergency Management Director
Governor's Homeland Security Advisor



November 22, 2004

Wayne Baron
North Dakota Division of Emergency Management
PO Box 5511
Bismarck, ND 58506-5511

Dear Mr. Baron:

This past August the Department of Homeland Security (DHS), Office for Domestic Preparedness (ODP) conducted a grant monitoring visit of North Dakota. The purpose of the visit was to discuss the implementation of the state strategy, as well as to gather feedback from North Dakota on any areas of concern. The cooperation by the North Dakota Department of Emergency Management (DEM) and local first responders was unprecedented and I would like to take this opportunity to thank you and your staff for their support and dedication towards domestic preparedness.

By arranging for us to meet with responders from multiple disciplines, such as emergency management, public health, law enforcement, and fire, we were able to get a comprehensive assessment on the extensive efforts made by DEM. By affectively managing grant funds, DEM was able to maximize the level of training, planning, and equipment needs across the state. As a direct result, the level of preparedness within North Dakota has drastically increased over the past two years.

Along with meeting your staff, we visited the Bismarck Police Department, Bismarck Fire Department, and the Saint Alexius Medical Center. The new bomb response vehicle at the Police Department and the efforts to set up a health facility capable of handling a WMD event, were extraordinary. Additionally, the increased efforts on interoperable communications with your Fusion Cell is directly in-line with the goals and objectives set by the North Dakota State Strategy. These best practices along with the knowledge base and dedication of you and your staff is only a small example of the positive steps taken to prepare for, prevent, and respond to acts of terrorism.

Please feel free to contact me if you have questions regarding the site visit or any concerns with ODP. It was a pleasure meeting you and your staff and I look forward to working together in the months to come.

Sincerely,

Daniel Stevens
Office for Domestic Preparedness
Preparedness Officer – SD, ND, AS

Workload Expansion:

In 2001, Governor Hoeven tasked the N.D. Division of Emergency Management (DEM) with the responsibility to coordinate all State Homeland Security efforts. It is a complex task that has engaged every individual within the agency and requires more effort than the traditional emergency management mission. DEM is implementing a \$56 million US Department of Homeland Security funding program. Adding to the complexity of current Homeland Security programs, the Governor directed the Division to act as the State Administrative or lead agency in coordinating both the procurement of Department of Homeland Security funding for and the implementation of the Smart Border Community Pilot Project.

Governor Hoeven also directed the consolidation of State Radio Communications with the Division of Emergency Management, which more than doubled the number of full time employees.

The following will provide information necessary to understand workload expansion within the Division.

The State Homeland Security Strategic Plan

DEM coordinated development of the comprehensive State Homeland Security Strategic Plan listing the purpose, vision, focus, and specific goals and accompanying objectives. The Department of Homeland Security approved this plan without revision. To receive funding approval, all local and state Homeland Security projects must have a direct nexus to the strategic plan and to assessment data.

Homeland Security Program Planning and Implementation

- Homeland Security Funding - The Division, during the Federal Fiscal Years of 1999 through 2005, has allocated \$56 million to local and state entities for equipment, planning, training, and exercising. The agency has coordinated the development of all local and state vulnerability and capability assessments including a comprehensive web-based assessment tool used by 53 counties and four tribal governments.

More than 1,000 awards have been issued to local jurisdictions and state agencies. This extraordinary number of awards dramatically increases the need for programmatic oversight/approval for the 53 counties and four tribes. The Department of Homeland Security requires the Division of Emergency Management to approve and track every expenditure, which magnifies efforts required for specific fiscal oversight as well as audit responsibilities. On-site visits to local jurisdictions require more staff time. There has been a high daily volume of calls by local and state officials questioning grant guidance.

Substantially more planning has been required to develop the personnel infrastructure to interpret and explain federal grant guidelines, and to allocate \$56 million in Homeland Security funding. Implementation necessitates much more administrative responsibility due to increased personnel training as well as continual program and personnel evaluation.

- **Statewide Communication** - The Division is also working with other agencies to plan and implement the Homeland Security funded statewide conversion from an analog to digital radio communications system involving new equipment and towers. Once the migration to digital occurs, each of the various disciplines responding to an event will be able to communicate with one another. Again, the Request for Proposal and process to select a vendor has been time consuming; oversight of the actual implementation of this long-term project will require even more effort.
- **Continuum of Government/Continuity of Operations** - DEM has contributed one full time staff person to be the State Project Manager responsible for facilitating all state agency planning initiatives to address line of succession, alternate site location, as well as response and recovery protocols in case of disaster. This project is also funded with Homeland Security dollars.
- **State Criminal Justice Information Sharing** - This system is designed to allow law enforcement and the justice system to simultaneously exchange information, a process that current technology does not allow. DEM assists in planning efforts and possesses oversight responsibility for the Homeland Security funding portion of this project.
- **Information Analysis and Fusion Center** - The newly created functioning Information Analysis and Fusion Center serves as a 24 hour central location for receiving, analyzing, and fusing information from local, state, federal, and the military sources. Once fused, the intelligence is then disseminated quickly to appropriate response agencies according to strict protocol. The secure work area, within the State Operations Center, has received a Top Secret clearance designated by the Department of Homeland Security. The process to secure Top Secret clearances for all personnel working in the Center continues, and is nearing completion. It is staffed by a full time National Guard Intelligence Officer and by planning officers from the Bureau of Criminal Investigation, the Highway Patrol, and select DEM personnel with the required clearances.
- **Department of Homeland Security Science and Technology Grant** - DEM coordinated the planning and application process to obtain funding for a grant totaling \$9 million for innovative state of the market technology that can demonstrate measurable results within four months to one year.

- Emergency Management Assistance Compact (EMAC) - Due to emerging Homeland Security issues, the state EMAC procedures must undergo an almost complete revision to specifically outline all protocols involved when North Dakota sends resources (personnel and equipment) to other states requesting assistance and also establishes strict guidelines in the event North Dakota would have to call upon this nationwide resource support system in the event of a WMD event. This is an extremely time-consuming undertaking.
- Memorandums of Understanding - It is the responsibility of DEM to coordinate and facilitate interstate, intrastate, and international (Canadian) memorandums of understanding for rendering support and assistance during emergency events.
- Information Technology (IT) Planning and Procurement - The additional duties demand IT hardware and software both in DEM and State Radio be constantly reviewed for needed upgrades. Secure communication is a top priority.
- Local Terrorism Annexes - All terrorism components of the 53 county and four tribal government Emergency Operations Plans must be approved by DEM.
- React Officer Guidebook - With respect to Homeland Security, new protocols are required to be written and revised to reflect constant change. DEM operates on a 24/7 basis 365 days a year so the react officer must have up-to-date guidelines and points of contact.
- Statewide Weapons of Mass Destruction (WMD) Awareness Training - Through a unique partnership with the N.D. Association of Counties and the N.D. League of Cities (AL), WMD Awareness Courses have trained over 2,000 North Dakota responders. The training is funded through the Homeland Security grant and has been accomplished without growing government. Success of the training, in part, is due to the trust both organizations engender at the local level. DEM provides program guidance and oversight.
- Statewide WMD Exercises - AL also supports tabletop, functional, and full-scale WDM exercises at the local level. Once again, DEM provides program guidance and oversight.

The North Dakota Smart Border Community Pilot Project

- DEM Responsibility - As stated previously, Governor Hoeven has tasked DEM to be the State Administrative Agency (SAA) or lead agency to coordinate planning with private industry, university research facilities, local and state law enforcement, as well as federal law enforcement, including the Federal Bureau of Investigation, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement and local, provincial, and federal Canadian law

enforcement to secure approximately \$10 million - \$30 million in grant funding for the North Dakota Smart Border Community Pilot Project. It is designed as a pilot to test, then implement innovative surveillance and communication technologies to provide cost effective measures for securing the border between Canada and the United States. This is a multi-year project of immense proportion that will continue to consume considerable time. It will strengthen security and also has the potential to bring job creation and economic growth to North Dakota.

State Radio Consolidation

- The merger increased the full time employee total more than one hundred percent. The fiscal, administrative and personnel duties have significantly increased; yet, the same numbers of staff are being asked to shoulder the responsibility.

Disaster Response and Recovery

- Presidential Disasters - Since 1993, North Dakota has had 15 Presidential Disaster Declarations, including two in 2004. North Dakota has been granted Managing State status by FEMA for administration of disaster in 2003 and 2004. With DEM administering and managing the disaster recovery and decision making process, instead of FEMA, additional responsibility is placed on state emergency management staff. With six open disasters, response and recovery work cannot be delayed due to increased demands of Homeland Security, State Radio consolidation, or the North Dakota Smart Border Community Pilot Project.

Perpetuity

- September 11, 2001 and Worldwide Terrorism - Terrorism has and will forever transform and enhance the scope of DEM's mission. Experts predict Homeland Security concerns will continue to increase, most likely for decades, which means the increased workload placed upon DEM staff is a permanent condition of employment. Additional duties brought about by the advent of Homeland Security and the consolidation with State Radio have affected every facet of the agency including issues involving personnel, pay, evaluation, grant administration, fiscal and programmatic oversight, administrative oversight, program changes, technological innovation, policy decisions, state agency and local emergency management coordination, travel, public information, mitigation, training, exercise, planning, and most importantly, emergency and disaster operations. The common denominator in accomplishing this enhanced mission is a competent, efficient, effective, dedicated, and knowledgeable staff that possesses an extraordinary work ethic combined with superior communication and multitasking skills.

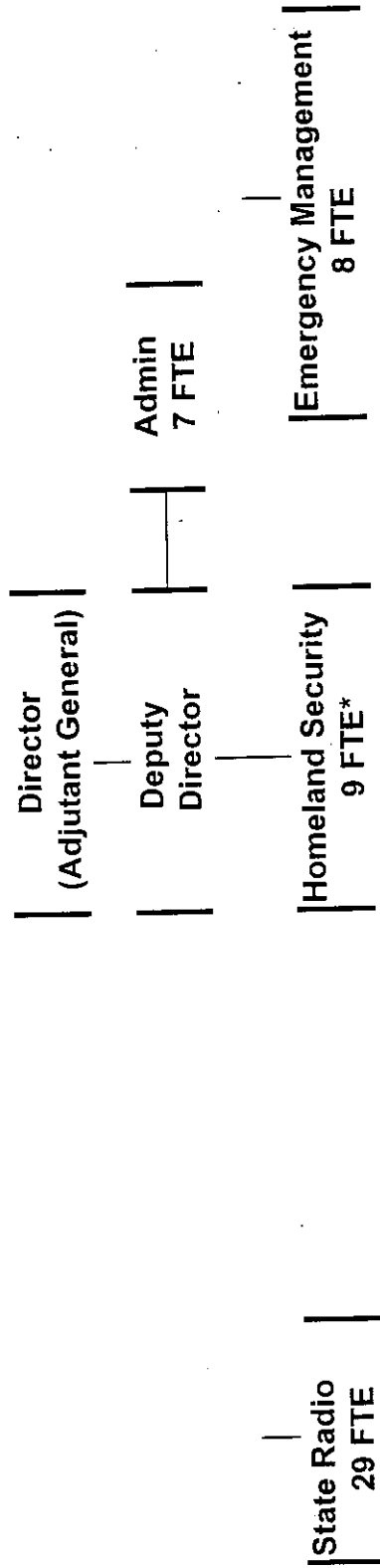
Hazardous Chemical Preparedness & Response Program

- \$25.00 per chemical per year, not to exceed \$150.00
(Average fee per facility is less than \$30.00)
- 3600 ND facilities
- 1/2 of all fees collected are returned to the counties; fee amounts & limits have not changed since 1991
- The program saves lives, property and ensures compliance

Division of Emergency Management

- Provides each facility with annual reporting guidance
- Maintains an LEPC Handbook for education and outreach
- Provides reminders of Community Right to Know annual public notice requirement
- Provides planning guidance and technical assistance as well as training and exercise opportunities
- **Local Emergency Planning Committees**
 - provide equipment for operations such as radios, computers, phones, protective clothing, and recovery supplies
 - provide information and outreach to first responders as well as citizens
 - special training

Proposed Organization Chart



* Subject to Federal Appropriations
Includes 5 FTEs authorized by Emergency Commission and Budget Section

North Dakota

Division of Emergency Management



To: Senator Ray Holmberg, Chairman – Senate Appropriations Committee
From: Douglas C. Friez, Director
Subject: Testimony on Engrossed House Bill 1016
2005 to 2007 Budget Request for the Division of Emergency Management
Date: February 28, 2005

JOHN HOEVEN
GOVERNOR

Maj Gen MICHAEL J. HAUGEN
ADJUTANT GENERAL

DOUGLAS C. FRIEZ
STATE DIRECTOR

Mr. Chairman, members of the committee, my name is Douglas C. Friez, Director of the Division of Emergency Management (DEM). Today I will provide you with information related to Engrossed House Bill 1016 and respond to any questions you may have.

I will begin my testimony by pointing out to committee members that this budget reflects the initial consolidation of DEM and State Radio budgets and complies with the 2005-2007 general fund budget request limit as directed by the Governor through the Office of Management and Budget.

Major performance requirements of the consolidated Division of Emergency Management and State Radio include the following responsibilities: disaster response, recovery, and mitigation operations; traditional statewide emergency management planning, training, and exercising; operating a state radio broadcasting and emergency communications system; managing a hazardous chemical preparedness program; coordination of homeland security initiatives; as well as related state and federal emergency management and homeland security programs administration.

The Division, in cooperation with ITD and system users, will coordinate and manage the long awaited state radio analog to digital migration project for comprehensive communications interoperability throughout North Dakota. Digital technology will enable the state to achieve true interoperable communications necessary to provide integrated response to all types of emergencies including a Homeland Security event. Thirty-six towers will be upgraded to meet the P-25 digital requirements and replace existing dedicated circuits with digital T-1 data lines to speed information transmission. Additionally, twenty-one towers remain to be fitted to accommodate requirements for mobile data transmission (MDT) circuitry, which will complete needed statewide coverage. Local, county, state, tribal, and federal users, in concert with the migration, are currently purchasing the necessary systems to achieve crucial statewide communications interoperability.

To accommodate the migration project, DEM entered into an agreement with Motorola on November 23, 2004, for a total amount of \$7,063,553.93. The company is establishing an increased presence in Bismarck to begin the migration project with a completion target of 18 to 24 months. To date, the state has dedicated \$2,762,673.00 in federal Homeland Security funding toward this effort. As additional U.S. Department of Homeland Security (DHS) funding becomes available, significant Federal dollars will be dedicated to meet the remaining obligation of this agreement.

The Division endorses the Section 6 Amendment of House Bill 1016 which provides loan authorization to borrow an amount not to exceed \$900,000 from the Bank of North Dakota for expenses associated with the migration of the state radio communications system from analog to digital during the 2005-2007 biennium.

Although DEM agrees with the amendment, it is important to emphasize that the associated activities to assure the migration of the state radio communications system from analog to digital are part of the state's responsibility to protect the lives and property of North Dakota residents. Federal Homeland Security funds are appropriated to enhance the ability of North Dakota to respond to acts of terrorism and thus be utilized in a shared responsibility by state and local governments. In recognizing that partnership, it is incumbent upon the state to join its federal partners in achieving needed communications interoperability.

DEM urges the Senate Appropriations Committee to carefully consider its supplemental optional budget package. This optional package appropriately addresses Homeland Security as well as natural disasters and other manmade disaster concerns, and increased usage demands placed upon the North Dakota State Radio system by citizens, and state, local, tribal, and federal authorities and users.

North Dakota has large buildings, a 319-mile international border, a complex system of agricultural interchange and production; nuclear ordinance at military sites, and critical transportation, utility and financial infrastructure - potential targets all. We also have a responsibility to make sure our citizens visiting other areas are educated and aware. One can only speculate the magnitude of our communications needs for another event similar to the Grand Forks flood or in the event of a terrorist incident, here or anywhere in the United States, where the professional skills of our first responders may be required. North Dakota has a responsibility to provide a level of protection for each and every resident. That responsibility is partially fulfilled through North Dakota's investment in communication interoperability.

The Division will continue to implement homeland security initiatives and directives related to the North Dakota Homeland Security Strategic Plan. This plan delineates fifteen major areas of concentration including interoperable communications, local preparedness, and information analysis and dissemination.

In regard to Homeland Security, North Dakota, on state and local levels, has evaluated and adjusted training and operational initiatives; heightened security of key facilities; increased intelligence gathering and sharing among law enforcement, military, and public agencies; enhanced direct communications with federal counterparts; and launched public information campaigns designed to empower individuals and organizations at the local level.

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The Division endorses the Section 7 Amendment of House Bill 1016 which directs that the Division shall implement during the 2005-06 interim a review process relating to the division's allocation of federal homeland security funds to political subdivisions. The Division shall, as requested, provide an appropriate legislative council committee a report detailing the uses of federal homeland security funds at the state and local levels and a report regarding any discrepancies relating to the needs assessment completed by the Division as well as purchases made with federal homeland security funds. During the current biennium, the Division has communicated similar information on several occasions during the hearings of the Legislative Interim Committee on Emergency Services.

The Division has established effective working relationships with key organizations including the N.D. League of Cities, the Association of Counties, the N.D. LEAD Center, and numerous state, local and tribal agencies to provide updated training, exercising and operational planning programs to first responders, government officials, educational leaders, and citizens across the state.

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It is imperative that our agency effectively manages personnel to successfully administer statewide emergency management and homeland security efforts in awareness, preparedness, prevention, response, and recovery. As well, we strive to appropriately address and process the increased usage demands placed upon the North Dakota State Radio broadcasting and emergency communications system by citizens, and state, local, tribal, and federal authorities and users.

The consolidation of the Division of Emergency Management and State Radio provided the opportunity to establish an ongoing mechanism to maximize the synergy existing between the two agencies. Process Improvement Teams were formed utilizing staff and outside resources to bring about an increase in performance effectiveness and efficiency. Current processes are evaluated and improvement opportunities identified. Solutions for improvement are then analyzed, selected, and implemented. Successful solutions become standardized protocols.

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The statewide analog to digital communication migration will enhance interoperability, which will further elevate radio traffic. The dispatchers must provide these services based upon increased responsibilities related to operational protocols and also must meet continuing education and certification requirements. In summary, the review and projected increased system demands revealed a critical need for two additional dispatchers; therefore, the Division requests your approval of two FTE's and related funding in a supplemental optional general fund package. We have been addressing this increased workload through overtime expenditures. I am convinced we can do this more efficiently and cost effectively with the two additional FTEs in the dispatch center.

In regard to the Hazardous Chemical Preparedness and Response Program, we currently have approximately 4,000 facilities in our database. These facilities pay a hazardous chemical fee of \$25.00 per reportable chemical that is stored, distributed, or used per facility, up to a maximum of \$150.00 per facility. A facility is defined as all buildings, equipment, structure, and other stationary items that are located on a single site or contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person).

This fee system generates approximately \$110,000 per year. Fifty percent of the fees collected each year are placed in the state hazardous chemical preparedness response fund to provide planning, training, and exercising initiatives; pay administrative costs associated with maintaining the hazardous chemical program database; and help provide information to facilities and governments to ensure compliance with the federal law. The remaining 50 percent is returned to the Local Emergency Planning Committee (LEPC) in the counties where the facility

is located to fund initiatives designed to improve local hazardous chemicals preparedness and response. LEPC's generally use their share of the funds for computers and related equipment to maintain and manage hazardous chemical information; communications equipment used in emergency response; protective clothing for first responders; local outreach efforts; special exercises and training efforts; and to purchase county or facility response equipment and supplies.

The fee structure has remained the same since the inception of the program in 1991. The average facility fee is about \$27.50 per year. While costs of managing and administering the reporting system have steadily risen at the state and local levels, revenues to support the mandated program remain static. To avert potential shortfalls in the future and assure a self sustaining program, the Division would ask the Senate Appropriations Committee to request a performance audit of the entire hazardous chemical fee structure similar to Section 5 of HB1016 which discusses the 9-1-1 performance audit. The results of the audit should be presented to the Legislative Audit Committee and the Appropriations Committees of the Sixtieth Legislative Assembly.

The Division endorses the Section 5 amendment of House Bill 1016 which requires the state auditor to conduct a performance audit of the fees collected for 9-1-1 services and the utilization of such fees during the 2005-2007 biennium.

The Division is researching the implications of Section 8 of House Bill 1016 which states that the Division of Emergency Management shall require political subdivisions to spend a portion of federal homeland security funding allocations on costs associated with the migration of the state radio communications system from analog to digital. While we do not disagree with the concept, we are concerned about violating Federal rules which require 80% of the Department of Homeland Security Law Enforcement Terrorism Prevention Program and State Homeland Security Preparedness grant dollars to be provided directly to local units of government.

Finally, I feel it is important to inform committee members that a major goal was recently achieved when the Emergency Management Accreditation Program, sponsored by the National Emergency Management Association and the Federal Emergency Management Agency, conferred full accreditation upon the Division. North Dakota is only the fourth program in the nation to attain this status of excellence and accountability.

Mr. Chairman and members of the committee, I thank you for your attention to our testimony. The Division of Emergency Management needs your continuing support in making North Dakota a safer, more secure state. Our challenges are formidable, but achievable through cooperation and proper program execution. Please contact me anytime to discuss this request, Homeland Security or emergency management in general.

ND has planned, coordinated and implemented a number of Homeland Security Initiatives:

Established/Enhanced relationships with local, state, tribal, federal and private sector partners for improved coordination, cooperation and outreach.

Utilized existing emergency management infrastructure to facilitate homeland security initiatives.

Developed/Implemented a Homeland Security Strategic Plan to:

- Guide future funding decisions;
- Interface with state, local, and tribal emergency operations plans;
- Provide citizen awareness and education;
- Assess risks and vulnerabilities, and identify practices to address short falls.

Addressed Continuity of Government and Continuity of Operations.

Implemented comprehensive statewide training and exercise programs for public and private officials, as well as private citizens through the Citizen Corps program.

Focused on bioterrorism preparedness to include exercising, training, and equipment and legislative enhancements.

Established public and annual health surveillance and reporting protocols.

Reviewed and implemented cyber terrorism protocols.

Managed statewide Homeland Security grant programs to enhance state, local, and tribal equipment, planning, training and exercise prevention, preparedness, and response capabilities.

Enhanced, participated in intra-state and interstate mutual aid protocols.

Established statewide emergency communication interoperability as our #1 Homeland Security priority. The State Radio Communications center and tower infrastructure enhancement are underway and locals are purchasing analog/digital compliant radios with Homeland Security funding.

Established and utilize a state information Fusion Center. Professionals from ND Highway Patrol, ND Bureau of Criminal Investigation, Office of the Adjutant General and the Division of Emergency Management staff the Center. Protocols within the center provide for information exchange, analysis, and dissemination among federal, state, local and tribal public safety officials.

Enhanced the State Emergency Operation plan, the State Emergency Operation Center and the State Radio Emergency Communications Center in regard to Homeland Security Initiatives.

Provided, on a regular basis, enhanced training and exercise opportunities for staff designated with Homeland Security and Emergency Operations responsibilities within state, local and tribal emergency operations plans.

Provided funding support for Criminal Justice Information Sharing system enhancement.

Continued coordination efforts with UND Medical School officials in special initiatives to enhance the capability of existing and future medical resources to respond to Homeland Security needs.

Identified and established protection priorities for statewide critical infrastructure.

Participates in ND Infragard, a private sector forum for education and training on infrastructure vulnerabilities and protection measures related to homeland security, computer security, physical security, and disaster recovery.

Provided support for federal border security efforts through state, local and tribal partnerships, and proposed initiatives to include technology applications, community involvement, as well as public awareness and education.

Adopted the National Incident Management System which includes implementation of the incident Command System as a statewide initiative (ICS implementation has been an initiative even prior to 9/11/01)

Nearly all of these initiatives are ongoing and require continued levels of federal funding for establishment and for maintenance. The Division of Emergency Management is also engaged on the national level in efforts to continue to secure that funding.

Talking Points
North Dakota Critical Infrastructure

2/28/05

➤ Bridges

- 5,051 bridges statewide (state – 1,699, urban – 84, and county – 3,268)
- 115 Transporter Erector route bridges for transporting ICBM missiles at Minot AFB associated with National Defense.
- 16 bridges associated with National Highway System.
 - The National Highway System is approximately 160,000 miles of roadway important to the nation's economy, defense, and mobility. It includes all Interstates, Principal Arterials and the Strategic Highway Network.
- 8 bridges associated with the Strategic Highway System.
 - The Strategic Highway System is a network of highways which are important to the United States' strategic defense policy and which provide defense access, continuity and emergency capabilities for defense purposes.

➤ Roads

- Over 100,000 miles of road (Federal, State, County, City and Township).
- 2,727 miles of National Highway System
- 571 miles of Federal Interstate
- 166 miles of road for every 1,000 people (more miles of road per capita than any other state).
- 8,414 roadway miles maintained by the ND DOT

➤ Railroads

- 3,600 miles of track
- 40-70 trains per day
- 15,000 hazmat shipments per year
- Portal is a key international crossing for US & Canadian rail transportation.
- In 2002, ND ranked 24th in rail ton shipments (21.6 million) originating in the state
- In 2002, ND ranked 38th in rail ton shipments (9.6 million) terminating in the state
- Two major railroads (BNSF and CPR) and three area rails (Red River Valley & Western, Northern Plains, and Dakota, Missouri Valley and Western)
- **BNSF**: Major transporter of grain in North America, connecting key grain-producing areas throughout the Pacific Northwest, Midwest, and Northern and Southern Great Plains to major domestic consumption markets and grain export ports. Through its Agricultural Products Marketing Unit, BNSF specializes in meeting the needs of whole grain, grain products, fertilizer, ethanol and bulk foods shippers. Burlington Northern Santa Fe is the largest hauler of cleaner burning, low-sulfur coal, most of which originates in the Powder River Basin of northeastern Wyoming and southeastern Montana. Nearly ten percent of the electricity produced in the United States is generated from coal hauled by BNSF. Operates one of the largest fleets of refrigerated boxcars in North America.
- **CPR**: Cars, coal, forest and industrial products, ethanol, fertilizer & potash, Sulphur, truck trailers, grain, Intermodal and more.

➤ Amtrak

- Amtrak serves ND with two long-distance east/west daily trains called the Empire Builder. It follows a route from Chicago-Minneapolis/St. Paul through ND to Seattle/Portland.
- In 2004, 89,319 North Dakotans rode Amtrak
- 7 Amtrak stations in ND:
 - Devils Lake
 - Fargo
 - Grand Forks
 - Minot
 - Rugby
 - Stanley
 - Williston

➤ Airports/Airstrips (by tier, by town...including local airstrips)

- Four international airports servicing the following cities and populations: (Bismarck – 56K, Fargo – 91K, Grand Forks – 47K and Minot – 35K).
- Four municipal airports servicing the following cities and populations: (Devils Lake – 7K, Dickinson – 16K, Williston – 12K, Jamestown – 15K)
- 92 public use airports
- 8 air carrier airports (international and municipal)
- 51 hospital heliports
- 220 private owned/private-use landing areas
- 82 airports are lighted for night operations
- 600,000 aircraft operations occur at 8 major airports annually
- 200,000 aircraft operations occur at 85 general aviation airports
- 54 airports receive federal aid

➤ 12 Dams (state, USACE, BOR, etc. – breakdown). These dams could cause mass casualties or evacuations of populations of 5,000 or more.

- Baldhill Dam – Valley City - USACE
- Devils Lake Levee – City owned
- Dickinson Dam – BOR
- Fargo Levee – City owned
- Garrison Dam – Stanton/Bismarck – USACE
- Jamestown Dam – BOR
- Lake Darling Dam – Burlington/Minot - U.S. Fish and Wildlife
- Williston Levee – City owned
- English Coulee Dam – Grand Forks - City owned
- Jackman Coulee Dam – Bismarck – City owned
- Pipestem Dam – Jamestown – Corps of Engineers
- Grand Forks Levee – City owned

- Agricultural Stats (types of crops, how much produced)
 - Over 30,000 farms within the state
 - Almost 40 million acres being farmed
 - Market value (in production – 2002) - \$3,234,000,000
 - Crop Sales (2002) - \$2,460,000,000
 - Ranked 1st in the nation for barley
 - Ranked 1st in the nation for sunflower seed
 - Ranked 2nd in the nation for all wheat grains
 - Bee Colonies – 107 Colonies, 160,946 pounds of product
 - Ranked 4th in the nation.
- “Food on the Hoof” estimates (livestock availability)
 - Livestock Sales - \$773,000,000 (based on 2002 Census)
 - Cows and Calves (includes Beef and Milk Cows) – 1,710,000 (based on 2005 stats)
 - Ranked 16th in U.S.
 - Hogs and Pigs – 138,838 (based on 2002 Census)
 - Ranked 28th in U.S.
 - Sheep and Lambs – 105,000 (based on 2005 stats)
 - Wool Production – 745,000 pounds (2004).
 - Ranked 8th in U.S.
 - ND Milk production – 127 million pounds (ND quarterly stats – Oct/Dec 04)
 - Ranked 5th in the nation.
 - US Milk production – 41.9 billion pounds (US quarterly state – Oct/Dec 04)
- # of Law Enforcement officials
 - 1800 sworn peace officers – includes City Police, Sheriffs, Deputies, Special Investigators, Highway Patrolmen, Game and Fish, Park Rangers, Parole and Probation and State Branding Officers.
- # of Emergency Services officials
 - Fire – 8,000 fire fighters (Paid and Volunteer Fire Departments)
 - HazMat Teams – 4 communities that are capable of responding to a HazMat incident (Operations, Technicians and Incident Command trained personnel). 5 additional communities that have personnel trained to the Operations Level only of HazMat response.
 - Para-medics (335), EMTs (1500), First Responders (not EMT qualified - 1700), Auto Extrication (1768), Dispatchers (261).
- Military presence
 - North Dakota has two major Air Force installations, Minot Air Force Base (B-52's and 150 Intercontinental Ballistic Missile silos) and Grand Forks Air Force Base (KC-135 Refueling squadron).
 - Both air bases have participated in bombing and logistical support campaigns against state terrorist-sponsored organizations, including the countries that sponsored them.
 - North Dakota has Statewide Army Guard armories, posts and installations.
 - ND Air Guard - 119th Fighter Wing in Fargo, with a squadron of F-16's

- 17 Water Treatment Plants for cities/towns/regions with populations of 5,000 or more:
 - Valley City
 - Bismarck
 - Fargo
 - West Fargo
 - Cass Water Rural District
 - Grand Forks
 - Agassiz Water Users District
 - Grand Forks-Traill Water District
 - Mandan
 - North Valley Water District
 - Devils Lake
 - Wahpeton
 - Southeast Water Users
 - Southeast Water Authority
 - Grafton
 - Minot
 - Williston

- Buildings with 10,000 plus occupancy/seating capacity
 - 6 Commercial Asset facilities identified for Department of Homeland Security
 - Criteria established by DHS: seating capacity of 10K or more, or over one million square feet. DHS Buffer Zone Protection Plans implemented for each facility.
 - Fargo Dome – 27K
 - West Acres Shopping Mall – >1 million square feet
 - Bismarck Civic Center – 10K
 - Ralph Engelstad Arena – 25K
 - Alerus Center – 27K
 - Minot State Fairgrounds – 15K

- Border
 - Major rural environment with over 300 miles of an international border.
 - 19 Ports of Entry: 3 are open 24 hours: Dunseith, Pembina and Portal.
 - Substantial vulnerability in allowing illegal crossings by potential terrorist operatives bringing with them, any type of overt or covert plans and materials needed to conduct their operations.
 - A largely unprotected agricultural infrastructure that could easily be targeted with the delivery of bio-terrorism agents or vectors.

- The following sectors and key resources are incorporated into the North Dakota Critical Infrastructure (CI) and Key Resources Program

CRITICAL INFRASTRUCTURE SECTORS

Agriculture and Food
Banking and Finance
Chemical Industry and Hazardous Materials
Defense Industrial Base
Emergency Services
Energy
Information Technology
National Monuments and Icons
Postal and Shipping
Public Health
Telecommunications
Transportation
Water

KEY RESOURCES

Commercial Assets
Dams
Government Facilities
Nuclear Power Plants – Not Applicable

***Based off of HSPD 7 and the National Infrastructure Protection Plan**

The following strategy has been implemented for the ND Critical Infrastructure Program:

- State agencies with primary control of a specific sector or resource will **develop Critical Criteria** for that sector.
- State agencies with primary control of a specific CI sector or key resource will **develop an Asset Database** of resources that qualifies under the critical criteria.
- State agencies with primary control of a specific CI sector or key resource will **develop a notification system** (both for DEM and its partners) in the event of potential, imminent or actual threats to that infrastructure or resource.
- State agencies with primary control of a specific CI sector or key resource will **partner with DHS, DEM and their private partners** to develop plans and programs to assist in developing or strengthening security for that CI sector or key resource.

The following state agencies have been engaged to assist in developing the CI and Key Resource Program:

- ND Dept of Agriculture
 - ND Dept of Health - ✓
 - Dept of Financial Institutions - ✓
 - Public Service Commission
 - Oil and Gas Division - ✓
 - Aeronautical Commission - ✓
 - ND National Guard - ✓
 - Highway Patrol - ✓
 - Fire Marshall - ✓
 - ND Information Technology Department (ITD)
 - ND Dept of Transportation - ✓
 - State Water Commission - ✓
-
- All state agencies (identified above) have initially agreed to cooperate in developing draft or final criteria, an asset database and a notification system.
 - State agencies that have provided criteria, asset database and notification system (✓).
 - Those agencies that have not provided final products have assured me they are still working on the program.

The Division of Emergency Management has three statewide focus areas: day-to-day emergency management, Homeland Security, and public safety radio communications.

In cooperation with local and tribal emergency management organizations, over fifty state agencies, federal agencies, and private partners, the Division provides the organizational base for a statewide system to prevent and mitigate, prepare for and respond to, and recover from manmade and natural disasters.

Major responsibilities in the three focus areas include:

- Preparation and maintenance of a state emergency operations plan which provides for timely alerting and informing of the public, situation assessment, resource activation, emergency response support to impacted communities, and restoration and recovery;
- Providing operation planning, training, exercise, and program assistance to fifty-three counties, their cities, tribal governments and state government;
- Maintaining a State Operation Center for coordinating state level emergency operation;

Included in the State Operation Center is the 24/7/365 Radio Communication that has over 4,000 public safety first responder users representing 287 local, state, and federal agencies. State Radio provides: a voice radio system controlled from a single communications dispatch center connected to thirty-six remote towers by telephone circuits; a mobile data communications system for law enforcement; and a nationwide law enforcement teletype system.

State Radio serves as a statewide warning point for dissemination of emergency and disaster notification to the public, acts as a clearing house for missing children, initiates Amber Alert messages, provides 9-1-1 service to 22 counties with the ability to provide backup 9-1-1 service to the remaining counties if their systems require support.

Major communications systems used within the State Operation Center are the State Radio Communications System, ND Law Enforcement Teletype System, National Crime Information System, National Warning System, Statewide Paging System, Statewide Emergency Telephone System, Statewide Road Block System, Missing Children Clearinghouse, Statewide Frequency Coordination System, Computer Aided Dispatch System, 9-1-1 System and the Mobile Data Computer System.

- Coordination of statewide homeland security efforts in awareness, preparedness, prevention and response to: watch the neighborhood; lock our doors; report suspicious activity; and maintain the Homeland Security Advisory System (HSAS);

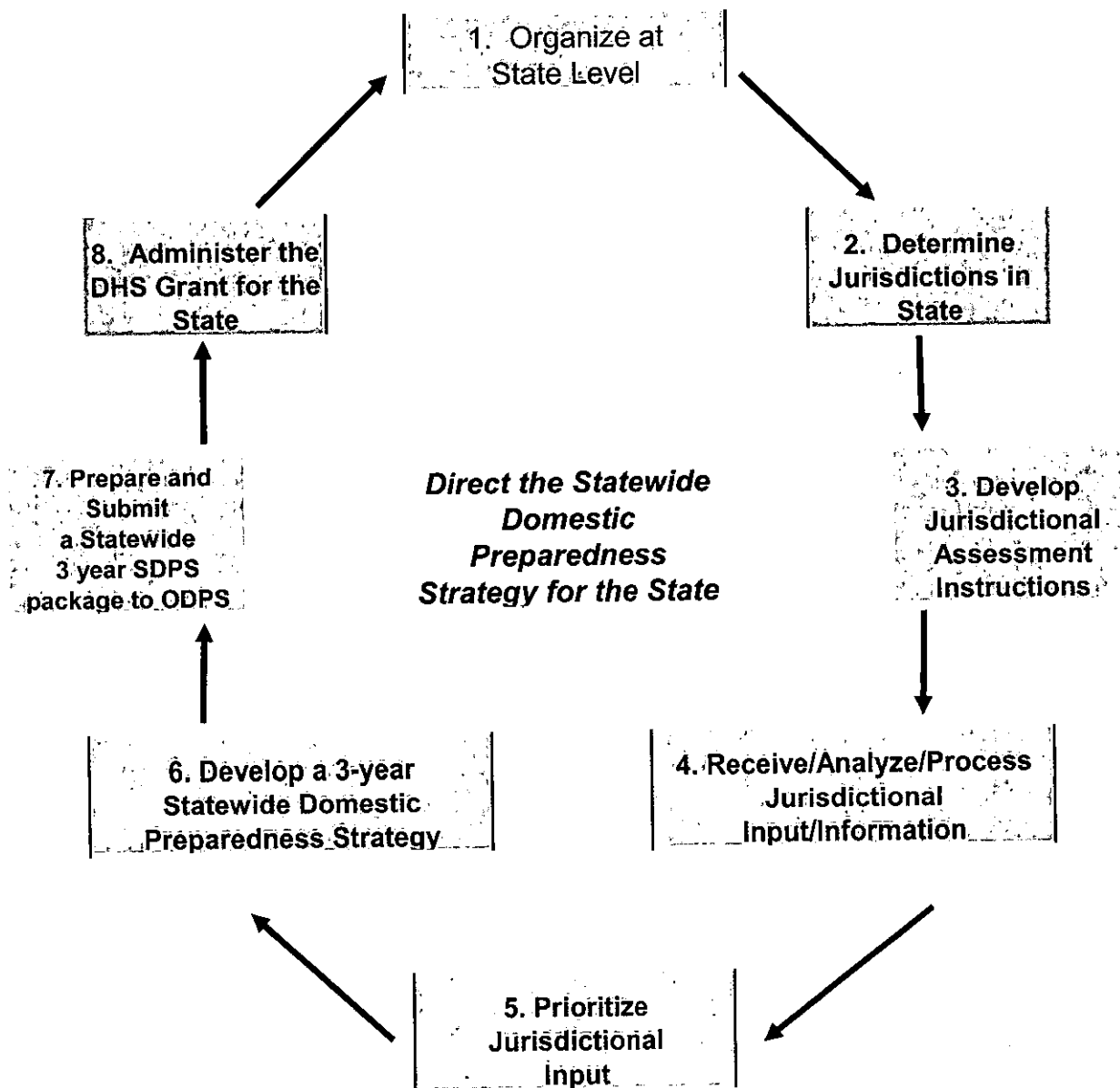
North Dakota, on state and local levels, has evaluated and adjusted training and operational initiatives; incorporated aviation and border security measures; heightened security of key facilities; increased intelligence gathering and sharing among law enforcement, military and public agencies; enhanced direct communications with federal counterparts; and launched public information campaigns designed to empower individuals and organizations at the local level. To provide comprehensive homeland security training and exercising for officials, DEM has developed formal partnerships with the NDSU Extension Service, the State Fire Marshal's Office, the N.D. Association of Counties, the N.D. League of Cities and the Leadership and Educational Administration Development Association (LEAD).

- Housing and providing staff support for the North Dakota Information Analysis and Fusion Cell (IAFC), which has been developed to provide timely and relevant Homeland Security information to protect the State's citizens and infrastructure. The IAFC is a partnership

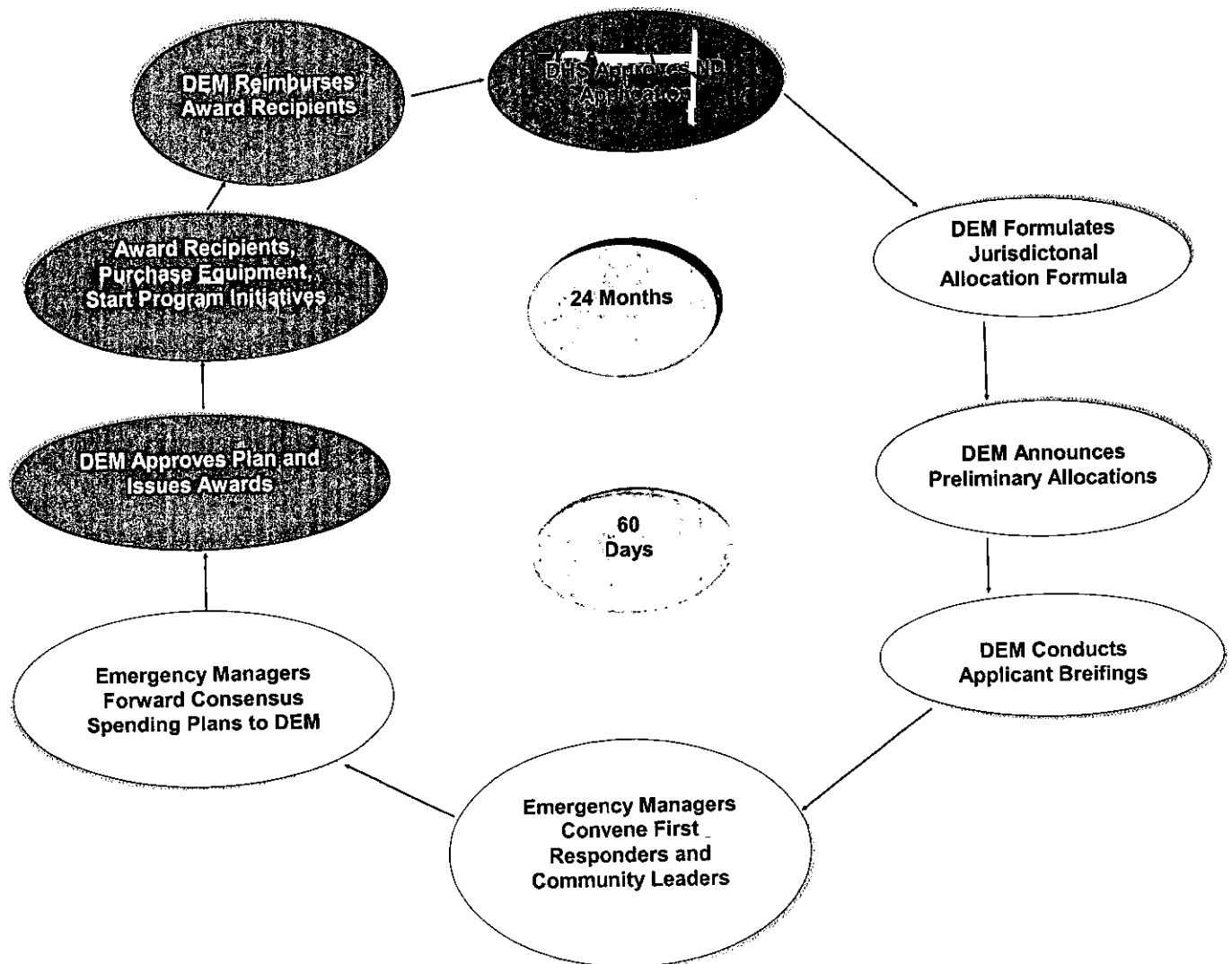
among the North Dakota National Guard, Bureau of Criminal Investigation, Highway Patrol and the Emergency Management;

- Coordination of a the statewide hazardous chemical preparedness and response program;
- Administration of millions of dollars of federal funds from the Department of Homeland Security (DHS) and other federal agencies that are allocated to the state and political subdivisions for emergency management and homeland security initiatives;
- Coordination of activities for local and tribal emergency management organizations to ensure effective and efficient emergency management and homeland security efforts;
- Coordination of state, local, and tribal planning activities and administration of state and federal funds to develop and implement hazard mitigation measures;
- Provision of management, training, technical assistance, and evaluation for 200 local and tribal emergency management exercises;
- Administration of state and federal programs and funds made available to repair or replace public and eligible private non-profit facilities damaged or destroyed in a federally declared disaster;
- Cooperation with DHS on the administration of state and federal programs to assist disaster victims; and,
- Coordination of activities relating to state and federal hazardous materials planning, reporting, and incident response requirements.

DHS Critical Tasks



DHS Grant Implementation Process



North Dakota Strategic Plan Overview

The North Dakota Division of Emergency Management Strategic Plan serves as a tool for those responsible for managing the various aspects of North Dakota emergency preparedness and response program. The plan is grounded on National Emergency Management Accreditation Program (EMAP) Standards.

EMAP standards are a series of scalable yet rigorous national standards for state/territorial and local emergency management programs. The core of the standards is derived from National Fire Protection Association 1600 "Standard on Disaster/Emergency Management and Business Continuity Programs". Current Department of Homeland Security Guidance requires emergency management programs utilize EMAP as a baseline for evaluation on capabilities to address all hazards emergencies.

North Dakota participated in the EMAP accreditation process beginning in 2003. In June of 2003, North Dakota submitted a corrective action plan based on assessment identified deficiencies. In September of 2004 EMAP reviewed corrective actions taken by Emergency Management to complete compliance with all standards. In October of 2004, EMAP certified the North Dakota Division of Emergency Management has attained accreditation status. North Dakota's accreditation status runs for a period of five years. North Dakota is one of four programs nationwide to attain accreditation status.

The North Dakota Emergency Management Strategic Plan utilizes EMAPS core goals with associated objectives and implementation steps to guide its program, processes and direction. DEM reviews each goal, its associated objective and implementing steps on an annual basis.



North Dakota Emergency Management Strategic Plan

Functional Agencies: Office of the Governor, Office of Adjutant General, North Dakota Division of Emergency Management, North Dakota Department of Health, North Dakota Highway Patrol, Department of Human Services, Department of Transportation, North Dakota State Water Commission.

Task Agencies: Civil Air Patrol, National Guard, Aeronautics Commission, Department of Agriculture, State Veterinarian, Attorney General, Bureau of Criminal Investigation, Fire Marshall, Auditor, Bank of North Dakota, Commerce Department, Community Services, Corrections and Rehabilitation, Electrical Board, Financial Institutions, Forest Service, Game and Fish, Historical Society, Housing Finance Agency, Indian Affairs, Industrial Commission, Geological Survey, Oil and Gas Division, Information Technology, Insurance Department, Job Service, Judiciary, Municipal Bond Bank, Office of Management and Budget, Central Personnel, Facility Management, Risk Management, Parks and Recreation, Plumbing Board, Public Instruction, Public Service Commission, Secretary of State, Tax Department, University system, Workforce Safety and Insurance.

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Preface

The overall purpose of this strategic plan is to serve as a tool for those responsible for managing the various aspects of North Dakota's emergency preparedness and response program. It provides a picture of the present and a vision for the future to guide those responsible for and involved in community disaster preparedness in North Dakota. What follows will provide the practical information needed to address immediate issues, as well as insight into the overall direction of the statewide program over the next five years. The strategic plan outlines the program parameters necessary to fulfill the attached strategic program specific plans including, Homeland Security, Recovery, Public Assistance, Individual Assistance, Hazard Mitigation, Emergency Operations, Training and Exercise Communications.

This strategic plan is built upon the following planning principles:

Vision- the guiding image of what we will achieve

Mission – a comprehensive statement explaining what the agency does, whom it serves and how it is organized.

Values- a guiding set of principles for program execution

Goal – a broad statement reflecting the overall direction of the emergency management program in the Commonwealth.

Objectives – the short and long term initiatives required in order to accomplish the established goals. For this strategic planning purpose, objectives will reflect activity up to five years into the future.

Implementation Steps– provides a means to quantify and qualify implementation of the program Objectives. Implementation steps generally represent the day - today activities of the agency projected over a multi-year period.

Organization

The concept of emergency management has been a formal function of state, county and community government in North Dakota for the past 50 years. Over that time, the program and mission evolved from enemy attack to all-hazards preparedness. In concert with partners at a state, federal, tribal, county, and community level, the evolution of emergency management continues through a coordinated effort of emergency prevention preparedness and response. The Division of Emergency Management (DEM) as the coordinating agency leads the way in bringing to the forefront, issues related to laws and authorities, hazard mitigation, hazard identification and risk assessment, resource management, planning, direction control, and coordination, communications and warning, operations and procedures, logistics and facilities, training, exercise evaluations and corrective actions, crisis communications, public education and information and finance and administration.

Comprehensive emergency management in North Dakota consists of the judicious planning, assignment, and coordination of all available resources in an integrated program of prevention, hazard mitigation, preparedness, response, and recovery activities for emergencies of any kind (all hazards), whether from human or natural sources, at all levels of government. The inherent responsibilities of government include the need to educate and inform citizens about their responsibility to plan and the take precautions to ensure their safety.

Coordination of all emergency-related program activities is vested in the State Division of Emergency Management. Emergency management in North Dakota is not the responsibilities of one agency or level of government; it is integrated and coordinated. Effective emergency management encompasses interaction between the Governor's office, the state emergency management office, and the state planning office, the state budget office, the state legislature, and other state agencies, local and tribal governments, the private sector, volunteer organizations, and the federal government.

The North Dakota Division of Emergency Management is an agency of state government reporting directly the Office of the Adjutant General. The agency consists of a series of interactive teams working integrally with local, tribal state and federal agencies and the private sector. The following graphics display the cycle of internal emergency management employed by the Division of Emergency Management and the integral relationship with state agencies and the private sector in the execution of emergency management on a day to day basis.

Emergency Management Value Statement

Dedication to Service

We acknowledge that every employee is a valued asset and contributes to our mission with pride and dedication.

We are committed to integrity, honesty, ethical behavior, trust, loyalty, fairness, compassion, and keeping our promises.

We believe in a full day's work for a full day's pay. We believe our work is important so we use our time wisely and do not abuse leave or personal breaks.

We foster the "WE" as an agency and promote opportunities for employees to work together and share their knowledge.

We work together to find ways, using sound judgment consistent with and problems, but we also present possible solutions.

We value and take ownership of and responsibility for our work. We raise issues and problems, but we also present possible solutions.

We employ the highest standards to produce quality work.

Respect for Each Other

We promote and practice fair and equitable treatment to all.

We recognize the diversity of the workforce and value the differing viewpoints.

Our mission promotes service to others in time of need. We recognize the need to support each other, so we may better serve others.

We strive to earn and maintain each others' trust and respect.

We recognize that we are frequently dealing with highly personal and sensitive information affecting people's careers, lives, and reputations. We handle this information in a highly confidential and professional manner, sharing and using it only for official purposes.

We promptly admit mistakes...and learn from them. We do not retaliate when mistakes are acknowledged.

We encourage communication with each other including the expression of varying viewpoints. We share job-related information and experiences so others may benefit from our knowledge.

We work together to accomplish our mission, within our individual roles, as members of the team.

Respect for Ourselves

We believe that respect originates from within ourselves. The workplace is a professional environment and it is important that we conduct ourselves appropriately.

We are mindful that our behavior during non-duty hours may affect the public's view of our organization and its employees. Therefore, we take responsibility for our personal behavior at all times

Emergency Management Vision Statement

A safe and secure state prepared for disaster. (Mitigation Preparedness)

We envision a North Dakota which is safe and secure from natural, manmade, and technological emergencies that destroy life, property, and the environment;

And

in which citizens, governments, and business/industry have the resources and knowledge to reduce risks to mitigate the impacts of disaster.

Emergency Management Mission Statement

Provide a statewide system to prevent, mitigate, prepare for, respond to, and recover from disasters.

Provides a statewide system for effective mitigation, preparation for, response to, and recovery from, manmade or natural disasters;

- Has 51 full-time staff and is also dependent on temporary staff during disaster response and recovery;
- Helped generate over \$730 million in disaster assistance to state and local governments and individuals for disasters in '93, '94, '95, '97, '98, '99, '00, '01, '02 and 2003 (this does not include agricultural assistance programs) and has administered approximately \$22 million in Homeland Security grants to local, tribal and state governments in FY'99 through FY2003;
- For day-to-day operations, we ask the state legislature to provide about \$2.56 million per year which generates \$1.46 million per year in federal funds, and each year we pass about \$800 thousand of the federal funds to local governments to support their emergency management efforts.
- Administers special grants for Homeland Security.

Prepares and maintains a state emergency operations plan which provides for:

- alerting and informing the public;
- assessing the situation;
- activating volunteers;
- supporting emergency response;
- Restoration and recovery.

Provides emergency planning, training, and program assistance to 53 counties, their cities, tribal governments, as well as state government:

- maintains statewide public education programs;
- ensures emergency plans are exercised;
- manages a Hazardous Chemicals Preparedness and Response Program;
- provides a center for coordinating state level emergency operations;
- Maintains dialogue with federal support resources.

Provides Statewide Public Safety Communications:

- provides a statewide public safety communications center in support of federal, state, local, and tribal agencies on a 24/7 basis;
- provides 9-1-1 and 24-hour dispatch services to 22 counties;
- Serves as a clearinghouse for missing children.

Coordinates Statewide Homeland Security efforts in Awareness, Preparedness, Prevention and Response to:

- "Watch the Neighborhood";
- "Lock our Doors";
- "Report Suspicious Activities";
- Homeland Security Advisory System (HSAS).

Current Capabilities

ACTION TEAMS

Administration and Human Resources

Goal: The Administration and Human Resources Action Team provides the organizational base for management and administration of program activities.

Action Items:

- Grants Management
- Payments to customers by ACH or check
- Accounting Records Management
- Travel and Training Reimbursements
- Budget review and preparation
- Payroll and benefit administration
- Inventory and equipment management
- Manage the day-to-day administrative support services functions.
- Manage the human resource requirements, staff safety and training requirements, and staff development in coordination with Central Personnel.
- Coordinate the personnel employment process.
- Manage the budget and accounting requirements including the State biennial budget preparation and annual budget proposals to federal partners.
- Administer total agency revenue and expenditures including: general, federal and special funds.
- Administering the fiscal aspects of all disaster recovery funds made available to State, local and tribal jurisdictions through the President's Disaster Fund and in response to non-federally declared events.
- Coordinate the administration of the annual Emergency Management Performance Grant, the ND DEM Administrative Plan and the Hazardous Materials Emergency Preparedness Grant.
- Prepare and submit quarterly work plan and financial reports to federal partners.
- Support statewide emergency management program activities to ensure fiscal efficiency and effectiveness.
- Identify and facilitate stakeholder relationships.

Disaster Recovery and Mitigation

Goal: The Disaster Recovery/Mitigation Action Team (DR/MAT) manages federal grants provided by FEMA to state/tribal/local governments and eligible private non-profit entities. The Team conducts applicant briefings on disaster programs and provides technical and on ground assistance to tribal/local emergency managers on Local Emergency Operations Planning, and Multi-Hazard Mitigation Planning for state/tribal/local governments. The DR/MAT also provides technical support to local governments to develop a long-term strategy for operational and mitigation planning. The Team supports local emergency management organizations to effectively deliver preparedness, response, recovery, and mitigation activities to their communities.

Action Items:

- Responsible for conducting project closeouts as assigned and assisting applicants with programmatic questions and appeals.
- Responsible for assisting tribal/local governments with Multi Hazard Mitigation Planning, Tribal/Local Emergency Operations planning and with the PDM competitive grant process.
- Assist in reviewing planning requirements in the DOJ grants process.
- Responsible for funding requests, site inspections, programmatic questions from applicants and closeout of Hazard Mitigation Grant and PDM Projects.
- Responsible for completion of the cost benefit on both HMGP and PDM projects.
- Reviews the e-grant process for PDM projects.
- Responsible for conducting project closeouts primarily for UND and NDSU.
- Responsible for assisting applicants with programmatic questions and appeals.
- Responsible for funding requests, site inspections and closeout of Hazard Mitigation and PDM projects.
- Assist applicants with programmatic questions.
- Assist in updating and enhancing the States Multi Hazard Mitigation Plan.
- Responsible for Public Assistance issues.
- Responsible for assigning projects closeouts to other members, completing quarterly reports and other reports, and assisting applicants with programmatic questions and appeals and disbursing the grant funds.
- Responsible for review of Tribal/local Multi-Hazard Mitigation plans to DMA 2000 standards.
- Responsible for review of PDM competitive grant eligibility and assisting applicants with programmatic questions.

Programs and Objectives:

- Public Assistance Program (PA) – Provides federal funding for repairs to public infrastructure damage as a direct result of a major disaster declaration.

- Hazard Mitigation Grant Program (HMGP) – Provides federal funding for projects that will significantly reduce or permanently eliminate future risk to lives and property from severe natural hazards. Program is available only after a major disaster declaration.
- Pre-Disaster Mitigation Grant Program (PDM) – Provides federal funding for planning, mapping and mitigation projects for natural disasters. Program does not require a Presidential Declaration.
- Individual Assistance Program (IA) – Provides federal 100% funding to individuals who have received damage to their homes. The IA Program if declared will be run by FEMA with input from the state. Program requires a Presidential Declaration.

Planning Requirements:

- Disaster Recovery/Mitigation staff maintain and update the State Multi-Hazard Mitigation Plan.
- Tribal/Local Emergency Managers maintain and update their Local Multi-Hazard Mitigation Plans. The Tribal/Local multi-hazard mitigation plans have to be approved by both the state and FEMA for tribal and local governments to be eligible for HMGP, PDM, Federal Mitigation Assistance (FMA) (program run by the State Water Commission)

Other Technical Assistance provided to Tribal/Local governments:

- State Hazard Mitigation Team: Team consists of members of state agencies that have agreed to review/and rank both HMGP and PDM Grant applications for potential funding. Team provides technical assistance to the State Hazard Mitigation Officer on engineering issues.

Interagency Hazard Mitigation Team: Team is composed of both Federal and State agencies that assist the State with mitigation strategies and leveraging of project funding.

Homeland Security/Strategic Planning

Goal: The Homeland Security Strategy Action Team enhances homeland security through awareness and coordinated preparation, prevention and response to reduce our vulnerability to terrorism.

Programs: Department of Homeland Security Domestic Preparedness Equipment, Planning, Training, and Exercise Grants, Emergency Management Accreditation Program

Action items:

- Coordination with other Divisions
- Liaison with program partners
- Department of Homeland Security Grants
- Strategic Plan
- Program Committee
- Continuum of Government -Continuity of Operations (COG-COOP)
- Impact Analysis
- Coordination of Department of Homeland Security fiscal awards and reporting requirements
- Award Processing/Issuance
- Award Maintenance
- Access Maintenance
- Coordination of state and jurisdictional assessments
- Assist in state and jurisdictional assessments
- Assist in meeting EMAP standards i.e. Strategic Plan, Impact analysis, COOP-COG, Program Committee

**State Operations Center
(Communications and Warning, Plans and Operations)**

Communications and Warning:

The Communications and Warning Action Team is committed to providing each person in need with 24-hour professional public safety communications services by coordinating 9-1-1, emergency medical, fire, law enforcement and public safety response activities.

- Statewide radio communications system for all law enforcement, emergency medical, fire and other public safety responders on 36 tower sites providing radio coverage for all 53 counties within the state, included federal, state, local and tribal agencies.
- Statewide data communications system for law enforcement, providing vital information to officers utilizing drivers license records, motor vehicle registration, stolen items records, wanted/missing person checks and other public safety information.
- Manage the State Radio mobile data terminal (MDT) system: 15 tower sites throughout the state allowing law enforcement access to vital data and public safety information in a readable format from their vehicles.
- Coordinate statewide radio paging system for public safety responders including the assignment of pager identification numbers and activation codes.
- 9-1-1 Public Safety Answering Point (PSAP) for 22 counties in North Dakota as well as 9-1-1 overflow calls from other PSAP's throughout the state.
- Assist statewide PSAP's with calls forwarded to State Radio to ensure dispatch of appropriate resources when PSAP's are unsure of what to do with the call.
- Answer and dispatch appropriate responders on the statewide Emergency Assistance Telephone 800-472-2121.
- Assign unit identification numbers for agencies utilizing services of the state radio communications system.
- Provide training in the appropriate use of NCIC (National Crime Information Center) and NDLETS/NLETS (North Dakota Law Enforcement Teletype/National Law Enforcement Teletype System).
- Provide training in proper radio communications techniques as requested by agencies.
- Perform outage diagnostic procedures and repair activities on radio systems, mobile data and teletype data systems.
- Manage and update the State Radio 9-1-1 database with location and identification information received from county 9-1-1 coordinators.

Plans and Operations:

Goal: Coordinate state efforts to support emergency and disaster response based on the State Emergency Operations Plan (SEOP) with federal, state, local, tribal and private partners.

Action Items:

- Facilitate the cooperation and coordination of over 50 state agencies to ensure procedures, resources, and reference materials in the SEOP are current and accurate.
- Identify and facilitate stakeholder relationship building in support of statewide emergency management initiatives.
- Assist with media inquiries.
- Coordinate statewide operational response capability.
 - Conduct and disseminate daily risk factors.
 - Allocate resources, as requested.
 - Maintain incident logs.
 - Gather initial damage assessment information, as needed.
 - Support requests for gathering information for declaration requests.
 - Identify federal, state, local, tribal, and private stakeholders.
 - Develop and distribute situation reports, as needed.
- Manage the North Dakota State Operations Center (SOC).
 - Facilitate communication with appropriate stakeholders.
 - Maintain monthly on-call schedules.
 - Enhance communication and technological capability.
 - Ensure continuity of operations.
 - Conduct weekly and monthly equipment tests (Harris/Amateur Radio/NAWAS).
 - Maintain relationship with federal, state, local and private EOCs.
- Gather and disseminate Homeland Security and Intelligence information.
- Facilitate and evaluate Emergency Management Assistance Compact (EMAC) activities and requests.
- Manage and maintain the North Dakota Hazardous Chemicals Preparedness and Response Program.
- Support all Division Action Team activities.

System Support

Goal: The System Support team is responsible for computers, phones, and radios in daily and emergency operations.

Action Items:

- Ensure electronic systems are 100% ready in the EOC.
- Maintain and test secure Homeland Security communications equipment.
- Ensure Secret and Top Secret Rooms are not compromised.
- Ensure Emergency Alert System (EAS) equipment is operational (including Amber Alert system).
- Conduct weekly radio test on the Federal Emergency Management Agency (FEMA) radio system.
- Ensure NAWAS is working and call in troubles for system statewide.
- Troubleshoot phone equipment problems reported by the staff and order service.
- Provide Information Technology (IT) and phone training to the staff.
- Provide software and hardware help and training to the staff.
- Troubleshoot equipment and software problems reported by the staff.
- Install hardware and software.
- Evaluate hardware and software requirements.
- Prepare specifications for hardware and software purchases.
- On-scene contact for maintaining agency E-mail.
- Ensure software licensing.
- Update the agency website as needed.
- Manage user interface on LAN/WAN.
- Perform daily backup of LAN network.
- Maintain internet/E-mail/mainframe connectivity.
- Manage network installations.
- Ensure compliance to ISD standards.
- Troubleshoot network LAN/WAN problems.
- Ensure state and agency information technologies policies are adhered to.

Training and Exercise

Goal: The Training and Exercise Team initiates, coordinates, or delivers emergency management training and exercise opportunities to emergency management personnel at all levels of government, volunteer agencies, the private sector, and North Dakota citizens. To accomplish this goal we:

Action Items:

- Coordinate course development/revision, management, support and delivery of the following types of training courses:
 - Localized training events.
 - Statewide invitational training events.
 - The Boys' State Emergency Management Program.
 - Conferences (Annual Workshop, Fall Workshop, and Special topical conferences).
 - Coordinate in-state Homeland Security/Weapons of Mass Destruction training events plus facilitate participation in national schools by first responders.
 - Facilitate the Multi-Hazard Planning for Schools Training Program.
 - Coordinate Community Emergency Response Team (CERT) Training with the ND League of Cities.
 - Facilitate the development of a training program for ND DEM Personnel and track the training progress.
 - Manage the computer database of statewide emergency management training records.
 - Coordinate Hazardous Materials Emergency Program (HMEP) Grant training and planning activities.
 - Coordinate Skywarn Training with the National Weather Service and local jurisdictions.
 - Conduct new emergency manager orientation training.
 - Facilitate the recruiting and enrollment of ND emergency management personnel to participate in National Emergency Training Center training courses.
- Develop and implement a State of North Dakota Emergency Management Exercise Program.
 - Coordinate/facilitate state multi-hazard emergency management exercises, to include homeland security, involving state agencies, local and tribal governments, and volunteer agencies and the private sector.
 - Develop a summary of corrective actions identified in the annual state exercise and monitor implementation of a corrective action plan.
 - Provide technical assistance to support development and execution of community based multi-hazard emergency management exercise programs within the state to include homeland security.
 - Manage computer database of statewide emergency management exercise records.

- Facilitate on-going delivery of statewide public education and outreach programs, including ND Citizen's Guide updating highlighting individual responsibilities for disaster preparedness.
- Provide program and instructional support to higher education institutions with emergency management and related programs. Current institutions are:
 - North Dakota State University
 - United Tribes Technical College
- Provide liaison services with state, federal and private sector emergency management stakeholders.
- Support the Public Information Action Team in dealing with media issues on training and exercising.
- Support all Division Action Team activities.

Emergency Management Goals and Objectives

Laws and Authorities

Goal: Have laws, ordinances, and regulations on the state, county, and tribal levels for the development, implementation, and maintenance of an emergency management program.

Objective: Strengthen North Dakota's emergency management program by January of 2007

Implementation:

Assist in drafting legislation for an Intrastate Mutual Aid System

Support the activities of the Legislative interim committee studying emergency management issues.

Participate in a scoping process for legislation on agency name change.

Urge local jurisdictions and tribal governments to examine local regulations and zoning ordinances.

Hazard Identification and Risk Assessment

Goal: State, county, and tribal emergency management organizations will know their current hazards with the vulnerability and magnitude of incidents. State, county, and tribal emergency management organizations will know the risks associated with their hazards.

Objectives:

Meet DMA 2000 requirements by January of 2006.

Assure effective management of any credible hazard and its associated risks. (Ongoing)

Harden initial critical infrastructure sites at a state and local level by July of 2005

Implementation:

Maintain a WEB based Data Warehouse for the 4-county Devils Lake GIS Information Database.

Review and update state, county and tribal hazard analysis and risk assessment documents.

Utilize HAZUS

Identify State Critical Infrastructure, prioritize, and explore an in-depth assessment of shortfalls.

Identify at least one critical infrastructure in each county and explore an in-depth assessment of shortfalls.

Implement steps to harden a primary state structure by July of 2005.

Harden 25% of jurisdictional vulnerable sites by 2006.

Fund equipment to harden a primary state structure by July 2005.

Provide funding to harden 25% of jurisdictional vulnerable sites by 2006.

Hazard Mitigation

Goal: Have a systematic management approach, based on a sound risk assessment, to eliminate hazards or to reduce the effects of hazards through mitigation.

Objectives:

Manage the State Hazardous Chemical Preparedness Program to ensure EPCRA compliance for facilities that store, manufacture, and retail hazardous chemicals. (Ongoing)

Manage the Pre-Disaster Mitigation Grant Program to reduce the effects of identified hazards. (Ongoing)

Manage the Hazard Mitigation Grant Program to reduce the effects of hazards identified following a disaster. (Ongoing)

Assist universities to become disaster resistant by January of 2006.

Implementation:

Continue review and approval process developed for Local Hazard Mitigation Plans for the remaining counties and tribes.

Review and update the State hazard mitigation strategy.

Review & Update strategy for execution of the Pre-Disaster Mitigation Program.

Assist counties and tribes in developing complete, accurate, and eligible Pre-Disaster Mitigation (PDM) applications for the 2004 grants.

Utilize the State Hazard Mitigation Team to increase the knowledge and capability available within the state to carry out mitigation activities and programs and to augment state emergency management resources.

Review & update strategy for partnering with federal, state, and local government agencies, as well as, private sector, private non-profit and volunteer organizations to leverage expanded financial support.

Perform record keeping on facilities that report annually in conjunction with EPCRA (Tier II reports) and the State Hazardous Chemical Preparedness and Response Program.

Upgrade software to maintain Hazardous Chemical Data Base.

Annually provide up-to-date technical guidance to businesses that manufacture, store, and retail hazardous material to assure facility compliance with EPCRA.

Maintain and enhance the Local Emergency Planning Committee handbook.

Provide program administration and management support for Multi-Hazard Flood Map Modernization activities

Resource Management

Goal: Have available and be able to manage critical human and physical resources required in disaster response at the state, county, and tribal levels.

Objectives:

Effectively coordinate the use of resources during disaster response. (Ongoing)

Develop a tiered response capability to ensure statewide terrorism/WMD incident response by January of 2006

Support the ND League of Cities in developing, expanding and maintaining Citizen Corps Councils (CCC) and the four CCC programs by January of 2006

Implementation

Provide technical support to foster the continuance of existing and the development of new Citizen Corps Councils including University Campus-based Councils.

Provide technical support to foster the continuance of existing and development of new CERTs.

Provide technical support to evaluate the development of Volunteers in Police, Emergency Medical Corps, and Neighborhood Watch programs.

Develop distribution structure for strategic location of baseline first responder awareness, performance, and specialized equipment by July 2004.

Implement the strategic plan for equipment funding in FY 2004.

Coordinate with the North Dakota Department of Health on the Pharmaceutical Stockpile.

Initiate the development at the state level of a prototype Disaster Support Logistics Plan.

Develop prevention, response, and recovery resource deployment criteria through GIS Mapping by March of 2004.

Develop a Master Resource Book.

Participate in quarterly state VOAD meetings.

Provide response equipment to 30% of awareness, performance and specialized first responders in jurisdictions to a baseline level by December of 2006.

Develop intra-jurisdictional mutual aid agreement to accommodate statewide uniform response coverage for a terrorist/WMD event by January 2006.

Promote and adopt intra-jurisdiction mutual aid agreements to accommodate statewide uniform response coverage for a terrorist/WMD event by January of 2006.

Provide funding for response equipment to 30% of awareness, performance and specialized first responders in jurisdictions to a baseline level by December 2006.

Expand the North Dakota Citizen Corps Program on state and local levels by FY 2006.

States support the local jurisdictions in preparing and reviewing all local Disaster Logistics Support Plans.

Planning

Goal: Collect, analyze, use information, develop, promulgate, and maintain strategic plans, comprehensive emergency management plans, action plans, mitigation plans, and administrative plans at the State, county, and tribal levels that meet jurisdiction-specific requirements.

Objectives:

Review and update plans to assure that they are accurate and coordinated to improve the ability of the State to prevent, respond, and recover by January of 2005

Assure that the State, county, and tribal Multi-Hazard Mitigation plans is DMA 2000 compliant.

Implementation

Provide technical assistance for updates of county and tribal emergency operations plans. Incorporate up-to-date local recovery strategies.

Conduct an annual review and update the State Multi-Hazard Mitigation Plan.

Identify Homeland Security measures in State Multi-Hazard Mitigation Plan for WMD/terrorism preventative measures by September of 2004.

Provide technical assistance to county and tribal emergency management organizations in developing, reviewing, and updating Multi-Hazard Mitigation Plans by August 31, 2004.

Identify Homeland Security measures in local Multi-Hazard Mitigation Plans by July of 2004.

Provide technical assistance to and support the mitigation and preparedness activities for communities selected for pre-disaster mitigation activities.

Provide technical assistance to county and tribal emergency management organizations to conduct multi-hazards school planning.

Develop the annual work plan for and provide technical assistance to local emergency management organizations on annual work plan completions.

Coordinate needs assessment and strategic plan for the ODP grant.

Identify with the help of the appropriate state agencies State WMD/terrorism State Operations Plan element deficiencies by September of 2004.

Review, revise, and update the State Operations Plan.

Through quarterly review assure the Emergency Operations Plan and its procedures, staff, equipment, facility resources, reference books, and handbooks that guide state emergency operations are accurate and coordinated.

Support the development of tribal institutional terrorism consequence management plans.

Review and update Alternate EOC plans.

Complete the revision of the State Emergency Operations Plan Resource Library.

Revise State WMD Emergency Operation Plan to address identified deficiencies by February of 2005.

Revise State Multi-hazard Mitigation Plan to address Homeland Security measures by February of 2005.

Revise local Multi-hazard Mitigation Plan to address Homeland Security measures by December July of 2005.

Direction, Control, and Coordination

Goal: Increase the capability to monitor emergencies and disasters; quickly and accurately assess their magnitude; and direct, control, and coordinate response and recovery.

Objectives:

Assure State coordination and support of local emergency management incidents.
(Ongoing)

Enhance and maintain State information and communications technology through DHS funding by January of 2006.

Develop a prevention, response, and recovery capability to ensure accurate deployment of resources by March of 2006.

Foster the sharing of law enforcement sensitive information. (Ongoing)

Upgrade State terrorism/WMD response capability by January of 2005.

Further the Integration of North Dakota's Homeland Security Strategy into local, tribal, and state government, private enterprise, and individual action. (Ongoing)

Improve the collection, analysis, fusion, and dissemination of federal, state, and local Homeland Security intelligence information. (Ongoing)

Maintain VPN connectivity. (Ongoing)

Implementation

Continue to enhance the SOC with a smart board display system.

Install statewide video conference capabilities.

Enhance the system automation in the DEM conference and SOC policy rooms continue pursuing an automated SOC system.

Develop SOC information sharing system with State Radio.

Replace 1/3 of Division Computer Hardware as per State Information Technology Plan.

Coordinate the activities of the following functional annexes during emergency operations:

- ◆ Coordination and Control
- ◆ Administration
- ◆ Damage Assessment
- ◆

Maintain a log of activities for each reported emergency operations incident.

Maintain operational liaison and dialogue with the Governor, federal, state, local, and tribal officials as well as legislators and congressional delegation through timely situation reports.

Define and document the State's Incident Management System.

Attend meetings of the:

- ◆ ND Fire Council and serve on the Fire Prevention Working Group.
- ◆ Regional Interagency Steering Committee.
- ◆ Regional Response Team.

Conduct meetings of local, tribal, state and federal entities in the Devils Lake Basin that respond to flood activities of Devils and Stump Lakes.

Conduct liaison activities with volunteer disaster response and recovery organizations.

Coordinate with the St. Paul Army Corps of Engineers and Minnesota Emergency Management to conduct flood preparedness meetings with local, state and federal agencies responding to flood activities on the Red River and its tributaries to review resource and operational capabilities.

Initiate the development of the Operations Guide.

Initiate the development hazard-specific guide books.

Develop the drafts of the WMD/Terrorism 11 component requirements
Field the Anti-Terrorism Exchange (ATIX) Program.

Facilitate and fund the development of the Criminal Justice Sharing System (CJIS) in North Dakota through DHS funding.

Develop an Alternate SOC site.

Expand core representation of current Homeland Security Integration Group by July of 2004.

Utilize U.S. Department of Justice FBI InfraGard structure as core group for private infrastructure protection and information exchange.

Integrate Homeland Security (HLS) intelligence and expertise into the ND Homeland Security Information Analysis and Fusion Cell.

Establish a HLS Information Analysis and Fusion Cell for dissemination of all-source homeland security information to state and local agencies.

Ensure the ongoing information flow of relevant Homeland Security intelligence information from local and state law enforcement agencies and HLS agencies to the Fusion Cell.

Evaluate and Enhance the State Incident Management System based on exercises and actual occurrences.

GIS map all counties in state by 2006.

Provide funding to GIS map all counties in state by 2006.

Upgrade terrorism response capability of State Operations Center by January of 2006.

Provide additional hardware and software to support fusion cell mission.

Communications and Warning

Goal: Alert and warn response organizations and the general public of pending and spontaneous disaster events.

Objectives:

Maintain and install Emergency communications and warning systems that will support national, state, county, and tribal requirements for emergency response by January of 2006.

Attain radio communications interoperability (APCO 25 Compliant) among federal, state, local, and tribal first responders within ND by January of 2007

Implementation

Upgrade console systems in State Radio.

Develop, test, and implement statewide digital radio conversion.

Upgrade State Radio message switcher data communications system.

Review and update state and state area warning point plans to include NAWAS following annual statewide exercise.

Conduct tests of the:

- ◆ State NAWAS
- ◆ EAS
- ◆ Amber Alert
- ◆ Harris Radio System.
- ◆ Amateur Radio equipment, within the State Operations Center.

Review the Statewide EAS Plan and update as necessary.

Distribute to & train local users on Statewide EAS Plan.

Maintain EAS broadcasting capability from the State SOC.

Develop a Communications and Warning Capability.

Maintain Master Contact List

Develop and implement a 24/7 State Operations Center procedure.

Support Amateur Radio personnel in the development of a professional organization.

Covert 50% of state communication system to accommodate digital transmission by January of 2006.

Convert 90% of primary state law enforcement entities from analog to digital by July of 2005.

Convert 50 % of secondary state law enforcement entities from analog to digital by July of 2006.

Convert 30% of local law jurisdictions from analog to digital by July of 2005.

Fill 25% of communication needs of local first responder disciplines for the purpose of analog to digital conversion by July of 2005.

Equip 50% of state communication system to accommodate digital transmission by January of 2006.

Equip 90% of primary state law enforcement entities from analog to digital by July of 2005.

Equip 50% of secondary state law enforcement entities from analog to digital by July 2006.

Equip 30% of local law jurisdictions from analog to digital by July 2005.

Equip 25% of communication needs of local first responder disciplines for the purpose of analog to digital conversion by July 2005.

Develop a State plan for the execution and testing of the Emergency Alert System to include citizen participation and feedback in conjunction with Citizen Corps Councils.

Operations and Procedures

Goal: Implement policies, plans, and procedures in exercises and disaster events

Objectives:

Conduct Emergency Recovery Operations in accordance with policies, plans, and procedures. (Ongoing)

Administer disaster recovery programs in accordance with established administrative plans. (Ongoing)

Complete COG/COOP Plans for all state agencies by January of 2005.

Implementation

Maintain current basic document for administration of federal disaster assistance.

Maintain a current Administrative Plans for:

- ◆ Public Assistance
- ◆ Individual and Households Program
- ◆ Hazard Mitigation Grant Program.

Administer the Public Assistance Program for:

- 1174-DR (1997)
- 1279-DR (1999)
- 1334-DR (2000)
- 1376-DR (2001)
- 1431-DR (2002)
- 1483-DR (2003)

Administer the Hazard Mitigation Grant Program for:

- 1174-DR (1997)
- 1220-DR (1998)
- 1279-DR (1999)
- 1334-DR (2000)
- 1353-DR (2000)
- 1376-DR (2001)
- 1431-DR (2002)
- 1483-DR (2003)

Develop COG/COOP program master plan for state agencies in ND by March of 2004.

Train all state agencies in the application COG/COOP software by January of 2004.
Develop a mechanism to accommodate the development of local COG/COOP Plans by January of 2005.

Logistic and Facilities

Goal: Increase and refine facilities and services that support response and recovery operations.

Objectives

Maintain and improve operational capability of established state operations centers and provide technical assistance to county and tribal emergency management organizations for the maintenance and improvement of emergency operational facilities. (Ongoing)

Establish and maintain (Secret Level) security clearances to assure division operational readiness regarding National Security incidents by January of 2005.

Implementation

Provide technical assistance to conduct an operational assessment of:

- ◆ Twenty-two County Emergency Operations Center facilities; and
- ◆ Thirty-five County and tribal Emergency Management Location facilities.

Establish Secret Level Security clearance for the Director, Deputy Director and key staff members of Emergency Management.

Obtain Secret Level Security clearance for two additional key Emergency Management staff.

Initiate the development of a plan that address SOC/and Alternate EOC location deficiencies.

Fund an alternate state SOC site.

Training

Goal: Develop and implement an education program for public officials, emergency response personnel, and mitigation personnel.

Objectives:

Maintain and improve a comprehensive training program to meet state, local, and tribal emergency preparedness, response, recovery, and mitigation requirements. (Ongoing)

Enhance the emergency operations capability by conducting or participating in training activities covering both technical and professional skills development for state, local, and tribal emergency management personnel. (Ongoing)

Coordinate and expand Citizen Corps initiatives by January of 2005

Train first responders and community leaders to recognize, prevent, and respond to a terrorism/WMD incident by January of 2006

Institutionalize Incident Command System (ICS) training in ND by January of 2006.

Expand and support Homeland Security training into established academic institutions. by January of 2007

Implementation

Attend Disaster Recovery Training Sessions

- ◆ Workshop (Public Assistance, Flood Management, Hazard Mitigation, PDM, HAZUS)

Recruit for, encourage participation in, and conduct centralized and customized Emergency Management Training based on needs identified in annual training survey.

- ◆ Coordinate the conduct of Conferences (Annual Workshop, Local Program Managers Workshop, Special topical)
- ◆ Facilitate Boys' State Emergency Management Program
- ◆ Other identified courses or training sessions

Facilitate participation in Homeland Security consortium schools by 35 first responders.

Facilitate the development of a training program for DEM personnel and track the training progress.

Manage the computer database of statewide emergency management training records.

Train WMD response entities in current operational capability

Coordinate Hazardous Materials Emergency Program (HMEP) Grant training activities.

Facilitate the recruiting and enrollment of ND emergency management personnel and volunteer agency personnel to participate in Emergency Management Institute training courses.

Facilitate the recruiting and enrollment of ND emergency management personnel and volunteer agency personnel to participate in independent study courses.

Conduct evaluation of the ODP Assessment to determine training needs at the awareness, performance, operational, planning, management, and specialist levels.

Review ODP Assessment data to determine training baseline.

Conduct TTT Courses to develop ICS training capabilities in the ND Fire Fighters Association, ND Law Enforcement Training Academy, ND Department of Health, ND Emergency Medical Association, ND Public Works Association, and the ND University System.

Participate in national and regional training events designed to enhance staff capability to prepare for, respond to, recover from and mitigate emergency and disaster situations.

- ◆ National Training and Exercise Conference
- ◆ Regional Training Conference
- ◆ HMEP/NASTPO
- ◆ RISC Meetings
- ◆ Special Topic Regional Conference
- ◆ NEMA Conference
- ◆ NEMA Committee Meetings
- ◆ RRT Meetings
- ◆ CAR Conference
- ◆ EMPG Conference
- ◆

Oversee CERT training with the ND League of Cities.

Recruit and enroll ND volunteer agency personnel to participate in Office of Domestic *Preparedness training courses.

Maintain a cadre of trained state and local human resources to facilitate preparedness, response, recovery, and mitigation.

Increase the number of first responders trained at the WMD Awareness Level from 24.9% to 75% by December 2005.

Increase the number of first responders trained at the WMD Performance Level from 14% to 50% by December 2005

Increase the number of first responders trained at the WMD Planning and Management Level from 14% to 50% by December 2005.

Increase the number of first responders trained at the WMD Specialized Training Level from 8% to 50% by December 2005.

Establish ICS Training capabilities within appropriate state agencies and statewide response organizations to institutionalize ICS Training in North Dakota by 2006.

Integrate Homeland Security courses into North Dakota State University (NDSU) emergency management program by September of 2006.

Work with FEMA to provide HAZUS training courses for state and local users to support state and local mitigation plans through risk assessments

Exercises, Evaluation, and Corrective Actions

Goal: Evaluate the competency of plans, training, equipment and personnel resources, and other capabilities through a progressive exercise and test program.

Objectives:

Assist State, county and tribal emergency management organizations in developing a comprehensive emergency management programs that test and evaluate emergency response/recovery. (Ongoing)

Maintain an Exercise Program (ongoing)

Conduct Tabletop, Functional, and Full-Scale Exercises in 2004, 2005, 2006 and 2007.

Conduct an assessment of the statewide Emergency Management Program by January of 2005

Implementation

Oversee and direct the support of the NDACo/NDLC to local jurisdictions on:

- ◆ three-year exercise plan development which tests LEOP terrorism annex additions
- ◆ HSEEP compliance.

Develop a three-year exercise plan for the State of North Dakota based on input from the Homeland Security Training and Exercise Committee.

Support the development, conduct, and post-exercise evaluation of State of North Dakota exercises.

Conduct one Functional Severe Summer Weather Warning Exercise involving the National Weather Service, SOC, Area Warning Points, County Warning Points, and local warning points.

Manage computer database of statewide emergency management exercise records.

Conduct a seminar for state agency functional and task coordinators on the establishment of an exercise program, exercise design, implementation, evaluation, and correction action plan development.

Support the development of and facilitation of VOAD emergency/disaster exercises.

Support Boys' State through the conduct of the Boys' State Emergency Management Exercise.

Provide support through local emergency management agencies and NDACo/NDLC to facilitate emergency management exercises at health care facilities and at SARA Title III/EPCRA facilities

Conduct a minimum of 57 Terrorism/WMD Exercises on the county and tribal government levels.

Address by March, 2004 all shortfalls identified in the pilot EMAP assessment to achieve accreditation.

Support the BORDERS (Biochemical Organic Radiological Disaster Educational Response System) Project at the University of North Dakota.

Coordinate/facilitate a state tabletop exercise to test the utility and accuracy of GIS mapping as it relates to the ND deployment of resources in 2006.

Test ability of disciplines and jurisdiction to respond at established baseline level.

Test terrorism/WMD corrective adjustments to State Emergency Operations Plan by December 2005.

Test 50% of local LEOP terrorism annex plans.

Test implemented hardening improvements to a primary state structure by July 2005

Through the NDACo/NDLC provide support to local jurisdictions in planning and conducting a tabletop exercise to test hardening procedures on 25% of jurisdictional vulnerable sites by 2006.

Test functional coordinator plans by December of 2004.

Develop a multidiscipline, intrastate and cross-border exercise capability by January of 2005 and implement and fund over a three-year period.

Coordinate/facilitate one annual multi-hazard emergency management exercise to include homeland security based on the input from the Homeland Security Training and Exercise Committee.

Coordinate the development of a summary of corrective actions identified in the state exercise and monitor implementation of a corrective action plan by the SOC personnel by December 2005.

Support the development, conduct, and post-exercise evaluation of two cross-border exercises in FYs 2005 and 2006.

Support the development, conduct, and post-exercise evaluation of the TOPOFF Exercise if ND is selected as a participating state.

Provide technical assistance to county and tribal governments on the development of a progressive exercise program, terrorism/WMD exercise design, Implementation, evaluation and corrective action plan by FY2006.

Provide technical assistance to state functional and task coordinators on the establishment of an exercise program, exercise design, implementation, and evaluation and corrective action plan development by FY2006.

Initiate progressive exercise program to test SEOP.

Conduct a state tabletop exercise utilizing the State Fusion Center to train and test the effectiveness of the Fusion Center as it related to information flow process and the Cell's collection, analysis, and dissemination capabilities.

Coordinate and/or facilitate the planning and conduct of a state tabletop exercise to test state agency COG/COOP plans by December 2004

Include VOAD Agencies and CERTs in state and local exercises to allow them to test their plans under realistic conditions

Coordinate or participate in the development of an inter-jurisdiction exercise program.

Crisis Communications, Public Education, and Information

Goal: An increased capability in providing public education, protective measures, and information to protect lives and minimize property loss.

Objectives

State, county, and tribal emergency management organizations will have information dissemination mechanisms to increase emergency management preparedness by January of 2006.

Awareness campaigns will be conducted by county and tribal emergency management organizations.

Provide program and instructional support to higher education institutions with emergency management, Homeland Security, and related programs.

Implementation

Maintain and enhance the information on the division's web site.

Conduct at a minimum three awareness campaigns.

- ◆ Severe Summer Weather
- ◆ Severe Winter Weather
- ◆ Other
- ◆

Provide support to youth programs on emergency management and homeland security preparedness topics.

Facilitate ongoing delivery of statewide public education and outreach programs highlighting individual responsibilities for disaster preparedness.

Provide support to the NDSU Emergency Management Academic Program to ensure homeland security training is integrated into their program by September 2006 at the graduate and undergraduate levels.

Provide support to United Tribes Technical College in delivery of emergency management training courses.

Finance and Administration

Goal: Assure that financial and administrative procedures in place before, during, and after disaster events are in support of a comprehensive emergency management program

Objectives:

Refine fiscal, administrative, and grant management procedures that support state and local emergency management functions and activities. (Ongoing)

The State will report on transactions and disbursements for program and project grants. Manage the Division and State Radio budgets

Provide adequate professional support staff to monitor, implement, and evaluate Homeland Security Program at a state and local level.

Implementation

Update State Administrative Plan. by January of 2005.

Prepare and Submit Quarterly Financial Reports to FEMA.

- ◆ FF 20-10 Reports
- ◆ SF 269 Reports
- ◆

Prepare and Submit Quarterly SF 272 Report to Health and Human Services regarding Smartlink Transactions.

Submit at years end FF 20-10 and FF 20-17 financial reports for Pre-Disaster Mitigation Program.

Conduct monthly reconciliation of Division Budget

Develop Annual Division Budget

Submit Comprehensive Annual Financial Report CAFR to State Office of Management and Budget.

Develop Division Biennial Budget.

Assess the need and prospect of funding a full-time Division position in the Fusion Cell.

Retain adequate staff for implementation of COG/COOP plans at a state and local level.

Retain, hire and or contract professional and support state staff to implement Homeland Security Strategy.

Work with other State officials to develop a strategy for obtaining and managing registrations with the Central Contractor Registry, which requires that applicants obtain a DUNS number.

Develop a stream-lined grants management program.

As the primary coordinator and facilitator of emergency management in North Dakota the Division of Emergency has adopted the following organizational internal strategic goals

Goal: Improve employee satisfaction and well-being.

Objective:

Elevate current salaries commensurate with duties by January of 2008.

Improve training and exercise opportunities for staff by January of 2005.

Review workload of Staff to determine balance by January of 2005.

Implementation.

Evaluate state and federal funding sources for salary dollars.

Research other states funding strategies

Review current positions to determine appropriate levels of staffing

Review legislative Council Emergency Management Study and provide input to address legislative concerns as it relates to current workload and salaries.

Conduct one on one survey with employees

Identify Employee needs based on internal surveys.

Identify available resources; online, out of state, EMI and other agencies.

Identify current projects of staff.

Prioritize and determine timelines

Define Staffing Resources

Identify cross-training opportunities

Goal: Improve and Maintain Customer Relations

Objective:

Identify a process to meet and exceed customer relations by January of 2006.

Implementation

Identify obvious or known customer requirements.

Develop and implement a process to identify and evaluate potential customers.

Educate customers about DEM capabilities and limitations

Develop and implement a customer feedback process.

Goal: Develop an Emergency Management Strategy and Plan to Maintain and Enhance local Capabilities

Objective: Form a true partnership and relationship for joint operations with the entire emergency response community to include federal, state, tribal, local and private shareholders and customers by July of 2005.

Implementation

Develop and implement a process to determine priority emergency management events based on a past five year history.

Develop and implement an automated state operations center

Develop and implement a process to influence key stakeholders

Develop and implement an interactive education process to strengthen relationships.

Goal: Improve the organizational communication system

Objectives:

Implement a Computer Aided Dispatch system that allows seamless communication between the Dispatch Center and the Operations Section.

Implement a system-wide capability to share the Outlook Calendar.

Implement agency-wide training that engenders efficient and effective use of e-mail communication.

Establish a formalized process to solicit a communication pathway between and among employees and supervisory staff that to increase agency effectiveness and to increase staff job satisfaction.

Develop and implement protocols designed to increase meeting efficiency and effectiveness.

Establish specific communication opportunities among agency action teams.

Develop a planning initiative for staff in developing effective interpersonal communication techniques.

Establish a more effective communication process among customers and stakeholders.

Implementation:

Obtain a cost estimate from ITD.

Meet with Computer Projects of Illinois to determine compatibility and feasibility with the ND Law Enforcement Teletype System.

Implement the bid and purchase process.

Provide training.

Determine system-wide computer compatibility.

Determine hardware and software needs.

Implement the bid and purchase process, if applicable.

Provide training for all users.

Conduct Central Personnel course work to instruct all employees.

Form a work group to seek suggestions and recommendations from employees that may lead to greater productivity.

Form a work group to study and make recommendations concerning Physical changes within the building.

Form a work group to study and make recommendations concerning the organization and implementation of activities designed to increase social interaction.

Develop specific agendas.

Establish central personnel training sessions for employees.

Determine the need for an agency newsletter.

Organize orientation sessions to enhance broad-based knowledge
Concerning specific agency functions.

Establish a protocol designed to brief all personnel.

Establish a rotation plan so all employees enroll in the communication course taught by Central Personnel.

Distribute a summary of the Mobile Communication Committee minutes to provide the process and progress of state-wide incorporation of the analog to digital radio communication system.

Use the Mobile Communication Committee minutes to incorporate the latest available communications technology.

Prepare and distribute Homeland Security status reports.

Develop feedback forums to obtain information relating to improving communication.

Thoroughly examine the opportunity for more effective communication through the agency web page.

Develop agency orientation class (one day duration) for customers and stakeholders.

Update the current videotape detailing agency functions.

Plan and implement an operational document detailing the types of events warranting distribution of situation reports, news releases, MCC updates, speaking engagements, workshops, PSAs, fact sheets, reports, and satisfaction surveys to stakeholders.

Goal: Improve and Maintain Stakeholder Relationships

Objectives:

Identify Stakeholders by December of 2004

Establish a more effective communication process among customers and stakeholders.

Establish system for timely input from emergency management stakeholders by January of 2005

Implementation:

Schedule and implement quarterly meeting with State Functional and Task coordinators.

Solicit functional and task coordinator input into adding specific stakeholders to operational functions.

Performance audit ideas:

Fees – ND Century Code – State Radio

MDT

LETS

Paging

9-1-1

How do we use the reports from the Message Switch to identify future fees?

Fees – ND Century Code – DEM

Hazardous Chemical Fees

Homeland Security – dealing with future funding issues such as staffing and allocations

Strategic Planning – use Performance Audit as a baseline document

Personnel

Number of staff – future needs of Comm Center

Salary in comparison to other agencies/Comm Centers (city/county/regional)

Overtime vs. FTEs

Staffing adequacy – FTEs vs. temporary

On-site program/fiscal monitoring as identified in the fiscal audit (more FTEs?)

Training/Certification

Comm Specs Emergency Medical Dispatch plan for recertification

PIQ and personal responsibility

Agency structure

Staffing of positions

Management structure

Worker structure

Radio equipment replacement

Schedule

Funding

Coordination of Human Resource / Risk Management / Workers Compensation

More coordination with Adjutant General's Office

DUTY/RESPONSIBILITY CHANGE ANALYSIS

Page 7

#1

Section must be completed unless the position is new or the position has not been reviewed within the past five years. Part C is to identify changes in duties and/or responsibilities of the position. This part should be completed jointly by the employee and supervisor to ensure complete consideration of the magnitude of changes in the job.

Number: 0003 Name: Mushik, Ross Current Classification: Business Manager II

Explain briefly why the changes were made (i.e. Improve operations, new federal requirements, statutory changes, etc.):

Merger and consolidation of the Division of Emergency Management and State Radio Communications resulted in additional duties and responsibilities. Business Manager position in State Radio was transferred to ITD in the merger. No additional staff were hired to continue the necessary requirements in State Radio.

3-List the Duties/Responsibilities that have changed and explain the type and extent of change. (Attach additional sheets if necessary.)

PREVIOUS DUTIES/RESPONSIBILITIES

Accounting functions, budget preparation, grant administration, human resource management and supervisory duties.

CURRENT DUTIES/RESPONSIBILITIES

Increased responsibilities for accounting functions, budget preparation, grant administration, human resource management and supervisory duties for an agency that has doubled in size due to the consolidation of DEM and State Radio.

Increased responsibilities for Homeland Security federal grant management requirements.

Management of Continuity of Operations component for the Division.

Perform requirements outlined as Procurement Officer for the Division.

4-Have new duties been taken from other positions? If so, identify duties and positions.

☒ Yes ☐ No

Duties from the Business Manager at State Radio were transferred to this position.

Have previous duties been assigned to other positions? Identify duties and positions.

☐ Yes ☒ No

Personal

RESPONSIBILITY CHANGE ANALYSIS

Part C must be completed unless the position is new or the position has not been reviewed within the past five years. Part C is to identify changes in duties and/or responsibilities of the position. This part should be completed jointly by the employee to ensure complete consideration of the magnitude of changes in the job.

Number
640

Name:
Susan Reinertson

Current Classification:
Assistant Director

Explain briefly why the changes were made (i.e. Improve operations, new federal requirements, statutory changes, etc.):

Consolidation of the Division of Emergency Management and State Radio Communications; and Homeland Security initiatives resulted in additional duties, responsibilities and knowledge. The Division Director desires a two-grade level separation between professional staff and Assistant Director.

3-List the Duties/Responsibilities that have changed and explain the type and extent of change. (Attach additional sheets if necessary.)

PREVIOUS DUTIES/RESPONSIBILITIES

Manage day-to-day activities of Division of Emergency Management 20 FTE's

CURRENT DUTIES/RESPONSIBILITIES

Develop, implement, and evaluate agency mission, vision, goals, objectives, plans, standards, manuals, policies, and procedures to encompass communications, warnings, emergencies and overall public safety.

Manage day-to-day activities of Division of Emergency Management & State Radio Communications and Homeland Security.

51 FTE's

8 Temporary.

4-Have new duties been taken from other positions? If so, identify duties and positions.

☒ Yes ☐ No

Representing Director/Homeland Security Advisor at National meetings

Have previous duties been assigned to other positions? Identify duties and positions.

☐ Yes ☒ No

Information on this Position Information Questionnaire is a true and accurate reflection of the duties and responsibilities assigned to the position in relation to the overall goals and objectives of the agency.

[Signature]
Signature of Agency Head or Designee

3/17/04
Date

PIQ PART C - DUTY/RESPONSIBILITY CHANGE ANALYSIS

Items in this section must be completed unless the position is new or the position has not been reviewed within the past five years.

The purpose of Part C is to identify changes in duties and/or responsibilities of the position. This part should be completed jointly by the employee and supervisor to ensure complete consideration of the magnitude of changes in the job.

1-Position Number | Name: | Current Classification:

Russ Timmreck

2-Explain briefly why the changes were made (i.e. Improve operations, new federal requirements, statutory changes, etc.):

Same as other stating consolidation and HS

3-List the Duties/Responsibilities that have changed and explain the type and extent of change. (Attach additional sheets if necessary.)

PREVIOUS DUTIES/RESPONSIBILITIES

Operations Officer
- Manage EOC

CURRENT DUTIES/RESPONSIBILITIES

Chief, State Operations Center
Direct Activities of the SOC (Dispatch Center, EOC, Intel, Planning, Ops)

Coordinate activities of consolidation of State Radio and DEM

Coordinate activities of State Mobile Communication Committee in regard to Analog to Digital migration of Statewide Public Safety Communication System

4-Have new duties been taken from other positions? If so, identify duties and positions.

☒ Yes

☐ No

Consolidation of State Radio, this position took on responsibility of various duties of SR director

PIQ PART C - DUTY/RESPONSIBILITY CHANGE ANALYSIS

Items in this section must be completed unless the position is new or the position has not been reviewed within the past five years.

The purpose of Part C is to identify changes in duties and/or responsibilities of the position. This part should be completed jointly by the employee and supervisor to ensure complete consideration of the magnitude of changes in the job.

1-Position Number

Name:

Current Classification:

Comm Spec

2-Explain briefly why the changes were made (i.e. Improve operations, new federal requirements, statutory changes, etc.):

Most of the duties and responsibility changes have occurred during a 14-year span. The last PIQ review for Communications Specialist II on file at Central Personnel is dated 1992. The changes include, but not limited to, the addition of 18 counties into the "911" system, the addition of many "reported" policies (AMBER Alert, "REDDI" and "RAP" programs) along with the huge increase in technology including everything from the complete computerization of the communications center to "cellular" 911 with GPS mapping. With the recent merger of The Division of Emergency Management and State Radio, the supervisory staff has been brought into play with both the planning and implementation of policies regarding Homeland Security and Emergency Management.

3-List the Duties/Responsibilities that have changed and explain the type and extent of change. (Attach additional sheets if necessary.)

PREVIOUS DUTIES/RESPONSIBILITIES**CURRENT DUTIES/RESPONSIBILITIES**

- ☐ Receive 911 calls from the 4 SW Region counties
- ☐ Receive 1-800 calls of emergencies statewide
- ☐ Take drunk driver reports
- ☐ Take requests for emergency blood/serum relays
- ☐ Take accident reports
- ☐ Broadcast APB's (All Point Bulletins)
- ☐ Operate North Dakota's statewide radio system
 - a.) Engage in daily Police operations
 - b.) Engage in daily operations of emergency medical responders
 - c.) Engage in daily operations of Fire departments
- ☐ Disseminate weather watches/warnings
- ☐ Provide information in the National Crime Information Center (NCIC), in the capacity as North Dakota's control terminal.
- ☐ Receive/Draft messages for all agencies in regards to the National Law Enforcement Teletype System (NLETS), in the capacity of North Dakota's control terminal.
- ☐ Act as North Dakota's state warning point with the National Warning System (NAWAS), and conduct daily statewide tests.

See Section "A" of PIQ, number 14

4-Have new duties been taken from other positions? If so, identify duties and positions.

☐ Yes☒ No

Have previous duties been assigned to other positions? Identify duties and positions.

☐ Yes☒ No

POSITION INFORMATION QUESTIONNAIRE (PIQ)

NORTH DAKOTA CENTRAL PERSONNEL DIVISION

SFN 2572 (8-01)

For CPD Use Only

Page 1

INSTRUCTIONS:

- This Position Information Questionnaire (PIQ) is used as the basis for job analysis when determining position classifications and pay grades, essential functions, performance standards, etc.
- Please be completely accurate as you fill out this form; the information is extremely important. Do not use acronyms or abbreviations.
- An organizational chart must accompany each submitted PIQ. The chart must show this position, any positions supervised, and all positions that it reports to, up to and including the agency head.

PIQ PART A - IDENTIFICATION, DUTIES/RESPONSIBILITIES, AND TASK INVENTORY INFORMATION

Part A should be completed by the employee or employee and supervisor unless the position is new or vacant, in which case it should be completed by the supervisor.

- | | | |
|--|--|------------------|
| 1. Position Number | 2. Type of Position: ☐ Full Time ☐ Part Time (Full Time Equivalent Percentage ____%) | |
| 3. Department, Agency or Institution | 4. Division or Equivalent | |
| 5. Section or Equivalent | 6. Unit or Equivalent | |
| 7. Work Address (Room No. & Building) | 8. Street Address & City | 9. Telephone No. |
| 10. PIQ Prepared By
☐ Employee ☐ Supervisor/Management | 11. Name & Classification of Supervisor | |
| 12. Name of Employee
CS II | | |
| 13. What is the function, product, or service of the work unit referred to in #6 above? (If #6 is blank, provide the function, product, or service for blocks 5 or 4, as appropriate.) | | |

14. DUTIES/RESPONSIBILITIES/TASKS

- Provide a general statement of each major duty or responsibility you have and list the task(s) involved in accomplishing each one. Indicate the percent of time that is spent on each major duty or responsibility and the frequency of each.
- FREQUENCY should be coded as follows: D=Daily, W=Weekly, M=Monthly, Q=Quarterly, A=Annually, SA=Semi-annually.
- Attach additional copies of page 2, if needed, for adequate space to include all information on your duties and responsibilities.

DUTY/RESPONSIBILITY NO.	Statement of duty/responsibility
-------------------------	----------------------------------

Percent 70	Frequency	Coordinate and Administer a statewide Emergency Communications System
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Tasks involved in fulfilling above duty/responsibility

- ☐ Receive 911 calls from 22 designated counties, coordinating all emergency responders (ambulance, 1st responders, fire, rescue and law enforcement).
- ☐ Receive statewide 911 cell phone calls and coordinate all emergency responders.
- ☐ Receive 911 transfer calls from other PSAP's (Public Safety Answering Points) and coordinate all emergency responders.
- ☐ Receive emergency and routine calls on 4 toll free "800" lines and 5 administrative lines.
- ☐ Operate and supervise a statewide, centrally controlled, radio system with over 3,800 licensed users.
- ☐ Operate and manage the use of the FBI's NCIC (National Crime Information Center) computer system in the capacity as the State of North Dakota's "control terminal".
- ☐ Operate and manage the use of the national NLETS (National Law Enforcement Teletype System) system in the capacity as the State of North Dakota's "control terminal".
- ☐ Receive, record and disseminate reports from the public in compliance with the statewide "Report all Poachers" (RAP) program in conjunction with the North Dakota Game and Fish Department and the US Fish and Wildlife Service.
- ☐ Receive, record and disseminate reports of all downed private, commercial and military aircraft in conjunction with state law enforcement and the Federal Aviation Administration.
- ☐ Receive, record and disseminate reports of possibly impaired drivers in compliance with the state of North Dakota's "Report all Drunk Drivers Immediately" (REDDI) program, coordinating city, county and state law enforcement.
- ☐ Receive, record and disseminate information on arson suspects in compliance with the state of North Dakota's "Report all Arson Suspects" (RAAS) program in conjunction with the North Dakota State Fire Marshall's Office.

PIQ Part A - 14. Duties/Responsibilities/Tasks (continued)

DUTY/RESPONSIBILITY NO. | Statement of duty/responsibility

Percent
70

Frequency

Coordinate and Administer a statewide Emergency Communications System
- CONTINUED -

Tasks involved in fulfilling above duty/responsibility

- ☐ Receive, record and coordinate requests from all state medical facilities, requests for emergency blood and serum relays. Coordinating hospitals, state blood services and the North Dakota State Highway Patrol.
- ☐ Operate and maintain a statewide radio/telephone paging system for all licensed radio users in North Dakota.
- ☐ Ensure the safety of the State and Federal Parole and Probation Departments by recording and monitoring officers in the performance of their duties supervising parolee's.
- ☐ Receive, record and disseminate all reports of military accidents.
- ☐ Receive, record and disseminate reports of civil disorder or acts of terrorism coordinating local law enforcement and The Department of Homeland Security.
- ☐ Ensure the safety and well being of the Governor and his family by monitoring 17 "hot line" telephones in the Governor's office and home.
- ☐ Assist the State Penitentiary in the event of a major disturbance or disaster.
- ☐ Assist the Capitol and Heritage Center Security with any reports of crimes or disturbances on the Capitol grounds.
- ☐ Receive and disseminate reports of leaks or spills concerning the Lakehead Pipeline Company.
- ☐ Assist callers in regards to the State of North Dakota's "Witness/Victim Crime Advocacy Program.
- ☐ Assist the Upper Midwest Procurement Organization for Donor Organs in North Dakota, in checking on the status of organ donors.
- ☐ Receive, record and disseminate any "Bomb Threats" to State Operations Center/Emergency Management, the State Capitol or any North Dakota state property.
- ☐ Receive, record and disseminate any reports of "Weapons of Mass Destruction" coordinating the State Health Department and state and federal law enforcement.
- ☐ Act as "Condition Three" backup for Bismarck/Burleigh Communications, Jamestown Law Enforcement Center, Barnes County/Valley City Police Department, Traill County Sheriffs Office and Grand Forks Law Enforcement Center in the event of catastrophic failure of their respective "911" systems. As backup, assuming all responsibilities for 911 services to their respective jurisdictions.

DUTY/RESPONSIBILITY NO. | Statement of duty/responsibility

Percent
20

Frequency

Coordinate and Administer a Statewide Emergency Warning System.

Tasks involved in fulfilling above duty/responsibility

- ☐ Receive and disseminate the national "Amber Alert" program, coordinating city and county and state law enforcement along with the states news media.
- ☐ Receive and disseminate "All Points Bulletins" (APB's) via the statewide radio system and the statewide Law Enforcement Teletype System to all city and county and state law enforcement.
- ☐ Act as the coordination center for all "Signal 100's" (a preplanned and coordinated series of road blocks) in the event of a major crime in the state of North Dakota. Coordinating city, county and state and federal law enforcement in this effort.
- ☐ Receive, record and disseminate all weather advisories, watches and warnings in cooperation with the National Weather Service, relaying weather related information between weather "spotters", the general public and law enforcement.
- ☐ Monitor and administer the State and Federal "National Warning System" (NAWAS), responding to scheduled testing on the federal system and conducting daily tests on the state system.
- ☐ Assist the North Dakota Highway Patrol and the North Dakota Department of Transportation with the closure of any state highways due to catastrophic failure or safety concerns due to severe weather, notifying the general public via the news media and all city, county and state law enforcement via the state LETS system.
- ☐ Coordinate on a statewide basis the handling of all "Hazardous Materials Spills", in conjunction with the State Health Department, Disaster Emergency Management, US Fish and Wildlife Service, US Department of Transportation, US Environmental Protection Association, various rail services, local contractors and the trucking industry.

DUTY/RESPONSIBILITY NO.	Statement of duty/responsibility
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Percent	Frequency	Administrative Duties
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10

Tasks involved in fulfilling above duty/responsibility

- ☐ Maintain daily, a computerized database for resources and residents of 22 North Dakota counties served by State Operation Center.
- ☐ Maintain State Operation Center's computerized and written resource files.
- ☐ Maintain a computerized and written database of all licensed radio users on North Dakota's statewide radio system.
- ☐ Revise, update and maintain State Operation Center's "Standard Operating Procedures Manual" (SOP) and its 52 described duties and events.
- ☐ Ensure all certifications remain current.
- ☐ Relay all reports of grass fires, on a daily basis, to the Emergency Management REACT Officer in cooperation with the US Forest Service.

PIQ Part A - 14. Duties/Responsibilities/Tasks (continued)

DUTY/RESPONSIBILITY NO.	Statement of duty/responsibility
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Percent	Frequency
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Tasks involved in fulfilling above duty/responsibility

DUTY/RESPONSIBILITY NO.	Statement of duty/responsibility
-------------------------	----------------------------------

Percent	Frequency
---------	-----------

Tasks involved in fulfilling above duty/responsibility

The department shall take steps to immediately reevaluate job classifications impacted by reorganization. Upon completion, positions affected along with any other positions previously increased by a grade change in 2004 shall be presented to the legislative interim budget committee for funding approval. The department shall present detailed justification of any prior salary increases and a recommendation and analysis of any proposed salary increases or decreases.

DEM 2003-05 SALARY INCREASES

(Including Only Those Positions W/O Personnel Changes)

Position No.	Name	Title	July 2003 Salary	##### Salary	Increase (Decrease)	Percentage Increase (Decrease)	Estimated Annual Cost W/O Benefits	GF %	Estimated Annual GF Cost W/O Benefits	BARS July 2005 Salary	Difference From Current Salary
5648	Any Anton	Prog. Spec. II	2465	3600	1135	46.0%	13620	50.0%	6810	3500	-100
5651	Bruce Buchholz	Prog. Spec. II	2331	2548	217	9.3%	2,804	33.0%	859	2,748	200
5654	Raymond Deboer	Prog. Spec. I	2,277	2,677	400	17.6%	4,800	0.0%	0	2,477	(200)
5649	Kathleen Donahue	Prog. Spec. II	2,823	3,300	677	25.8%	8,124	50.0%	4,062	3,200	(100)
5658	Judy Feist	Acct. Tech. II	2,049	2,259	210	10.2%	2,520	50.0%	1,260	2,299	40
5639	Douglas Friez	Director	5,499	6,900	1,401	25.5%	16,812	40.0%	6,725	6,900	0
5647	Lornie Hoffer	Prog. Spec. III	3,018	3,518	500	16.6%	6,000	50.0%	3,000	3,518	0
5642	Kenneth Jarolimiek	Prog. Spec. III	3,631	3,731	100	2.8%	1,200	48.0%	576	3,700	(31)
5653	Debbie LaCombe	Prog. Spec. II	2,533	3,000	467	18.4%	5,604	50.0%	2,802	3,000	0
5641	Ross Mushik	Business Mgr. II	3,677	4,900	1,223	33.3%	14,676	40.0%	5,870	4,900	0
5644	Janell Quinan	Prog. Spec. III	3,410	3,510	100	2.9%	1,200	48.0%	576	3,550	40
5640	Susan Reinertson	Asst. Director	4,300	5,900	1,600	37.2%	19,200	40.0%	7,680	5,900	0
5645	Laurence Ruebel	Data Proc. Coord. II	3,055	3,390	335	11.0%	4,020	50.0%	2,010	3,400	10
5655	Annette Scholl	Admin. Asst. I	1,682	1,707	25	1.5%	300	50.0%	150	1,707	0
5652	Russell Timreck V1	Chief, Emerg. Op Cnt	3,300	5,750	2,450	74.2%	29,400	40.0%	11,760	5,750	0
5607	Colleen Anderson	Admin. Asst. I	2,462	2,662	200	8.1%	2,400	0.0%	0	2,712	50
5626	Elaine Czeckok	Comm. Spec. II	2,542	2,842	300	11.8%	3,600	86.0%	3,096	2,942	100
5630	Dennis Czichotzki	Comm. Spec. II	2,295	2,595	300	13.1%	3,600	85.0%	3,060	2,695	100
5624	Mary Danzl	Comm. Spec. II	2,022	2,322	300	14.8%	3,600	83.0%	2,988	2,422	100
5633	Bonita Dever	Comm. Spec. II	2,327	2,627	300	12.9%	3,600	85.0%	3,060	2,727	100
5632	Deborah Entzel	Comm. Spec. II	2,147	2,447	300	14.0%	3,600	84.0%	3,024	2,547	100
5637	Raymond Flanagan	Comm. Spec. II	2,100	2,400	300	14.3%	3,600	85.0%	3,060	2,500	100
5623	Peggy Golke	Comm. Spec. II	2,338	2,638	300	12.8%	3,600	84.0%	3,024	2,738	100
5634	Margie Thomas	Comm. Spec. II	2,104	2,404	300	14.3%	3,600	85.0%	3,060	2,504	100
5614	Adam Heck	Comm. Supervisor	3,071	3,421	350	11.4%	4,200	88.0%	3,696	3,371	100
5618	Charles Hendrickson	Comm. Spec. III	2,733	3,053	320	11.7%	3,840	87.0%	3,341	3,133	80
5611	Wesley Hendrickson	Comm. Spec. III	3,668	3,938	250	6.8%	3,000	0.0%	0	3,838	(100)
5631	Jacque Jensen	Comm. Spec. II	2,337	2,637	300	12.8%	3,600	85.0%	3,060	2,737	100
5612	David Kulackowski	Comm. Supervisor	3,190	3,540	350	11.0%	4,200	89.0%	3,738	3,490	(50)
5636	Olaf Liljestol	Comm. Spec. II	2,028	2,328	300	14.8%	3,600	84.0%	3,024	2,428	100
5622	Kevin Mattern	Comm. Spec. II	2,089	2,389	300	14.4%	3,600	84.0%	3,024	2,489	100
5620	Jill Monroe	Comm. Spec. II	1,999	2,299	300	15.0%	3,600	83.0%	2,988	2,399	100
5615	Gary Monzelovsky	Comm. Supervisor	3,072	3,422	350	11.4%	4,200	86.0%	3,696	3,372	(50)
5619	Charles Weisser	Comm. Spec. III	2,633	2,933	320	12.2%	3,840	87.0%	3,341	3,033	80
Total							198960		108384.1		1019

Previously an emergency program specialist III

STATE RADIO COMMUNICATIONS 9 1 1 REPORT

State Radio is the 911 answering point for twenty two counties in North Dakota:

Adams, Bowman, Burke, Dickey, Divide, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, Lamoure, Logan, McHenry, McIntosh, Ransom, Sargent, Sheridan, Slope, and Wells

These counties comprise 24,967 square miles, 35 percent of the states area.
These counties comprise 72,303 population, 11.3 percent of the states population.

State Radio, through legislation charges twenty cents per telephone access line as well, twenty cents for wireless access for 911 services provided to political subdivisions, collecting \$320,184 on average per biennium.

State Radio collects \$160,092 per year on average from the twenty two counties.
An average \$360.60 per month per county.

What does State Radio do for the money, and what do the counties receive for the money?

That family in Slope County has a number to call for an emergency. That North Dakota citizen in one of these twenty two counties, or a traveler in Cass County or Stutsman County has the ability to call a number and get help.

The people in the twenty two counties have someone who can provide pre-arrival instruction in CPR, or other medical aid. until first responders or the ambulance arrives. State Radio pages out those resources that need to respond. The local law enforcement have a place to call for information, to get assistance, or just to have someone know where they are in their county when they are alone on a call.

Total incoming 911 calls	14,220
Other incoming calls (admin & 1-800 emg)	69,700
Outgoing calls made	<u>52,700</u>
Total	135,620

Significant Incidents (includes accidents, fires, domestics
Medical, DUI, crimes, and Other)

State Radio 911 counties	8,328	48.5%
Other counties	<u>8,681</u>	51.5%
	17,009	

State Radio's busiest 911 county McHenry for 2004 totaled 933 incidents
Average incidents per month 77
McHenry county population 5,987
State Radio's Monthly average fee \$1,197 - Average \$15.54 per incident

State Radio's least busy county Slope for 2004 totaled 79 incidents
Average incidents per month 6.5
Slope county population 767
State Radio's Monthly average fee \$153 - Average \$23.60 per incident

Significant Incidents in other counties handled by State Radio: Examples

Grand Forks County	1,038
Cass County	2,107
Burleigh County	879
Morton County	681

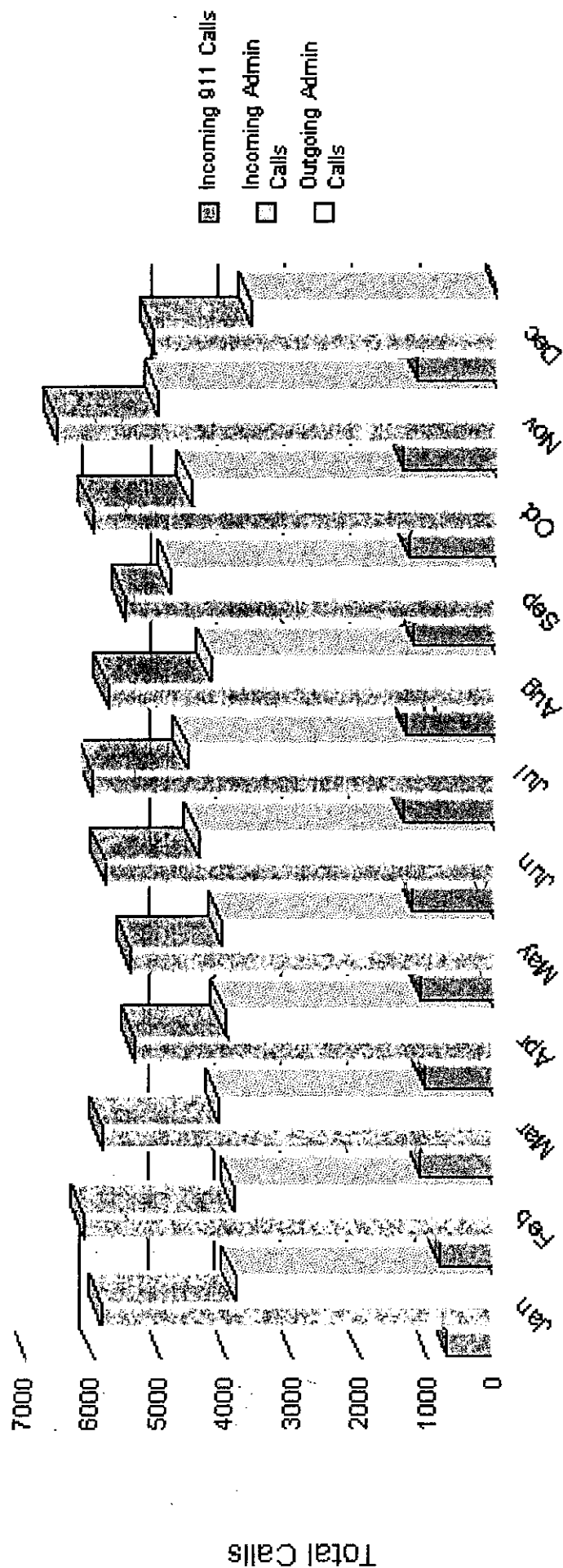
These are examples that State Radio is a Dispatch Center for the entire State of North Dakota providing services all over the state. These four examples above are of the four counties with the highest numbers of significant incidents two out of the four actually have higher numbers than our highest 911 county.

Other Activities on a statewide basis (includes vehicle stops, traffic haz,
game violations, motorist assist, data
requests, out of svc, back in svc)

S			
T	Highway Patrol	137,629	54.6%
A	Game & Fish	3,623	1.4%
T	BCI	<u>4,854</u>	<u>1.9%</u>
E		146,106	57.9%
L			
O	Police	17,754	7 %
C	Sheriffs Depts.	50,975	20.2%
A	Ambulance	27,267	10.8%
L	Fire Depts.	<u>4,030</u>	<u>1.6%</u>
		100,026	39.6%

Are we charging enough to provide a 911 service to those twenty two counties?
It is a difficult question to answer. Our staff provides those services to any citizen or visitor anywhere when necessary. They provide that contact to any law enforcement officer Federal, State, or Local when anyone of those officers need an assurance that someone is watching out for them.

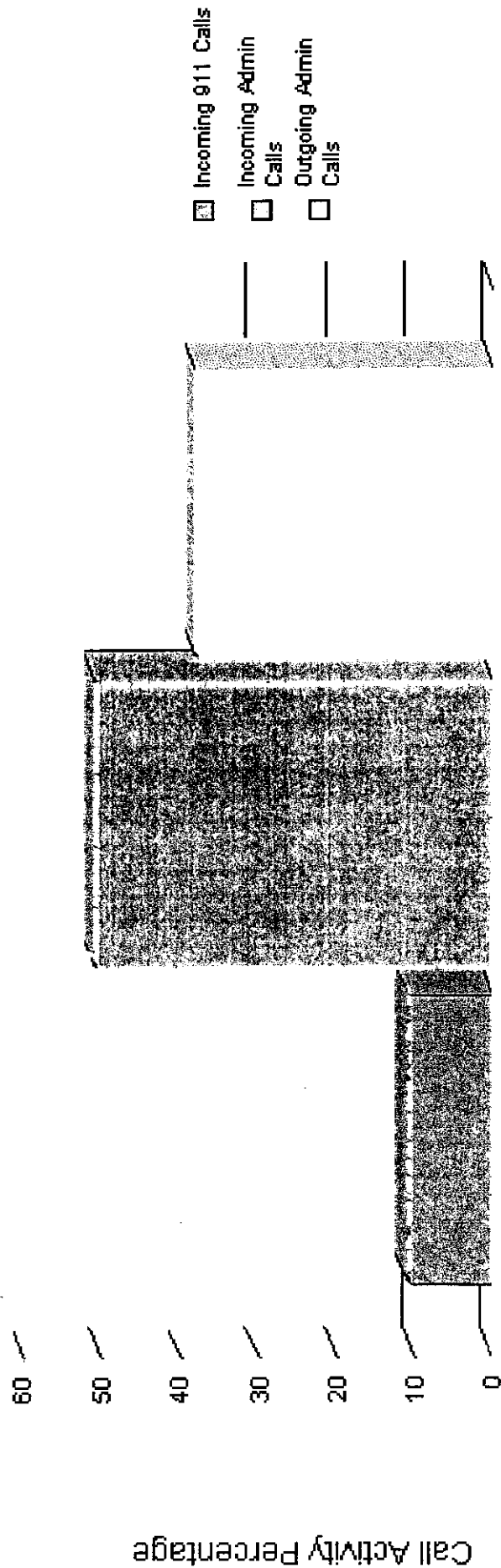
System Report - Total Calls



Months of the Year (Jan 2004 - Dec 2004)

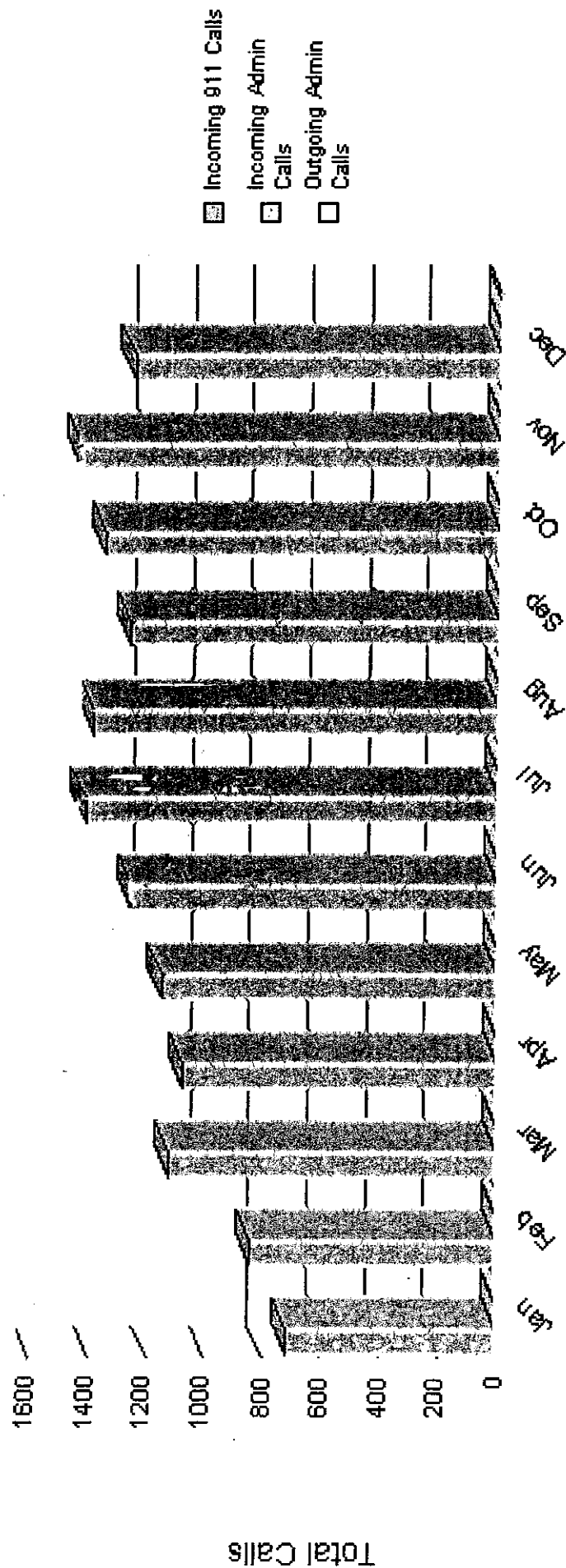
(Shifts: 1, 2 of 2 Call Types: 9-1-1, In, Out)

System Report - Total Calls Comparison (Jan 2004 - Dec 2004)



(Shifts: 1, 2 of 2 Call Types: 9-1-1, In, Out)

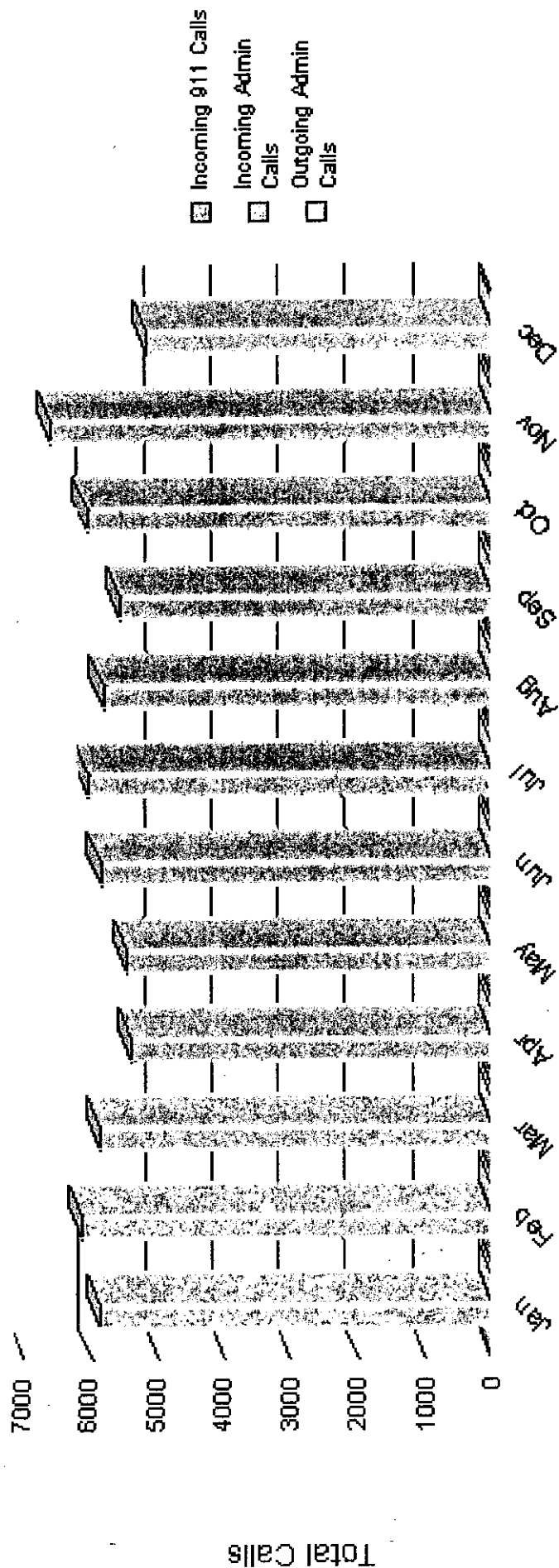
System Report - Total Calls



Months of the Year (Jan 2004 - Dec 2004)

(Shifts: 1, 2 of 2 Call Types: 9-1-1)

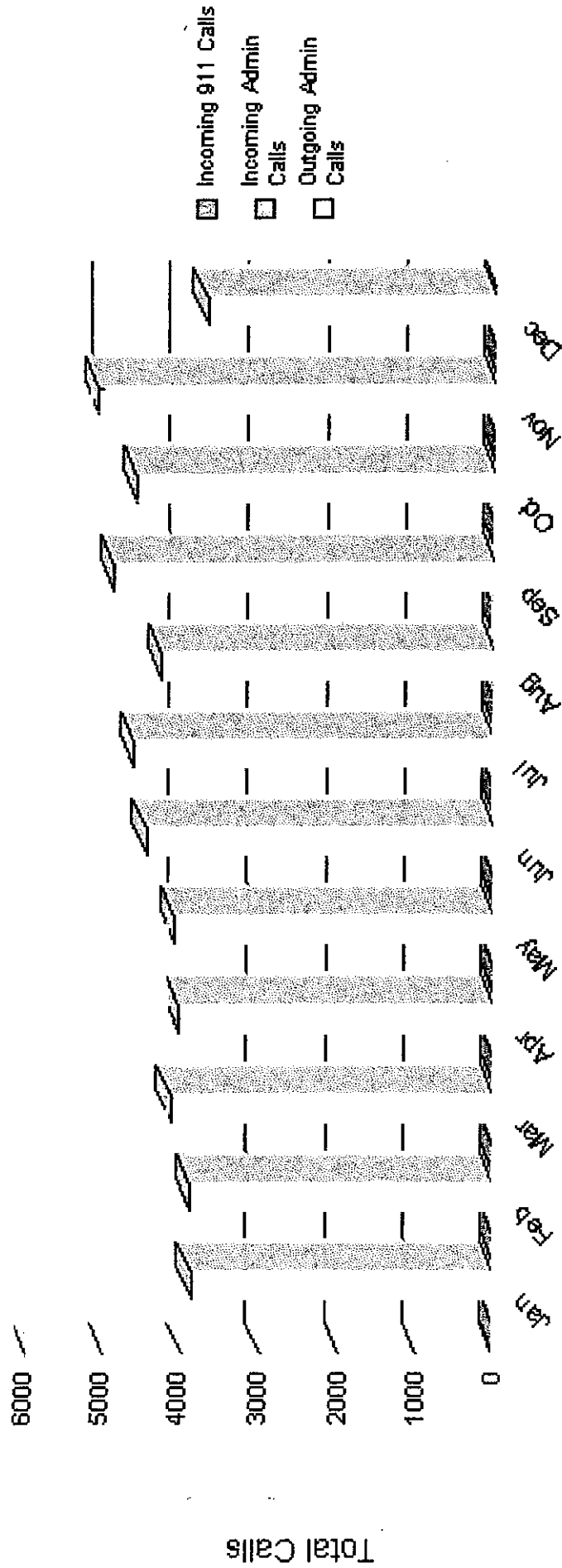
System Report - Total Calls



Months of the Year (Jan 2004 - Dec 2004)

(Shifts: 1, 2 of 2 Call Types: In)

System Report - Total Calls



Months of the Year (Jan 2004 - Dec 2004)

(Shifts: 1, 2 of 2 Call Types: Out)

STATE OF NORTH DAKOTA
PUBLIC SAFETY MOBILE RADIO COMMUNICATIONS
RESPONSE TO RFP 112-0405

EQUIPMENT AND
SERVICES
COST PROPOSAL

SYSTEM MAINTENANCE COST – POST WARRANTY

BASIC SYSTEM

	Costs						
System Level Services	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Dispatch	\$ 18,572	\$ 19,129	\$ 19,703	\$ 20,294	\$ 20,903	\$ 21,530	\$ 22,176
Technical Support	\$ 19,008	\$ 19,578	\$ 20,166	\$ 20,771	\$ 21,394	\$ 22,035	\$ 22,697
Infrastructure Repair (Depot)	\$ 89,903	\$ 92,600	\$ 95,378	\$ 98,239	\$ 101,187	\$ 104,222	\$ 107,349
Infrastructure Maint (On-site) Std.	\$ 100,584	\$ 103,602	\$ 106,710	\$ 109,911	\$ 113,208	\$ 116,604	\$ 120,103
System Survey & Analysis (PM)	\$ 13,943	\$ 14,361	\$ 14,792	\$ 15,236	\$ 15,693	\$ 16,164	\$ 16,649
Infrastructure Subtotal	\$ 242,010	\$ 249,270	\$ 256,748	\$ 264,451	\$ 272,384	\$ 280,556	\$ 288,973
Subscriber Services							
Subscriber Repair (Depot)							
Local Radio Support							
Subscriber Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Infrastructure/Subscriber Total	\$ 242,010	\$ 249,270	\$ 256,748	\$ 264,451	\$ 272,384	\$ 280,556	\$ 288,973

System Level Services	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Technical Support	\$ 19,008	\$ 19,578	\$ 20,166	\$ 20,771	\$ 21,394	\$ 22,035	\$ 22,697
Infrastructure Repair (Depot)	\$ 89,903	\$ 92,600	\$ 95,378	\$ 98,239	\$ 101,187	\$ 104,222	\$ 107,349
Infrastructure SubTotal	\$ 108,911	\$ 112,178	\$ 115,544	\$ 119,010	\$ 122,580	\$ 126,258	\$ 130,045
Subscriber Services							
Subscriber Repair (Depot)							
Subscriber SubTotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Infrastructure/Subscriber Total	\$ 108,911	\$ 112,178	\$ 115,544	\$ 119,010	\$ 122,580	\$ 126,258	\$ 130,045
Optional Services							
Software Subscription List Price	\$ 46,000						
2 hour response uplift	\$ 75,438						



June 14, 2004

Cost Proposal, Page 11

Pricing information contained in this offering is considered proprietary and may not be shared with any person or agency not directly associated with the addressee without the express written consent of Motorola, Inc., or its designees.

DEM 2005-2007 Optional Package Information - Priority List of Optional Package

Priority	Option A	Description	Frequency
1	\$ 200,000.00	Connection of State Radio tower sites through T-1 lines	One time
2	\$ 120,000.00	Voice Recorder - needed to handle 144 lines	One time
3	\$ 156,140.00	Two FTE's for Communications Center - dispatch positions	On-going
4	\$ 150,000.00	Message Switch Interface Software - required to meet FBI encryption standards	One time
5	\$ 150,000.00	Consoles in Communications Center - not adequate for new computers, ventilation, wiring	One time
6	\$ 200,000.00	Mapping Interface for PC's - current system is non-operational	One time
7	\$ 150,000.00	Fire suppression for Communications Center - use of chemicals instead of water to protect communication infrastructure	One time
	\$ 1,126,140.00	Total of Option A, Items 1-7	
Option B			
	\$ 1,126,140.00	All items listed under Option A, Items 1-7	
8	\$ 500,000.00	Computer Aided Dispatch System (CAD)	One time
	\$ 1,626,140.00	Total of Option B, Items 1-8	
Option C			
	\$ 1,626,140.00	All items included with Option B, Items 1-8	
9	\$ 780,000.00	Motorola Services - System Maintenance Costs - Upgrades, Technical Support, On-Site repairs, 2 year costs	On-going
10	\$ 50,000.00	Encryption for central communications center and tower sites	One time
11	\$ 80,000.00	Mobile Data Terminal upgrade - required to meet FBI encryption standards	One time
12	\$ 500,000.00	UPS - uninterruptible power supply - backup power in event of loss of power to complex	One time
13	\$ 1,600,000.00	Completion of four additional towers to cover dead spots in system	One time
	\$ 4,636,140.00	Total of Option C, Items 1-13	

Emergency Commission / Budget Section approvals

6-Jan-04 Request #1496

63	272,000.00
63	81,600.00
63	600,000.00
63	1,161,652.00
63	2,115,252.00

Performance Grant	Salary/Fringe
Performance Grant	Operating Expenses
Homeland Security	Operating Expenses
Homeland Security	Capital Assets

9-Oct-03 Request #1460

\$	127,500.00
\$	1,000,000.00
\$	1,127,500.00

Operating Expenses	Homeland Security
Capital Assets	Homeland Security

9-Oct-03 Request #1461

\$ 250,000.00

Homeland Security	Operating Expenses
-------------------	--------------------

19	353,600.00
20	3,139,152.00
21	3,492,752.00

	Performance Grant	Total
Homeland Security		Total
Federal Funds		

2005-2007 Biennium Information	365,231.00
\$	

Performance Grant Total

#2 Special Fund Breakdown for State Radio

These funds are based on number of users on the system and may change during the course of the biennium.

Estimated Biennial Revenue

355,000.00
320,000.00
46,000.00
1,000.00
722,000.00

Law Enforcement Teletype Systems (LETS)
3-1-1 fees from the 22 counties working with State Radio
Mobile Data Terminals (MDTs) used by Highway Patrol and
Agencies; used by Federal agencies to contact personnel in
Estimated Biennial Revenue

3

Hazardous Chemical Fee structure - If you want to double the amount to \$50 per chemical with a \$300 maximum per facility, this will require language to amend NDCC 37-17.1-07.1

茶

No fire trucks purchased with Homeland Security funds.

Workload of DEM staff for State Radio using Homeland Security and DEM funds:

State Radio as a Division of OMB underwent several changes that have impacted the administration of State Radio.

First of all, the Director, Lyle Gallagher, retired prior to the beginning of the 2003-2005 biennium and the funding and position were eliminated.

Second, the Business Manager, Rick Hessinger was appointed to be the acting director, after Lyle's retirement and was given a \$500.00 a month increase to \$4,188.00 per month. Following the consolidation of DEM and State Radio, Rick accepted a position at ITD and his salary of \$4,188.00 per month is paid by State Radio through the end of the 2003-2005 biennium and then that position and funding is transferred to ITD.

DEM staff have assumed the roles and duties formerly held by these two individuals. DEM staff have provided significant support services to State Radio as an integral part of the consolidation. State Radio does not have sufficient funding in its budget, therefore DEM is using Homeland Security funding as part of its planning function to provide the personnel necessary for the consolidation as well as the migration from analog to analog/digital technology for the State Radio system.

The key staff members that have been impacted by both the consolidation and the migration project include: Douglas Friez as Director; Susan Reinertson as Deputy Director, Russ Timmreck as Chief of the State Operations Center, Ross Mushik as Administrative Services Manager, Amy Anton as Operations Team Leader, Kathleen Donahue as Planning Team Leader, and Larry Ruebel as Technical Support Team Leader. All of these individuals are fully funded by DEM with no funding coming from State Radio.

Numerous other staff have assumed increased roles within the DEM based on Homeland Security responsibilities. These staff include Bruce Buchholtz as Training Coordinator; Judy Feist as Account Technician; Roxann Hopfauf as Account Technician; Ken Jarolimek as Training and Exercise Manager; Janell Quinlan as COG/COOP Manager for the State of North Dakota; Rhoda Sautner as Account Budget Specialist; and Bill Sorensen as the Assistant Program Manager for Homeland Security. All of these individuals are fully funded by DEM with no funding coming from State Radio.

With Lyle Gallagher's salary of \$5,089.00 and Rick Hessinger's salary of \$4,188.00 which totals \$9,277.00; DEM is able to provide more staff (14 vs. 2) and assistance to State Radio at a cost identified on the spreadsheet of \$8,975.87, a savings of \$300.00 per month. There are no positions for management, payroll, accounting, budgeting, personnel, training, operations, technology and no funding available in the proposed budget in State Radio to perform the functions that are identified in the prior paragraphs.

The consolidation of DEM and State Radio together with the increased responsibilities of Homeland Security and the migration from analog to analog/digital technology have significantly impacted the DEM and State Radio staff and will continue to do so for many years to come. We believe with the current staffing pattern that an effective team has been established to handle the demands of Emergency Management, Homeland Security, and State Radio as a consolidated agency rather than as separate functioning entities.

January 2005

HOMELAND SECURITY AND BIOTERRORISM FUNDING

This memorandum provides information on federal funding received by state agencies and institutions for homeland security and bioterrorism issues. When available, the funding received for the 2003-05 biennium and the anticipated 2005-07 biennium funding is provided along with the related increase or decrease in funding.

STATE DEPARTMENT OF HEALTH

Funding	2003-05 Biennium	2005-07 Biennium	Increase (Decrease)
Centers for Disease Control and Prevention (CDC)	\$15,997,399	\$10,935,474	(\$5,061,925)
Health Resources and Services Administration (HRSA) hospital preparedness program	4,075,399	4,597,754	522,355
Total	\$20,072,798	\$15,533,228	(\$4,539,570)

CDC funding - Provides funds to upgrade state and local public health preparedness for and response to bioterrorism, other outbreaks of infectious disease, and other public health threats and emergencies. Currently, these funds focus on improving public health emergency preparedness through preparedness planning and assessment, disease surveillance and epidemiology capacity, laboratory capacity for biologic agents, laboratory capacity for chemical agents, health alert network/communications and information, public information, and public health and medical training.

HRSA funding - Provides funds to build surge capacity in hospitals and emergency medical services. Surge capacity involves the planning, personnel, and medical resources to care for significantly larger numbers of patients during a catastrophic event.

DEPARTMENT OF AGRICULTURE

Funding	2003-05 Biennium	2005-07 Biennium	Increase (Decrease)
Homeland security	\$18,000	\$33,541	\$15,541
Biosecurity - Health	292,437	188,576	(103,861)
Homeland security (Board of Animal Health)	203,751	0	(203,751)
Animal identification	515,000	824,524	309,524
Swine health protection	76,000	38,000	(38,000)
Bovine spongiform encephalopathy (BSE) (Board of Animal Health)	160,537	225,037	64,500
Total	\$1,265,725	\$1,309,678	\$43,953

Homeland security - Plant surveys.

Biosecurity health - Salary of one veterinarian, costs of the veterinary reserve corps to prepare for an emergency response, and software development.

Homeland security (Board of Animal Health) - Veterinary reserve corps costs, livestock disease response (tabletop) exercises.

Animal identification - Salaries and contract costs with North Dakota State University and North Dakota Stockmen's Association.

Swine health protection - Salary of veterinarian and travel.

BSE (Board of Animal Health) - Mobile diagnostic laboratory, salary of veterinarian, diagnostic testing, equipment, and livestock disease response (tabletop) exercises.

**NORTH DAKOTA STATE UNIVERSITY
AGRICULTURE RESEARCH AND
EXTENSION**

Funding	Grant Year 2003	Grant Year 2004	Grant Year 2005
Animal and Plant Health Inspection Service	\$1,087,000	\$1,452,000	Amount pending

Animal and Plant Health Inspection Service - The overall objective is to identify, diagnose, and contain or prevent disease outbreak in North Dakota livestock and plants. Funding is provided for enhanced diagnostic laboratory capabilities, research into disease pathogenesis, rapid response team and discovery group investigations through the extension centers, and electronic animal identification research.

**DIVISION OF EMERGENCY
MANAGEMENT**

Funding	Grant Year 2003	Grant Year 2004	Grant Year 2005
Homeland security - General grant allocation	\$4,983,000	\$14,741,000	\$14,376,200
Homeland security - Supplemental grants	11,440,000		
Critical infrastructure protection	1,760,000		
Law enforcement terrorism prevention		4,374,000	
Citizen Corps grant		306,000	
Total	\$18,183,000	\$19,421,000	\$14,376,200
Less local share	(13,826,000)	(15,536,800)	(10,876,200)
State share	\$4,357,000	\$3,884,200	\$3,500,000

The Department of Homeland Security grant funding is intended to enhance the capability of state

and local agencies to respond to incidents of terrorism, as well as natural disasters through coordinated training, exercises, equipment, and technical assistance. The Division of Emergency Management allocates funding to state agencies and entities based on current homeland security strategy priorities. On the local level, first responders and community leaders are charged with submitting a spending plan for equipment, training, exercise, and planning. All jurisdictional awards must demonstrate a direct nexus to the state homeland security strategy, represent a consensus of first responders and community leaders within the jurisdictional area, and follow current Department of Homeland Security guidelines. A summary of grants received since 1999 is attached as Appendix A.

Homeland security - General grant allocation (2003) - The state share of this grant was \$1,189,000, which was allocated for equipment (\$697,000), training (\$27,000), exercises (\$115,000), and planning (\$350,000). The local allocation of (\$3,794,000) was granted to counties, tribes, and other organizations (Appendix B).

Homeland security - Supplemental grants - The state share of this grant was \$2,288,000, which was

allocated for equipment (\$1,727,500), training (\$200,000), planning (\$300,500), and management and administration (\$60,000) (Appendix C). The local allocation was \$9,152,000 (Appendix D).

Homeland security - Critical infrastructure protection - The state and local share of this grant was \$880,000 each (Appendix E).

Homeland security - General grant allocation (2004) - The state share of the grant is \$2,948,200, which was allocated for equipment (\$2,229,754), training (\$60,000), exercises (\$40,000), planning (\$530,000), and management and administration (\$88,446) (Appendix F). The local allocation was \$11,792,800 (Appendix G).

Homeland security - Law enforcement terrorism prevention - The state share of the grant is \$874,800, which was allocated for equipment (\$788,556), planning (\$60,000), and management and administration (\$26,244) (Appendix H). The local allocation was \$3,499,200 (Appendix I).

Homeland security - Citizen Corps grant - The state share of the grant was \$61,200 and the local share was \$244,800 (Appendix J).

ATTACH:10

Chronology of Homeland Security in DEM:

The Division of Emergency Management was immediately impacted by the events on September 11, 2001. Agency personnel responded to the threat and started operational and planning activities that same day.

In October 2001, Governor Hoeven appointed Douglas Friez as the State Homeland Security Advisor with responsibilities to include the implementation of Federal guidelines and programs with existing staff. No salary increases were granted at this time as no additional Federal funding was available for that purpose.

In October 2003, the Governor, OMB Director, the Adjutant General, DEM Director coordinated the transfer/consolidation of State Radio from OMB to DEM.

Following the consolidation, position information questionnaires (PIQs) were completed by State Radio personnel as their information had not been updated for many years. DEM staff also updated their PIQs. DEM worked extensively with Human Resource Management Services (HRMS) for both agencies in developing a systematic formulation for appropriate grades and classifications of personnel within both agencies.

As the State Radio staff had been underpaid, an initial raise of \$200.00 per month was granted across the board for all State Radio personnel on March 1, 2004. Following the approval of the PIQs, a second increase was granted on December 1, 2004 in varying amounts related to the respective position. Funding for both increases were provided from the FEMA Emergency Management Performance Grant (EMPG).

DEM staff PIQs were approved in an organized manner in varying timeframes and were provided salary adjustments close to the time in which they had been approved. The increases were done in April 2004 and August of 2004 from Homeland Security funds. These were the first raises given as a result of Homeland Security and consolidation issues for DEM staff after working nearly three years with no increase in salary, but significant increase in workload and responsibility.

DEM received two significant allocations of Homeland Security funding and also was given the authority by the Emergency Commission and Budget Section to add five FTE positions to handle the workload related to grants management, monitoring, operational, and planning activities.

DEM involved the Adjutant General in all levels of discussion and provided numerous scenarios based on availability of funding from various sources. The Governor's Chief of Staff was also consulted during the process.

It is important to remember that not all Federal sources were available to fund salary increases in all positions.

NORTH DAKOTA HOMELAND SECURITY

Program Narrative

Part I: Management Capabilities

MAJOR ORGANIZATIONS/COMMITTEES/GOVERNANCE

North Dakota State Homeland Security Strategy is implemented through the Office of the Governor with overall program implementation vested in the Adjutant General of the North Dakota National Guard through the North Dakota Division of Emergency Management (DEM). Current DEM Director Douglas C. Friez serves as the state gubernatorial appointed Homeland Security Coordinator and designated SAA. Day to day operations are implemented through the State's Emergency Operations Plan functional coordinators including: North Dakota Highway Patrol, North Dakota Department of Health, North Dakota Department of Human Services, North Dakota Department of Transportation, North Dakota State Radio, North Dakota Water Commission, and North Dakota Division of Emergency Management. Coordination of Homeland Security efforts is accomplished through the Homeland Security Program Coordination committee. The committee includes the SAA, the State Public health officers and the CDC Program Director, the HRSA Bioterrorism Coordinator, the Bureau of Criminal Investigation, and North Dakota State Highway Patrol. All Homeland Security Program Grant (HSPG) funding allocations utilized in furtherance of the state strategy are subject to the following parameters:

- Direct nexus to the North Dakota State Homeland Security Strategy.
- Grounded in the state/jurisdictional assessment.
- Based on consensus of community leaders and first responders.
- Compliance with DHS grants parameters.

STATEWIDE COORDINATION

Homeland Security program coordination is the primary charge of an interagency team composed of the Division of Emergency Management, North Dakota Health Department, North Dakota Department of Agriculture, North Dakota Bureau of Criminal Investigation and North Dakota Highway Patrol. The group meets monthly to coordinate program, explore joint activities and leverage current grant allocations. In addition to the formalized group process, DEM's Homeland Security program outreach includes participation in the states' Anti-Terrorism Task Force, quarterly updates to the North Dakota Emergency Operations Plan functional and task coordinators and the State Emergency Response Commission.

FUND ALLOCATION PROCESS

DHS FY2004 jurisdictional funding levels for the SHSP and LETP grant allocations were obligated utilizing specific formulas grounded in capability, threat, and vulnerability. Both formulas assigned specific monetary percentage values to primary threat elements, jurisdictional threat ratings, basic vulnerability, legal hazards, emergency response full time personnel, emergency response volunteer personnel, specialized teams, proximity to the Canadian border, and training requirements. In addition to the above parameters, special funding was allocated to a jurisdiction hosting the ND State Fair. FY 2004 obligation for State funding concentrated on communication interoperability with major allocation to the State Communications Center, North Dakota Highway Patrol and the Bureau of Criminal Investigation.

DHS FY 2005 jurisdictional funding will be obligated through specific allocation of jurisdictional capability, threat and vulnerability. Similar to FY 2004, specific monetary percentage values will be assigned to primary threat elements, jurisdictional threat ratings, basic vulnerability, legal hazards, emergency response full time personnel, emergency response volunteer personnel, specialized teams, proximity to the Canadian border, and training requirements. Upon establishment of baseline obligations, North Dakota will mandate a jurisdictional set aside of 10% of the individual aggregate jurisdictional funding for training. The mandatory allotment is keyed directly to implementation of NIMS training as mandated by DHS and in furtherance of North Dakota's aggressive training plan for first responders. Eight percent of individual aggregate funding will be specifically earmarked for jurisdictional planning activities including formal adoption of NIMS, institutionalization of ICS into local EOP's, modifications of existing incident management plans, establishment of a three year exercise program and the initiation and execution of mutual aid agreements.

DHS FY 2005 state funding will continue to be obligated to the States' interoperability communication project, NIMS compliance and ongoing planning initiatives.

Finally two pilot initiatives will be funded through FY 2005 obligations. The first begins our fulfillment of Homeland Security Directive 8 (HSPD-8) specifically in implementing/preventing and preparing for terrorist attacks involving improvised explosive devices and achieving tactical interoperable communications. Exclusive funding will be allocated to a border jurisdiction to implement the planning processes necessary to develop a multi-jurisdictional prevention and response plan based on an IED scenario and test multi-jurisdictional interoperable communications within that area. The

plan will include testing the integrated plan and interoperable communications through a cycle of exercise activity.

The second initiative tackles two critical issues. The first allocates planning funding to four jurisdictions an integrated group of full time and volunteer first responders to study establishing baseline equipment parameters for awareness, performance defensive, performance offensive and specialized level first responders in the major disciplines of fire, law, public health, public works, emergency medical services and health. The establishment of baseline equipment needs will facilitate targeted equipment funding in FY 2006.

The second initiative, a direct result of DHS technical assistance, establishes four study groups throughout the state to scope the feasibility of establishing anchor communities. Anchor communities would provide response assistance to receiving communities during a CBRNE event. The studies will examine acceptability, areas of receivership, mutual aid agreements, changes in EOP's and SOP's, and a proposed marketing plan.

SYSTEMS FOR FUND DISBURSEMENT

Upon completion of the North Dakota grant application to DHS, DEM announces preliminary obligations to state and local entities. Within thirty days DEM convenes a series of applicant briefings to specific state award recipients and jurisdictional representatives to brief program requirements, eligibility, and relevant processes. Jurisdictional representatives are required to submit a consensus spending plan with itemized budgets for planning, training, exercises, equipment and administration. The plan must demonstrate the following:

- Nexus to the North Dakota State Homeland Security Strategy.
- Consensus of community leaders and first responders within the jurisdiction.
- Grounding in current assessment data.
- Compliance with DHS grants guidelines.

Upon review and approval of submitted plans, North Dakota obligates training, equipment, exercise, planning and administrative awards to affected parties within jurisdictions as delineated in the approved plan. All programs and equipment purchased in relation to approved plans are reimbursed upon receipt of proof of payment.

FUND MONITORING AND TRACKING

Overall fund tracking and program execution oversight is monitored by DEM's State Homeland Security Team. All sub grantees are required to submit quarterly reports on program progress and fund expenditures. Specific program elements are monitored on a quarterly basis through relevant staff at DEM. For example, all program specific training and exercise activities are monitored through Dam's training and exercise team. Planning activities are monitored through the Planning team. Ongoing equipment purchases are monitored through examination of purchase receipts and verification of

delivery. In addition to program specific monitoring, DEM periodically visits jurisdictions to verify the purchase, storage and maintenance of equipment purchases.

SENIOR ADVISORY COMMITTEE

North Dakota Homeland Security program coordination through a "Senior Advisory Committee" is in place through the State's Homeland Security Coordination Committee. The committee is composed of the Division of Emergency Management, North Dakota Health Department, North Dakota Department of Agriculture, North Dakota Bureau of Criminal Investigation and North Dakota Highway Patrol. The committee meets DHS grant guidance by inclusion of the SAA, the state public health officer, HRSA Program Director, HRSA Bio-terrorism Hospital Coordinator, CDC Program Director, and State Citizen Corps Point of contact. The group meets monthly to coordinate program, explore joint activities and leverage current grant allocations. In addition to the formalized group process, DEM's Homeland Security outreach program includes participation in the States' Anti-Terrorism Task Force, quarterly updates to North Dakota Emergency Operations Plan functional and task coordinators and the State Emergency Response Commission.

NIMS IMPLEMENTATION

North Dakota began its implementation and institutionalization of NIMS with FY 2004 funding. The North Dakota Association of Counties and North Dakota League of Cities were awarded, through a jurisdictional grant, \$200,000 to develop and deliver NIMS training to jurisdictions and state entities. The course is delivered in conjunction with jurisdictional exercises throughout the state. Additionally ND recently issued Executive Order 2004-11 declaring NIMS incorporation by appropriate agencies. FY 2005 will provide funding to continue this effort and provide dedicated training budget dollars to jurisdictions to supplement this training effort. In addition to dedicated funding for NIMS training, North Dakota is dedicating planning funding for jurisdictional activities for the formal adoption of NIMS, institutionalization of ICS into local EOP's, modifications of existing incident management plans, establishment of a three year exercise program and the initiation and execution of mutual aid agreements.

STATEWIDE TRAINING AND EXERCISE PROGRAM

In FY2005 North Dakota will continue awareness training through the North Dakota Fire Marshal's Office and the Institute of Local Government. In 2004 these two organizations trained 20 % of the state's first responders in need of awareness training.

The course we will use is the course developed by the ND Fire Marshal's Office which combines awareness training for weapons of mass destruction and hazardous materials. The Office of Domestic Preparedness approved this course for delivery in FY2004.

In 2005, the state will develop the capability of adopting ODP's standardized CBRNE Awareness Training Course through recruiting a cadre of at least 12 instructors. This cadre will complete the 12 hour National CBRNE SAAT TTT course to become certified to deliver the 6 hour National CBRNE Standardized Awareness course. This includes developing a capability for delivery and sustainment of CBRNE awareness training for emergency response disciplines including but not limited to: emergency management, fire service, government administrative, medical service, fire service, law enforcement, public communications, public health and public works. The standardized awareness curriculum covers basic awareness level training; prevention and deterrence of terrorism; chemical and biological weapons agents; radiological and nuclear materials and explosive devices; and response actions.

Citizen Training

The homeland security training program will include citizen training coordinated through state and local Citizen Corps Councils. Training will include awareness, preparedness, prevention, response skills, and volunteer activities.

Homeland security awareness, preparedness, and prevention training will be emphasized in September, traditionally National Preparedness Month. In 2005 North Dakota will continue our program begun in 2004 of recognizing a business, family, and school that has exemplified itself in emergency preparedness by being "Ready". In conjunction with this program, a statewide "Ready" campaign will be conducted emphasizing the citizens to "have a kit, have a plan, and be informed." Response training will include CERT classes conducted through the year. CERT member recruitment focuses on volunteer activities. Finally, North Dakota will continue its ongoing relationship with the North Dakota League of Cities in the establishment and activities of Citizen Emergency Response Teams.

NORTH DAKOTA 2004

STATE HOMELAND SECURITY

STRATEGIC PLAN

EXECUTIVE SUMMARY

PURPOSE

The purpose of this strategy is to provide North Dakota leadership a collaborative plan for continuing a comprehensive Homeland Security Program. The strategy will drive Homeland Security prevention, response, recovery, and preparedness activities within North Dakota. As we tactically implement calculated goals and objectives, the results of those efforts will provide North Dakota's citizenry with strategically placed resources, trained personnel, comprehensive emergency operations plans, exercised leadership, and engaged communities. Informed and prepared communities coupled with enhanced resources will provide North Dakota citizens with a safe and secure environment from threats to Homeland Security.

VISION

We envision a North Dakota which is safe and secure from natural, manmade, and technological emergencies that destroy life, property, and the environment;

And

In which citizens, governments, and business/industry have the resources and knowledge to reduce risks to mitigate the impacts of disaster.

FOCUS

The State of North Dakota will provide resources for improved Homeland Security prevention, preparedness, response, and recovery. Strategic placement of resources in planning, training, exercising, and equipment will broaden the scope of jurisdictional readiness and public awareness initiated through previous DOJ/DHS funding cycles. Key to this effort will be the proliferation of a public, private, and individual partnership to coordinate all Homeland Security and Emergency Management initiatives.

The following strategy subscribes to the principles adopted by the President's Homeland Security Advisory Council and outlined in the "Statewide Template Initiative". Those principals are consistent with and support the implementation of the "National Strategy for Homeland Security".

First, the state will begin the task of planning and implementing total public safety communications interoperability through the conversion from analog to digital technology which will provide a multi year statewide integrated prevention, response, and recovery plan essential for successful Homeland Security efforts. State allocation funds will be utilized to convert radio towers with the necessary equipment to transmit in a digital mode and migrate 90% of the state's primary law enforcement agencies from analog to digital radio communication equipment.

Complimenting this effort, each jurisdiction will be provided guidance and equipment funding to begin the conversion from analog to digital. Over the next two years, approximately thirty percent of local first response disciplines will be provided funding to begin the migration from analog to digital.

In conjunction with the interoperable communication implementation, North Dakota will initiate a seamless statewide GIS mapping project. Comprehensive homogeneous GIS mapping in concert with the standardized communication system assures accurate location for cross jurisdictional resource deployment. This effort will initially map 22 counties currently served through the state radio communications center and will expand statewide over the next two years. Together, standardized communication and accurate resource deployment through GIS mapping provide the essential elements for total integration of prevention, response, and recovery efforts.

Communications and deployment of resources will be further augmented through establishment and implementation of the Criminal Justice Information Sharing system (CJIS) currently being developed in North Dakota. This comprehensive information sharing system will improve public safety by providing effective and efficient justice policies, processes, and information systems required to capture and share complete, accurate, and timely information in support of program operations and informed decision making across jurisdictional and organizational boundaries, statewide. This ongoing project establishes a data information hub to provide accurate, concise information for judicial, law enforcement, and emergency personnel.

Response and recovery capabilities will be strengthened at a state and local level. A thorough review of the state and local Emergency Operations Plans (EOP) and Multi-hazard Mitigation Plans will identify critical services including continuity of operations, mass casualty planning, urban search and rescue, and public health interface. In conjunction with results from North Dakota's recent statewide functional and jurisdictional tabletop exercises, a review of the plans will provide the necessary data to improve and refine state, local and tribal EOPs. State and local Multi-hazard Mitigation Plans will identify priority critical infrastructure for calculated proactive protective measures in facilities and local jurisdictions throughout the state. Upon further identification of critical infrastructure, the North Dakota Division of Emergency Management (DEM) will facilitate onsite specific vulnerability assessments on key jurisdictional facilities. Identification of site specific target hardening applications will enable DEM to facilitate specific grant funding to protect crucial infrastructure through Department of Homeland Security (DHS) funding.

These major initiatives will link the continued strategic allocation of equipment to 53 local jurisdictions and 4 tribes. That allocation will recognize current capabilities, vulnerabilities, threats, and jurisdictional prevention initiatives. For the purpose of establishing a focus on equipment allocation, North Dakota will utilize a capability, vulnerability, and threat based obligation in providing response equipment to awareness, operational and technical responders throughout the state. This effort will be augmented this year through the establishment of baseline equipment recommendations at awareness, performance and specialized levels. North Dakota continues to recognize the inability of some jurisdictions to train and/or respond beyond a minimal level. Therefore, a major effort will be initiated to urge the establishment of multi-discipline mutual aid agreements among local governments to provide operational and technical assistance to those jurisdictions inadequately equipped or incapable of building a capacity to respond at an elevated level. North Dakota's equipment disbursement plan also recognizes the pivotal role of border jurisdictions. The state

prioritization allocation system keys additional critical law enforcement and first responder equipment to those entities. Finally, the strategic location of response equipment must correspond with the knowledge of responders and their ability to execute activities at an acceptable performance level. Therefore, a major effort will be pursued to ensure the timely training and exercising to correspond to the equipment received by first responders.

North Dakota recognizes the need to educate the public about individual preparedness. The State Citizen Corps Council provides leadership and support for local Citizen Corps Councils. Local Citizen Corps Councils provide sponsorship of Community Emergency Response Team (CERT) training. CERT members (private citizens, college students, employee groups) are trained in emergency first aid, search and rescue, and light fire suppression enabling them to help themselves, their families, neighbors, and co-workers, as well as reduce initial dependence upon professional response and recovery personnel. North Dakota will expand the number of CERTS within its communities, universities, and workplaces. Unknown at this time is the need for establishing other Citizen Corps Programs including Volunteer in Police Services, Emergency Medical Corps, and Neighborhood Watch. In conjunction with Citizen Corps activities, a major Homeland Security public awareness plan will be initiated this year in a target community.

Citizen participation in communication efforts during a major terrorism/WMD event would greatly enhance our ability to transmit and receive vital information. In an effort to strengthen that partnership the strategy incorporates building a cooperative network of amateur radio communication volunteers.

The majority of critical infrastructure is owned by private enterprise. This compelling fact drives our recent involvement and perpetuation of the North Dakota Chapter of InfraGard, a concept developed by the Federal Bureau of Investigation. An effort will be initiated to expand and recruit active membership to act as the state's core group providing increased cooperation and information sharing among and between the private and government sectors in order to develop solutions involving assessed vulnerabilities and potential threats to critical infrastructure.

North Dakota clearly recognizes the need for Continuum of Government and Continuity of Operations Program (COG/COOP) plans to assure government leadership and deployment of essential services to its populace. This effort, pivotal for response and essential for recovery, was initiated utilizing FY 2003 funding and 2003 II funding. The current strategy dictates all state agencies complete COG/COOP plans that ensure the timely and successful "Order of Succession" of state leaders as well as continuity of critical services and associated personnel. Effectiveness of this essential planning element will be tested through a series of exercises at the state level.

The overall training goal is to train initial responders as well as local and tribal officials in prevention, response, and recovery needs regarding a terrorism/WMD environment. The majority of first responders in North Dakota are volunteers, which presents special limitations and training challenges. Therefore, most volunteer responders will be trained to the awareness and performance levels. A 25% increase in awareness training and 38% increase in performance level training will be achieved through a number of institutional training venues including the Task and Functional

Coordinators in the State Emergency Operations Plan (SEOP), as well as the North Dakota League of Cities and the North Dakota Association of Counties. In some instances, volunteer responders will have the capability to be trained to the planning and management level but generally, a lack of equipment capabilities prevents response at the higher levels. As the sophisticated equipment cache increases, additional training will be necessary to meet the more advanced level response requirements. Jurisdictions with larger populations have some fulltime first responders able to achieve advanced levels of training. Higher levels of training, including the specialized level, will be achieved through various training sources including DHS, as well as formal partnerships among statewide emergency services, public safety, and public health agencies, the N.D. University System, the N.D. League of Cities, and the N.D. Association of Counties.

Department of Homeland Security guidance dictates the adoption and utilization of the National Incident Management System (NIMS). Thus, the strategy accommodates the establishment of ICS training and EOC interface through the institutionalization of ICS/EOC interface training capabilities in the North Dakota Division of Emergency Management, the N.D. Fire Fighters Association, N. D. Law Enforcement Training Academy, and other educational and training venues throughout the state.

North Dakota is one of the few states in the nation to offer an undergraduate and post graduate degrees in emergency management at an accredited university through the North Dakota State University (NDSU). In our effort to insure Homeland Security course curriculum is offered to the future leadership of the nation, this strategy incorporates the infusion of Homeland Security courses into the NDSU Emergency Management program. The University of North Dakota has established a Biological Organic Radiological Disaster Educational Response (BORDERS) program designed to educate and train the state's current and future health care professionals and community leaders to provide appropriate, integrated, and coordinated responses to a various types of WMD events. Both the Emergency Management degree and BORDERS programs provide unique training opportunities to meet Homeland Security challenges now and into the future.

North Dakota has an emergency management exercise program to address emergencies and disasters caused by the various hazards that impact the state. Our exercise program will primarily test, evaluate and improve our emergency operations plans, uncover equipment and facility shortfalls, and identify training needs to sustain personnel competency. Recent Emergency Management Exercise Report System (EMERS) data, from North Dakota's DHS funded tabletop and functional exercises and a series of after action meetings, revealed the need for continuing operational planning enhancements and testing in all jurisdictions. Therefore, the strategy incorporates dozens of jurisdictional exercise operational planning seminars. Each county and tribal jurisdiction will conduct a minimum of one Homeland Security tabletop exercise per year. Jurisdictions that conduct higher level exercises will be supported in that effort. It is expected higher populated jurisdictions with more advanced response capabilities will conduct functional or full scale exercises. Our statewide exercise system will also include multi-jurisdictional multi-discipline and cross border opportunities. An important

part of the exercise program is exercise evaluation and the development and implementation of a corrective action plan.

Protecting the health and safety of North Dakota's citizens from chemical, biological, nuclear, radiological and explosive (CBNRE) threats is a responsibility shared primarily by the North Dakota Health Department and the North Dakota Department of Agriculture. Total integration of Centers for Disease Control (CDC) and U.S. Department of Agriculture (USDA) funding and programs is an essential part of the North Dakota Homeland Security Strategy. Joint efforts in resource allocation, training, exercise, and planning are and will continue to be facilitated through mutual objectives and regularly scheduled as well as ad-hoc coordination meetings. Those efforts include a collective plan to train all response disciplines in the National Incident Command System (NIMS), and to implement integrated training, planning, and exercise activities among federal, state, local, tribal, and private sector resources on a state and local level.

DEM has established and will continue close coordination with a major agriterrorism bio-surveillance protection initiative centered at Dickinson State University.

This effort, funded through the US Department of Agriculture includes the formulation of a Rapid Response Team and Discovery teams for animal disease emergencies. Finally the effort will GIS map critical agricultural sensitive locations and facilities as well as major diagnostic and response entities.

North Dakota's ability to gather, evaluate, and disseminate Homeland Security intelligence information is paramount to the prevention of terrorist acts. A major plan to expand efforts of the North Dakota Intelligence Analysis and Fusion Cell within the State Operations Center will be enhanced. A major step will be to further integrate law enforcement intelligence gathering through the retention of intelligence specialists from the state Bureau of Criminal Investigation and the North Dakota National Guard. This effort will be supported through a comprehensive training in intelligence gathering and utilization.

Finally, the breadth of activities directly related to Homeland Security demands the retention of highly motivated professional staff to execute and sustain program activities, administer substantial Homeland Security funding, and supplement the existing multi-hazard emergency management infrastructure successfully.

North Dakota's Homeland Security Strategic Plan implemented and coordinated by state, regional, and local leadership will drive future prevention, response, recovery, and preparedness activities to ensure a North Dakota which is safe and secure from Homeland Security threats and disasters that destroy life, property, and the environment.

Evaluation

The Evaluation Plan for the Strategic Plan will be executed through the examination of the fourteen major components as delineated in its specific goals and associated objectives. Each component will be reviewed quarterly utilizing, where applicable, a quantitative comparison and summary of activities related to the specific

goal and objective. Evaluation will be conducted by DEM staff in conjunction with existing strategy partners including but not limited to law enforcement, public and private health, emergency medical, fire, public works, and agriculture. Progress Reports will be distributed to these strategy partners, SEOP Functional and Task Coordinators, and State Executive officers. Quarterly briefings will be conducted for the State Emergency Response Committee (SERC) and for SEOP Functional and Task Coordinators. Finally, a general review of plan progress will be reported and discussed during the monthly Homeland Security Integration meetings. Agencies represented at those integration meetings include the N.D. Department of Health, the N.D. Department of Agriculture, DEM, the University of North Dakota, the N.D. Highway Patrol, and the N.D. Bureau of Criminal Investigation. Current strategy calls for expanding participation to include representatives of private entities as well as additional vested agencies.

Strategy Goals and Objectives

Goal: Attain radio communication interoperability (APCO 25 Compliant) among federal, state, local and tribal first responders within North Dakota.

Objective: Convert 50% of state communication system to accommodate digital transmission by January of 2006.

Objective: Convert 90% of primary state law enforcement entities from analog to digital by July of 2005.

Objective: Convert 50 % of secondary state law enforcement entities from analog to digital by July of 2006.

Objective: Convert 30% of local law jurisdictions from analog to digital by July of 2005.

Objective: Fill 25% of communication needs of local first responder disciplines for the purpose of analog to digital conversion by July of 2005.

Objective: Equip 50% of state communication system to accommodate digital transmission by January of 2006.

Objective: Equip 90% of primary state law enforcement entities from analog to digital by July of 2005.

Objective: Equip 50% of secondary state law enforcement entities from analog to digital by July 2006.

Objective: Equip 30% of local law jurisdictions from analog to digital by July 2005.

Objective: Equip 25% of communication needs of local first responder disciplines for the purpose of analog to digital conversion by July 2005.

Goal: Develop a prevention, response and recovery capability to ensure accurate deployment of resources.

Objective: Develop prevention, response and recovery resource deployment criteria through GIS Mapping by March of 2004.

Objective: GIS map all counties in state by 2006.

Objective: Provide funding to GIS map all counties in state by 2006.

Objective: Test accuracy and utility of GIS maps in 2006.

Goal: Foster the sharing of law enforcement sensitive information.

Objective: Facilitate the development of the Criminal Justice Information Sharing System (CJIS) in North Dakota.

Objective: Fund the development of the Criminal Justice Information Sharing System (CJIS) in North Dakota.

Goal: Upgrade State terrorism/WMD response capability.

Objective: Upgrade terrorism response capability of State Emergency Operations Center by January of 2006.

Objective: Develop an alternate state EOC site.

Objective: Fund an alternate state EOC site.

Objective: Upgrade terrorism response capability of State Emergency Operations Center by January 2006.

Goal: Develop a tiered response capability to ensure statewide terrorism/WMD incident response.

Objective: Develop distribution structure for strategic location of baseline first responder awareness, performance and specialized equipment by July 2005.

Objective: Provide response equipment to 30% of awareness, performance and specialized first responders in jurisdictions to a baseline level by December of 2006.

Objective: Develop intra-jurisdictional mutual aid agreement to accommodate statewide uniform response coverage for a terrorist/WMD event by January 2006.

Objective: Train response entities in current operational capability.

Objective: Test ability of disciplines and jurisdiction to respond at established baseline level.

Objective: Promote and adopt intra-jurisdiction mutual aid agreements to accommodate statewide uniform response coverage for a terrorist/WMD event by January of 2006.

Objective: Provide funding for response equipment to 30% of awareness, performance and specialized first responders in jurisdictions to a baseline level by December 2006.

GOAL: Improve the ability of the State to prevent, respond and recover from acts of terrorism/weapons of mass destruction through refinement of the State Emergency Operations Plan, State Multi-hazard Mitigation Plan, Jurisdictional Emergency Operation Plans, and Jurisdictional Multi-hazard -Mitigation Plans.

Objective: Identify State WMD/terrorism Emergency Operations Plan element deficiencies by September of 2004

Objective: Revise State WMD Emergency Operation Plan to address identified deficiencies by February of 2005.

Objective: Test terrorism/WMD corrective adjustments to State Emergency Operations Plan by December 2005.

Objective: Test 50% of local LEOP terrorism annex plans.

Objective: Identify Homeland Security measures in State Multi-hazard Mitigation Plan for WMD/terrorism preventative measures by September of 2004.

Objective: Revise State Multi-hazard Mitigation Plan to address Homeland Security measures by February of 2005.

Objective: Identify Homeland Security measures in local Multi-Hazard Mitigation Plans by July of 2004.

Objective: Revise local Multi-hazard Mitigation Plan to address Homeland Security measures by December July of 2005.

Goal: Harden critical infrastructure sites at a state and local level.

Objective: Implement steps to harden a primary state structure by July of 2005.

Objective: Harden 25% of jurisdictional vulnerable sites by 2006

Objective: Fund equipment to harden a primary state structure by July 2005.

Objective: Provide funding to harden 25% of jurisdictional vulnerable sites by 2006.

Objective: Test implemented hardening improvements to a primary state structure by July 2005.

Objective: Test hardening procedures on 25% of jurisdictional vulnerable sites by 2006.

Goal: Further the Integration of North Dakotas' Homeland Security Strategy into local, tribal, state government, private enterprise and individual action.

Objective: Expand core representation of current Homeland Security Integration Group by July of 2004.

Objective: Utilize U.S Department of Justice FBI InfraGard structure as core group for private infrastructure protection and information exchange.

Objective: Expand the North Dakota Citizen Corps Program on state and local levels by FY 2006.

Goal: Assure continuation of essential government functions and program in North Dakota.

Objective: Develop a continuum of government/continuity of operations (COG/COOP) program master plan for state agencies in North Dakota by March of 2004.

Objective: Retain adequate staff for implementation of COG/COOP plans at a state and local level.

Objective: Train all state agencies in the application COOP/COG software by January of 2004.

Objective: Test functional coordinator plans by December of 2004

Goal: Train first responders and community leaders to recognize, prevent and respond to a terrorism/WMD incident.

Objective: Increase the number of first responders trained at the Awareness Level from 24.9% to 75% by December 2005.

Objective: Increase the number of first responders trained at the Performance Level from 14% to 50% by December 2005.

Objective: Increase the number of first responders trained at the Planning and Management Level from 14% to 50% by December 2005.

Objective: Increase the number of first responders trained at the Specialized Training Level from 8% to 50% by December 2005.

Goal: Institutionalize Incident Command System (ICS) training in North Dakota.

Trained: Objective: Establish ICS Training capabilities within appropriate state agencies and statewide response organizations to institutionalize ICS Training in North Dakota by 2006.

Goal: Expand and support Homeland Security training into established academic institutions by FY2006.

Objective: Integrate Homeland Security courses into North Dakota State University (NDSU) emergency management program by September of 2006.

Objective: Support the BORDERS (Biochemical Organic Radiological Disaster Educational Response System) Project at the University of North Dakota.

Goal: Evaluate the competency of plans, training, and equipment and personnel resources through a progressive exercise program.

Objective: Develop a multidiscipline, intrastate and cross border exercise capability by January of 2005.

Objective: Fund a multidiscipline, intrastate and cross border exercise capability.

Objective: Implement a multidiscipline, intrastate and cross border exercise program over a three year period.

Objective: Provide technical assistance to county and tribal governments on the development of a progressive exercise program, terrorism/WMD exercise design, implementation, evaluation and corrective action plan by FY2006.

Objective: Conduct a minimum of 57 Terrorism/WMD Exercises on the county and tribal government levels.

Objective: Provide technical assistance to state functional and task coordinators on the establishment of an exercise program, exercise design, implementation, and evaluation and corrective action plan development by FY2006.

Objective: Initiate progressive exercise program to test State EOP.

Goal: Improve the collection, analysis and fusion, and dissemination of federal, state and local Homeland Security intelligence information.

Objective: Integrate Homeland Security (HLS) intelligence and expertise into the North Dakota Homeland Security Information Analysis & Fusion Cell of 2004.

Objective: Establish a HLS Information Analysis and Fusion Cell for dissemination of all-source homeland security information to state and local agencies.

Objective: Provide additional hardware and software to support the fusion cell mission.

Objective: Assess the need and prospect of funding a full time Division of Emergency Management position in the Fusion Cell.

Objective: Ensure the ongoing information flow of relevant Homeland Security intelligence information from local and state law enforcement agencies and HLS agencies to the Fusion Cell.

Objective: Exercise the information flow process of the Fusion Cell.

Goal: Provide adequate professional and support staff to monitor, implement, and evaluate Homeland Security Program at a state and local level.

Objective: Retain, hire and or contract professional and support state staff to implement Homeland Security Strategy.

Objective: Retain, hire and or contract professional and support local staff to implement Homeland Security Strategy.

North Dakota Homeland Security Strategy Program Execution/ Fiscal Allocations in DHS fiscal years 2003, 2003II, 2004.

Goal: Attain radio communication interoperability (APCO 25 Compliant) among federal, state, local and tribal first responders within North Dakota.

**FY 2003 Local Allocation
Local Equipment \$2,799, 996
(Over \$ 1,000,000 obligated to communications)**

**FY 2003 II State Allocation
State Radio \$1,127,500 (Motorola contract)**

**Local Allocation
Local Equipment \$7,460,000
(Over \$3 million obligated to communications)**

**FY 2004 State Allocations
Bureau of Criminal Investigations \$180,000
Highway Patrol \$608,556
DEM \$1,664,754 (Motorola contract and equipment)
State Fire Marshall \$35,000
ND Forest Service \$38,000
ND Parks and Recreation \$27,000**

**Local Allocations
Local Equipment Jurisdiction Allocations \$11,792,800
(Over \$4 million obligated to communications)**

Significant Program Accomplishments

- Executed Motorola purchase/lease agreement for APCO 25 complaint analog to digital communication conversion.
- Provided funding for communication conversion of principle law enforcement agencies (ND Highway Patrol and Bureau of Criminal Investigations)
- Began secondary agency law enforcement communication conversion.
- Provided funding to local jurisdictions to continue analog to digital migration.

Goal: Foster the sharing of law enforcement sensitive information.

FY 2003

**State Allocation
CJIS \$250,000**

**FY 2003 II State Allocation
CJIS \$500,000**

Significant Program Accomplishments

- **Provided Criminal Justice Information Sharing project with needed funding for judicial/enforcement information sharing project.**

Goal: Upgrade State terrorism/WMD response capability.

**FY 2003 State Allocation
DEM \$97,000
State Radio \$250,000**

**FY 2003II State Allocation
DEM \$100,000**

Significant Program Accomplishments

- **Provided funding for Computer Aided Dispatch capability for Emergency Operations Center.**
- **Provided funding for up-to-date EOC equipment.**

Goal: Develop a tiered response capability to ensure statewide terrorism/WMD incident response.

**FY 2003 Local Equipment Allocation
\$2,799,996**

**FY 2003II Local Equipment Allocation
\$7,472,000**

**FY 2004 Local Equipment Allocation
\$14,196,095**

Significant Program Accomplishments

- **Provided over \$24,000,000 in equipment funding for local and tribal response and prevention equipment to fire fighters, hospitals, emergency medical, law enforcement, public works, and communities throughout North Dakota. Equipment funds have purchased decontamination, personal protection, search and rescue communications, detection, prevention, support, incident response, and medical equipment.**

GOAL: Improve the ability of the State to prevent, respond and recover from acts of terrorism/weapons of mass destruction through refinement of the State Emergency Operations Plan, State Multi-hazard Mitigation Plan, Jurisdictional Emergency Operation Plans, and Jurisdictional Multi-hazard -Mitigation Plans.

**FY 2003 State Allocations
DEM \$350,000**

**FY 2003 II State Allocations
DEM \$300,500**

**Local Planning Allocations
\$592,000 (Assessments and Terrorism Annexes)**

**FY 2004 State Allocation
DEM \$430,000**

Significant Program Accomplishments

- **Updated State Emergency Operations Plan to address terrorism components.**
- **Instituted National Incident Management system in Emergency Operations Plan.**
- **Facilitated an in-depth county/tribal homeland security assessment.**
- **Facilitated the development of terrorism annexes in all 53 counties and 4 tribes.**
- **Identified critical infrastructure for protection at a state and local level.**
- **Facilitated multi-hazard mitigation planning in 53 counties and tribes.**
- **Retained three planning positions at DEM for program implementation.**

Goal: Harden critical infrastructure sites at a state and local level.

**FY 2003 II State Allocations
ND Highway Patrol \$60,000 (Assessment)
Bureau of Criminal Investigations \$73, 066.60 (target hardening)**

Bureau of Criminal Investigations \$73,159 (Stone garden)
ND Highway Patrol \$239,186 (Stone garden)

Local Allocations
\$484,606 (Stone garden)

FY 2004 State Allocations
ND Highway Patrol \$200,000 (Capitol Complex)

Significant Program Accomplishments

- **Facilitated in-depth study of capitol complex for targeted hardening.**
- **Provided funding for Phase 1 target hardening in capitol complex including security cameras and key card access.**
- **Provided funding for target hardening at BCI headquarters.**
- **Provided funding for local jurisdictions to increase security at fire houses, courts houses, hospitals and critical infrastructure.**
- **Provided funding for BCI and HP for increased security at US/Canada border.**
- **Provided funding for local law enforcement agencies in border counties for increased border security**

Goal: Further the Integration of North Dakotas' Homeland Security Strategy into local, tribal, state government, private enterprise and individual action.

FY 2004 State Allocation
North Dakota League of Cities \$304,164

Significant Program Accomplishments.

- **Established a State Citizen Corps Council chaired by Mickey Hoven**
- **Active Citizen Corps Councils in the counties of Stutsman, Williams, Hettinger, Stark, McLean and Cass in addition to councils in Mandan, Minot, and Bismarck.**
- **Established CERT teams in Minot, Wahpeton, Jamestown, Mandan, Newtown, Belcourt, Ft. Yates, Spirit Lake, Bismarck, Parshall, Williston, and Dickey County.**

- Trained over 700 private participants in emergency preparation and response.

Goal: Assure continuation of essential government functions and program in North Dakota.

FY 2003 **State Allocation**
 Risk Management \$127,000

FY 2003II **State Allocation**
 Risk Management \$200,000

Significant Program Accomplishments

- Provided funding to purchase COOP/COG software to facilitate plans for all state agencies.
- Provided funding for a full time staff person (included in planning allocation) to work with all state agencies in the development of plans as mandated in gubernatorial directive.
- Provided funding for training of all state agencies in COOP/COG.

Goal: Train first responders and community leaders to recognize, prevent and respond to a terrorism/WMD incident.

Goal: Evaluate the competency of plans, training, and equipment and personnel resources through a progressive exercise program.

FY 2003 **State Allocation**
 DEM \$115,000
 Local Allocation
 ND League of Cities \$420,500
 ND Association of Counties \$420,500

FY 2003II **Local Allocation**
 ND League of Cities \$550,000
 ND Association of Counties \$550,000

FY 2004 **State Allocation**
 DEM \$100,000

**Local Allocation
Cass County \$200,000**

Significant Program Accomplishments

- **Facilitated the training of over 2000 individuals throughout North /Dakota.**
- **Provided funding for over 200 exercises in North Dakota**
- **Institutionalized Terrorism Awareness training in North Dakota.**
- **Conducted State exercises.**
- **Initiated and conducted a cross border exercise with Manitoba and Saskatchewan.**
- **Participated in Congressionally directed Top Officials (TOPOFF) exercise.**
- **Initiated the institutionalization of NIMS in North Dakota**
- **Organized and facilitated 48 planning workshops throughout the state.**
- **Retained one temporary full time exercise staff to facilitate exercise program.
(in planning budget)**

Goal: Improve the collection, analysis and fusion, and dissemination of federal, state and local Homeland Security intelligence information.

**FY 2004 State Allocation
 Bureau of Criminal Investigations \$60,000**

**FY 2005 State Allocation
 ND Highway Patrol \$100,000
 Bureau of Criminal Investigations \$100,000**

Significant Program Accomplishments

- **Opened the State Intelligence Fusion Center in the ND Emergency Operations Center.**
- **Facilitated the staffing of the center by the ND Highway Patrol and the Bureau of Criminal Investigation.**

Goal: Provide adequate professional and support staff to monitor, implement, and evaluate Homeland Security Program at a state and local level.

FY 2003 II

DEM \$60,000

FY 2004

DEM \$116,526

Significant Program Accomplishments

Retained adequate staff to track monitor and facilitate Homeland Security funding allocations.

Homeland Security Awards and Expenditures

Grants from 2003, 2003 Supplemental, 2004 Regular, and 2004 Law Enforcement

Total Awards

	Awards to date	Expenditures to date	Balance remaining to spend
Local 80%	\$ 28,237,996.00	\$ 12,822,797.00	\$ 15,415,199.00
State 20%	\$ 7,300,000.00	\$ 4,142,039.00	\$ 3,157,961.00
	\$ 35,537,996.00	\$ 16,964,836.00	\$ 18,573,160.00

Communications Infrastructure Awards

	Awards to date	Expenditures to date	Balance remaining to spend
Local 80%	\$ 13,147,590.00	\$ 5,481,167.00	\$ 7,649,780.00
State 20%	\$ 4,376,258.00	\$ 3,206,924.00	\$ 1,139,753.00
	\$ 17,523,848.00	\$ 8,688,091.00	\$ 8,789,533.00

Remaining Equipment, Planning Operations, Training, Exercising, and Administration Awards

	Awards to date	Expenditures to date	Balance remaining to spend
Local 80%	\$ 15,090,406.00	\$ 7,341,630.00	\$ 7,765,419.00
State 20%	\$ 2,923,742.00	\$ 935,115.00	\$ 2,018,208.00
	\$ 18,014,148.00	\$ 8,276,745.00	\$ 9,783,627.00

Locals 80%

Awards for Equipment	\$ 25,551,996.00
Planning, Training, and Exercise Awards	\$ 2,686,000.00
	\$ 28,237,996.00

Percentage of local awards for Communications Infrastructure

	Local awards	Total awards	Percentage
	\$ 13,147,590.00	\$ 25,551,196.00	51%

**Cost Estimate for Migration Project
from Analog to Analog/Digital**

	Budget Estimates	Current Expenditures	Remainder
<u>State</u>			
Towers	\$ 8,100,000.00	\$ 2,000,000.00	\$ 6,100,000.00
Radios	\$ 3,500,000.00	\$ 956,000.00	\$ 2,544,000.00
Comm Center	\$ 1,900,000.00	\$ 250,000.00	\$ 1,650,000.00
Future Towers	\$ 3,000,000.00	-	\$ 3,000,000.00
	\$ 16,500,000.00	\$ 3,206,000.00	\$ 13,294,000.00
 <u>Locals</u>			
Radios and Mobile			
Data Terminals			
(MDTs)	\$ 30,000,000.00	\$ 5,481,167.00	\$ 24,518,833.00
 Totals	 \$ 46,500,000.00	 \$ 8,687,167.00	 \$ 37,812,833.00

Homeland Security Funding
100% Federal Funding

	Federal Fiscal Year 2003 100 % Federal Funding	2003 Supplemental 100 % Federal Funding	Federal Fiscal Year 2004 100 % Federal Funding	Total 100 % Federal Funding
Total Grant - 100% Federal Funding	\$ 4,983,000.00	\$ 11,440,000.00	\$ 14,741,000.00	\$ 31,164,000.00
80% Local - 100% Federal Funding	\$ 3,793,996.00	\$ 9,152,000.00	\$ 11,792,800.00	\$ 24,738,796.00
20% State - 100% Federal Funding	\$ 1,189,000.00	\$ 2,288,000.00	\$ 2,948,200.00	\$ 6,425,200.00
DEM	\$ 589,000.00	\$ 460,500.00	\$ 618,446.00	\$ 1,667,946.00
CJIS	\$ 250,000.00	\$ 500,000.00		\$ 750,000.00
Risk Management	\$ 100,000.00	\$ 200,000.00		\$ 300,000.00
State Radio	\$ 250,000.00	\$ 1,127,500.00	\$ 1,929,754.00	\$ 3,307,254.00
Aeronautics Commission			\$ 100,000.00	\$ 100,000.00
ND Highway Patrol			\$ 200,000.00	\$ 200,000.00
State Fire Marshal			\$ 35,000.00	\$ 35,000.00
ND Forest Service			\$ 38,000.00	\$ 38,000.00
ND Parks & Rec	\$ 1,189,000.00	\$ 2,288,000.00	\$ 27,000.00	\$ 27,000.00
			\$ 2,948,200.00	\$ 6,425,200.00

Homeland Security Funding
100% Federal Funding

	Federal Fiscal Year 2003 100 % Federal Funding	2003 Supplemental 100 % Federal Funding	Federal Fiscal Year 2004 100 % Federal Funding	Total 100 % Federal Funding
Total Grant - 100% Federal Funding	\$ 4,983,000.00	\$ 11,440,000.00	\$ 19,115,000.00	\$ 35,538,000.00
80% Local - 100% Federal Funding	\$ 3,793,996.00	\$ 9,152,000.00	\$ 15,292,000.00	\$ 28,237,996.00
20% State - 100% Federal Funding	\$ 1,189,000.00	\$ 2,288,000.00	\$ 3,823,000.00	\$ 7,300,000.00
DEM	\$ 589,000.00	\$ 460,500.00	\$ 618,446.00	\$ 1,667,946.00
CJIS	\$ 250,000.00	\$ 500,000.00		\$ 750,000.00
Risk Management	\$ 100,000.00	\$ 200,000.00		\$ 300,000.00
State Radio	\$ 250,000.00	\$ 1,127,500.00	\$ 1,929,754.00	\$ 3,307,254.00
Aeronautics Commission			\$ 100,000.00	\$ 100,000.00
ND Highway Patrol			\$ 808,000.00	\$ 808,000.00
BCI			\$ 266,800.00	\$ 266,800.00
State Fire Marshal			\$ 35,000.00	\$ 35,000.00
ND Forest Service			\$ 38,000.00	\$ 38,000.00
ND Parks & Rec	\$ 1,189,000.00	\$ 2,288,000.00	\$ 27,000.00	\$ 27,000.00
			\$ 3,823,000.00	\$ 7,300,000.00

2005-2007 Optional Package Information

\$ 780,000.00	Motorola Services - System Maintenance Costs - Upgrades, Technical Support, On-site repairs
\$ 50,000.00	Encryption for central communications center and tower sites
\$ 120,000.00	Voice Recorder - need to handle 144 lines
\$ 80,000.00	Mobile Data Terminal upgrade - required to meet FBI encryption standards
\$ 150,000.00	Message Switch Interface Software - required to meet FBI encryption standards
\$ 200,000.00	Mapping Interface for PCs - current system is non-operational
\$ 150,000.00	Consoles in Communications Center - not adequate for new computers, ventilation and wiring
\$ 500,000.00	UPS - uninterruptible power supply - backup power in event of loss of power to complex
\$ 150,000.00	Fire Suppression system for Communications Center - use of chemical instead of water to preserve systems
\$ 1,600,000.00	Completion of four additional towers to cover dead spots in system
\$ 3,780,000.00	Optional Package Request
\$ 500,000.00	Computer Aided Dispatch System (CAD)
\$ 156,140.00	Two FTEs for Communications Center - dispatch positions *
\$ 200,000.00	Connection of State Radio tower sites through T-1 lines
\$ 4,636,140.00	Total of General Fund Optional Requests

* 2003-2005 biennium overtime costs for Dispatch Center totals \$150,000.00

Guidance on Utilization of DHS Federal Funding

Page 21 of Fiscal Year 2005 Homeland Security Grant Program states as follows:

"EACH STATE SHALL OBLIGATE NOT LESS THAN 80% OF THE TOTAL GRANT PROGRAM TO LOCAL UNITS OF GOVERNMENT, IDENTIFIED URBAN AREA JURISDICTIONS OR MMRS SUBGRANTEES WITHIN 60 DAYS OF THE GRANT AWARD DATE."

Page 21 of Fiscal Year 2005 Homeland Security Grant Program states as follows:

FOR ANY HSGP PROGRAMS INVOLVING PASS THROUGH OF FUNDS, THE STATE MAY RETAIN SOME OR ALL OF THE LOCAL UNIT OF GOVERNMENT OR URBAN AREA'S ALLOCATION OF GRANT FUNDS FOR EXPENDITURES MADE BY THE STATE ON BEHALF OF THE LOCAL UNIT OF GOVERNMENT OR URBAN AREA ONLY IF REQUESTED IN WRITING BY THAT LOCAL UNIT OF GOVERNMENT OR URBAN AREA. STATES HOLDING GRANT FUNDS ON BEHALF OF LOCAL UNITS OF GOVERNMENT OR URBAN AREA MUST ENTER INTO A FORMAL MOU WITH THE LOCAL UNIT OF GOVERNMENT OR URBAN AREA SPECIFYING THE AMOUNT OF FUNDS TO BE RETAINED BY THE STATE AND THE INTENDED USE OF THE FUNDS.

Guidance on Use of Funds

Page 22 of Fiscal Year 2005 Homeland Security Grant Program states as follows:

STATE AND URBAN HOMELAND SECURITY STRATEGIES MUST SERVE AS THE GUIDING DIRECTION FOR ALL GRANT PROGRAMS

**DOJ/DHS Grant Quick Reference
(Fiscal Information)**

Grant Year	Grant Title	Grant Type	Grant Amount	Grant Expenditures	Grant Balance	Close Out Date/Remarks
1999	2000 TE-CX-0170	Equipment	\$ 325,000.00	\$ 324,516.53	\$ 483.47	Mar 23/2000 thru Mar 22/2003
		Planning	\$ 85,000.00	\$ 85,000.00	\$	
1999 Totals	2000 TE-CX-0170		\$ 410,000.00	\$ 409,516.53	\$ 483.47	Closed with DOJ (Aug 6/2003)
2000/2001 Totals	2002 TE-CX-0038		\$ 777,000.00	\$ 766,886.00	\$10,114.00	Feb 12/2002 thru Feb 11/2005
2002	2002-TE-CX-0098	Equipment	\$ 2,520,000.00			
		Exercise	\$ 124,000.00			
		Administrative	\$ 150,000.00			
2002 Totals	2002-TE-CX-0098		\$ 2,794,000.00	\$ 2,794,000.00	\$0.00	Closed with DOJ (Nov 18/04)
2003 (I)	2003-TE-TX-0170	Equipment	\$ 3,497,000.00			
		Training	\$ 262,000.00			
CFDA: 16.007		Exercise	\$ 874,000.00			
		Planning	\$ 350,000.00			
2003 (I) Totals	2003-TE-TX-0170		\$ 4,983,000.00	\$ 2,920,122.00	\$2,062,878.00	Apr 1/2003 thru Mar 31/2005
2003 (II)	2003-MU-T3-0011	Equipment	\$ 9,187,500.00			
		Training	\$ 200,000.00			
		Exercise	\$ 1,100,000.00			
		Planning	\$ 790,500.00			
		Assessment	\$ 102,000.00			
		Administrative	\$ 60,000.00			
2003 (II) Totals	2003-MU-T3-0011		\$ 11,440,000.00	\$ 5,367,397.00	\$6,072,603.00	May 1/2003 thru Apr 30/2005
2003 (II) Totals	2003-MU-T3-0011	Critical Infrastructure	\$ 1,760,000.00	\$ 857,059.00	\$902,941.00	
2003 (II) Totals	2003-MU-T3-0011		\$ 13,200,000.00	\$ 6,224,456.00	\$ 6,975,544.00	May 1/2003 thru Apr 30/2005
2004 State Homeland Security Program Grant						
2004 SHSGP	2004-GE-T4-0036	Equipment	\$ 14,022,554.00			
CFDA: 94.007		Training	\$ 60,000.00			
		Exercise	\$ 40,000.00			
		Planning	\$ 530,000.00			
		Administrative	\$ 88,446.00			
2004 SHSGP Total			\$ 14,741,000.00	\$ 2,729,491.00	\$12,011,509.00	Dec 1/2003 thru Nov 30/2005
2004 Law Enforcement Terrorism Prevention Grant						
CFDA: 94.007		Equipment	\$ 4,287,756.00			
		Planning	\$ 60,000.00			
		Administrative	\$ 26,244.00			
2004 LETPP Total			\$ 4,374,000.00	\$ 820,741.00	\$3,553,259.00	Dec 1/2003 thru Nov 30/2005
2004 Citizens Corps Grant						
CFDA: 94.007		Training	\$ 304,164.00			
		Administrative	\$ 1,836.00			
2004 CC Total			\$ 306,000.00	\$0.00	\$306,000.00	Dec 1/2003 thru Nov 30/2005
2004 Total	2004-GE-T4-0036		\$ 19,421,000.00	\$ 3,550,232.00	\$15,870,768.00	Dec 1/2003 thru Nov 30/2005
2005 State Homeland Security Program Grant						
2005 SHSGP			\$ 9,336,232.00			
CFDA - 97.073						
2005 LETPP			\$ 3,394,994.00			
CFDA - 97.074						
2005 CCP			\$ 118,523.00			
CFDA - 97.053						
2005 EMPG			\$ 1,526,451.00			
CFDA - 97.042						
2005 Total			\$ 14,376,200.00			
DOJ/DHS Grand Total						
			\$ 55,961,200.00	\$ 16,665,212.53	\$39,295,987.47	

**2003 DHS General Grant Allocation
State and Local**

Jurisdiction	Grant Year	Grant Amount			
		Equipment	Training	Exercise	Planning

State Allocation's

Grant Amount	\$4,983,000.00
Exercise Funds	\$874,000.00
Planning Funds	\$350,000.00
Training Funds	\$262,000.00
Equipment Funds	\$3,497,000.00

State Allocation (20%)	\$697,000.00
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NDDEM	\$97,000.00		\$115,000.00	\$350,000.00
NDDEM (Personnel)		\$19,000.00		
NDDEM(Travel)		\$8,000.00		
CJIS	\$250,000.00			
Risk Management	\$100,000.00			
State Radio	\$250,000.00			

Totals	\$697,000.00	\$27,000.00	\$115,000.00	\$350,000.00
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Local Allocations

Local Allocations (80%)	\$2,799,996.00
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Burleigh County	\$500,000.00
Cass County	\$500,000.00
Grand Forks County	\$500,000.00
Ward County	\$500,000.00
Ramsey County	\$100,000.00
Stark County	\$100,000.00
Stutsman County	\$100,000.00
Williams County	\$100,000.00
Barnes County	\$44,444.00
Morton County	\$44,444.00
Pembina County	\$44,444.00
Richland County	\$44,444.00
Walsh County	\$44,444.00
Spirit Lake Tribe	\$44,444.00
Standing Rock Tribe	\$44,444.00
Three Affiliated Tribe	\$44,444.00
Turtle Mountain Tribe	\$44,444.00

Totals	\$2,799,996.00
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ND Association of Counties	\$379,500.00
ND League of Cities	\$379,500.00

Totals	\$759,000.00
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ND Association of Counties	\$50,000.00
ND League of Cities	\$50,000.00
ND LEAD Center	\$35,000.00
North Dakota Fire Marshall	\$80,000.00
NDSU	\$20,000.00

Totals	\$235,000.00
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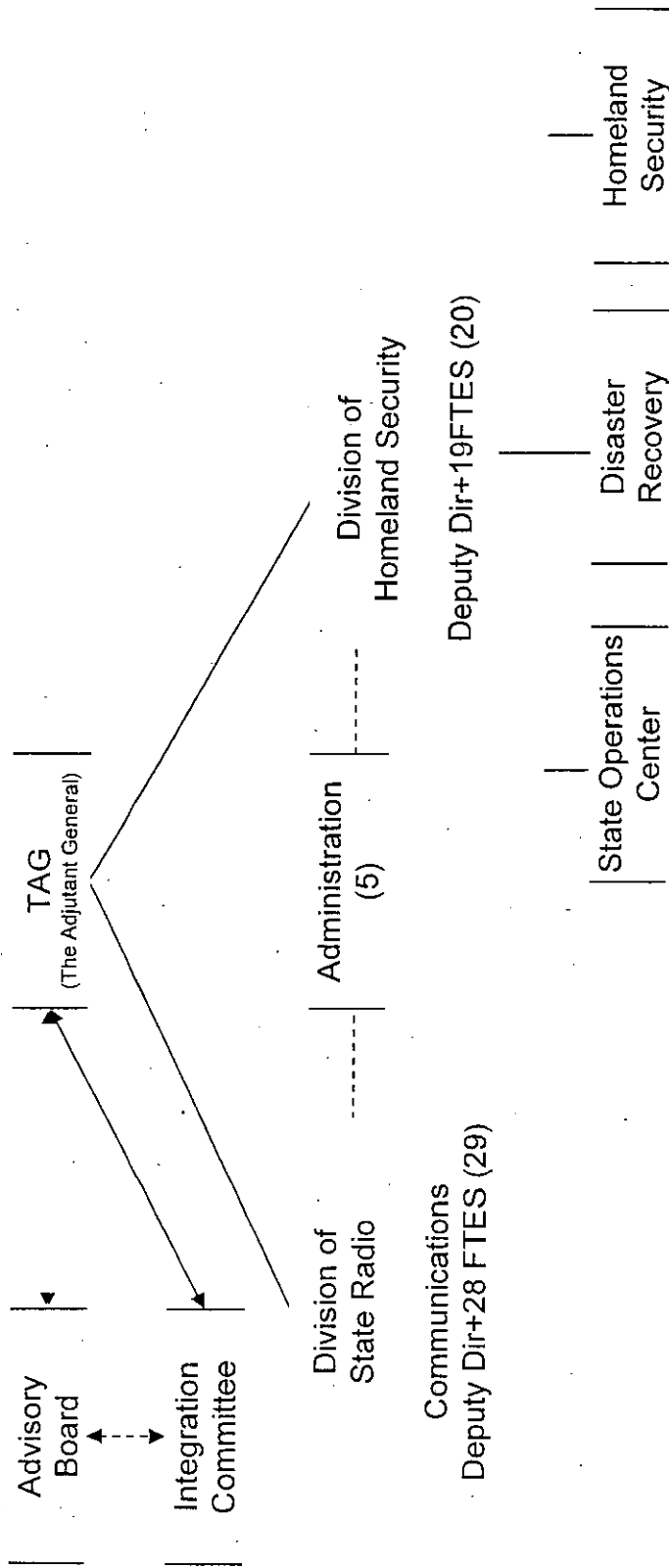
Grand Totals	\$4,982,996.00	\$3,496,996.00	\$262,000.00	\$874,000.00	\$350,000.00
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Note: Per DHS grant guidance the 80/20 percent split for the FY 2003 DHS Grant only applied to the equipment portion of the grant.

**Critical Infrastructure Protection Detail Budget Worksheet
(FY 2003 II)
\$1,760,000**

Entity	Site	Cost Category	Total Cost	State Allocation	Local Allocation	Comments
Operation Stonegarden, October 24, 2004 thru January 22, 2005						
Entity	Overtime Grant	Mileage & Meals	Total Cost			
BIA/Turtle MT Police Dept	\$16,316.56	\$6,800.00	\$23,116.56			
BCI	\$63,149.64	\$10,010.00	\$73,159.64	\$73,159.64	\$23,116.56	
Bottineau CO Sheriff's Dept	\$11,675.24	\$5,162.00	\$16,837.24			
Burke CO Sheriff's Dept	\$2,320.32	\$1,061.00	\$3,381.32		\$16,837.24	
Cavaler CO Sheriff's Dept	\$5,280.88	\$2,557.00	\$7,837.88		\$3,381.32	
Cavalier CO Sheriff's Dept #2	\$10,000.00	\$4,275.00	\$14,275.00		\$7,837.88	
Crosby Police Department	\$11,328.00	\$3,276.00	\$14,604.00		\$14,275.00	
Divide CO Sheriff's Dept	\$30,680.00	\$7,916.00	\$38,596.00		\$14,604.00	
Grafton Police Department	\$7,968.40	\$2,952.00	\$10,920.40		\$38,596.00	
Kenmare Police Department	\$11,487.20	\$5,262.75	\$16,749.95		\$10,920.40	
Lake/Matigoshie State Park	\$3,054.24	\$1,216.00	\$4,270.24		\$16,749.95	
McHenry CO Sheriff's Dept	\$6,160.40	\$3,065.00	\$9,225.40		\$4,270.24	Declined Award 11-15-04
ND Highway Patrol	\$167,440.00	\$71,746.00	\$239,186.00	\$239,186.00	\$9,225.40	
Pembina CO Sheriff's Dept	\$12,351.76	\$3,140.00	\$15,491.76		\$15,491.76	
Pembina CO Sheriff's Dept #2	\$87,654.80	\$27,470.00	\$115,124.80		\$115,124.80	
Pierce CO Sheriff's Dept	\$2,058.00	\$2,699.00	\$4,757.00		\$4,757.00	
Renville CO Sheriff's Dept	\$3,400.00	\$1,154.00	\$4,554.00		\$4,554.00	
Rollette CO Sheriff's Dept	\$12,882.08	\$6,279.00	\$19,161.08		\$19,161.08	
Rolla Police Department	\$5,494.64	\$2,730.00	\$8,224.64		\$8,224.64	
Rugby Police Department	\$7,188.86	\$2,699.00	\$9,887.86		\$9,887.86	
Sherwood Police Department	\$4,480.00	\$1,886.00	\$6,366.00		\$6,366.00	
Stanley Police Department	\$5,200.00	\$1,762.00	\$6,962.00		\$6,962.00	
Tioga Police Department	\$7,696.00	\$1,762.00	\$9,458.00		\$9,458.00	
Towner CO Sheriff's Dept	\$8,084.70	\$4,430.00	\$12,514.70		\$12,514.70	
Walsh CO Sheriff's Dept	\$6,627.28	\$2,495.00	\$9,122.28		\$9,122.28	
Totals	\$506,924.76	\$182,588.75	\$689,513.51	\$418,334.76	\$484,606.37	
Critical Infrastructure Remaining Balance						
				\$902,941.13		

North Dakota Department of Homeland Security



4/14/05



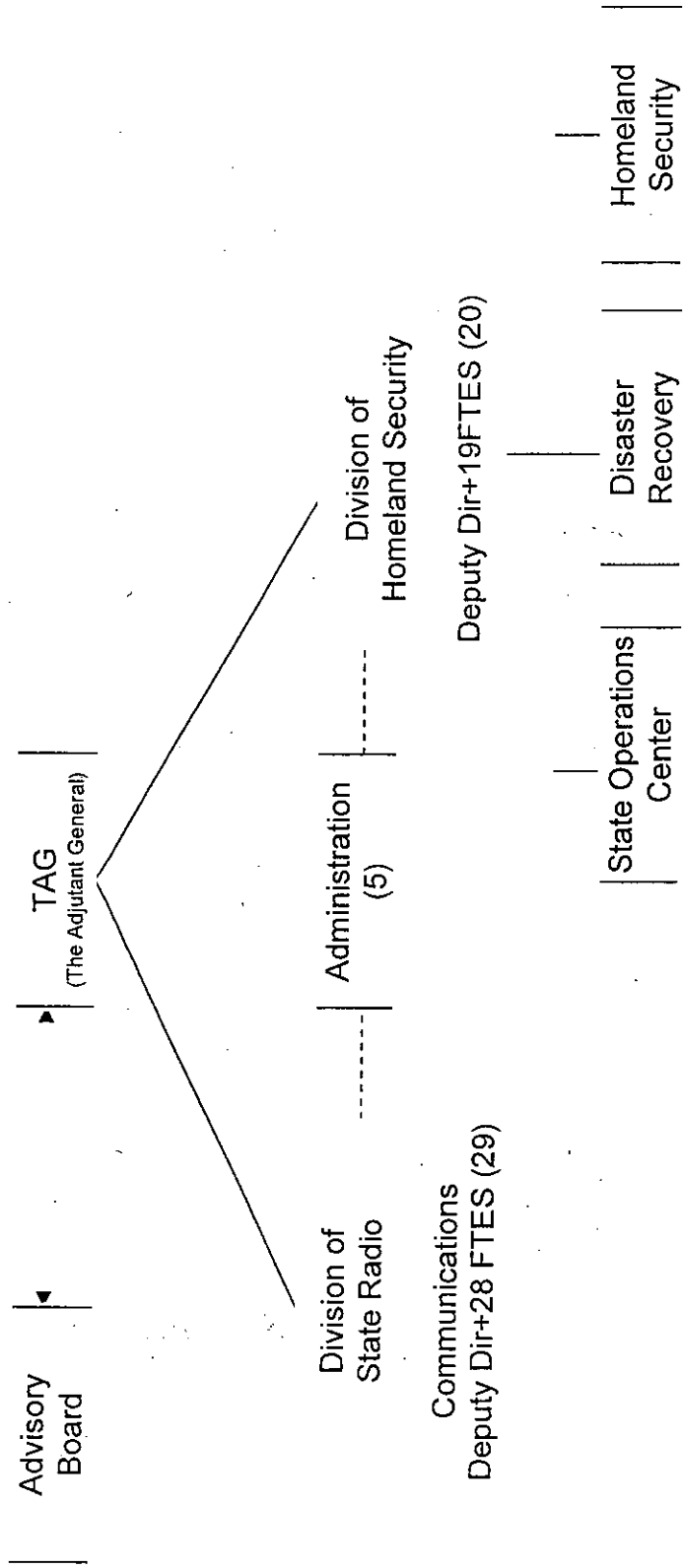
Advisory Board (potential membership)

Local Law Enforcement
Local Fire Response
Emergency Management Association
Emergency Medical Association
9-1-1 Association
League of Cities
Association of Counties
Legislative Assembly

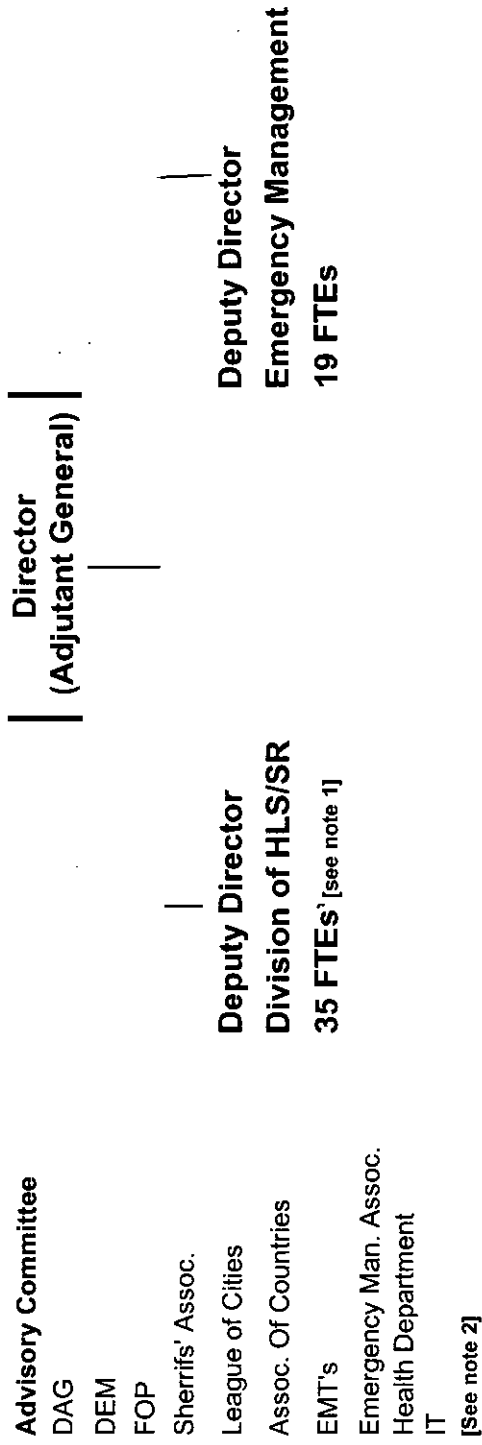
Integration Committee (current membership)

State Health Department
Citizen Corp
Highway Patrol
Bureau of Criminal Investigation
State Veterinarian
UND Medical School – BORDERS program

North Dakota Department of Homeland Security



Engrossed House Bill No. 1016 **Proposed Homeland Security Department Organization Chart**



Note 1: 5 Positions subject to Federal appropriations.
 Note 2: Potential members; actual members appointed by the Governor.

Lindaas, Elroy N.

From: Lindaas, Elroy N.

Sent: Monday, April 18, 2005 1:30 PM

To: Andrist, John M.; Skarphol, Bob J.; Carlson, Al H.; Grindberg, Tony S.; Glassheim, Eliot A.

Subject: RE: 1016

It is my thought that the League of Cities and the Association of counties should Not be involved in this to that degree. In place of those entities I would want those who are directly affected out at the grass roots level take their place.

Thus; "the Adjutant General, in collaboration with the, ND peace officers assoc., ND Emergency Medical Assoc., ND 911 Assoc., ND Highway Patrol, and the ND Emergency Mgmt. Assoc. shall create an Advisory Committee of up to 9 Members to be appointed to four year staggered terms, with authority to draw in other key local providers of emergency services as needed."

Sen.. Elroy Lindaas

From: Andrist, John M.

Sent: Monday, April 18, 2005 1:05 PM

To: Skarphol, Bob J.; Carlson, Al H.; Grindberg, Tony S.; Lindaas, Elroy N.; Glassheim, Eliot A.

Subject: 1016

Some thoughts:

Everybody has a different idea on who should be included in the advisory committee. How does this work?

"The Adjutant General, in collaboration with the Association of Counties and the League of Cities, shall create an advisory committee of up to 9 persons, comprised *primarily* of local emergency management and state radio users, local police, sheriffs, and emergency response persons, to be appointed to four year staggered terms, with authority to draw in other key local providers of emergency services as needed. The advisory commission shall advise the division regarding collaboration with political subdivisions, and its members shall report back to the local provider groups they represent concerning recommendations approved by the commission. Each member of the advisory commission is entitled to be paid a per diem of sixty-two dollars and fifty cents per day and is entitled to be reimbursed for the member's actual and necessary expenses at the rates and in the manner provided by law for other state officers. The compensation and expenses must be paid out of division appropriations. "

(Should the italicized word "primarily" be removed?)

Also, the Senate took away \$213,000 in salaries and added footnote 3 which orders salary increases to be rolled back.

Dave Thiele was wondering if we would now feel safe in removing the footnote and giving

4/18/2005

Homeland Security Advisory Commission

- There shall be 1 member from local law enforcement, local fire responders, emergency management association, emergency medical association, association of counties, league of cities, 911 association, and 1 member of the legislative assembly (total of 8).
- The Adjutant General shall designate a non-voting ex officio member
- The commission shall establish by-laws
- Each represented group shall submit a list of three names to the Governor for selection to the commission not later than 60 days prior to the end of the term
- The legislative representative shall be selected by the senior leadership of the legislative assembly
- Commission term shall be 4 years and members may not serve more than 2 consecutive terms
- Initial appointments shall be staggered so that $\frac{1}{2}$ are for two years and $\frac{1}{2}$ for four.