

2013 HOUSE POLITICAL SUBDIVISIONS

HB 1100

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1100
January 10, 2013
Job # 17060

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to definitions of class C authorized emergency vehicles.

Minutes:

Testimony #1 & 2, 3

Chairman N. Johnson opened the hearing on HB 1100.

Greg Wilz, Deputy Director, Department of Emergency Services: (See testimony #1). The bill is a cleanup from last Legislative Session. For years there has been a law on the books that require the Homeland Security Director to approve who can use blue lights in terms of volunteer fire departments and EMS squads where people are trying to get to an emergency. At the last session we had submitted a bill to remove that piece from the books where we had to approve everybody and we had not been doing it for a long time. We needed to change the definition page so the bill before you today is essentially a repeat of last session's bill which fixes the definition page. We thought Legislative Counsel could do that as an admin under admin rules, but thought we should bring it before you again. I will tell you we are aware of an amendment and we are in support of this amendment. It is to add the fire service to this change.

Rep. Klemin: It might be helpful if we knew the bill number you referred to in the last session.

Greg Wilz: I do not have that but I can get that for you and email it to you.

Vice Chairman Hatlestad: Does the changing of the definition enhance liability or lack of liability?

Greg Wilz: I think the law last session allows the provisions who get to use those lights at the local level. Nothing has really changed as far as liability goes.

Chairman N. Johnson: On the second page, line 13. What is the difference between an authorized and a used vehicle? How does that make them able to have a blue light?

Greg Wilz: This goes back to the law change last session where the law described in detail described that the division of Homeland Security would authorize people to use the blue lights. So you had to be able to jump from the definition page to the law page. All we are saying here now is we have response vehicles, the Dept. of EMS, and do other EMS offices around the state. We are simply changing authorized because we no longer authorized and have reverted to used.

Tim Meyer, Co-Chair of the NDEMS Association Advocacy Committee: (See testimony #2 & #3). We would not oppose the fire services similar request.

Rep. Klemin: Do we need the make an amendment on that to also allow ambulances under three? Class A is ambulances.

Tim Meyer: I believe ambulances are Class A emergency vehicles. The other vehicles may be rescue squads or quick response units or an ambulance service operates that doesn't transport patients.

Rep. Koppelman: Has Mr. Wilz been talked to about this issue?

Greg Wilz: We have been talking about this and we are totally in support of it. The committee needs to include all of that in the amendment. I would be happy to do that.

Opposition: None

Chairman N. Johnson: Is fire going to bring something in?

Greg Wilz: I got an email from the Bismarck Fire Chief and they thought fire should be included and I expected them to be here today.

Rep. J. Kelsh: Fire now do they have red flashing lights and will they still keep those and use the blue only like in foggy conditions or what is the situation for the vehicles that already have other types of lights on them?

Greg Wilz: That we are typically seeing is light bars and one that light bar based upon the law you have a red on one side; a white on one side and what we are commonly seeing is blue is now becoming placed in the center of that light bar so that they can cover all conditions to provide that emergency flashing and notification.

Hearing Closed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1100
January 11, 2013
Job # 17095

Conference Committee

Committee Clerk Signature



Chairman N. Johnson: Reopened HB 1100. There was an amendment that came in on this and we probably need to look at first. Mr. Meyer brought that amendment to us. That would be to add another subsection to it to include an ambulance.

Rep. Koppelman: There was some discussion about fire also and I thought Mr. Wilz was going to work with the intern for an amendment that was more inclusive.

Chairman N. Johnson: We have to hold this bill until we get all that information.

Hearing closed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1100
January 17, 2013
Job # 17337

Conference Committee

Committee Clerk Signature



Attachment #1

Minutes:

Chairman N. Johnson: Reopened the hearing on HB 1100. Mr. Wilz provided us with an amendment for that. That was the bill that was talking about the blue lights for ambulance and for fire trucks and didn't have to have previous authorization from Homeland Security to determine which vehicles were authorized. If you look at the amendment the first part of the amendment is just to change the definition on the bill. The actual amendment itself would be at the end of the bill so this would be an added on amendment. It adds ambulance or fire truck in two places.

Motion made by Rep. Maragos to move the amendment; Seconded by Rep. Koppelman

Voice vote carried.

Do pass as amended by Rep. Maragos: Seconded by Rep. Hanson.

Chairman N. Johnson asked for further discussion.

Rep. W. Hanson: I just wanted to know I cleared up any questions I had from local constitutions and that is all that was intended.

Vote: 15 Yes 0 No 0 Absent Carrier: Muscha

Meeting closed.

January 17, 2013

WNC
1/17/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1100

Page 1, line 1, after "39-01-01" insert "and subsection 2 of section 39-10-03"

Page 1, line 2, after "class C" insert "and lights used by"

Page 2, after line 18, insert:

"SECTION 2. AMENDMENT. Subsection 2 of section 39-10-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The exceptions herein granted to a class A authorized emergency vehicle apply only:
 - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions.
 - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death, or damage to property, and when giving adequate warning by use of a flashing red or combination red and white lights that are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or airhorn. A fire truck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
 - c. In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters]. A fire truck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision."

Renumber accordingly

Date: 1-17-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1100

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Ben Hanson		
Vice Chairman Patrick Hatlestad			Rep. Kathy Hogan		
Rep. Thomas Beadle			Rep. Jerry Kelsh		
Rep. Matthew Klein			Rep. Naomi Muscha		
Rep. Lawrence Klemin					
Rep. Kim Koppelman					
Rep. William Kretschmar					
Rep. Alex Looysten					
Rep. Andrew Maragos					
Rep. Lisa Meier					
Rep. Nathan Toman					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Voice
Vote
carried.*

Date: 1-17-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1100**

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad	✓		Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh	✓	
Rep. Matthew Klein	✓		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin	✓				
Rep Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Alex Loosten	✓				
Rep. Andrew Maragos	✓				
Rep. Lisa Meier	✓				
Rep. Nathan Toman	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Muscha

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

REPORT OF STANDING COMMITTEE

HB 1100: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1100 was placed on the Sixth order on the calendar.

Page 1, line 1, after "39-01-01" insert "and subsection 2 of section 39-10-03"

Page 1, line 2, after "class C" insert "and lights used by"

Page 2, after line 18, insert:

"SECTION 2. AMENDMENT. Subsection 2 of section 39-10-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The exceptions herein granted to a class A authorized emergency vehicle apply only:
 - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions.
 - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible personal injury, death, or damage to property, and when giving adequate warning by use of a flashing red or combination red and white lights that are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or airhorn. A fire truck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
 - c. In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters]. A fire truck, ambulance, or law enforcement vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.

Re-number accordingly

2013 SENATE TRANSPORTATION

HB 1100

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1100

2/21/13

Recording job number 19333

Conference Committee

Committee Clerk Signature

Donis E. Perez

Explanation or reason for introduction of bill/resolution:

Relating to definitions of and lights (blue lights) used by authorized emergency vehicles.

Minutes:

Attached testimony: 2

Greg Wilz, Deputy Director of North Dakota Department of Emergency Services (NDDDES) and Director of the Division of Homeland Security for the state of North Dakota

Attached testimony #1 in support of this bill Bottom line is that blue lights are best seen in fog and some other kinds of weather conditions. During House Bill we worked on an amendment with the Firefighters, EMS and increased who has legal authority to use those. Some people were upset with this bill, it was a misunderstanding we are not taking away blue lights capability but increasing it.

Ken Tupa representing the North Dakota Emergency Medical Services Association in support to this bill (Attached testimony #2)

Joel Boespflug representing the North Dakota Fire Chiefs Association supports this bill.

No additional testimony. Hearing closed.

Vice Chairman Armstrong moved a DO PASS

Senator Axness seconded

No discussion

Roll call vote Yes 7 No 0 Absent 0

Carrier: **Senator Axness**

Date: 2/21/13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL NO. 1100**

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Vice Chairman Armstrong Seconded By Senator Axness

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke	X		Senator Tyler Axness	X	
Vice Chairman Kelly Armstrong	X		Senator George Sinner	X	
Senator Margaret Sitte	X				
Senator Tim Flakoll	X				
Senator Tom Campbell	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Axness

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

REPORT OF STANDING COMMITTEE

HB 1100, as engrossed: Transportation Committee (Sen. Oehlke, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1100 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1100

#1

TESTIMONY – HB 1100
HOUSE COMMITTEE – POLITICAL SUBDIVISIONS
JANUARY 10, 2013
BY GREG WILZ
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Ms. Chairman and members of the committee, my name is Greg Wilz. I am the Deputy Director of the North Dakota Department of Emergency Services (NDDDES) and Director of the Division of Homeland Security.

During last session, a bill was passed that removed authority from the Division of Homeland Security to approve use of blue lights on private vehicles owned by responders. Unfortunately, current language failed to change the definition page and to correct the error, Legislative Council determined a new bill must be submitted.

Local response leaders are fully capable and in a more effective position to grant blue light authority. In accordance with the decision reached last session, we believe there is no reason for the Division of Homeland Security to be involved.

I urge your support of HB 1100 and will answer questions you may have.

Executive Offices
1622 E. Interstate Ave.
Bismarck, ND 58503



(701) 221-0567 Voice
(701) 221-0693 Fax
(877) 221-3672 Toll Free
www.ndemsa.org

#2

Testimony
House Bill 1100
House Political Subdivisions Committee
Thursday, January 10, 2013; 10:15 a.m.
North Dakota Emergency Medical Services Association

Good morning, Madam Chair and members of the committee. My name is Tim Meyer, and I am the Co-Chair of the North Dakota Emergency Medical Services Association's Advocacy Committee. I am here today in support of House Bill 1100 and we would like to offer an amendment to the bill related to the use of blue lights for the Committee to consider.

The current version of HB 1100 makes a slight change to the language in the definitions for Class C emergency vehicles in section 39-01-01. The amendment we ask for is to amend language in subsection 2 of section 39-10-03 as follows:

N.D.C.C. 39-10-03(2)

- a. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible injury, death, or damage to property, and when giving adequate warning by use of a flashing red or combination red and white light that are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or airhorn. A law enforcement or ambulance vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
- b. In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters]. A law enforcement or ambulance vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.

Many of the ambulances in North Dakota already have the blue flashing lights. With the wide range of weather and visibility challenges that we face, having a variety of colors has been an additional safety item for ambulances to use. For those reasons we ask that the law be amended to allow the use of blue flashing lights on ambulances.

This concludes my testimony, I am happy to answer any questions you may have.

#3

PROPOSED AMENDMENTS TO HOUSE BILL 1100

Page 1, line 2, after "vehicles" insert ", and subsection 2 of section 39-10-03 of the North Dakota Century Code, relating to lights displayed by Class A authorized emergency vehicles"

Page 2, after line 18, insert:

SECTION 2. AMENDMENT. Subsection 39-10-03 of the North Dakota Century Code is amended and reenacted as follows:

- a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions.
- b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible injury, death, or damage to property, and when giving adequate warning by use of a flashing red or combination red and white light that are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or airhorn. A law enforcement or ambulance vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
- c. In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters]. A law enforcement or ambulance vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.

Re-number accordingly.

#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1100

Page 1, line 1, after "39-01-01" insert "and subsection 2 of section 39-10-03"

Page 1, line 2, after "definitions" insert "and lights"

Page 2, after line 18, insert:

"SECTION 2. AMENDMENT. Subsection 2 of section 39-10-03 of the North Dakota Century Code is amended and reenacted as follows:

1. The driver of a class A authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this chapter.
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - c. Exceed the speed limit so long as the driver does not endanger life or property.
 - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions herein granted to a class A authorized emergency vehicle apply only:
 - a. When the authorized emergency vehicle is in pursuit of or apprehension of a violator or a suspected violator requiring the use of these exemptions.
 - b. When the class A authorized emergency vehicle is being operated in response to a reported emergency involving a possible injury, death, or damage to property, and when giving adequate warning by use of a flashing red or combination red and white light that are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters] and if appropriate, giving audible signal by siren or airhorn. A law enforcement, ambulance or fire truck vehicle that is otherwise a class A authorized emergency vehicle may display a flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.
 - c. In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by use of a flashing red or combination red and white lights which are visible under normal atmospheric conditions for at least five hundred feet [152.4 meters]. A law enforcement, ambulance or fire truck vehicle that is otherwise a class A authorized emergency vehicle may display a

flashing blue light in addition to and under the same conditions as the other colors allowed in this subdivision.

3. An emergency vehicle may not display or permit to be displayed any red lamp except when operated on official business.

4. Any law enforcement officer as provided in paragraph 2 of subdivision a of subsection 2 of section 39-01-01 having stopped another vehicle along a highway, and while still involved in that incident, or any other related activity, may use amber lights, visible under normal atmospheric conditions for at least five hundred feet [152.4 meters], for the purpose of maintaining traffic flow.”

Renumber accordingly

TESTIMONY – HB 1100
SENATE COMMITTEE – TRANSPORTATION
FEBRUARY 21, 2013
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 North Dakota Department of Emergency Services (NDDDES) and Director of the Division of Homeland Security.

During last session, a bill was passed that removed responsibility from the Division of Homeland Security to develop and maintain rules for the approved use of lights on private vehicles owned by responders. Because language failed to change the definition page, Legislative Council determined a new bill must be submitted.

Local response leaders are fully capable and in a more effective position to grant blue light authority. HB 1100 was amended to expand lawful use of “blue lights” on fire trucks and ambulances. Its language provides the comprehensive support needed by all emergency management organizations.

I urge your support of HB 1100 and will answer questions you may have.

Executive Offices
1622 E. Interstate Ave.
Bismarck, ND 58503



(701) 221-0567 Voice
(701) 221-0693 Fax
(877) 221-3672 Toll Free
www.ndemsa.org

Testimony
House Bill 1100
Senate Transportation Committee
Thursday, Feb. 21, 2013; 10:30 a.m.
North Dakota Emergency Medical Services Association

Good morning, Chairman Oehlke and members of the committee. My name is Ken Tupa, and I appear before your committee representing the North Dakota Emergency Medical Services Association. I am here today to support HB1100.

The initial version of HB 1100 made a slight change to the language in the definitions for Class C emergency vehicles in section 39-01-01. NDEMSEA asked for an amendment to subsection 2 of section 39-10-03 to be allowed to use flashing blue light on ambulances.

Many of the ambulances in North Dakota already have the blue flashing lights. With the wide range of weather and visibility challenges, having a variety of colors has been an additional safety item for ambulances to use.

This concludes my testimony, I am happy to answer any questions you may have.