

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1350

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Deanna Halliwell
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10/3/03
Date

2003 HOUSE JUDICIARY

HB 1350

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-22-03

Tape Number	Side A	Side B	Meter #
3	xx		0-11
Committee Clerk Signature <i>[Signature]</i>			

Minutes: 11 members present, 2 members absent (Rep. Bernstein, Rep. Maragos)

Chairman DeKrey: We will now hear testimony on HB 1350.

Sandi Tabor, Deputy AG: It was actually brought to our attention by some of the members of the City of Fargo Police Department, and also the Bismarck Police Dept. that there are several SWAT teams (Special Operations Team). These people go out to take care of bombs, lab raids, and have been responding to calls in the rural areas around their respective cities for some time. As they look at their budgets, and see times getting tighter and tighter. The special operations and special response unit, the budgets for those are also being looked at. The Association of Counties, and the ND League of Cities, and the Attorney General's office got together with the respective police departments and talked about how we could rectify this issue. ND Association of Counties went back to its membership, talked to them, they set up a fee schedule which goes anywhere from \$100-500 of a voluntary assessment, to help fund these special operations team response fund. A grant was given for \$50,000 to help fund the fund. We need this tool. They

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10/3/03
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House Judiciary Committee
Bill/Resolution Number HB 1350
Hearing Date 1-22-03

only have them in eight communities right now. It is not something that the rural areas are necessarily going to be able to afford to do themselves. This is a pretty effective, economically and otherwise cooperative agreement between the cities and the counties, and our office is happy to be a part of this and to facilitate it, because it needs to continue.

Rep. Onstad: If SWAT from Bismarck or Fargo goes to rural area, do they get reimbursed?

Ms. Tabor: Not that I know of. Bismarck doesn't, we eat it. But they can't keep it up much longer.

Rep. Onstad: Is there a concern that if you get more than one call, are there enough officers to go around.

Ms. Tabor: I think that Chief Magnus is here, and he'll probably give you a little more detail on how they manage these calls. This bill won't cover all the costs, it will be a way to look at getting overtime reimbursement for the officers and cost of driving and taking the vehicles and equipment, paying for gas. We're trying to be proactive.

Chairman DeKrey: Thank you. Any further testimony in favor of HB 1350.

Lt. Paul Laney, ND Peace Officer's Assn. of Special Operations Comm.: (see attached testimony) Support.

Rep. Delmore: Do you have a team in each of those area, if so, how long would it take to get a unit from wherever they are stationed, into each of these parts, and how many times do you estimate probably being called out.

Lt. Laney: In answer to your first question, it depends on the call time, none of the tactical units are full-time, it would take time to mobilize, we can usually be on the scene within an hour, to

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10/3/03
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House Judiciary Committee
Bill/Resolution Number HB 1350
Hearing Date 1-22-03

get to a rural area, like the time in Sargent County, from page out to time of deployment was about 2½ hours.

Rep. Delmore: Where are these teams located.

Lt. Laney: The teams are spread out throughout the state. Currently there are 7, and hoping to get an 8th team to cover the western area.

Chairman DeKrey: Do any of your teams have airlift capabilities?

Lt. Laney: No, not at this time. It is something that we would like to get into, if we could coordinate with the military and the regional civilian law enforcement, where we could make that work, we would be more than willing to work in that area.

Chairman DeKrey: Thank you. Any further testimony in support of HB 1350.

Det. Lonnie Grabowska, Mandan Police Dept.: Support. One thing that I would like to add is on a call-out, we don't send the entire force to one incident, just because they have asked for our help. The SRT commander will actually analyze the situation and decide how many people should go.

Chairman DeKrey: Thank you.

Bryce Hill, President of the ND League of Cities, Police Commissioner of Bismarck:

Support.

Wade Williams, Association of Counties: Support.

Chad Hagen, President of the ND Fraternal Order of Police: Support.

Chairman DeKrey: Thank you. Anyone wishing to testify in opposition? We will close the hearing.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350

House Judiciary Committee

☐ Conference Committee

Hearing Date 1-28-03

Tape Number	Side A	Side B	Meter #
1	x		38-42
Committee Clerk Signature <i>W. Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Maragos).

Chairman DeKrey: We will open the hearing on HB 1350.

Sandi Tabor, Deputy A.M.: This is the bill that provides the creation of a special operations team reimbursement fund. Money for the fund will be found through grants.

Chairman DeKrey: What are the committee's wishes in regard to HB 1350.

Rep. Klemin: Move a Do Pass.

Rep. Kretschmar: Seconded.

12 YES 0 NO 1 ABSENT

DO PASS

CARRIER: Rep. Kingsbury

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10/3/03
Date

FISCAL NOTE
Requested by Legislative Council
01/16/2003

Bill/Resolution No.: HB 1350

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$50,000		\$50,000
Expenditures				\$100,000		\$100,000
Appropriations				\$100,000		\$100,000

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill establishes a special operations team reimbursement fund in the Office of Attorney General. The funds are to reimburse cities and counties that provide special operations team services to rural areas.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

It is estimated that the cities and counties will contribute \$50,000 to the special operations team reimbursement fund.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Of the \$100,000 reflected here, \$50,000 is allocated from existing federal Byrne funds. The remaining \$50,000 is anticipated to be funded from city and county assessments for reimbursement for special operations provided to rural areas.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The bill provides for the fund to be appropriated for the reimbursement purpose.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	701-328-3622	Date Prepared:	01/16/2003

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10/3/03
Date

Date: 1/28/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1350

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Klemm Seconded By Rep. Kretschmar

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	AB		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemm	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Kingsbury

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

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Donna Hallmark 10/3/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 28, 2003 11:46 a.m.

Module No: HR-16-1182
Carrier: Kingsbury
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1350: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1350 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-16-1182

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2003 HOUSE APPROPRIATIONS

IIB 1350

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1350

House Appropriations Committee

☐ Conference Committee

Hearing Date 02-18-03

Tape Number	Side A	Side B	Meter #
1	X		0.0-10.0
Committee Clerk Signature <i>Chris J. Nylund</i>			

Minutes:

Chairman Svedjan called meeting to order and opened discussion on HB 1350. A quorum was present.

Rep. Dekrey There is no state money that goes into this. The 4-5 largest cities in ND volunteer to go out into the smaller towns on these meth busts.

Rep. Timm The money is coming from cities and counties?

Rep. Dekrey Correct, they also have federal grants.

Rep. Wald If law enforcement in small towns ask for a larger town's sheriff's department, they can ask for help?

Rep. Dekrey Yes. They have the state broken down into 6 regions and small towns can utilize these. All that has to be done is the smaller police forces ask for help.

Rep. Delzer \$200,000 would be a fine cap, but I don't like continuing appropriations.

Rep. Dekrey The danger of them receiving excess money is slim.

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10/3/03
Date

Page 2

House Appropriations Committee

Bill/Resolution Number HB 1350

Hearing Date 02-18-03

Rep. Delzer Would this show up in the Attorney General's budget if we didn't do this?

Rep. Dekrey I would think so.

Rep. Delzer Not if its a continuing appropriation.

Rep. Timm Will a SWAT team respond to a region not paying them federal funds?

Rep. Dekrey They still have to.

Rep. Wald Would a Bismarck police officer make the rural arrests?

Rep. Dekrey I'm sure they'll work with local police.

Rep. Skarphol They're already doing this?

Rep. Dekrey Yes. On a limited basis.

Rep. Skarphol So the reason for the bill is because they anticipate receiving more federal dollars?

Rep. Dekrey Yes.

Rep. Aarsvold Inversely, is there any rural compensation to helping the urban cities?

Rep. Dekrey I don't know if there is any said reimbursement, but it works more often for the cities to help the rural areas, not the inverse.

Rep. Carlisle I move a Do Pass. 2nd by Rep. Koppleman.

Rep. Wald Delzer brought up a good point about a cap on this, to put after the word "fund", to put "\$250,000"

Rep. Delzer I move the substitute motion that Rep. Wald just stated.

Chairman Svedjan So the substitute motion would be to amend the bill on line 8 so it would read "Attorney General may establish a special operations team reimbursement fund not to exceed \$250,000, consisting of...etc"

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House Appropriations Committee
Bill/Resolution Number HB 1350
Hearing Date 02-18-03

Rep. Wald I second that substitute motion. Motion carries.

Rep. Delzer I move Do Pass As Amended. 2nd Rep. Wald.

Motion passes 23 yea, 0 nay, 0 absent/not voting. Rep. Delzer will carry the bill.

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10/3/03
Date

38296.0101
Title.0200

Prepared by the Legislative Council staff for
House Appropriations
February 18, 2003

VK
2/18/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1350

APP 2-19-03

Page 1, line 8, after "fund" Insert "of up to two hundred fifty thousand dollars"

Renumber accordingly

Page No. 1

38296.0101

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10/3/03
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REPORT OF STANDING COMMITTEE (410)
February 19, 2003 8:39 a.m.

Module No: HR-32-3226
Carrier: Delzer
Insert LC: 38296.0101 Title: .0200

REPORT OF STANDING COMMITTEE
HB 1350: Appropriations Committee (Rep. Svedjan, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the
Sixth order on the calendar.

Page 1, line 8, after "fund" Insert "of up to two hundred fifty thousand dollars"
Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-32-3226

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Date

2003 SENATE JUDICIARY

HB 1350

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10/3/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

Engrossed BILL/RESOLUTION NO. HB 1350

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/04/03

Tape Number	Side A	Side B	Meter #
3	X		0.0 - 5.9
Committee Clerk Signature <i>Mona L. Solberg</i>			

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. Roll call was taken and not all committee members present. Sen. Traynor requested meeting starts with committee work on the bill:

The original hearing on this bill was heard in a joint session January 22, 2003. Attachment #1 are the notes to the joint session.

Sandy Tabor - Deputy to the Attorney General reintroduced the bill (tape 3, side 1, meter 0.0) and was present to answer any additional questions the committee members may have. Ms. Tabor discussed the engrossment to the bill from the house side.

Senator John T. Traynor, Chairman questioned if Special Operations Teams were defined elsewhere? No do to the fact that the teams could include several different types i.e.; bomb squad, Search and Rescue etc.

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10/3/03
Date

Page 2
Senate Judiciary Committee
Bill/Resolution Number HB 1350
Hearing Date 03/04/03

Senator Carolyn Nelson asked if the fiscal note changed? No. We are using a grant for \$50 thousand of this and the Counties are picking up the other \$50 thousand.

Testimony in opposition of HB 1350

None

Testimony Neutral to HB 1350

None

Motion Made to DO PASS Engrossed HB 1350 by Senator Thomas L. Trenbeath and seconded by Senator Stanley W. Lyson, Vice Chairman

Roll Call Vote: 5 Yes. 0 No. 1 Absent

Motion Passed

Floor Assignment: Senator Thomas L. Trenbeath

Senator John T. Traynor, Chairman closed the hearing

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10/3/03
Date

Date: March 4, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 1350
H

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS - ENGROSSED BILL

Motion Made By Sen. Trenbeath Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	A	A
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) FIVE (5) No ZERO (0)

Absent ONE (1)

Floor Assignment Sen. Traynor

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

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Dennis Bercier
Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 4, 2003 12:07 p.m.

Module No: SR-38-3837
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1350, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO**
PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1350 was
placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-38-3837

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2003 TESTIMONY

HB 1350

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10/3/03
Date

January 22, 2003

**North Dakota Legislative Session
Bill #1350**

North Dakota Peace Officer's Association Special Operations Committee (NDPOA SOC)
Lieutenant Paul Laney-Fargo Police Department
Detective Lonnie Grabowska-Mandan Police Department

Objective:

To provide rural law enforcement agencies throughout the State of North Dakota, the opportunity to use the trained tactical teams provided by larger law enforcement agencies. The rural law enforcement entity would contact their assigned tactical team for any incident that they believed required specialized training or tactical intervention. The rural agency would not be responsible for any monetary reimbursement to the responding tactical teams.

Examples of requested assistance:

- Incidents involving clandestine labs
- Execution of drug warrants including the manufacturing of methamphetamine
- Barricaded subjects and/or hostage stand-offs
- Incidents in which a trained negotiator is needed
- Any incident where specialized tactical training ensures public and officer safety

NDPOA Special Operations Committee:

In January of 2001, Jerry Kemmet of the Bureau of Criminal Investigations and the NDPOA SOC discussed the need for certified special operation teams in rural North Dakota.

The NDPOA SOC met throughout 2002, and established a criteria that tactical teams must meet if they want to receive reimbursement for calls of assistance to rural agencies. These criteria covered areas such as Personal, Administrative Status, Firearms Qualifications and Equipment. These qualifications were established to ensure that the responding tactical teams were giving rural North Dakota a capable, safe and highly trained tool to draw from.

Once these qualifications were established, there were seven teams that met the minimum qualifications for the reimbursement of call outs. The State of North Dakota was split up into jurisdictions, and each of the seven qualified teams were assigned their areas of responsibility.

If a tactical team is requested, they would respond to the rural agency and upon arrival, fall under the control of the requesting agency. Under no condition, would the responding tactical team assume control of the incident without the permission and cooperation of the requesting agency.

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10/3/03
Date

HB 1350

Creation of a Special Operations Team Reimbursement Fund

The bill allows the Attorney General to establish a special operations team reimbursement fund consisting of federal and local monies. The fund will be used to reimburse the actual costs and overtime associated with special operation teams responding to calls from rural law enforcement agencies. The bill provides that the Attorney General's office will develop guidelines for the reimbursement of expenses to city and county governments. The bill was drafted with input from the North Dakota League of Cities and the North Dakota Association of Counties.

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