

# NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

## BUDGET COMMITTEE ON HEALTH CARE

Thursday, March 2, 2006

Roughrider Room, State Capitol

East Laboratory and Crime Laboratory

Fraine Barracks

Bismarck, North Dakota

Senator Aaron Krauter, Chairman, called the meeting to order at 9:00 a.m.

**Members present:** Senators Aaron Krauter, John M. Andrist, Richard L. Brown, Ralph L. Kilzer, Judy Lee, Tim Mathern, Carolyn Nelson, Russell T. Thane; Representatives William R. Devlin, Lee Kaldor, Gary Kreidt, Shirley Meyer, Vonnie Pietsch, Todd Porter, Louise Potter, Robin Weisz

**Members absent:** Representatives Clara Sue Price, Alon C. Wieland

**Others present:** Margaret Sitte, State Representative, Bismarck

See Appendix A for additional persons present.

Senator David O'Connell, a member of the Legislative Council, was also in attendance.

**It was moved by Senator Mathern, seconded by Senator Nelson, and carried on a voice vote that the minutes of the January 4-5, 2006, meeting be approved as distributed.**

### ALLIED HEALTH PROFESSIONS BOARD STUDY

The Legislative Council staff presented a bill draft [\[70037.0100\]](#) relating to creating North Dakota Century Code (NDCC) Chapter 43-56 establishing an Allied Health Professions Board. The bill draft:

- Defines "allied health professions" as clinical health care professions distinct from the medical and nursing professions.
- Provides the board membership includes three to five individuals from the general public and three individuals who are licensed members from each allied health profession regulated by the board. The members are appointed by the Governor for three-year terms.
- Provides the duties of the board include regulating each of the allied health professions the board has been directed to regulate, including the issuances of licenses and the regulation of licensees. The board is to meet at least once a year and annually select a president, vice president, and any other officers from its members.
- Provides an option for existing allied health professions that choose not to be a "stand-alone" board to petition for membership in the Allied Health Professions Board. The Allied

Health Professions Board and the entity submitting the petition are to prepare and request introduction of a bill draft during the next legislative session to accomplish the request for inclusion.

- Provides for a "new" allied health profession that is not regulated by an existing occupational or professional board of the state or by a state agency to submit a petition to the Allied Health Professions Board requesting inclusion as a profession regulated by the board. The Allied Health Professions Board is to determine whether to prepare and request introduction of a bill draft to accomplish the requested inclusion.
- Provides a general fund appropriation of \$4,000 for related costs of the board, including per diem costs and legal fees. The board will not have any other revenue source until an allied health profession is approved by the Legislative Assembly for inclusion in the Allied Health Professions Board. The board's primary revenue source will be from member dues.

In response to a question from Senator Mathern, the Legislative Council staff said the Allied Health Professions Board members would not have any duties until an allied health profession petitions for membership on the board.

In response to a question from Senator Lee, the Legislative Council staff said there are approximately 20 to 30 existing North Dakota allied health profession boards. Senator Lee said the bill draft provides for three members from each allied health profession; therefore, there could potentially be 90 members on the committee.

Senator Andrist said existing allied health profession boards would not petition for inclusion in an Allied Health Professions Board unless they are "pressured" to do so.

Senator Kilzer said the bill draft could be amended to require existing health profession boards with a small number of members to petition for inclusion in an Allied Health Professions Board.

Representative Porter said the primary purpose of the bill draft is to provide an option for licensure and regulation of allied health professions not currently

regulated by an existing health profession board of the state or by a state agency.

In response to a question from Senator Nelson, Ms. Jennifer S. N. Clark, Counsel, Legislative Council, said the Legislative Assembly is constitutionally required to provide guidance to boards for the adoption of administrative rules.

The Legislative Council staff presented a bill draft [\[70038.0100\]](#) relating to requiring an interim Legislative Council study be conducted of any new allied health profession wanting to be established. The bill draft:

- Creates a new section to NDCC Chapter 54-03 providing that a committee of the Legislative Assembly may not act on any legislative measure creating a new occupational or professional board regulating an allied health profession unless the measure provides for a two-year delay in the effective date and for an interim Legislative Council study to be conducted prior to the measure's effective date. The study is to consider the feasibility and desirability of having an agency or existing occupational or professional board regulate this allied health profession.
- Provides the delay in the effective date and requirement for a Legislative Council study would not apply to a legislative measure introduced by the Legislative Council.

The Legislative Council staff presented a bill draft [\[70036.0100\]](#) relating to consolidating the Board of Addiction Counseling Examiners, Board of Counselor Examiners, State Board of Psychologist Examiners, Board of Social Work Examiners, and the North Dakota Marriage and Family Therapy Licensure Board into one single board--the Allied Counsel Professionals Board. The bill draft:

- Creates NDCC Chapter 43-55 providing for the Allied Counsel Professionals Board to consist of 30 members appointed by the Governor, which is a compilation of the existing membership of each of the five boards. The board members are to serve three-year terms.
- Maintains all existing NDCC chapters providing for each of the boards; however, the bill draft changes the references to each of the five existing boards to the Allied Counsel Professionals Board.
- Provides for the Allied Counsel Professionals Board to regulate the practice of the allied counsel professions, including the issuances of licenses and the regulation of licensees. The board is to meet at least twice a year.

Chairman Krauter called on Mr. Tom Tupa, APT, Inc., Bismarck, who presented information regarding the bill draft providing for an Allied Counsel Professionals Board. A copy of the information presented is on file in the Legislative Council office. Mr. Tupa said he was representing the Board of Social Work Examiners and the Board of Addiction

Counseling Examiners. He said both of the boards oppose any form of consolidation.

Mr. Tupa said the current system is efficient, responsive, cost-effective, and adequate for providing consumer protection and the regulation of the professions. He said a consolidated board may result in one profession subsidizing the cost of another profession. He said it would be difficult to assess rent, legal, equipment, and other costs to each profession being regulated.

Mr. Tupa said individual professionals and consumer representatives of the existing boards are familiar with their own laws, rules and regulations, and professional code of ethics. He said there most likely would be very limited representation from each profession on a consolidated board.

Mr. Tupa said health profession boards deal with licensee complaints at almost every board meeting. He said these complaints can be multifaceted in content and often require a full-day meeting to address. As a result, he said, a consolidated board representing five health professions may be required to hold five-day meetings. He said lengthy board meetings would require additional lodging, meal, and per diem allowances and make it difficult to find board members willing to serve under those conditions.

In response to a question from Senator Kilzer, Mr. Tupa said the Board of Social Work Examiners annually revokes approximately 15 to 20 licenses. He said a majority of the disciplinary charges are settled during the appeals process. He said there generally are a higher percentage of complaints against addiction counselor examiners than social workers.

Chairman Krauter called on Dr. Patrick Mills, State Board of Psychologist Examiners, Williston, who presented information regarding the bill draft providing for an Allied Counsel Professionals Board. A copy of the information presented is on file in the Legislative Council office. Dr. Mills said the State Board of Psychologist Examiners is opposed to the formation of a consolidated or umbrella board. Dr. Mills said the public is best served by a board composed of doctoral-level licensed psychologists who are familiar with the profession's education and supervised experience requirements. He said decisions made by an umbrella board relating to adjudication of complaints would be more vulnerable to legal challenges.

In response to a question from Senator Kilzer, Dr. Mills said since he was appointed to the State Board of Psychologist Examiners in 2003, the board has not permanently revoked any licenses.

In response to a question from Representative Meyer, Dr. Mills said the State Board of Psychologist Examiners addresses approximately five to seven complaints per year.

In response to a question from Senator Krauter, Ms. Clark said the Governor's office has not yet appointed members to serve on the North Dakota Marriage and Family Therapy Licensure Board.

Chairman Krauter called on Mr. Kurt Snyder, Executive Director, Heartview Foundation, Bismarck, who presented information regarding the bill draft providing for an Allied Counsel Professionals Board. A copy of the information presented is on file in the Legislative Council office. Mr. Snyder said he is representing the North Dakota Addiction Counselors Association. He said the North Dakota Addiction Counselors Association is opposed to the combining of licensing boards.

Mr. Snyder said a board must understand the guidelines, ramifications, and expectations of appropriate behavior of each profession. He said it is "unrealistic" to expect board members to learn the intricacies of five professions. He said each profession is different and each deserves the commitment of its respective board.

Chairman Krauter called on Dr. Kim LaHaise, President, North Dakota Psychological Association, Fargo, who presented information regarding the bill draft providing for an Allied Counsel Professionals Board. A copy of the information presented is on file in the Legislative Council office. Dr. LaHaise said an umbrella board may potentially "water down" the member professions' regulations, particularly for the psychology profession. She said while each of the professions identified in the bill draft are considered to be part of the "helping professions," the practices differ widely in regard to ethical codes, education and training requirements, licensing exams and procedures, and general practices.

Chairman Krauter called on Ms. Andi Johnson, North Dakota Addiction Treatment Providers Coalition, Fargo, who commented on the bill draft providing for an Allied Counsel Professionals Board. She said the creation of an umbrella board would negatively impact the public. She said she would provide committee members with a copy of her testimony.

Chairman Krauter called on Ms. Rebecca McConnachie, North Dakota Counseling Association, Bismarck, who presented information regarding the bill draft providing for an Allied Counsel Professionals Board. A copy of the information presented is on file in the Legislative Council office. She said the North Dakota Counseling Association opposes the creation of an umbrella board.

Chairman Krauter called on Dr. Ed Kehrwald, psychologist, Bismarck, who presented information regarding the bill draft providing for an Allied Counsel Professionals Board. A copy of the information presented is on file in the Legislative Council office. He said he is opposed to psychologists being included in a multidiscipline licensing board.

Chairman Krauter called on Ms. Lana Kurle, registered sleep (polysomnographic) technologist, Bismarck, who presented information regarding the bill draft providing for an Allied Counsel Professionals Board. She said 2005 House Bill No. 1280 provided for polysomnographic technologists to be licensed under the State Board of Respiratory Care. She said there are approximately 10 polysomnographic

technologists practicing in North Dakota. She said an Allied Health Professions Board would be ideal for oversight of small health profession groups.

## LICENSURE AND REGULATION OF ACUPUNCTURISTS STUDY

Chairman Krauter called on Mr. David Magnuson, acupuncturist, Grand Forks, who presented information regarding the licensing and regulation of acupuncturists practicing in North Dakota. Mr. Magnuson said he is licensed by the states of Minnesota and Massachusetts to practice acupuncture. He said he practices in Grand Forks and provides services to 15 to 20 clients per week. He said he knows of three individuals practicing traditional acupuncture in North Dakota.

Mr. Magnuson said it is not illegal to practice acupuncture in North Dakota; however, other than the State Department of Health's requirement that sterilized disposable needles be used, the profession is not regulated. He said licensure and regulation would prevent unqualified people from practicing in the state. He said 41 states license and regulate the practice of acupuncture.

In response to a question from Senator Krauter, Mr. Magnuson said nearly all states require licensed acupuncturists to be certified by the National Certification Commission for Acupuncture and Oriental Medicine. He said the certification process requires graduation from an accredited school and successful completion of a written and practical exam.

In response to a question from Representative Porter, Mr. Magnuson said the education component involves three years of continuous education. He said students receive training on the theory of Chinese medicine, "point location," "needling" techniques, and Western medicine. He said he received his degree in acupuncture from a school in Minneapolis. He said the next closest accredited acupuncture school is in Seattle.

Mr. Magnuson said in Minnesota, the Acupuncture Advisory Council advises the Board of Medical Practice regarding acupuncture licensure standards and disciplinary issues and provides for distribution of information regarding standards. He said 2005 Senate Bill No. 2171, as introduced, would have provided for the State Board of Medical Examiners to license acupuncturists. He said the bill would have provided for similar licensing requirements as Minnesota.

In response to a question from Senator Andrist, Mr. Magnuson said he performs a type of acupuncture which is significantly different than acupuncture services provided by chiropractors. He said the acupuncture services offered by chiropractors are regulated by the State Board of Chiropractic Examiners. He said regulation of acupuncture would exempt chiropractic acupuncture.

Senator Lee asked the Legislative Council staff to provide information at the next meeting regarding

whether it would be possible to establish a reciprocity agreement to accept licensure requirements from another state without establishing a separate board for acupuncturists. She said both Minnesota and Montana license acupuncturists.

**BOARD OF NURSING REPORT**

Chairman Krauter called on Dr. Constance Kalanek, Executive Director, Board of Nursing, who provided information regarding nursing education, licensure requirements, and shortages. A copy of the information presented is on file in the Legislative Council office. Dr. Kalanek said that NDCC Section 43-12.1-09 provides for the Board of Nursing to license and register nursing applicants. She said North Dakota Administrative Code (NDAC) Section 54-02-05-05.1 requires a minimum of 400 hours in clinical practice within the preceding four years for licensure renewal of registered nurses (RNs), licensed practical nurses (LPNs), and advanced practice registered nurses (APRNs). She said NDAC Section 54-02-05-08 requires RNs, LPNs, and APRNs to complete a minimum of 12 contract or continuing education hours within the previous two years for licensure renewal.

Dr. Kalanek said the Board of Nursing maintains a nursing education loan program funded through licensure fees of \$10 for each RN and LPN biennial renewal fee or \$5 of each RN and LPN annual renewal fee. She said loans may be provided to students accepted into nondegree LPN programs, associate degree LPN or RN programs, baccalaureate RN programs, and master's or doctoral nursing programs and for LPNs or RNs to take board-approved refresher courses. She said the total amount and number of nursing education loans made for the last four fiscal years are:

	2001-02	2002-03	2003-04	2004-05
Total amount of loans (number of loans)	\$57,350 (35)	\$59,410 (35)	\$48,575 (30)	\$64,100 (67)

Dr. Kalanek presented an overview of nursing education programs approved by the Board of Nursing based on the fiscal year 2004-05 nursing education annual report. She said the Board of Nursing-approved bachelor of science in nursing (BSN) RN programs require on average a total of 940 hours of clinical experience.

Dr. Kalanek said the average total clinical hours required for the "articulated" degree RN programs (both BSN and associate degree nursing) are 750 hours. She said fiscal year 2004-05 is the first year the "articulated" associate degree RN programs are offered in North Dakota. She said there are 20 students enrolled in the State College of Science program and 44 students enrolled in the Dakota Nurse program.

Dr. Kalanek said there are four board-approved associate degree practical nursing programs--Sitting

Bull College, State College of Science, United Tribes Technical College, and Dickinson State University. She said the Dakota Nurse program offers a certificate practical nurse program. She said on average, the five practical nurse programs require 516 hours of clinical experience.

Chairman Krauter called on Dr. Patricia Moulton, Center for Rural Health, University of North Dakota School of Medicine and Health Sciences, Grand Forks, who presented information regarding the North Dakota nursing needs study. A copy of the information presented is on file in the Legislative Council office. Dr. Moulton said the nursing needs study is currently in its fourth year of data collection. She said the Board of Nursing has approved a 10-year timeline for the study so data collection is projected to continue for six more years.

Dr. Moulton said there are approximately 632 APRNs, 8,468 RNs, and 3,365 LPNs in North Dakota. She said nationally there is an average of about eight RNs per 1,000 people. She said 28 North Dakota counties have less than the national average number of RNs. She said the average age of North Dakota RNs is 45, the same as the national average, and the average age of North Dakota LPNs is 41, slightly younger than the national average of 43. She said nurses on average plan to retire from direct patient care at age 62.

Dr. Moulton said the 2005 North Dakota vacancy rate for RNs was 11 percent, which is an increase from 9 percent in 2004 and 5 percent in 2003. She said the 2005 statewide vacancy rate for LPNs is 5 percent, which is consistent with 2004 and 2003 vacancy rates of 5 percent. In 2005, she said, the statewide RN turnover rate was 20 percent, which is an increase from 18 percent in 2004 and 15 percent in 2003. She said according to the American Organization of Nurse Executives, the national average turnover rate for RNs in hospitals is 21.3 percent. She said the 2005 statewide turnover rate for LPNs is 21 percent, which is an increase from 20 percent in 2004 and 17 percent in 2003.

In response to a question from Senator Lee, Dr. Moulton said the nursing turnover information is based on facility surveys and does not provide information on future employment plans of the nurses. She said approximately 700 nurses per year choose not to renew their license.

Dr. Moulton said in 2005 North Dakota RNs were paid an average of \$19 per hour as compared to the national average of approximately \$27 per hour. In 2005, she said, North Dakota LPNs were paid an average of \$14 per hour as compared to the national average of approximately \$17 per hour.

Chairman Krauter called on Mr. Arnold Thomas, President, North Dakota Healthcare Association, who presented information regarding the practice of hospitals contracting with out-of-state employment agencies for nursing services. A copy of the information presented is on file in the Legislative Council office. Mr. Thomas said there are numerous

reasons hospitals use employment agencies or "registries" for short-term personnel needs, including sudden disease outbreaks, short-term staff vacancies, and position vacancies which require a specific professional skill-set. He said sometimes hospitals cannot meet personnel needs locally and, in those instances, employment agencies or "registries" are a valued resource.

### OTHER INFORMATION

Senator Krauter distributed and reviewed a bill draft which would require insurance companies to pay North Dakota pharmacists a minimum reimbursement fee for the cost of filling North Dakota members' prescription drugs. He said Blue Cross Blue Shield of North Dakota recently decreased its payment rates to pharmacies for filling members' prescription drugs. He said many North Dakota pharmacies are concerned about their financial "viability." He said the bill draft is not directly related to a study assigned by the Legislative Council to the Budget Committee on Health Care but is presented for informational purposes.

Chairman Krauter called on Ms. Maggie Anderson, Director, Medical Services, Department of Human Services, who presented information regarding North Dakota's Medicaid prescription drug dispensing fee paid to pharmacists. She said the dispensing fee paid is \$5.60 per generic drug and \$4.60 per brand name drug. She said the current rate schedule was implemented in August 2003. She said the Department of Human Services negotiated with representatives of pharmacies to provide for a "fair" prescription drug dispensing fee.

In response to a question from Senator O'Connell, Ms. Anderson said she was not aware of any pharmacies refusing to fill prescriptions for the Medicaid dispensing fee.

Senator Mathern said the bill draft should distinguish between in-state and mail-order pharmacies.

In response to a question from Representative Devlin, Ms. Anderson said she would provide the committee with information comparing North Dakota's Medicaid prescription drug dispensing fee to other states. A copy of the information provided is attached as Appendix B.

Representative Devlin said other professions would also like the Legislative Assembly to establish a reimbursement "floor" for their services. Senator Kilzer said he is concerned with the Legislative Assembly establishing a fee schedule.

The Legislative Council staff presented a memorandum entitled [State-Owned Real Estate](#). The Legislative Council staff said the memorandum represents the results of a survey of 38 state agencies and institutions that own land and buildings. Total state-owned land as reported by state agencies and institutions total 1,057,333 acres with an estimated value of \$405.6 million.

The Legislative Council staff said the 1.1 million acres of state land comprises 2.4 percent of all land in North Dakota compared to federally owned land which totals 1.9 million acres, or 4.2 percent of all land in the state. Agencies and institutions own 1,820 buildings totaling 21.8 million square feet with a total estimated value of \$1,675,000,000. These agencies reported total debt on these buildings of \$207.5 million. A copy of the report is on file in the Legislative Council office.

In response to a question from Senator Andrist, the legislative budget analyst and auditor said there are various methods to direct the Department of Public Instruction to study the possibility and feasibility of moving North Dakota Vision Services - School for the Blind to Devils Lake to the School for the Deaf facility in Devils Lake prior to the 2007 Legislative Assembly. He said the committee could by motion request the chairman of the Legislative Council to ask the Department of Public Instruction to consider the study proposal. He said the committee could introduce a resolution providing for a Legislative Council study of the issue during the 2007-08 interim. He said an individual legislator could introduce a bill to the 2007 Legislative Assembly requiring the Department of Public Instruction to combine the facilities.

In response to a question from Representative Porter, the Legislative Council staff said outstanding debt is greater than the value of the State Department of Health's morgue and laboratory storage building due to the costs of issuing bonds for the projects.

Senator Krauter distributed a copy of a map prepared by the Department of Corrections and Rehabilitation of acreage of land surrounding the State Penitentiary. He said the State Water Commission's and Game and Fish Department's maintenance shop buildings and the East Laboratory, morgue, and Crime Laboratory are located on the property. A copy of the information presented is on file in the Legislative Council office.

The committee recessed for lunch from 12:10 to 1:00 p.m. Following lunch the committee traveled to the East Laboratory.

### EAST LABORATORY AND CRIME LABORATORY TOUR

The committee reconvened at the East Laboratory at 1:15 p.m. Ms. Arvy Smith, Deputy State Health Officer, State Department of Health, welcomed the committee to the East Laboratory complex. Ms. Smith introduced Mr. Wayne Stenehjem, Attorney General, and Dr. Terry Dwelle, State Health Officer, State Department of Health.

Mr. Stenehjem presented information regarding the Crime Laboratory. A copy of the information presented is on file in the Legislative Council office. Mr. Stenehjem said the Crime Laboratory is a part of the East Laboratory complex. In 2003, he said, the Legislative Assembly approved the transfer of the Crime Laboratory from the State Department of Health

to the Attorney General's office. He said the services provided by the Crime Laboratory include:

- Examining physical and toxicological evidence provided by local, state, and federal law enforcement agencies, the military, prosecutors, and defense attorneys;
- Investigating and responding to clandestine laboratories;
- Maintaining a DNA data base of convicted offenders;
- Providing followup on referrals to local, state, and federal agencies involving death investigations;
- Training law enforcement personnel on how to use breath/alcohol equipment and analysis; and
- Providing expert testimony in courts.

Mr. Stenehjem said federal funding for law enforcement activities is being dramatically reduced. He said these reductions relate to federal Edward G. Byrne and High-Intensity Drug Trafficking Areas (HIDTA) funding.

Mr. Stenehjem said 2005 Senate Bill No. 2023 approved by the Legislative Assembly authorized \$3,632,691 from bond proceeds for expanding and remodeling the Crime Laboratory. He said construction of an approximate 12,000-square-foot addition on the north side of the building will begin this spring.

Dr. Dwelle presented information regarding the chemistry laboratory, microbiology laboratory, and the morgue. A copy of the information presented is on file in the Legislative Council office. Dr. Dwelle said the 2001 and 2003 Legislative Assemblies authorized funding totaling \$4.9 million for the addition and remodeling of the State Department of Health laboratory facilities. He said approximately \$2.2 million of the cost was from federal bioterrorism funding and air contaminant fees and the remaining \$2.7 million was from bond proceeds. He said the new addition was completed in 2004 and houses the portions of the chemistry and microbiology laboratories functions that have the most critical air-handling and exhaust requirements.

Dr. Dwelle said the microbiology laboratory is responsible for providing rapid detection and identification of diseases that may threaten the public's health. He said the microbiology laboratory is the only facility in North Dakota approved and registered for confirmatory testing of certain bioterrorism agents such as ricin, anthrax, and smallpox.

Dr. Dwelle said the chemistry laboratory provides testing services to environmental protection agencies, local public health units, and agricultural and petroleum regulatory programs. He said the test results are used to regulate air quality, solid and hazardous waste, municipal wastewater, agricultural runoff, water quality, petroleum products, and other environmental health concerns.

Dr. Dwelle said the 2003 Legislative Assembly approved House Bill No. 1023 authorizing \$960,000

from bond proceeds, including \$800,000 for the construction of a morgue and \$160,000 for a cold storage facility for the State Department of Health. He said the cold storage facility stores laboratory supplies and records for the morgue and the chemistry, microbiology, and crime laboratories. He said the morgue facility is a 4,837-square-foot building that houses the offices and autopsy suites for the forensic examiner's office.

After the presentations, the committee toured the facilities. Ms. Hope Olson, Director, Crime Laboratory, Attorney General's office, conducted a tour of the Crime Laboratory, including the forensic science laboratory and the breath/alcohol laboratory.

Dr. George Mizell, Director, Forensics Division, State Department of Health, conducted a tour of the morgue facility. Ms. Myra Kosse, Director, Division of Chemistry, conducted a tour of the chemistry and microbiology laboratories facilities, including the feed and fertilizer laboratory, petroleum laboratory, mineral laboratory, organic residue laboratory, and spectroscopy laboratory.

The committee recessed at 3:10 p.m. and traveled to Fraine Barracks.

### **FRAINE BARRACKS TOUR**

The committee reconvened at Fraine Barracks at 3:25 p.m. Brigadier General Jerry Engleman, Deputy Adjutant General, welcomed the committee to Fraine Barracks. He presented information regarding the North Dakota National Guard. A copy of the information presented is on file in the Legislative Council office. He said there are currently 4,139 members in the North Dakota National Guard--3,130 in the Army National Guard and 1,009 in the Air National Guard.

Brigadier General Engleman said 3,023 members of the North Dakota National Guard have been mobilized for active duty since the September 11, 2001, attack on America. He said the North Dakota National Guard is anticipating more mobilizations. He said mobilization provides unique challenges for the National Guard, including providing family support and addressing posttraumatic stress disorder.

Mr. Greg Wilz, Director, Homeland Security, Department of Emergency Services, welcomed the committee to Fraine Barracks. He said the Department of Emergency Services has been extremely busy since September 11, 2001. He said the Department of Emergency Services provides the following services:

- Manages the State Operations Center 24 hours a day 7 days a week to ensure a statewide coordinated response to emergencies or disasters.
- Operates the State Radio Communications Center which provides services to all first responders, emergency operations, and citizens in North Dakota.

- Coordinates with local, tribal, state, and federal agencies to produce and distribute public safety information.
- Implements North Dakota homeland security and emergency management programs.

Mr. Wilz said the 2005 Legislative Assembly provided for the Adjutant General to create one or more advisory committees to the Department of Emergency Services. He said the advisory committee is limited to no more than 11 members representing local and state interests in the department. He said it was difficult to limit the membership to only 11 individuals but the committee has been formed. He said the advisory committee advises the department regarding collaboration with political subdivisions.

Mr. Wilz said it is anticipated that federal homeland security funding will continue to decrease in the next few years. He said the department's 2006 "package" request for homeland security funding is \$17 million. He said the state received \$14.7 million of federal homeland security funding in 2005 and \$19.4 million in 2004.

Mr. Russ Timmreck, Director, Division of State Radio, Department of Emergency Services, said State Radio's migration from analog to analog/digital is projected to be completed by January or February 2007. He said State Radio provides 911 services to 22 counties and is the primary public safety answering point for the Highway Patrol. The committee conducted a tour of the Emergency Operations Center.

The committee adjourned subject to the call of the chair at 5:00 p.m.

---

Donald J. Wolf  
Senior Fiscal Analyst

---

Jim W. Smith  
Legislative Budget Analyst and Auditor

[ATTACH:2](#)