

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

PUBLIC SAFETY AND TRANSPORTATION COMMITTEE

Wednesday, June 2, 2010

Centennial Alumni Center, Thatcher Hall, Dakota College at Bottineau
Bottineau, North Dakota

Senator David O'Connell, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators David O'Connell, Dwight Cook, Gary A. Lee, Elroy N. Lindaas, George Nodland; Representatives James Kerzman, Bob Hunskor, Jerry Kelsh, William E. Kretschmar, Bob Martinson, Todd Porter, Elwood Thorpe, Gerry Uglem, Don Vigasaa

Members absent: Senator Richard Marcellais; Representatives Edmund Gruchalla, Matthew M. Klein, Michael R. Nathe, Arlo Schmidt, Robin Weisz

Others present: See [Appendix A](#) for additional persons present.

It was moved by Representative Uglem, seconded by Representative Kelsh, and carried on a voice vote that the minutes of the April 20-21, 2010, meeting be approved as distributed.

STUDY OF EMERGENCY MEDICAL SERVICES FUNDING

Ms. Valerie McCloud, Auditor, Rolette County, Rolla, presented information regarding emergency medical services (EMS) in Rolette County ([Appendix B](#)). She said the Turtle Mountain Indian Reservation is located in Rolette County which creates several issues regarding ambulance service response areas.

In response to a question from Representative Hunskor, Mr. Darren Welander, Rolla Ambulance Service, Rolla, said residents in the Rolla Ambulance Service response area who have medical coverage through Indian Health Service generally prefer to be transported by the Belcourt ambulance to the Indian Health Service facility in Belcourt. He suggested that a joint response area be created for the Rolla and Belcourt ambulance services that allows residents to choose which ambulance service responds to their emergency.

Ms. Diane K. Witteman, Mohall Ambulance Service, Mohall, provided information regarding funding for rural ambulance services. She said the Mohall Ambulance Service received an EMS staffing grant from the State Department of Health. She said the grant allows the ambulance service to have paid personnel available during times when volunteer personnel are not available.

In response to a question from Senator O'Connell, Ms. Witteman said the Lansford Ambulance Service recently became a substation of the Mohall

Ambulance Service. She said the Mohall Ambulance Service will respond to emergency calls in the Lansford area when personnel from the Lansford Ambulance Service are not available.

Mr. Ed Gregoire, Training Coordinator, Division of Emergency Medical Services and Trauma, State Department of Health, presented information regarding EMS ([Appendix C](#)). He said state regulations require an ambulance licensed by the state to respond to a medical emergency if the ambulance is the closest available emergency medical service.

Mr. Gregoire said 39 ambulance services have been awarded a total of \$1,151,386 of EMS staffing grants pursuant to Section 6 of 2009 Senate Bill No. 2004. He said grant awards range from \$2,080 to \$45,000 per year. He said SafeTech Solutions has been retained by the State Department of Health to study issues affecting EMS in the state.

Representative Porter expressed concern that the Belcourt Ambulance Service is licensed by the state but is not complying with state regulations regarding EMS.

The legislative budget analyst and auditor presented a bill draft [\[10081.0100\]](#) that creates a statewide EMS funding plan. He said the bill draft includes an appropriation of \$12 million from the insurance tax distribution fund to the State Department of Health for distribution to ambulance services based on 88 primary funding areas.

In response to a question from Senator Cook, the legislative budget analyst and auditor said insurance premium tax collections not deposited in the insurance tax distribution fund are deposited in the general fund. He said approximately \$66 million of insurance premium tax collections are estimated to be deposited in the general fund during the 2009-11 biennium.

In response to a question from Senator Lee, the legislative budget analyst and auditor said the bill draft repeals the current EMS staffing grant program. He said local funding sources for ambulance services, such as property tax levies, are not affected by the bill draft.

In response to a question from Representative Vigasaa, the legislative budget analyst and auditor said the bill draft requires ambulance services receiving funding through the statewide funding plan to report annually to the State Department of Health regarding the operations of the ambulance service.

Representative Kelsh expressed concern that some rural ambulance services may be eliminated based on the funding plan included in the bill draft.

Representative Uglem said the statewide EMS funding plan does not require the elimination or consolidation of any ambulance services.

Mr. Mark Weber, North Dakota EMS Association, Rugby, presented information regarding the proposed statewide EMS funding plan ([Appendix D](#)). He said the North Dakota EMS Association supports a statewide funding plan for EMS. He said funding provided to ambulance services would be based on criteria that include local funding generated and allowable ambulance service expenses.

Mr. Weber suggested the following changes to the bill draft regarding the implementation of a statewide funding plan for EMS:

- Use a funding assistance program rather than a grant program.
- Develop minimum funding levels based on one transporting ambulance service in each primary service area.
- Use the current definition of reasonable EMS to determine primary service areas.
- Designate the primary ambulance service in the 62 primary service areas that have one ambulance service.
- Include a funding formula based on ambulance service revenue and expenses that utilizes a budget template with allowable budget line items.
- Provide that budgeted costs be based on actual costs or as determined by a 2008 study of EMS conducted by SafeTech Solutions.
- Provide local funding matching requirements of \$10 per citizen in each primary service area.
- Require each primary service area to have an oversight committee or board that monitors performance standards within the service area.
- Distribute financial assistance by utilizing a formula based on the percentage of service area in each county with funding provided to counties for distribution to ambulance services.

In response to a question from Senator Cook, Mr. Weber said the \$12 million appropriation for the statewide EMS funding plan is based on the current needs of ambulance services in the state.

In response to a question from Representative Porter, Mr. Weber said the average reimbursement rate for an ambulance service is \$530 per call, but actual expenses average \$815 per call. He said the current Medicaid reimbursement rate is approximately \$350 per call.

In response to a question from Senator Nodland, Mr. Weber said ambulance services would need to provide a local funding match in order to receive funding from the statewide funding plan.

Representative Thorpe said local jurisdictions should have the ability to determine the source of funds for the local match.

Representative Kelsh said it is important to have local control in determining the use of funding provided to ambulance services.

Mr. Gregoire provided comments regarding the bill draft to create a statewide EMS funding plan ([Appendix E](#)). He said the State Department of Health has not taken a position on the bill draft at this time.

Representative Hunskor said Indian Health Service should be included in future discussions regarding EMS in Rolette County. He said there may be federal regulations that need to be considered.

Representative Porter suggested the Legislative Council staff prepare a revised bill draft for a statewide EMS funding plan that incorporates the changes recommended by the North Dakota EMS Association.

Representative Uglem said the revised bill draft should provide that local oversight committees be established by each primary funding service area with approval by the State Department of Health.

Mr. Terry Traynor, Assistant Director of Policy and Programs, North Dakota Association of Counties, provided comments regarding the bill draft to create a statewide funding formula for EMS. He said there is a need for additional funding for rural ambulance services and the North Dakota Association of Counties supports efforts to provide additional funding to rural ambulance services.

Mr. Kelly J. Jahnke, Sheriff, Nelson County, Lakota, presented information regarding the distribution of federal homeland security grants ([Appendix F](#)). Sheriff Jahnke said improved communication is needed between regional homeland security coordinators, homeland security advisory committees, and the statewide homeland security policy committee.

In response to a question from Representative Vigesaa, Sheriff Jahnke said there are four homeland security advisory committees in the state that are composed of members selected by the Department of Emergency Services. He said the purpose of the advisory committees is to provide recommendations to the statewide homeland security policy committee for projects to provide funding for each response region in the state. He expressed concern that the statewide policy committee is not properly considering the recommendations of the advisory committees. He said the statewide policy committee does not include representatives from rural areas.

Senator Cook suggested the committee receive information regarding any legislation enacted by the Legislative Assembly that relates to federal homeland security grants, the process of distributing the grants, or the establishment of the advisory committees.

Mr. Greg Wilz, Director, Division of Homeland Security, Department of Emergency Services, presented information regarding federal homeland security grants ([Appendix G](#)). He said the main purpose of the federal homeland security grant program is to prepare for a terrorist event by building or enhancing capabilities that prevent a terrorist act or

provide an effective response to a terrorist act. He said grant recipients are monitored to ensure funds are being properly used. He said 2009 homeland security grants require a 10 percent match for local entities receiving funding for radio programming or statewide interoperability projects.

Mr. Wilz distributed a schedule detailing federal homeland security grant funds distributed to local jurisdictions since 1999 ([Appendix H](#)).

In response to a question from Representative Hunskor, Mr. Wilz said the statewide homeland security policy committee determines what equipment to purchase with federal homeland security funding.

In response to a question from Representative Kretschmar, Mr. Wilz said the Department of Emergency Services appoints six members to the statewide homeland security policy committee. He said there is one member from the Department of Emergency Services, one member from the National Guard, one member from Fargo, one member from Grand Forks, one member from Minot, and one member from Bismarck.

STUDY OF 911 SERVICES AND INFRASTRUCTURE

Mr. Terry Volk, 911 Coordinator, Bottineau County, Bottineau, presented information regarding 911 infrastructure ([Appendix I](#)). He said Bottineau and Renville Counties have a joint 911 system with a public safety answering point located at the Bottineau County Sheriff's Department. He said each county has its own 911 coordinator.

Mr. Wilz presented information regarding the State Radio teletype and mobile data communications systems ([Appendix J](#)). He said law enforcement agencies use the state message switch to gain access to the National Crime Information Center and the National Law Enforcement Telecommunication System. He said access fees are based on the cost of providing the services.

In response to a question from Representative Porter, Mr. Wilz said North Dakota Century Code Section 37-17.3-08 provides that fees for accessing State Radio infrastructure must be based on the actual costs of providing the services. He said fees charged for mobile data terminal systems are based on the number of users.

Representative Porter expressed concern that an agency that purchases its own communications infrastructure components is being penalized by the current fee structure.

Mr. Mike Dannenfelzer, Communications Manager, Bismarck/Burleigh Emergency Management and Combined Communications Center, presented information regarding fees for connecting to State Radio infrastructure ([Appendix K](#)). He suggested the state provide funding for the costs associated with agencies connecting to the state message switch using their own infrastructure.

The committee recessed for lunch at 12:25 p.m. and reconvened at 1:00 p.m.

STUDY OF TRANSPORTATION FUNDING

Mr. Francis Ziegler, Director, Department of Transportation, presented information regarding various transportation-related topics ([Appendix L](#)). He said the department has developed an online registration program to allow users to obtain temporary motor vehicle registrations. He said 2,446 temporary motor vehicle registrations were issued in 2009.

Mr. Ziegler said the requirements to obtain a commercial driver's license vary depending on the type of vehicle to be driven. He said requirements include passing a general knowledge test, passing specific knowledge tests for the vehicle type, and passing a practical road test.

Mr. Ziegler said the Department of Transportation transferred \$8,417,500 from the capital assets line item to the operating expenses line item. He said the transfer was necessary to provide additional funding for routine highway maintenance activities, such as pavement patching and roadway markings.

In response to a question from Senator Nodland, Mr. Ziegler said temporary motor vehicle registrations may be obtained on a monthly basis. He said the department is reviewing the feasibility of requiring temporary registrations to be purchased for at least three months at a time. He said the Department of Transportation is also reviewing options for displaying temporary motor vehicle registrations on vehicles.

Mr. Fred Tyler, Bottineau County Commissioner, Lansford, provided comments regarding roadways in the county. He said Bottineau County spends a larger percentage of overall funding on roads than most counties. He said the county obtains funding from five main sources that include a property tax levy for farm-to-market roads, a property tax levy for a county road and bridge fund, a property tax levy for a county road repair fund, funding received from services provided to cities and townships, and funding received from the state highway tax distribution fund.

In response to a question from Senator O'Connell, Mr. Tyler said new oil development in the county will have a significant impact on roadways. He said the county plans to limit oilfield traffic to certain roadways based on the location of oil wells and other oil infrastructure.

In response to a question from Senator Lindaas, Mr. Tyler said the number of vehicles associated with oilfield development causes the most damage to roadways.

The legislative budget analyst and auditor presented a bill draft [[10082.0100](#)] to provide infrastructure development grants to cities, counties, school districts, and other taxing districts affected by oil and gas development for projects addressing infrastructure needs relating to water, roads, or housing. He said the bill draft provides a transfer of

\$100 million from the permanent oil tax trust fund to the oil and gas impact grant fund for the grants.

In response to a question from Senator Nodland, the legislative budget analyst and auditor said the purpose of the grant program is to plan for future infrastructure needed to allow for oil and gas development.

In response to a question from Senator Lindaas, the legislative budget analyst and auditor said the local taxing district will need to partner with private industry to provide matching funds in order to receive a grant.

Senator Cook said consideration should be given to projects that reduce the oil impact burden placed on local entities. He said projects such as the construction of a new water depot may reduce the impact to existing road and water infrastructure.

Senator Nodland said the development of streets, sewers, and other utilities for housing is a major cost for cities.

Senator Lee said funding should be used to address future needs of oil-impacted areas, including proper planning for development.

Ms. Vicky Steiner, Executive Director, North Dakota Association of Oil and Gas Producing Counties, Dickinson, provided comments regarding the bill draft for energy development infrastructure grants. She expressed concern regarding the requirement that matching funds be provided from the private sector as a condition of receiving grant funding.

Senator Cook said projects that would receive grant funding would most likely be initiated by private sector companies.

Mr. Ken Yantes, Executive Secretary, North Dakota Township Officers Association, Broomfield, provided comments regarding the bill draft for energy development infrastructure grants. He said it may be difficult for townships to raise funds for projects from private sector sources.

Mr. Cal Klewin, Executive Director, Theodore Roosevelt Expressway, Bowman, presented information regarding the status of the Ports-to-Plains Alliance ([Appendix M](#)). He said the alliance has developed seven priorities for transportation, including the need for a program to streamline the transportation of overweight and oversized vehicles.

Senator Nodland said the committee should consider the future of the transportation system in the state, including state and local roads. He said the committee may need to review options for providing additional funding for roadway construction and maintenance. He suggested the Legislative Council staff prepare a bill draft to transfer \$50 million from the permanent oil tax trust fund to the state highway fund to be used for the construction and maintenance of state roadways in areas affected by oil and gas development and to transfer \$50 million from the permanent oil tax trust fund to the highway tax distribution fund for statewide highway construction and maintenance.

Representative Kelsh said all areas of the state have concerns with transportation infrastructure. He said additional funding for transportation infrastructure is needed in all areas of the state.

Representative Thorpe suggested the Legislative Council staff prepare a bill draft to reduce the motor vehicle excise tax rate from 5 percent to 3 percent and to deposit motor vehicle excise tax collections in the highway tax distribution fund rather than the general fund.

The Legislative Council staff presented a memorandum entitled [Overweight Vehicle Enforcement Fees and Extraordinary Road Use Fees](#). He said the Highway Patrol issued 79 citations totaling \$1,580 during the 2007-09 biennium for violating the terms of an overweight vehicle permit. Chapter 39-12 also allows a county state's attorney to file a civil complaint against an overweight vehicle to collect extraordinary road use fees. During the 2007-09 biennium, \$997,340 of extraordinary road use fees were deposited in the state highway fund.

COMMITTEE DISCUSSION AND STAFF DIRECTIVES

Chairman O'Connell asked the Department of Transportation to provide information at a future meeting regarding personalized handicap license plates and efforts to raise awareness of commercial motor vehicle annual inspection requirements.

Representative Porter suggested the Legislative Council staff prepare a bill draft to have the state pay the operational costs of providing access to the state message switch for entities that utilize wireless access cards for mobile data systems. He said the operations costs are \$55,151 per year.

Chairman O'Connell announced that the committee will be meeting August 4, 2010, and September 23, 2010, in Bismarck.

It was moved by Representative Martinson, seconded by Representative Kelsh, and carried on a voice vote that the meeting be adjourned subject to the call of the chair.

Chairman O'Connell adjourned the meeting at 2:45 p.m.

Brady A. Larson
Fiscal Analyst

Allen H. Knudson
Legislative Budget Analyst and Auditor

ATTACH:13