

**2013 SENATE POLITICAL SUBDIVISIONS**

**SB 2292**

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Political Subdivisions Committee Red River Room, State Capitol

SB 2292  
February 1, 2013  
18171

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to reimbursement of costs under the state disaster relief fund

### Minutes:

You may make reference to "attached testimony."

**Chairman Andrist** opened the hearing for SB 2292. All senators were present.

**Senator Sinner** sponsor of SB 2292. See written testimony #1.

**Mike Reitan**, Assistant Chief, West Fargo Police Department; In support of SB 2292. See written testimony #2. In the fall of 2012, the Department of Emergency Services (DES) had approached the Chiefs and Sheriffs Associations here in North Dakota and asked that we look towards legislation that would clearly define who is responsible to conduct these types of search at any given instant. There is an issue of the possibility of grant funding and equipment that would be available under that authority and it would also allow for the coordinated release of state assets to a particular authority requesting them to assist in the search.

**Chairman Andrist** asked Mike in regards to the bill, in subsection 3, we do use the terminology 'may' approve the costs from the disaster relief fund. Is there any danger here that you get a call during an event where such and such on the road and an officer finds the person, and helps them to safety? Is he going to turn in the bill to the disaster relief fund or will the department do that routinely or are you confident that this would be reserved for not for frivolous searches but for the serious, very costly one?

**Mike Reiten** replied that the Department of Emergency Services (DES) is going to set some standards for us to follow as far as what is a reimbursable expense or not.

**Chairman Andrist** responded that he suspects that's true since it has the term may. I presume they can set those thresholds.

**Vice Chairman Ronald Sorvaag** asked this probably doesn't affect this but, just give me a little idea, of a search that starts in Cass County, it would be Sheriff Liney or somebody as an example. If it's wide its' going to cross borders into cities, other counties. Who do you determine is in charge first? How do you establish the search? Where's the start area,

who's jurisdiction, and would that transfer? Would they keep it, obviously you move all over when you're doing that.

**Mike Reiten** responded yes, that authority is going to transition and by requiring that whatever plans are developed, are developed under the National Incident Management System (NIMS). It is a unified command that transfer will take place (Examples given 7:20-8:07).

**Vice Chairman Ronald Sorvaag** asked but with this bill the chief law enforcement officer in each of that whether it's a city would transfer to him and that is what this is basically doing? So it is a defined line of command, that's the purpose of this?

**Mike Reiten** replied yes, this is exactly what this is trying to establish. At this point if we are doing a search (example provided) and somebody decided they wanted to help out, currently there isn't necessarily a mechanism in place that allows us or gives us the authority to exclude a particular vigilante type individual coming in, so it just provides clear language as to the authority control coordination and then possible reimbursement according to the rules of the DES.

**Senator Grabinger** asked that it looks like you're going to create incident plans. Don't you have incident plans already in place? I know when I was on the Fire Department and the Council in Jamestown we had a major incident commands, we did tests and everything. Don't you have this information already or how are you going to come up with that plan?

**Mike Reiten** replied this is to ensure those plans are in place. We're not intending for somebody to overwrite plans that they currently have, but, those agencies that don't have plans are then encouraged to develop plans as to how they are going to respond.

**Senator Howard Anderson** asked on page 2, it actually start on page 1, line 22, the local emergency management director shall work in coordinating capacity directly supporting all wide area search and rescue activities in that political subdivision and in registering each emergency search and rescue worker for employee status. Example shared (10:33-10:51) Are you suggesting that each one of those 500 people be registered for employee status?

**Mike Reiten** replied a portion of having volunteers assist in any emergency operation is to ensure that they are covered by Work Force Safety Insurance (WSI) or an insurance that will cover them in case they become injured and that is the purpose for the registration. Are we going to delay any type of response, no, and they don't delay those responses up of the volunteers at the time that the incident is going. But they do capture that information as the emergency is going on, the name of the individuals that are assisting in the emergency in case a claim comes back later for damaged property or some sort of injury or illness resulting from the search.

**Chairman Andrist** replied that this part of the discussion triggers a memory of me (Example cited 12:26- 12:51). In the context of a rural community this registering thing seems a little bit onerous to me because people just want to help and they just come and do it. They don't want to stop and be registered in case they sprain an ankle.

**Mike Reiten** replied we understand North Dakota and that if something happens there is going to be a lot of people coming out. (Example cited) But there also has to be some control over what's going on so that we can ensure that all the areas are covered and if it's a criminal type situation that some sort of evidence is not destroyed. We need some ability to track who is on the scene and what they're doing. We're not going to turn anybody away, we're not going to interfere with the pace at which the investigation or the search is going on, but we're going to try and capture those names of the people involved so that we have that. We don't expect everybody to go through a check in line and sign off that they are there; but at some point we need to capture the names of the individuals.

**Senator Judy Lee** shared some information for the committee. We already have some of that in place in settings such as volunteer fire departments and emergency service providers, ambulance teams and so forth (Example cited). There is one WSI policy that covers the salaried people and another policy that covers the volunteers. I've done a fair amount of work before this session because they are trying to figure out what to do in the unusual event where somebody is significantly injured when they are acting as a volunteer (Example cited). But this is already in place for other kinds of volunteer workers and so I think if we have some concerns about it we could ask WSI to provide us some additional information. This isn't a new deal, as it's already there.

**Chairman Andrist** asked Senator Lee would there be a distinction between a regular volunteer as a fireman who goes out regularly and those who might just walk on the scene because they want to help find the missing kids. **Senator Judy Lee** replied that she would prefer if we maybe ask WSI about that. I know that they have a definition for volunteer that was using the IRS definition which is no pay at all. Many of these volunteers who are in firefighting groups or emergency ambulance services and all of that, they do get some modest compensation and we're actually working right now on trying to resolve that. I would rather not commit perhaps Sr. Sorvaag will respond.

**Vice Chairman Ronald Sorvaag** replied we're kind of getting hung up as the searchers get injuries they get Workman's Comp but isn't the whole purpose of this to find somebody that is lost. I know the North Dakota way and I know people want to get out there and 500 show up. But the whole purpose of it is to find the person and are you better having 5 people running all over or are you getting them registered, coordinated and being done in a professional manner. I would think we would have a much better chance of a positive result.

**Mike Reiten** responded yes it needs to be well choreographed (Example cited). It is trying to bring the 500 people together and make it a coordinated effort that gets the job done the best, most effective and most successful.

**Senator John Grabinger** added isn't that already done on a local level? Why do you need the state law and just do it on the local level? (Example cited) **Mike Reiten** replied you are correct. We have our local plans and there is no place in the law that says who is actually responsible or has the authority to oversee those searches, coordinate the searches, control the scene and then seek funding for any expenses associated with that search. That is the purpose of the law is to establish that authority, to establish who has control of the scene and to establish the opportunity for them to receive funding back. I understand

your comments about the plans the Fire Department has and it's for their area and they just go out and do it.(Example cited) There are some responsibilities and liabilities that I think need to be addressed and that would be the purpose behind the bill is to establish a clear, hard line authority as to who is responsible for these.

**Senator Jim Dotzenrod** refers to the bill on the top of page 2; the chief law enforcement official of each political subdivision may restrict access to a specific search and rescue area to personal authorized by the chief. Do we really need to say that kind of language in the law? I am just wondering how much the state needs to spell out in the code. I would assume that the chief law enforcement official is going to be instructing the people doing the search and they will follow the instructions they get from that person. I don't know how much we can tell them and why we need all of it. There's a lot of reference to the chief law enforcement official of the political subdivision but I assume if you have more than one subdivision maybe in three counties, some person is going to have be above them in the state or person coordinating between them. I don't see them referred to in here if there is a multicounty operation. Who is in charge at that point?

**Mike Reiten** replied why is it important for law enforcement to be able to control the scene. If it were abduction, a criminal case, and obviously it's going to be very emotional for the community, and individuals may want to be vigilante and go out and search for that missing child. It would be detrimental to a crime scene. There needs to be some control that way. As far as the jurisdictional multi agency, under the National Incident Management System, there is a Unified command in which we bring representatives from the different jurisdictions or different emergency services discipline like fire, ambulance, law enforcement together into a common command center and then that group is the group that coordinates all of the efforts that take place.

**Senator Judy Lee** asked doesn't that mean that if you did cross the border into another county, then the chief law enforcement official in the other county who is already part of this team, would be the one for the efforts in that county. Is that correct or did I misunderstand?

**Mike Reiten** replied that would be correct. Who's in charge can be a shifting responsibility depending on where the operations are, what's going on at the operation, it has the ability to move and that's why the reference to the National Incident Management System is in here so that people understand that they need to operate in that cooperative structured environment to make sure we are successful in what we do.

**Senator Howard Anderson** said he is in favor of the concept here. My concern is that sometimes when we put too big of a government structure in place, what happens eventually, it hasn't happened in North Dakota yet, but pretty soon everybody just sits back and says somebody else is in charge of this and will take of it, it is not up to me. Pretty soon it increases the cost, it lowers the participation of local people and then the local people back away. I don't like that.

**Senator John Grabinger** asked for a clarification on his point. Are you suggesting that maybe us doing this we might be lessening the effect we are trying to accomplish?

**Senator Howard Anderson** replied that is always a risk I think. It depends on how the local law enforcement people have it. I see this bill as more of an effort by the Chief Law enforcement officer to control all of the other things that goes on at the same time. But there are instances and if good judgment is used by the local law enforcement officer who is in charge, I think those things could be handled. That is not always the case. I don't like it when we handle everything the same.

**Mike Reiten** replied this is really an evolution with advance life support in the ambulance services; the fire departments have different gear for each situation. I see it as an evolution in how we do search and rescue in the state. It has to be more efficiently and more effectively run.

**Chairman Andrist** replied that it is kind of interesting to sometimes see how rural people react a little different than people in the larger communities. Your observation is pretty astute.

**Senator Jim Dotzenrod** asked in reference to the second of the last sentence of the bill, for the purposes of reimbursing cost. Has cost reimbursement been an issue? Have we seen a situation where there was an event and afterwards there was trouble paying people? Is that where this came from or is this sort of planning ahead?

**Mike Reiten** replied it's more of planning ahead. I would imagine there have been costs incurred in other searches that hadn't sought reimbursement for.

Closed Hearing on SB 2292. Committee discussion followed.

**Vice-Chair Ron Sorvaag** asked to comment on several things that were discussed. Number one that we do this that we're going to discourage people and I would strongly disagree with that because I still think there are people that come out and help their neighbors. Secondly, I know the rural is different than the urban. A lot of people think we don't take care of ourselves. (Example cited) Rural and city can work together. You can coordinate and all work together. Large communities respond, but whether it's large or small, the people of North Dakota respond. But I think this idea they shouldn't be coordinated and do it in a professional manner is just a mistake.

**Senator Jim Dotzenrod** restated about the one sentence on the top of page 2, about restricting the access to the areas. I guess when I read it I didn't understand it, that is really pretty important that they are protecting the crime scene. We don't want the crime scene destroyed or lost. That is very important.

Senator Judy Lee moved a Do Pass  
Senator Grabinger- 2<sup>nd</sup>  
Roll call vote 5 Yea, 1 No, 0 Absent  
Carrier: Senator Judy Lee

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

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2292

Senate 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 \_\_\_\_\_ Seconded By \_\_\_\_\_

Senators	Yes	No	Senator	Yes	No
Chairman John Andrist	✓		Senator Jim Dotzenrod	✓	
Vice- Chairman Ronald Sorvaag	✓		Senator John Grabinger	✓	
Senator Judy Lee	✓				
Senator Howard Anderson, Jr.		✓			

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator Judy Lee

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

**REPORT OF STANDING COMMITTEE**

**SB 2292: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO PASS (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2292 was placed on the Eleventh order on the calendar.**

**2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2292**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

SB 2292  
March 7, 2013  
Job 19606

Conference Committee

*Angie Dennis / Marley King*

## Explanation or reason for introduction of bill/resolution:

Relating to search and rescue operations; relating to reimbursement of costs under the state disaster relief fund.

## Minutes:

Testimony 1

**Chairman Jim Kasper** opened the hearing.

**Mike Reitan, Assistant Chief of West Fargo Police Department**, testified in support of the bill (Testimony 1).

**Rep. Steven Zaiser:** Was there a very similar bill that was passed last session?

**Mike Reitan:** I don't believe so. There were a number of bills that dealt with establishing the national incident management system and how to respond to disaster. There a bill dealing with mutual aid between law enforcement agencies and working across state lines.

**Rep. Vernon Laning:** Prior to this, how was it handled? Who was in charge?

**Mike Reitan:** That was the problem. It was naturally assumed the law enforcement agency was in charge, however there was not a legal authority established to indicate it. It would have been difficult for law enforcement to prevent others from entering into one of the searches and possibly contaminating or damaging the crime scene.

**Rep. Bill Amerman:** If something happens in Cass County, would the county sheriff be the one in charge? If the search widened into the Fargo area, would the county sheriff still be in charge because he's the chief officer for the county?

**Mike Reitan:** The control of the situation would be fluid and there would be times where there would be overlapping jurisdictions.

**Vice Chair Randy Boehning:** Regarding the authorization for approval of cost, how would this come into effect? How would you get reimbursed? What would be included?

**Mike Reitan:** That would be established by the Dept. of Emergency Management. There is a fund set up to pay costs associated with certain emergency situations.

**Vice Chair Randy Boehning:** Would overtime costs for your officers when searching for a missing person be included in reimbursement as well?

**Mike Reitan:** The departments would have to understand that overtime is a budgeted item. If it was something extraordinary, I imagine that they could request. But it would be up to the final rules set by DES.

**Vice Chair Randy Boehning:** I'm trying to determine the intent.

**Mike Reitan:** There are currently rules in place for utilizing that fund for other types of emergencies. I feel confident the rules the director sets would be appropriate and fair for both the state and the jurisdiction.

**Rep. Karen Rohr:** Currently everybody is working together when you have these wide area search and rescue issues. Is the purpose for this bill to make sure we have costs that are accounted for? Why do we need this if it's already happening?

**Mike Reitan:** Right now there is no legal authority established as to who has authority and control of the scene. If law enforcement is looking for a kidnapped child and word got out to the public and they started searching, we don't have the legal authority to say back off.

**Rep. Ben Koppelman:** Does Section 3 make money available that isn't available now?

**Mike Reitan:** That would be correct.

**Rep. Gary Paur:** Can you not declare something a crime scene now and restrict people from entering it?

**Mike Reitan:** There is some limitation on that. We would have to show that they were intentionally interfering with the investigation for us to arrest them. If they are there for what they perceive is a good cause, we'll have problems in court.

**Rep. Gail Mooney:** Does this address liability issues that you may come across?

**Mike Reitan:** Yes. It talks about registering the individuals that are going to take part in case of injuries. It also identifies, for law enforcement purposes, who was at the scene.

**Vice Chair Randy Boehning:** What does the media think of this, if they go out there?

**Mike Reitan:** We deal with that every day. We ask for their cooperation.

**Rep. Bill Amerman:** How does Highway Patrol play into this when there is a search and rescue spread out over multiple jurisdictions?

**Mike Reitan:** The Highway Patrol would be another resource and we could ask for their assistance when the person in charge saw fit. There could be times when they would be the coordinating official, during a winter snow storm for example.

**Chairman Jim Kasper:** Does this bill require each law enforcement officer of each political subdivision to put together a plan in advance to deal with emergency situations?

**Mike Reitan:** That is pretty much standard language for any type of emergency response.

**Chairman Jim Kasper:** Do you put dollars in your budget that could cover situations like this?

**Mike Reitan:** Yes, we have contingency funds for major investigations.

**Chairman Jim Kasper:** How important is access to the disaster relief fund to the bill?

**Mike Reitan:** The fund that we set aside for those special investigations would not cover a protracted search where aircraft or other specialized teams are used.

**Chairman Jim Kasper:** Do you use aircraft very often?

**Mike Reitan:** No, but on occasion.

**Greg Wilz, Deputy Director of Emergency Services and the Homeland Security Director, (23:29)** testified neutrally on the bill.

**Rep. Marie Strinden:** Would the local law enforcement would they be required to spend down their own contingency fund before applying for State or Federal Funding under this bill?

**Greg Wilz,** The rules have not been written yet. There always should be skin in the game. The rules would be so that there are cost shares. Golden Valley and Billings Counties have small populations their ability to have a large contingency fund is somewhat limited. So you have any questions about search and rescue, Shawn Johnson would be able to answer those questions.

**Rep. Karen Karls:** Could you please discuss the Disaster Relief Fund?

**Greg Wilz** There is a disaster relief fund. 2009 the Legislature put money aside because of the flood event we were experiencing. 2011 continued that fund. That fund does exist today. There are roughly \$50 million in that account right now. Due to the Oil-Gas Trust Fund hit a threshold, there was an automatic dump of another \$22 million. We are roughly at 59 million. This pays local and state costs for disaster response and recovery. If this is not fix, the fund will not be there as the House has taken Section 9 out of the bill which allows for the next biennium.

**Rep. Karen Karls:** Small fire departments getting over a million dollars in grants and spending it on a website. Do they have the authority and the policemen do not?

**Greg Wilz:** This money that you are speaking about are not state dollars and they are not federal dollars that we control.

**Rep. Steven Zaiser:** SARS could you explain what this means?

**Greg Wilz:** Search and rescue

**Shawn Johnson, Search and Rescue Coordinator North Dakota Department Emergencies:** The four domains for Search and Rescue: Aeronautics, Water Rescue, the technical aspects that Mr Reitan referred to earlier and Wilderness (wide open area). There is hesitation because of cost. The number one tactic that we have to do is the containment of the search area, which means, keeping out those people who are not going to add in value of the search. But also means keeping in what the potential victim might be. A lot of SAR is volunteered based. Sometimes there is cost as bringing in a Dog team from another state or another jurisdiction within North Dakota. There are travel costs. The cost if you have to use more than civil air patrol for air-craft.

**Rep Rohr:** So the 2 parts to this bill are: establishing authority and cost.

**Shawn Johnson:** If you pass the bill without the financial package, it works. There are issues of who has proper authority.

**Rep. Scott Louser:** The conference committee will have to address this when we pass this as there are 3 bills pertaining to this already.

The hearing is closed.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

SB 2292  
March 28, 2013  
20634

Conference Committee

Committee Clerk Signature

*Carmen Hart*

**Explanation or reason for introduction of bill/resolution:**

Relating to search and rescue operations; relating to reimbursement of costs under the state disaster relief fund.

**Minutes:**

You may make reference to "attached testimony."

**Chairman Jim Kasper** opened the session on SB 2292.

**Rep. Marie Strinden** stated she would be the carrier instead of Rep. Zaiser.

**Rep. Ben Koppelman** This is the bill where the assistant police chief from West Fargo came in and talked about in cases of kidnapping or something like that, if they get a report that the last place they were seen was on a section of land out in the country, they want to be able to restrict access to people from trampling the crime scene.

**Rep. Karen Rohr** It was about additional monies to go into the system that does the search and rescue.

**Rep. Vernon Laning** They wanted reimbursement for their cost out of the state disaster relief fund. When they hired an airplane or whatever, they would be able to get those costs reimbursed.

**Rep. Marie Strinden** Didn't he say that they do something like this with other programs, and it is kind of a matching fund. If they have extra costs for the search and rescue, then the state would pay for half of it.

**Chairman Jim Kasper** If you look on Page 2, Line 17, where we are talking about the state disaster relief fund, my notes say that in 2009 the legislative session put away huge dollars for the flood and \$59 million is currently in the fund as of a number of weeks ago. My note is it opens up too much. The cost may be reimbursed. They have to apply to the homeland security for the funds, and if they approve it, they get it. That sort of what this bill does.

**Rep. Gary Paur** I am a little uncomfortable having the political subdivision in charge of rescue or search. As you go across jurisdictions, you would be constantly changing who is in charge, and they would have to start all over again. I don't think it is a very efficient system.

**Vice Chair Randy Boehning** If the search and rescue starts out in Cass County and then moves over into Ransom County, there is one person they are going to agree on to be in charge.

**Rep. Gary Paur** Can you show me where it says that?

**Vice Chair Randy Boehning** That is the intent of the bill.

**Chairman Jim Kasper** Line 16, Page 1 talks about it. They would have to delineate in their plan who is going to be in charge if you are dealing with multijurisdictional circumstances. They notify and they have a plan and are coordinating. The chief law enforcement official of each political subdivision may restrict access to a specific search and rescue area.

**Rep. Bill Amerman** You said it very well. The way I see it law enforcement is talking back and forth.

**Rep. Gary Paur** I would feel a lot more comfortable if this was coming out of emergency services rather than an assistant police chief in a town.

**Chairman Jim Kasper** As far as the testimony?

**Rep. Gary Paur** No, whether it is necessary.

**Rep. Gail Mooney** To me this is a common sense approach. It allows them to have the jurisdiction that they need to get their job done in an emergency situation. It is all about emergency. They need to get their job done without having to stop and double check if they are in the correct jurisdiction or if they are about to cross someone's lines and then move it over to another jurisdiction.

**Chairman Jim Kasper** Looking at the minutes from the hearing, Rep. Strinden asked Greg Wilz, Deputy Director of Emergency Services, if the local law enforcement would be required to spend down their own contingency fund before applying for state or federal funding? Mr. Wilz stated the rules have not been written yet, but the rules would be so that there are cost shares. He also stated that there is a disaster relief fund which is roughly at \$59 million. This pays for local and state costs for disaster response and recovery. If this not fixed, the fund will not be there as the house has taken Section 9 out of the bill which allows for the next biennium.

**Rep. Scott Louser** What are we doing now? How do these things get coordinated short of this bill passing today?

**Chairman Jim Kasper** I think they are coordinated. The plans are in effect. I think what they are really looking for is money.

**Rep. Gail Mooney** We are also talking about small counties. Traill County, for instance, would not have funds available to us without going through substantial hoops in order to be

able to make the funds available for our sheriff's department to launch a full scale investigation, search, rescue, or anything like that.

**Rep. Scott Louser** How long does it take to jump through the hoops?

**Rep. Gail Mooney** I don't know. It is very specific when we build our budgets. I think we have \$10,000 that is set aside in the sheriff's department budget for discretionary emergency type situations.

**Rep. Ben Koppelman** The policy in this bill is trying to continue that bridge building process we have had with emergency management in the last decade where we are regionalizing some efforts. If an investigation started in West Fargo and they had done all the background and knew who the suspected perpetrator was, had studied this, and looked high and low, and then found out that it was going into Richland County, under current law they would just hand the investigation over for whatever happened in Richland County. This says that they can work together and have a plan and if the expert from West Fargo wants to follow the investigation, the Richland County is one to facilitate and maybe block off the area quarantined but the investigator might follow. They might say you are the expert. You know this case. You stay in charge of how we investigate. We will facilitate. I think there was some gray area on how that should occur. As far as the money piece, in the past I think they have tried to use the guard or other state resources to help do flyovers because they don't have the resources. Now this would allow them to still stay in charge of the investigation, do what needs to be done to stay in a search and rescue to find those people, and then have a cost sharing just like they do when they fight a flood.

**Rep. Bill Amerman** I am not sure if I agree with Rep. Koppelman. I remembered asking if somebody was in charge in Cass County and if you went into Richland County, you would still be in charge. I think the answer I received was no, it would go to whoever is the highest authority in Richland County.

**Rep. Karen Karls** You did. I have it in my notes.

**Rep. Karen Rohr** Page 1, Line 20, every emergency department law enforcement, any services such as that, have to be certified in instant command systems. Sometimes it is the mayor who is in charge, and he would make the decision of who would have control over some of the things within the jurisdiction. I think the policy piece is already in place, and I think this is just about the money. I suggest we take the money out of the bill.

**Vice Chair Randy Boehning** Larger jurisdictions can handle it, but rural counties have to call in from other jurisdictions.

**Rep. Vicky Steiner** We had that murder in Belfield, and the suspect ran into the Badlands. There was a helicopter called, and Billings County and Stark County were trying to find him. We had law enforcement from all over the state that came out to help find him. That murder suspect was a danger to all of us. It ends up being a state responsibility.

**Rep. Karen Rohr** When is it the state's responsibility to step in?

**Chairman Jim Kasper** Page 2, Line 13, the rescue operation may be reimbursed. The way I would see it, once the search would be completed, the local authorities would put together their report and apply for reimbursement from the fund which has about \$59 million in it now and growing. I think they saw a source of funding. There probably is a need in the smaller counties. We certainly could be looking at passing the legislation and coming back in two years and seeing how it is going.

**Rep. Scott Louser** It was about the 5<sup>th</sup> and 7<sup>th</sup> step for disaster funding. It went to \$50 million and another \$20 million after another fund was capped. Didn't the Governor's budget propose to take that to \$200 million?

**Chairman Jim Kasper** I can't say and I don't know what is floating around this legislative session.

**Rep. Scott Louser** It seems to me that there was an increase to about \$200 million, and it looked like we were going to be able to fully fund that. With all the flood threats that we are seeing across the state now, that money is going to get used.

**Rep. Gary Paur** Bottom of Page 1, it says the operation of a wide area of search and rescue must be in accordance with state and local operations plans. You are going to have 300 local operations plans that are probably going to be in conflict with each other. If we adopt this, I would suggest we take out our local operations and make it a state operations plan.

**Chairman Jim Kasper** We have to think in a broader sense. There may occur an emergency that is totally statewide. This allows them to coordinate that they have to have a plan. If something occurs, here is what we do. We get together, go to this meeting room, we decide how we are going to react, and we have to do it quick. They have to have some type of plan.

**Vice Chair Randy Boehning** Fire departments did mutual aid agreements like Hankinson would go to Lidgerwood. This is a formality. I move for a Do pass.

**Rep. Gail Mooney** seconded.

**Rep. Karen Rohr** I think it is about having access to another fund for reimbursement purposes, but I think the instant command system was put in place in policy to provide a documentation trail.

A roll call vote was taken and resulted in **DO PASS, 12-1, 1 ABSENT.** **Rep. Marie Strinden** is the carrier.

Date: 3-28-13  
 Roll Call Vote #: \_\_\_\_\_

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2292**

House Government and Veterans Affairs 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 Boehning Seconded By Mooney

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Marie Strinden	X	
Rep. Karen Karls	X		Rep. Steven Zaiser		
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur		X			
Rep. Karen Rohr	X				
Rep. Vicky Steiner	X				

Total (Yes) 12 No 1

Absent \_\_\_\_\_

Floor Assignment Zaiser Strinden

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

**REPORT OF STANDING COMMITTEE**

**SB 2292: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING).  
SB 2292 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**SB 2292**

\* Mr. Chairman + Members of The Comm. Hec.

Senate Bill 2297 was introduced  
at the request of the West Fargo Police  
Department.

My understanding is that there  
have been several ~~xxx~~ search  
and rescue operations where there  
has been confusion and dis-  
agreement regarding which official  
and jurisdiction should be leading  
the operation.

Mr. Chairman and members of  
the committee - I would  
request that Asst Chief of P.  
Mike Reiten come forward  
and give his testimony and  
respond to any questions  
you might have.

Political Subdivisions Committee

Senate Bill 2292

Testimony of Mike Reitan, Assistant Chief, West Fargo Police Department

Good Morning

Chairman Andrist, Vice Chair Sorvaag and members of the Committee, for the record my name is Mike Reitan, Assistant Chief of the West Fargo Police Department. I am testifying today in support of Senate Bill 2292.

The bill before you today is meant to establish a clear line of authority relating to wide area search and rescue operations. A wide area search and rescue operation would typically entail such duties as: searching for stranded motorist during severe weather; searching for a lost or abducted child; searching for an overdue person who had been hunting, fishing or camping. The bill as proposed will provide the chief law enforcement officer of the jurisdiction the ability to coordinate and control access and operations within the search area. It will also establish the mechanism necessary to provide funding for reimbursement of wide area search and rescue operation costs.

To be clear, this bill is not intended to remove the authority or control of fire services at a fire scene or other specialized rescue operation relating to fire or hazardous material scene rescue, structural collapse, crash scene extrication and any other form of rescue operation for which fire services have been specially trained and equipped.

Given the complex nature of wide area search and rescue operations it is paramount clear lines of authority have been established to ensure a safe, effective and well-coordinated operation is conducted.

I ask you to please vote a Do Pass on Senate Bill 2292.

Thank you for your time this morning. I will take any questions you may have.

Testimony of Mike Reitan, Assistant Chief, West Fargo Police Department

Good Afternoon

Chairman Kasper, Vice Chair Boehning and members of the Committee, for the record my name is Mike Reitan, Assistant Chief of the West Fargo Police Department. I am testifying today in support of Senate Bill 2292.

The bill before you today is meant to establish a clear line of authority relating to wide area search and rescue operations. A wide area search and rescue operation would typically entail such duties as: searching for stranded motorist during severe weather; searching for a lost or abducted child; searching for an overdue person who had been hunting, fishing or camping. The bill as proposed will provide the chief law enforcement officer of the jurisdiction the ability to coordinate and control access and operations within the search area. It will also establish the mechanism necessary to provide funding for reimbursement of wide area search and rescue operation costs.

To be clear, this bill is not intended to remove the authority or control of fire services at a fire scene or other specialized rescue operation relating to fire or hazardous material scene rescue, structural collapse, crash scene extrication and any other form of rescue operation for which fire services have been specially trained and equipped.

Given the complex nature of wide area search and rescue operations it is paramount clear lines of authority be established to ensure a safe, effective and well-coordinated operation is conducted.

I ask you to please vote a Do Pass on Senate Bill 2292.

Thank you for your time this afternoon. I will take any questions you may have.