

2009 HOUSE POLITICAL SUBDIVISIONS

HCR 3011

# 2009 HOUSE STANDING COMMITTEE MINUTES

## Bill No. HCR 3011

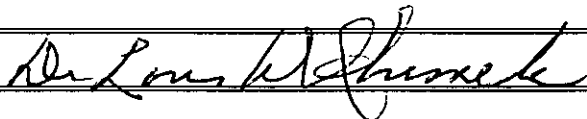
### House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: February 13, 2009

Recorder Job Number: 9476

Committee Clerk Signature



Minutes:

Chairman Wrangham opened the hearing on HCR 3011.

**Greg Wilz, Deputy Director, Dept. of Emergency Service:** (see testimony #1).

**Rep. Zaiser:** Does this bill say we are supporting an all year long funding request?

**Greg Wilz:** I don't see it that way. I see as you guys supporting this resolution saying that we agree that we have to have a regional concept to this response.

**Rep. Jerry Kelsh:** do you believe this could be just another layer or that would depend upon the county's emergency management?

**Greg Wilz:** No I do not see this as another layer or something that is intended to replace county risk management. I believe this is an additional capability that allows for regions to determine what the priorities of the region and spend funds accordingly. The counties are still going to get some additional emergency dollars. This allows it to be looked at one level above the counties in terms of regions.

**Rep. Hatlestad:** Would you anticipate when you looked at funding that this will be written into your budget so that you are not coming back for a supplemental appropriation later like we saw this year on a number of programs?

**Greg Wilz:** I do not see this having any effect because what we are doing here is using federal grant dollars; homeland security dollars, to fund this. We are going down this road because it is the only thing we can do at the state because of the amount of dollars we were given. This year for example there were four regions we have stuck a \$1 millions into that region. We had an advisory committee set up in that region to determine how that money is to be spent. We started those two years ago.

**Rep. Headland:** If you are already going in this direction and it is not about money; then why do we need this resolution?

**Greg Wilz:** I believe there is merit in the legislative body understanding where we are going and that you concur that we are trying to go down the right road. We have had questions. We go down this road; make a large investment, put all new processes in place and then all of a sudden have the legislature say no. We need your support.

**Rep. Conrad:** Why would we have six regions; we have four regions?

**Greg Wilz:** We have four regions until today.

**Rep. Koppelman:** I assume on line twenty you wouldn't mind an amendment either to eliminate the words implementation and funding or to insert federal in front of the word funding?

**Greg Wilz:** What we had intended in the language is really the federal money that comes into the state. We have had a lot of homeland security dollars and we needed to spend them. We believe right now that we got a good handle on that and believe we are going down what we like for ND. This funding is really geared toward how we are going to receipt and spend those federal dollars and distribute them.

**Rep. Jerry Kelsh:** I idea that the regions have to provide the services that the counties alone cannot do. That will probably allow the counties to cooperate more and provide lead to county managers; is that your thinking?

**Greg Wilz:** I don't understand what you mean?

**Rep. Jerry Kelsh:** Say two counties hire one disaster manager or maybe three. Would this allow the counties to share?

**Greg Wilz:** This is really a regional approach to how to spend the money based on the federal dollars we receive.

**Chairman Wrangham:** I think we have given approval or not given approval on some directions that we have seen going. I hope this isn't an attempt; or is it, to try to circumvent the individual questions that you have had to bring to us?

**Greg Wilz:** I assure you that are not the intent. We will continue to be responsive to the law and as you require information down the road. We are working up the information where the 2008 dollars are going as we speak. We are all in this together and it is in our best interest to get the best use of the dollars we get.

**Chairman Wrangham:** We want to stay involved.

**Rep. Porter:** This bill comes to you as part of the work that me and Senator Lee did during the interim in looking at public safety across the service. We were out looking across the state in doing our tours of agencies and cities across the state. We spent \$70 million on homeland security since September 11, 2001. We still have on the local level \$25 million toward radios that haven't been purchased for the digital conversion mandate that happens in 2013. The Fargo fire department has Class A hazmat suits that had reached the shelf limit of 7 years.

They were told when they took the money in 2001 that they needed to budget for the replacement of those suits. They figured out a way to reapply for grant dollars in homeland

security and rather than buy a radio for the fire department, they bought more hazmat suits.

The flows based on population from the state. From the state we have very little from the state savings and the rest was sent out to the locals. In some places they had committees set up for all responders and they voted how to best approach spending the grant dollars. In other places two or three people, the fire chief and city auditor sat behind closed doors and did the same thing. Are we better off today capability wise and response wise than we were eight years ago? In a lot of places across this state we are not. We still have the inability to communicate between responders; disaster and mutual aid agreements between political subdivisions; we have situations where people don't know if they can take the equipment out of a jurisdiction into another jurisdiction. We received homeland security dollars to set up disaster trailers to every county to put together to take care of 300 patients if anything should happens in Burleigh County. We are private companies so the equipment, the funding all came through the Burleigh County Emergency Managers and they told us you put this together; this is what we want in Burleigh County. Our question to them after this is all done; what happens if something happens in Morton County? The equipment belongs to Burleigh County; it doesn't belong to Morton County. We went to Morton County and asked what you put together if something happens and we need to take care of 300 patients in Morton County. They said well you can use Burleigh County stuff. They haven't said we can go over there and use our equipment and cross the river with it. There is no regional coordination on how this equipment can be used. We put this money out to the locals without any guidelines. Did we get a system across the state of ND to improve our response time and between responding agencies, no we did not. I think we failed. That is why this resolution came from what I saw when I went out and looked across the state to see how it was working.

**Rep. Zaiser:** You are saying we spent \$70 million and we are no safer than we were before.

Are we trying to build a Cadillac version of homeland security when we have many other departments of state government?

**Rep. Porter:** Seems like it is based on population and then you get the area's where they said you can't use our equipment; don't call us.

**Rep. Koppelman:** We are concerned about the wording of the resolution. Would you object to some sort of a clarification of that implementation on the resolution?

**Rep. Porter:** No this money flowed right through the state of ND and then left.

Opposition: None

Neutral: None

Hearing closed.

**Chairman Wrangham:** reopened the hearing on HCR 3011.

**Motion Made by Rep. Koppelman:** I would like to propose an amendment. (See .0101 of proposed amendment #1). **Seconded By Rep. Conrad.**

**Rep. Zaiser:** Discussed taking out the reference to implementation, and funding on line 20.

**Rep. Conrad:** I think the wording shows we are focused on the homeland security dollars.

**Rep. Klemin:** Federal funds flow through the state and distributed to local entities on basis of population so are any of us able to halting this in the future?

**Rep. Koppelman:** I would amend the amendment to make it consistent with line 20. So we are removing, implementation, and funding.

**Rep. Klemin:** The federal government is dictating how the funding is given to us so this does not make a whole lot of difference. There are no provisions from the Secretary of State or federal level.

**Rep. Conrad:** We endorse a regional approach. We can't control how they spend the money.

**Rep. Koppelman:** I agree with Rep. Conrad. I think the idea that Rep. Porter and Mr. Wilz seem to be looking for here is an endorsement of concept. I would amend further at the end of the resolution the US Dept. of Homeland Security and ND Congressional Delegation to the list of those who would receive a copy.

**Voice vote carried.**

**Do Not Pass As Amended Motion Made By Rep. Kilichowski: Seconded by Rep. Zaiser:**

**Rep. Kilichowski:** When you look at all the players that are in there, the firefighters, the peace officers, sheriff's, emergency medical and down the ladder I am trying to understand why. With everything that we have to replace now, I don't think this really does anything.

**Rep. Zaiser:** I seconded the motion. We have had numerous bills that talk about this and we have also killed bills we thought were overly bureaucratic and I am concerned that this would set a prescient.

**Rep. Conrad:** I differ with those people. I think they are federal homeland security dollars. The rest of them are not included. We have had bills before the committee on homeland security issues and they have packed the room in opposition to the states position so if they were in disagreement they would have been here.

**Vote: 4 Yes 9 No failed.**

**Do Pass As Amended Motion Made By Rep. Koppelman: Seconded By Rep. Nancy Johnson.**

**Vote: 9 Yes 4 No 0 Absent Carrier: Rep. Conrad**

**Hearing closed.**

February 13, 2009

VR  
2/13/09  
#1

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3011

Page 1, line 1, remove ", implementation, and funding"

Page 1, line 10, replace "funding levels to" with "the resources of"

Page 1, line 12, replace "have decreased" with "are limited"

Page 1, line 20, remove ", implementation, and funding"

Page 2, line 3, remove "and" and after "Counties" insert ", United States Department of  
Homeland Security, and to each member of the North Dakota Congressional  
Delegation"

Renumber accordingly



Date: 2/13  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3011

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS DO NOT PASS AS AMENDED

Motion Made By Rep. Koppelman Seconded By Rep. Conrad

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

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Carrier: \_\_\_\_\_

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

Line 1 ~  
Lots of Amend's  
End: Dot

Vote  
carried!

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ABR 3011

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken

DO PASS

DO NOT PASS

AS AMENDED

Motion Made By Rep. Kilichowski Seconded By Rep. Zaiser

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

Total (Yes) 4 No 9

Absent \_\_\_\_\_

Carrier: \_\_\_\_\_

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

Failed  
5

Date: 2/13/09  
Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3011

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken DO PASS DO NOT PASS AS AMENDED

Motion Made By Rep. K Koppelman Seconded By Rep. N. Johnson

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

Total (Yes) 9 No 4

Absent 0

Carrier: Rep Conrad

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

**REPORT OF STANDING COMMITTEE**

**HCR 3011: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3011 was placed on the Sixth order on the calendar.**

Page 1, line 1, remove ", implementation, and funding"

Page 1, line 10, replace "funding levels to" with "the resources of"

Page 1, line 12, replace "have decreased" with "are limited"

Page 1, line 20, remove ", implementation, and funding"

Page 2, line 3, remove "and" and after "Counties" insert ", United States Department of Homeland Security, and to each member of the North Dakota Congressional Delegation"

Renumber accordingly

2009 SENATE POLITICAL SUBDIVISIONS

HCR 3011

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3011

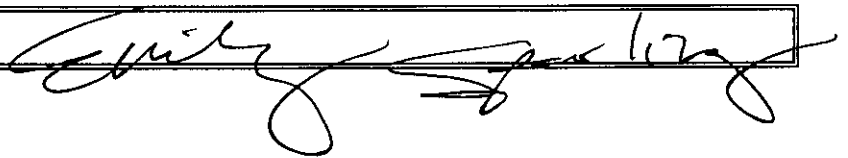
Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: 03/05/2009

Recorder Job Number: 10286

Committee Clerk Signature



Minutes:

**Chairman Andrist** Opened the hearing on HCR 3011

**Greg Wilz** Deputy Director of the Department of Emergency Services and Director Homeland Security. Spoke in support of 3011. See attachment #1.

**Chairman Andrist** This makes a lot of sense to me and I come from an area that normally doesn't like the word "regionalization." There is so much money wasted when counties do not know what to do with it.

**Senator Dotzenrod** Does this relate to the Northwood instance?

**Wilz** Not necessarily, regionalization helps everyone afford the services they need. Gave some examples.

**Senator Olafson** What are we doing here that we are not doing in HB 1053?

**Wilz** Almost all of these bills came out of the same interim committee and are all linked in some way.

**Senator Olafson** You are confident that all these bills are complementary?

**Wilz** I was disappointed that some of the bills were dropped but all of these bills are necessary. We want to have an improved integrated response for all citizens.

**Senator Lee** Would you like to have any amendments or parts put back in?

**Wilz** We have had about a 60% success rate with our legislation this session and our hands are full. We are ok not dealing with every issue this session.

**Chairman Andrist** Recessed the hearing until 03/06/2009.

# 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3011

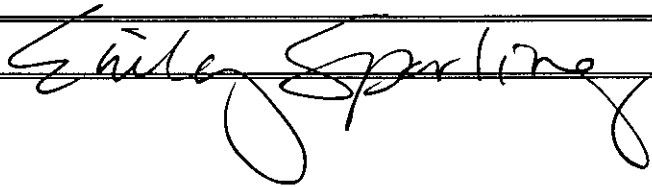
Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: 03/06/2009

Recorder Job Number: 10372

Committee Clerk Signature



Minutes:

**Chairman Andrist** Reopened the hearing on HCR 3011

**Representative Todd Porter** District #34. Introduced HCR 3011. This bill is a result of discussions in the interim committee. Described how money from homeland security dollars was used across the state often in a very wasteful manner. The money was dispersed to numerous small groups that led to unnecessary spending. Little was done to actually prepare for disasters. This bill seeks to make a statement about the proper use of homeland security money and regional cooperation.

**Senator Olafson** I am concerned about hazardous materials and transporting them safely. This is an important issue.

**Porter** I agree, this money was spent very irresponsibly. We want to set more guidelines for how the money should be spent. Spoke at length about some of the wasteful spending he observed.

**Senator Lee** How did the house amend it?

**Porter** They had some concerns about the "whereas" areas making too strong of a statement regarding political subs so the language was mellowed.



Discussion about another bill in Porter's committee

**Chairman Andrist** Closed the hearing on 3011.

**Senator Olafson** I move **Do Pass**

**Senator Dotzenrod** Second

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

**Senator Olafson** will carry this bill.

Date: 3/6/09  
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3011

Senate Political Subdivisions

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken ☒ Do pass ☐ Do not pass ☐ Amend

Motion Made By A. Olafson Seconded By J. Dotzenrod

Senators	Yes	No	Senators	Yes	No
Chairman John M. Andrist	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Arden C. Anderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Chairman Curtis Olafson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator JoNell A. Bakke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Judy Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Jim Dotzenrod	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment A. Olafson

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

**REPORT OF STANDING COMMITTEE**

**HCR 3011, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HCR 3011 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HCR 3011

#1

*Same  
testimony  
given to Senate*

TESTIMONY – HCR 3011  
HOUSE COMMITTEE – POLITICAL SUBDIVISIONS  
FEBRUARY 13, 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 (NDES) and Director of Homeland Security for the state of North Dakota. My intent is to provide information relating to HCR 3011 and on behalf of NDES, provide strong support for its tenets.

In response to questions posed by legislators concerning the effectiveness of homeland security expenditures, I have indicated North Dakota is now better prepared across all disciplines to respond to local and national threats and significant events. However, during the past three years, we have suffered major declines in homeland security grant dollars. In an effort to comply with federal guidance and assure the state continues to build a capability to respond accordingly to major incidents and thus protect our citizens in a uniform comprehensive manner, North Dakota began specific actions in 2007. Our strategy was adjusted to refine funding distribution through the implementation of four planning regions and identify the types of equipment each region needed to effectively and efficiently respond to a chemical, biological, radiological, nuclear, and explosive (CBRNE) event. A plan is in development for a Tiered Response Capability to ensure statewide terrorism Weapons of Mass Destruction (WMD) incident response. An advisory group has also been established to assure every county and tribal nation is involved in the decision making process to allocate homeland security response resources.

The concurrent resolution before you recognizes North Dakota is indeed prone to natural disasters and vulnerable to manmade disasters. It acknowledges we must consolidate our finite resources to assure proper response throughout the entire state. Further, it recognizes funding has decreased to the point that targeting resources is imperative to address this issue. Finally, the resolution acknowledges commitment toward a comprehensive approach to regional response.

Your acknowledgement of steps achieved and endorsement of the overarching regional concept will accelerate realization and understanding of the need for integrated regional response in North Dakota.

I urge committee members to pass HCR 3011.

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