

2009 HOUSE POLITICAL SUBDIVISIONS

HB 1053

2009 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1053

House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 16, 2009

Recorder Job Number: 7123

Committee Clerk Signature 

Minutes:

Chairman Wrangham opened the hearing on HB 1053.

Greg Wilz, Deputy Director; Department of Emergency Services: (see testimony #1).

This bill is another tool that counties can use if they want to combine their programs and receive some state assistance for two years to get it up and running.

Rep. Kilichowski: Is this considered a tool kit?

Greg: I believe that at some level the Tower's agreement allows it, but frankly I think we would like to see some legislation in the century code that expressly allows it. That might be a motivation for counties to do it.

Rep. Kilichowski: I don't understand this because they have the ability to tool chess now. What is the difference to whether it is in statue or not?

Greg: I think the money is the biggest difference. I wish I had not forgotten that chart. A majority of our employees are part time. With that level of programming at the county level allot of counties have not been able to keep up. Discussed various county differences and deficiencies.

Rep. Kilichowski: Do some of the emergency managers play a dual role in the counties.

Greg: They do. On that chart it would have showed the different roles they are in the various counties. This is up to counties; we are not mandating them.

Rep. Corey Mock: What are the figures on this?

Greg: I think it was \$1.5 million.

Rep. Jerry Kelsh: Does reasonable imply more than two counties?

Greg: that is correct. There would have to be a combining of programs to be eligible to access this fund. Yes it can go beyond two counties, but that is up to the counties that want to play. It is a local decision.

Rep. Jerry Kelsh: would two counties qualify?

Greg: Yes

Rep. Klemin: What can these funds are used for?

Greg: Went into detail about costs to organize including contract dollars and that is how we came up with that figure.

Rep. Klemin: Does this process have their own protocol now for developing their own local plan?

Greg: Yes, we would provide guidance for local planning groups and we will go out and visit and help them so that it meets the requirements.

Rep. Kretschmar: How many counties have combined already?

Greg: As of today there are none officially combined. We have had about three or four opportunities in the past year and a half for counties to consider it. We have looked at Kidder and Wells Counties but they are pretty heartfelt for keeping up their own emergency management. They are worried about another employee setting around the county and that person might live in the next county or whatever.

Rep. Kretschmar: How many homeland security grants are these?

Greg: There are two homeland security grants that fund the bulk of the activity through the agency. One is the emergency management performance grant; it comes to the state and it is a 50-50 match grant and that one had about 47-49% switched out to the counties for their use and the remainder to the department of emergency services for its salary and operational needs and Homeland Security grant always had at some level injecting salary dollars in for planning, training and exercising. This is not intended to replace Homeland Security. Those dollars will continue to be there. I think you will see a slight increase in those dollars within the next few years.

Terry Traynor, Association of Counties: There is some concern from the counties and particularly the smaller counties when we talk about regional efforts but they looked at this and said this is an option. This is an incentive to consider this option. They said we should support this because we recognize that in some counties this is reality. We are going to have to reach out across county lines and start dealing with some of these more technical issues as a group. The majority of our people are part time and no one wants to lose that individual. I think there are two problems; there is loss of control and the person in the county but also the cost. To bring your planning together like this it isn't two people in the courthouse in the city, state and county deciding that this is our emergency plan. It is bringing in all the law enforcement, fire people, ambulance drivers, and EMS. Hospitals, mayors of all the cities together and coming up with a plan that really reflects their larger community and it quite an undertaking. To do that with current resources is a little bit overwhelming for those entities. I think it can be done already with the joint powers agreement that was put in place a number of years ago, but this makes it clear through the state that a regional plan is going to suffice rather than a two county plan or a two county region. I think the legislation is good regardless but if it is the wishes of

the legislature to encourage this and the separation of the money is the key to giving serious consideration to this plan.

Rep. Zaiser: We had the discussion earlier about requirements causing some problems in rural areas putting some undo hardships on those agencies like the sheriff's departments. I am curious how that is going to improve emergency management?

Greg: Right now they must have an emergency management organization. This gives them alternatives to do it on a regional basis rather than a county basis. Although we don't like mandates but these are federal requirements that need to be met.

Rep. Conrad: Many counties have joint social service programs and I don't believe there are any funds provided by the state. How much money is needed for this and is 1.5 million the right number?

Terry: Discussed human services and that it are different from this issue. I do not see a savings in emergency management because they have the same level of work to do. Your second question about is it too much or not enough money? I don't know?

Rep. Headland: In case of my home county the county auditor serves as the EMS manager. How is that compensated now? Is he paid for his position and additional dollars to be the EMS manager?

Terry: I could not say specifically. In most cases where you have a county employee with multiple responsibilities they get a salary and then the county taxes the various resources the EMT grant to pay for the appropriate portion of that salary.

Rep. Headland: It is my belief they have their own cases to why they would not merge, but to further my thought; if this \$1.5 million is used to encourage consolidation and then it will create new positions, when the \$1.5 million runs out isn't the county going to have to make up that salary and basically it is going to be increased on the property tax payer.

Terry: I think that is something the county commissioners have to assess going into this deal. This idea is going to be to fund the cost of bring the two together. You may have to hire a planning consultant to come in and help whoever is in charge to put this together and my understanding is that is what the money is for. Hopefully when we get there the cost is not significantly different.

Rep. Corey Mock: I am concerned about the \$1.5 million that it is used for the transition and not for additional employees just because of what we heard yesterday in testimony regarding the importance of these administrative jobs in rural counties.

Rep. Koppelman: You referred to the tool chest legislation which we heard about allot. Is that statute written in such a way that it supersedes other portions of law? As I read here it is pretty clear that each county shall maintain an emergency management organization that serves the entire county. Would this allow them to do more?

Terry: Not being an attorney I cannot answer that to any degree. We have always assumed they could.

Rep. Klemin: In looking at this bill it was said this clarifies the ability to form a regional EMS organization if counties want to do that and provide some specificity in the law that is not there currently, but then the other way of looking at it is if we want to have a safe policy of encouraging the counties of having regional organizations then we need to give them some money to do that so I guess I think one is giving us this and now we would have a policy to encourage it and the monies to do it.

Rep. Corey Mock: You said if we don't do this would be a long term policy that counties create an EMS plan. Is this appropriation merely an issue of convince or is there a way to look down the line to reduce property taxes to local counties?

Terry: conceivably if enough counties come together, but what we have seen in the years since 911 is the responsibilities and the expectations of local EMS have grown and grown. We try to do it with part time people but most of those part time people are putting in more time and there is less money available for that. I see the costs going up whether we do this or not.

Rep. Nancy Johnson: In here there are no criteria on administering this?

Terry: I think the EMS has been quite open to a committee structure and getting input so I suspect they would develop some guidelines to administer rules on how to do this. Counties can say no so I would think they would want to design something that is attractive.

Rep. Zaiser: I the same concerned Rep. Johnson has that it is not written in the bill how so my question is \$1.5 million dollars stay in EMS state funds or is that money then put back into the general fund. How much additional money is taken out for administration of this program?

Terry: this is beyond my knowledge to answer those questions.

Rep. Jerry Kelsh: Assuming that we both agree this could be done now, but with the loss of the number of trained people in each county is there some incentive to keep the people since we would consolidate counties and just have them give up with not being able to live on a half time job.

Terry: That is certainly from the counties perspective and this may be an answer but it might be part of the answer to make one reasonable full time job for a person to do this work and dedicate themselves to the complexity of Homeland Security and Emergency management and get paid a reasonable salary and stick with it.

Opposition: None

Hearing closed.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1053

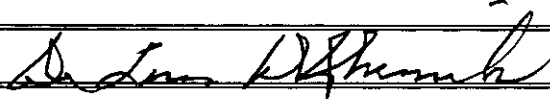
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 22, 2009

Recorder Job Number: 7603

Committee Clerk Signature



Minutes:

Chairman Wrangham reopened the hearing on HB 1053.

Do Not Pass Motion Made By Rep. Zaiser Seconded by Rep. Kilichowski

Rep. Koppelman: I was going to remove the appropriation and pass the bill.

Rep. Zaiser withdrew his motion and Rep. Kilichowski withdrew his second.

Motion Made By Rep. Koppelman Seconded by Rep. Kretschmar to remove the appropriation on the bill.

Rep. Koppelman explained the amendment.

Voice vote carried.

Do Pass As Amended Motion Made By Rep. Koppelman Seconded By Rep. Headland

Vote: 13 Yes 0 No 0 Absent Carrier: Rep. Koppelman

Hearing closed.

Roll Call Vote #: 1

Date: 1-22-01

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. HB1053

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____ Do Pass _____ Do Not Pass _____ Amended _____

Motion Made By Rep Zaiser Seconded By Rep. Kilichowski

Representatives	Yes	No	Representatives	Yes	No
Rep. Dwight Wrangham, Chairman			Senator Kari Conrad		
Rep. Craig Headland, Vice Chairman			Senator Jerry Kelsh		
Rep. Patrick Hatlestad			Senator Robert Kilichowski		
Rep. Nancy Johnson			Senator Corey Mock		
Rep. Lawrence Klemin			Senator Steve Zaiser		
Rep. Kim Koppelman					
Rep. William Kretschmar					
Rep. Vonnie Pietsch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Withdrawn.

January 22, 2009

YR
1/23/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1053

Page 1, line 3, replace "; and to provide an" with a period

Page 1, remove line 4

Page 4, remove lines 30 and 31

Page 5, remove lines 1 through 3

Renumber accordingly

Roll Call Vote #: 2

Date: 1-22-09

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1053

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended *Remove exp. proof.*

Motion Made By Rep Koppelman Seconded By Rep Kretschmar

Representatives	Yes	No	Representatives	Yes	No
Rep. Dwight Wrangham, Chairman			Senator Kari Conrad		
Rep. Craig Headland, Vice Chairman			Senator Jerry Kelsh		
Rep. Patrick Hatlestad			Senator Robert Kilichowski		
Rep. Nancy Johnson			Senator Corey Mock		
Rep. Lawrence Klemin			Senator Steve Zaiser		
Rep. Kim Koppelman					
Rep. William Kretschmar					
Rep. Vonnie Pietsch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Vote carried

Roll Call Vote #: 3

Date: 1-22-09

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1053

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Rep Koppelman Seconded By Rep. Headland

Representatives	Yes	No	Representatives	Yes	No
Rep. Dwight Wrangham, Chairman	✓		Senator Kari Conrad	✓	
Rep. Craig Headland, Vice Chairman	✓		Senator Jerry Keish	✓	
Rep. Patrick Hatlestad	✓		Senator Robert Kilichowski	✓	
Rep. Nancy Johnson	✓		Senator Corey Mock	✓	
Rep. Lawrence Klemin	✓		Senator Steve Zaiser	✓	
Rep. Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Vonnie Pietsch	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Koppelman

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

REPORT OF STANDING COMMITTEE

HB 1053: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1053 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "; and to provide an" with a period

Page 1, remove line 4

Page 4, remove lines 30 and 31

Page 5, remove lines 1 through 3

Renumber accordingly

2009 SENATE POLITICAL SUBDIVISIONS

HB 1053

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1053

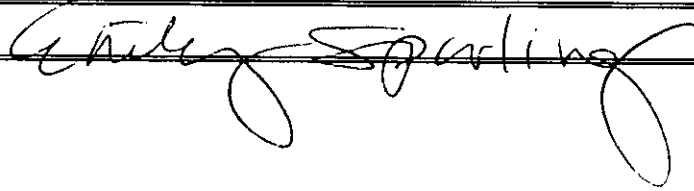
Senate Political subdivision Committee

Check here for Conference Committee

Hearing Date: February 27, 2009

Recorder Job Number: 9844

Committee Clerk Signature



Minutes:

Chairman Andrist: Opened hearing on HB 1053, all members present.

Todd Porter: Representative District 34, introduced HB 1053. This bill came out of the interim public committee. As we looked at the structure and layout of emergency management across the state, we felt that were areas of the state that would benefit from regional emergency management. This bill would change the language from 'each county "shall" maintain an emergency manager', to giving these rural counties the option of going into a regional structure.

Greg Wilz: Deputy Director of the Department of Emergency Management and Director of Homeland Security for North Dakota testified in support of HB 1053. (See attachment #1)

Senator Anderson: I notice on the chart provided that the most frequent position with combined duties is the 911 coordinator. It looks like the 2nd most is "other"...can you define or give examples of what "other" includes?

Greg Wilz: Off the top of my head, I cannot. I do know that in some cases, other includes small business owner. There are issues with this because they are spread so thin in these rural outlying counties. A lot of these counties are tagging the sheriff's for these duties do to turnover and during the day when there isn't much "activity" going on, this is a good thing.

Senator Anderson: Just an observation, those counties that have "other", might be the counties that get the most out of this bill.

Greg Wilz: Yes, I believe so. But it is intended to be their choice at the end of the day.

Terry Traynor: Representing Association of Counties testified in support of this bill. It is unfortunate that the appropriation was removed by the House because that is what made the whole idea work. It provided the tool in which to encourage this to happen.

Senator Bakke: Did Appropriations take the money out or did the Policy Committee in the House?

Terry Traynor: The House Political Subdivisions took it out.

Senator Bakke: And that amount was what?

Terry Traynor: \$1.5 million

Senator Anderson: Didn't Greg Wilz state that there would be money available and where would that come from?

Terry Traynor: My understanding is the Department of Emergency Services does provide grant funds to assist counties in their efforts. It's a pot of federal money that is already there and would require some reshuffling.

Senator Olafson: We may have counties now that don't want to change the way they do things now. The way this testimony is written, this would only be an option, correct?

Terry Traynor: That is correct. We are very careful not to support things that force people to change.

Senator Judy Lee: If you have any additional comments about the money, I would ask Mr. Wilz to respond to the original appropriation...how much were general funds, special funds, and or grant dollars.

Terry Traynor: One of the things that we had hoped when the House Political Subdivision Committee indicated it was their intentions to take the money out was to leave some money in, something that would allow the department to think outside the box and provide incentives, maybe on a pilot basis. I don't think counties are going to jump on this right away. They are going to wait and see how this works from those who adopt it. It might not take a lot of money right away.

Chairman Andrist: It's not a mandate, but you think counties might find it useful. I don't sense a pressing need to get this done. Sometimes the best work gets done when people sit down and make sense out of something, rather than sitting down because we can get some money if we talk about this.

Senator Bakke: Was this one-time funding or a continual appropriation?

Terry Traynor: The way the bill was written, it was a one-time funding for the upcoming biennium.

Senator Olafson: Can you give us an insight as to why the money would be needed in order for counties to make these changes? I don't see where the big expense would be.

Terry Traynor: If you are going to reassign duties in two counties, for instance someone who is wearing 3 hats in one county and this other in another county has 3 hats, now we are getting one person just doing job "A", and we are going to give one person a full-time salary to do county 1's & county 2's job "A". Collectively it may cost more money to do this. We would anticipate a better product as well. It may be only \$5K more in money, however in some rural counties this may be 1 mill or .5 of a mill.

Senator Bakke: To get more clarification on what that appropriation would be for and how they anticipate spending it, could we bring GW back up?

Chairman Andrist: Can you address how you would do this internally if you don't get the money and if you do get the money, how you foresee spending it?

Greg Wilz: The task force looked at things across the state that could be done to improve emergency management/emergency services. This was one was them because we needed to get better programs locally because there is so much on the plates of these individuals in these rural settings. There are 12 open disasters in ND and the emergency managers in those counties are the applicant agents in most cases. They are working all of that, plus some of the homeland security dollars plus the emergency management performance grant dollars and numerous other grant dollars, so these folks are really busy. Having said that, I idea behind the task force with regards to the money, \$1.5 million was based upon what we have seen at the agency. There has been about 6-8 counties over the last 1.5 years that have had turnover in their emergency management programs and in the bulk of those cases they are struggling to do anything above a 25% emergency manager. In some cases, it was a 50% emergency manager. The idea was to merge these percentages together and get a full time person, and then you would have a person who could dedicate 100% of their time to emergency management to become more of an expert. The appropriation was a onetime grant funding and would allow for those plans to be merged. An example would be that if a county wants FEMA grant dollars, if each county wants hazardous mitigation grant program or pre-hazardous mitigation grant program, each county then needs to have an approved hazardous mitigation plan. Depending on the complexity of the county, it costs \$10-\$40K. The \$1.5 million was an approximate or guess and would be used to provide grant money to facilitate the merging of their programs. We will currently use the moneys we have available through the Emergency Management Performance Grant Program. It will by no mean cover the true costs

of merging programs, but for those counties that want to merge their programs, we will do what we can to get them some additional dollars to do so.

Chairman Andrist: You envision the money would primarily be used to help counties at the state level and not by you department.

Greg Wilz: That is correct.

Senator Judy Lee: If the funding comes from the federal level isn't adequate to do what needs to be done in these counties, would these counties alternative to this funding issue be to raise property taxes?

Greg Wilz: I believe that is one of the options the counties have. They would have to try and fund it locally. I believe the emergency managers are funded off the local general fund tax dollars, so yes.

Senator Bakke: If we pass this bill with no funding, you are going to pull funds from all different sources at your disposal in your agency or will you be throwing the costs at the counties.

Greg Wilz: We would do the best job we could with the federal dollars that come into the state to increase allocations to those counties that need to merge to get the work done in those programs. I will tell you I would not be able to afford to pass over anything except federal dollars; our general fund dollars are extremely lean in the agency. We are an agency that is 50% federal and 50% general state funded.

Chairman Andrist: What I'm hearing is you would put the money to great use, but you will get the job done if you don't get it!

Greg Wilz: That is fairly accurate; I won't be able to do as good of job if we don't get some general fund dollars. However, having said that, we are fully prepared to do what we can with

the federal dollars. The bill is good with or without the dollars; we really need to provide the counties the written authority to merge their programs if they deem it necessary and beneficial.

Senator Dotzenrod: Was the appropriation for \$1.5 million from the interim committee and was that then included in the Governors recommendations?

Greg Wilz: It was the committee's work that generated the fiscal note. This bill was not presented as part of the Governors budget. As mentioned in the past, we were an agency that had some problems in the past and I believe we have 20+ bills in this legislative session trying to fix a lot of those things. As I said, we still have some work to do. With the vast number of priorities we had as an agency, we knew we couldn't take the world into this session because we wouldn't get the world and we had to prioritize. This one fell off the plate.

Connie Sprynczynatyk: Representing the North Dakota League of Cities, testified in support of HB 1053. Although the funding for emergency management services goes federal-state-county, it is the cities where people live that are the greatest concern is. We like to work with the county emergency managers to make sure we are all on the same page in terms of response mitigation, prevention, and response recovery.

Chairman Andrist: Closed the hearing on HB 1053.

Senator Olafson: If Mr. Wilz, the League of Counties, and the League of Cities would sit down and give us some projection of what would be a realistic figure short of \$1.5 million. I know it would be a guess to how many counties might utilize this benefit and what expenses they might incur as a result. Maybe you can come up with a number to suggest to us for what we should put back into the bill, instead of us arbitrarily picking a figure out of the blue sky.

Greg Wilz: We would be more than willing to do that. If we have a week to sit down a put that together, that would be great.

Senator Anderson: One time funding, is this one of those where you have to spend it in two years and the remainder comes back or you get to keep it in a fund?

Greg Wilz: I believe it would come back to the state.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1053

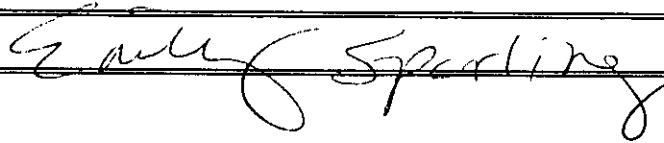
Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: 03/05/2009

Recorder Job Number: 10288, 10300

Committee Clerk Signature



Minutes:

Chairman Andrist Opened the discussion on HB 1053

Senator Olafson Briefly summarized the bill to refresh the committee's memory. Talked about putting money back into the bill that was originally removed by the house. After speaking with several people in regards to the bill, the newest proposal was drafted. See attachment #2.

Senator Bakke Greg Wilz said that we would have to do these two sections which would add up to about 82,000.

Senator Olafson We would recommend putting 200,000 back into the bill so that we can start two districts and see what happens.

Senator Bakke We felt that if there were any surplus monies, it could go towards training.

Senator Olafson I would move that we have the Intern draft an amendment putting the 200,000 back into the bill.

Senator Bakke Second.

Chairman Andrist We don't really need a motion to do that. We'll just have the intern draft the amendment.

Discussed the wording of the amendment and the budget numbers

Chairman Andrist Suspended the discussion on HB 1053.

Job # 10300

Chairman Andrist Reopened the discussion on HB 1053

Senator Olafson Brought Senator Anderson up to speed on the committee's earlier discussion. I move the amendment.

Senator Dotzenrod Second

The Clerk called the role on the motion to move the amendment. **Yes: 6, No: 0, Absent: 0.**

Senator Olafson I move **Do Pass as Amended and Rerefer to Appropriations.**

Senator Bakke Second

The Clerk called the role on the motion to **Do Pass as Amended and Rerefer to Appropriations.** **Yes: 6, No: 0, Absent: 0.**

Senator Olafson will carry the bill.

March 5, 2009

JCB
3/6/09

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1053

Page 1, line 3, after "organizations" insert "; and to provide an appropriation"

Page 4, after line 28, insert:

"SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing grants to counties that merge emergency management efforts, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

Date: 3/5/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1053

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass Do not pass Amend

Motion Made By D. Olafson Seconded By J. Dotzenrod

Senators	Yes	No	Senators	Yes	No
Chairman John M. Andrist	/		Senator Arden C. Anderson	/	
Vice Chairman Curtis Olafson	/		Senator JoNell A. Bakke	/	
Senator Judy Lee	/		Senator Jim Dotzenrod	/	

Total (Yes) 6 No 0

Absent _____

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

HB 1053, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1053 was placed on the Sixth order on the calendar.

Page 1, line 3, after "organizations" insert "; and to provide an appropriation"

Page 4, after line 28, insert:

"SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing grants to counties that merge emergency management efforts, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

2009 SENATE APPROPRIATIONS

HB 1053

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1053

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: March 16, 2009

Recorder Job Number: 10982

Committee Clerk Signature 

Minutes:

Chairman Holmberg called the committee hearing to order on HB 1053 which relates to the department of emergency services division of homeland security.

Roxanne Woeste, Legislative Council

Explained the working of the bill and informed the committee of the task force study.

Greg Wilz, Deputy Director, Department of Emergency Services (NDDDES)

Testified in favor of HB 1053. Written attached testimony # 1.

This bill contains no mandates that counties must consolidate.

Terry Traynor, North Dakota Association of Counties

Testified in favor of HB 1053. No written attached testimony.

Senator Christmann: Why wouldn't some of these counties merge on their own if we allow them to since they are the ones who are saving the money. Why should taxpayers from counties who aren't going to merge be paying for the merge costs of other counties who then experience the benefit.

Terry Traynor: Their estimation is about an \$80,000 cost in order to bring all those plans together – mostly consultants to do that. For two counties to come up with \$80,000 on the front end and maybe save it over the next five years, it may be a tough pill to swallow especially if you don't know how much you're going to save. The beauty of this bill is that it provides that

financing to get over the hump and with a couple of pilots; it is a long term benefit. Counties like to see someone have success before they launch into spending property tax dollars for a questionable outcome.

V. Chair Grindberg closed the hearing on HB 1053.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1053

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 2, 2009

Recorder Job Number: 11704

Committee Clerk Signature

Rose Loring

Minutes:

Chairman Holmberg opened discussion on HB 1053.

Senator Christmann moved to amend HB 1053 and remove section 3.

Senator Kilzer seconded.

Voice vote passed.

V. Chair Grindberg moved Do Pass as Amended on HB 1053.

Senator Christmann seconded.

A Roll Call vote was taken. Yea: 13 Nay: 1 Absent: 0

Senator Christmann will carry the bill on the floor.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1053

In lieu of the amendments adopted by the Senate as printed on page 673 of the Senate Journal, Engrossed House Bill No. 1053 is amended as follows:

Page 4, line 7, overstrike "which" and insert immediately thereafter "that"

Renumber accordingly

Date: April 2, 2009
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1053

Senate Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number to remove section 3 voice vote

Action Taken Do Pass Do Not Pass Amended

Motion Made By Christmann Seconded By Kilzer

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner			Senator Robinson		
Senator Fischer			Senator Lindaas		
V. Chair Bowman			Senator Warner		
Senator Krebsbach			Senator Krauter		
Senator Christmann			Senator Seymour		
Chairman Holmberg			Senator Mathern		
Senator Kilzer					
V. Chair Grindberg					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

Date: 4-2-09

Roll Call Vote # 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1053

Senate Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Grindberg Seconded By Christmann

Senators	Yes	No	Senators	Yes	No
Sen. Ray Holmberg, Ch	✓		Sen. Tim Mathern	✓	
Sen. Tony S. Grindberg, VCh	✓		Sen. Aaron Krauter	✓	
Sen. Bill Bowman, VCh		✓	Sen. Larry J. Robinson	✓	
Sen. Randel Christmann	✓		Sen. John Warner	✓	
Sen. Rich Wardner	✓		Sen. Elroy N. Lindaas	✓	
Sen. Ralph L. Kilzer	✓		Sen. Tom Seymour	✓	
Sen. Tom Fischer	✓				
Sen. Karen K. Krebsbach	✓				

Total Yes 13 No 1

Absent _____

Floor Assignment Christmann

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

REPORT OF STANDING COMMITTEE

HB 1053, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1053, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 673 of the Senate Journal, Engrossed House Bill No. 1053 is amended as follows:

Page 4, line 7, overstrike "which" and insert immediately thereafter "that"

Renumber accordingly

2009 HOUSE POLITICAL SUBDIVISIONS

CONFERENCE COMMITTEE

HB 1053

2009 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1053

House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: April 21, 2009

Recorder Job Number: 12047

Committee Clerk Signature



Minutes:

Chairman Wrangham opened the conference committee hearing on HB 1053.

Roll call taken with the following members present: Chairman Wrangham, Rep. Klemin:

Rep. Corey Mock: Sen. Olafson, Sen. Andrist, Sen. Bakke.

Chairman Wrangham: Asked the Senate why they would change the word which to that?

I will explain my do not concur. Going through my list of bills; looked on the computer, saw the appropriations was put back in and said we don't concur with that. Then it was brought to my attention the appropriate had been put on and then taken out on the funniest amendment I have ever seen. One that says in lieu of the amendment adopted on journal page 673. I missed that the appropriation had been taken back out. Do we know if the appropriation was put back in on an agency bill or anything?

Rep. Andrist: I don't think it has been. I was told that they could get along without it.

Rep. Olafson: I think the reason for the strange amendment was that they had to do something to take the appropriation out so they changed the which to that so that they would make a change and at the same time the appropriation disappeared from the bill.

Rep. Andrist: This language is legislative council language in the bill.

Sen. Bakke: We spent some time with Greg Wilkes and went through that and took the appropriations out because we felt that we were asking them to do something with no funding provided. Even though he was gracious enough to say he could do it without the appropriations I just want to go on the record of saying I don't believe in unfunded mandates. I feel there should be some appropriation there to deal with this. With all the flooding and stuff going on now I know they have been out the emergency management, working to help the state out. This is exactly what we want this to do is put in place a center to do this stuff.

Sen. Olafson: I just worked with Senator Bakke on bills for emergency services and we worked with the Association of Counties and my personal opinion working with appropriations that it would be nice to have that money there if we could do it to provide an incentive for counties to set up a regional emergency management organization. Partially for our smaller counties there is a real advantage. Many of them have part time emergency managers. Yes it would be nice if we could have the money there, if the money is available, but we were told that it could be established whether the money was there or not. For counties who do form a Regional Management Organization there is going to be some efficiencies and cost savings. They may be able to set up these regional management organizations by themselves and actually have a cost savings that may equal what we are trying to do with the appropriations. I don't know if it is going to come out that way dollar for dollar, but they should have some cost savings. Two or three small counties can go together and have one regional manager that would handle the job of three people.

Rep. Klemin moved the house accede to the Senate amendments. Seconded by Sen.

Andrist. Roll call vote. 5 Yes 1 No 0 Absent.

Conference committee dissolved.

Hearing closed.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1053 (, as (re)engrossed):

Date: 4-21-09

Your Conference Committee Ps. Subs.

For the Senate:

For the House:

	YES / NO			YES / NO	
<u>Sen. Olejson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Rep. Wragg</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Sen. Andrist</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Rep. Klemm</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Sen. Bahre</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Rep. Ysack</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1272 - _____

✓, and place 1053 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: 4-21-09

CARRIER: _____

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Rep. Klemm

SECONDED BY: Rep. Andrist

NOTE COUNT 5 YES 1 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1053, as engrossed: Your conference committee (Sens. Olafson, Andrist, Bakke and Reps. Wrangham, Klemin, Mock) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1272 and place HB 1053 on the Seventh order.

Engrossed HB 1053 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

HB 1053

#1

TESTIMONY - HB 1053
HOUSE COMMITTEE – POLITICAL SUBDIVISIONS
JANUARY 16, 2009
BY GREG WILZ
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Mr. Chairman and members of the committee, my name is Greg Wilz. I am the Deputy Director of the Department of Emergency Services (NDDDES) and Director of Homeland Security for the state of North Dakota. Today I am here as a representative of the task force established at the request of the interim Public Safety Committee. The Public Safety Committee asked that the task force be established to request improvements to emergency services by adding organizational changes, system upgrades, process or protocol changes, and statutory changes to ensure the future viability and capability of emergency services in North Dakota. My intent is to provide background information as was discussed within the task force and not to take an agency position on HB 1053.

The task force explored methods to improve the emergency management model in North Dakota. Currently, each county has an emergency management program supported by a fulltime or in the majority of cases, a part-time emergency manager. (Attached to this testimony is a document that lists employment status of emergency managers.) Changes in federal policy, increased number of federal programs accompanied by requirements instituted within the Department of Homeland Security (DHS), and at some level, altered climatic conditions have combined to severely strain emergency management programs. In recent years, this up tempo operational environment has placed a high degree of stress on the existing model and continues to expand workloads, time demands, and the need for emergency managers to become technically proficient in more diverse array of subject matter. In addition, the economic and financial struggles experienced by many counties have compounded problems and is another contributing factor in the 17 percent annual turnover rate of emergency managers.

The purpose of HB 1053 is to assist counties that discern a need to consolidate emergency management programs in order to affect fiscal efficiencies and create an economy of scale resulting in expanded programmatic capability. Counties that join programs will receive state financial support for a two year period to rewrite operational plans, modify and combine processes, and vet changes with local government leaders and responders.

It is extremely important to point out that HB 1053 contains absolutely no mandate to consolidate because there is some local concern that HB 1053 will negate emergency manager positions and erode local control. HB 1053 actually affords county officials the opportunity to decide if program mergers provide a viable strategy to not only improve but sustain quality programs and at the same time complete the transition process with fiscal assistance from the state.

Thank you, I will try to answer any questions you may have.

Emergency Manager Employment Status 2009

County	% of EM Time	911 Coordinator	Sheriff/ Deputy	Risk Manager	Road Dept.	Veterans Services	Private Business	Other	No Other Job
		18	7	4	3	3	4	14	15

# of EMs	Time	Range
17	1/4 Time	14% to 37.5%
17	1/2 Time	40% to 60%
9	3/4 Time	67% to 85%
16	Full Time	90% to 100%

#1

TESTIMONY - HB 1053
SENATE COMMITTEE – POLITICAL SUBDIVISIONS
FEBRUARY 27, 2009
BY GREG WILZ
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Mr. Chairman and members of the committee, my name is Greg Wilz. I am Deputy Director of the Department of Emergency Services (NDDDES) and Director of Homeland Security for the state of North Dakota. Today I am here as a member representing the task force established at the request of the interim Public Safety Committee and am acting in my official capacity for NDDDES. My intent is to provide background information as was discussed within the task force and to support HB 1053.

Currently, each county has an emergency management program supported by a fulltime or in the majority of cases, a part-time emergency manager. (Attached to this testimony is a document that lists employment status of emergency managers.) Changes in federal policy, increased number of federal programs accompanied by requirements instituted within the Department of Homeland Security (DHS), and at some level, altered climatic conditions have combined to severely strain emergency management programs. In recent years, this up tempo operational environment has placed a high degree of stress on the existing model and continues to expand workloads, time demands, and the need for emergency managers to become technically proficient in more a diverse array of subject matter. In addition, the economic and financial struggles experienced by many counties have compounded problems and is another contributing factor in the 17 percent annual turnover rate of emergency managers.

The purpose of HB 1053 is to assist counties that discern a need to consolidate emergency management programs in order to affect fiscal efficiencies and create an economy of scale resulting in expanded programmatic capability. Counties that join programs will receive state financial support for a two year period to rewrite operational plans, modify and combine processes, and vet changes with local government leaders and responders.

It is extremely important to point out that HB 1053 contains absolutely no mandate to consolidate because there is some local concern that it will reduce emergency manager positions and erode local control. HB 1053 actually affords county officials the opportunity to decide if program mergers provide a viable strategy not only to improve but sustain quality programs.

Thank you, I will try to answer any questions you may have.

ND Department of Emergency Services



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"Ensuring a safe and secure homeland for all North Dakotans"

LEOP - 60 K

Base Plan
Flood Annex
Fire Annex
Sever Storm Annex
Mass Casualty Annex
Hazardous Material Annex
Search & Rescue Annex
Evacuation & Sheltering Annex
Infectious Disease Annex
EOC Guide

Multi Hazard Mitigation Plan - 12 K

Transfer of Key Programs - 10 K

Grants
Exercising & Training
Disaster Programs

John Hoeven
Governor

Major General David Sprynczynatyk
Adjutant General

Greg M. Wilz
Director - Division of Homeland Security

TESTIMONY - HB 1053
SENATE COMMITTEE – APPROPRIATIONS
MARCH 16, 2009
BY GREG WILZ
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Mr. Chairman and members of the committee, my name is Greg Wilz. I am Deputy Director of the Department of Emergency Services (NDDDES) and Director of Homeland Security for the state of North Dakota. Today I am here as a member representing the task force established at the request of the Interim Public Safety Committee. My intent is to provide background information discussed within the task force and explain the appropriation added by the Senate Political Subdivisions Committee.

Currently, each county has an emergency management program supported by a fulltime or in the majority of cases, a part-time emergency manager. (The first document attached to this testimony lists employment status of emergency managers.) Changes in federal policy, increased number of federal programs and the accompanying requirements, our level of risk since 9-11, and shifting climatic conditions have combined to severely strain emergency management programs. In recent years, this up tempo operational environment has placed a high degree of stress on the existing model and continues to expand workloads, time demands, and the need for emergency managers to become technically proficient in a more diverse array of subject matter. In addition, the economic and financial struggles experienced by many counties have compounded problems and is another contributing factor in the 17 percent annual turnover rate of emergency managers.

The purpose of HB 1053 is to assist counties that discern a need to consolidate emergency management programs in order to affect fiscal efficiencies and create an economy of scale resulting in expanded programmatic capability. Under this bill, counties that join programs would receive state grants to rewrite operational plans, modify and combine processes, and vet changes with local government leaders and responders. (The second attachment provides the estimated cost to merge two county programs.)

Because there is some local concern about a reduction in emergency manager positions and erosion of local control, it is extremely important to point out that HB 1053 contains absolutely no mandate to consolidate. HB 1053 actually affords county officials the opportunity to decide if program mergers provide a viable strategy not only to improve but sustain quality programs.

Thank you, I will try to answer any questions you may have.