2021 SENATE TRANSPORTATION

SB 2329

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2329
2/4/2021

A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to the definition of an authorized emergency vehicle.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [3:01]

Discussion Topics:

- Search and rescue
- Dive rescue
- Water rescue
- Expanding the definition of an emergency vehicle

Senator Patten [3:02] presents the bill and testifies in favor.

Travis Bateman [3:04] testifies in favor and submits testimony #4749.

Chair Clemens adjourns the public hearing. [3:21]

Sheldon Wolf, Committee Clerk

Testimony for SB# 2329
Travis Bateman, Director, Badlands Search & Rescue

Greetings,

I submit this written testimony to you in support of SB# 2329. This is legislation that was submitted to Senator Patten on behalf of our organization, Badlands Search & Rescue, as well as others that may follow in the future and still others that currently exist today.

Search and rescue (SAR) is a new and upcoming public safety branch in North Dakota. Our organization started in September of 2018 and is both a ground SAR and a water SAR team based out of Watford City/McKenzie County and servicing the rugged Badlands region of North Dakota as well as parts of eastern Montana. Other teams in the state (Lake Region Search & Rescue and a team in Langdon) are geared solely towards water rescue incidents or dive rescue and dive recovery incidents. Some are connected to a government agency such as sheriff or fire department and still others, are private and nongovernmental (Wyoming State Trackers Association and Dakota Search and Rescue, of South Dakota).

The purpose of this bill is to add the titles of this branch of public safety to adequately authorize and safeguard us under the current statute of NDCC 39-01-01 which covers authorized emergency vehicles and grant the proper protection of law. In the current statute however, only three branches of public safety are listed; law enforcement, fire departments, and emergency medical services. Tow trucks and emergency management are also listed.

This results in a lack of direct and necessary coverage for SAR, water rescue, and dive rescue teams and with the passage of Senate Bill 2329, these would be added titles to cover our teams and volunteers under state law with ease and without complexity of new legislation sections or entirely new statutes.

The term “Search” by national SAR standards is “to identify and locate persons who are or may become distressed or injured and are unable to return to a place of safety on their own.”

“Rescue” by national SAR standards is defined; “to access, stabilize, and evacuate distressed or injured persons, by whatever means necessary, to ensure their timely transfer to an appropriate care facility or to a familiar environment.”

Search and rescue, water rescue, and dive rescue in each of their specific fields and the often austere and hazardous locations where they occur make the incidents an emergency. Add in the factors of weather, medications, the elements, wild animals, mental state, age, terrain, time of year (especially winter), and other factors, it is very much necessary for these additional three titles to be listed in the existing statute and given the full authority of law as well as to

adhere to and maintain all applicable standards already given to law enforcement, fire departments, and emergency medical services as currently written.

In researching other state laws, SAR and water/dive rescue teams are listed and viewed as emergency responders due to the lifesaving and often urgent nature of their calls. Those states researched and their statutes are listed here:

Colorado	42-1-102(6), 42-1-204, 42-4-108(5), 42-4-213, 42-4-222, and 42-4-238.
Montana	61-9-227(1) and 61-9-227 (2)
Idaho	49-124 and 49-910A(2)
Utah	R698-7-3, R698-7-6 and R698-7-7
Minnesota	169.011 and Law 1959, chapter 53
Iowa	2018 Acts, House File 2302. Section 321.1, subsection 62, code 2018.

With that, I conclude this written testimony in support of SB#2329 and I look forward to answering any further questions the legislature or transportation committee members may have in verbal testimony as well on Thursday, February 4th, 2021.

Thank you for your time and efforts to this matter.

Respectfully,

Travis Bateman
Director
Badlands Search & Rescue

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2329
2/5/2021
AM

A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to the definition of an authorized emergency vehicle.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [9:00]

Discussion Topics:

- Search and rescue
- Emergency lights
- Lights on authorized emergency vehicles

Brad Darr [9:01] offers clarifying neutral testimony to the committee.

Major Tom Iverson [9:04] offers clarifying neutral testimony to the committee.

Chair Clemens adjourns the meeting. [9:20]

Sheldon Wolf, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2329
2/11/2021

A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to the definition of an authorized emergency vehicle.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [10:14]

Discussion Topics:

- Water rescue teams
- Dive rescue teams
- Emergency vehicles
- Emergency lights

Senator Bakke [10:17] introduces an amendment. [LC 21.1038.01001]

Senator Bakke [10:19] motions to adopt the amendment. [LC 21.1038.01001]
Senator Conley [10:20] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0.

Senator Conley [10:21] motions DO PASS AS AMENDED.
Senator Bakke [10:21] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y

Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0. [10:21]
Senator Bakke will carry.

Chair Clemens adjourns the meeting. [10:22]

Sheldon Wolf, Committee Clerk

21.1038.01001
Title.02000

Prepared by the Legislative Council staff for
Senator Bakke
February 8, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2329

Page 2, line 12, replace "or under the control" with "a governmentally owned agency for the purpose"

Page 2, line 12, remove ", water"

Page 2, line 13, remove "rescue, or dive rescue teams"

Page 2, line 13, after the underscored period insert "As used in this paragraph, "search and rescue" means deployment, coordination, and use of available resources and personnel in locating, relieving the distress, and preserving the life of and removing an individual who is missing, trapped, or lost in the backcountry, remote areas, or waters of the state. The term includes water and dive rescue."

Page 2, line 23, remove ", water rescue, or dive rescue"

Page 2, line 24, after the underscored period insert "As used in this paragraph, "search and rescue" means deployment, coordination, and use of available resources and personnel in locating, relieving the distress, and preserving the life of and removing an individual who is missing, trapped, or lost in the backcountry, remote areas, or waters of the state. The term includes water and dive rescue."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2329: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2329 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "or under the control" with "a governmentally owned agency for the purpose"

Page 2, line 12, remove ", water"

Page 2, line 13, remove "rescue, or dive rescue teams"

Page 2, line 13, after the underscored period insert "As used in this paragraph, "search and rescue" means deployment, coordination, and use of available resources and personnel in locating, relieving the distress, and preserving the life of and removing an individual who is missing, trapped, or lost in the backcountry, remote areas, or waters of the state. The term includes water and dive rescue."

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Renumber accordingly

2021 HOUSE TRANSPORTATION

SB 2329

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2329
3/18/2021

A bill relating to the definition of an authorized emergency vehicle.

9:16 AM Chairman **Ruby** opened the hearing.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	A
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Addition of two new authorized emergency vehicles
- Definition of search and rescue as emergency responders

Senator Patten introduction.

Travis Bateman, Director of Badlands Search and Rescue, supportive testimony # 9936.

9:27 Chairman Ruby closed the hearing.

Representative Hager moved a Do Pass.
Representative Hagert seconded.

Roll Call Vote

Representatives	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	A
Representative Cole Christensen	A
Representative LaurieBeth Hager	Y

Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Emily O'Brien	Y
Representative Mark S. Owens	Y
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	Y
Representative Greg Westlind	Y

Motion Carried. 12-0-2 **Representative Hagert** carrier.

9:28 Adjourned.

Jeanette Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2329, as engrossed: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2329 was placed on the Fourteenth order on the calendar.

Testimony for SB# 2329
Travis Bateman, Director, Badlands Search & Rescue

Greetings,

I submit this written testimony to you in support of SB# 2329. This is legislation that was submitted to Senator Patten on behalf of our organization, Badlands Search & Rescue, as well as others that may follow in the future and still others that currently exist today.

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adhere to and maintain all applicable standards already given to law enforcement, fire departments, and emergency medical services as currently written.

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With that, I conclude this written testimony in support of SB#2329 and I look forward to answering any further questions the legislature or transportation committee members may have in verbal testimony as well on Thursday, February 4th, 2021.

Thank you for your time and efforts to this matter.

Respectfully,

Travis Bateman
Director
Badlands Search & Rescue

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2329
3/25/2021

A bill relating to the definition of an authorized emergency vehicle.

9:29 AM Chairman Ruby called the committee to order.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	A
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	A
Representative Mark S. Owens	A
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Amendment
- Use of blue lights
- Private business usage

Representative Jones moved to reconsider.
Representative Weisz seconded.
Voice vote carried.

Chairman Ruby presented proposed amendment #10734. Additional language change in second paragraph p. 2 line 28.

Representative Jones moved the amendment. LC 21.1038.02003
Representative Hagert seconded.
Voice vote carried.

Representative Paulson moved a Do Pass as amended.
Representative Hagert seconded.

Roll Call Vote

Representatives	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	A
Representative Cole Christensen	A
Representative LaurieBeth Hager	Y
Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Emily O'Brien	A
Representative Mark S. Owens	A
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	Y
Representative Greg Westlind	Y

Motion Carried 10-0-4 Representative Hagert carrier.

9:43 AM Adjourned.

Jeanette Cook, Committee Clerk

DP 3/25/2
1 of 1

21.1038.02003
Title.03000

Adopted by the House Transportation Committee

March 25, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2329

Page 2, line 12, remove "Vehicles operated by a governmentally owned agency for the purpose of"

Page 2, line 13, replace "search and rescue" with "Vehicles used or operated by governmental search and rescue personnel while performing emergency operations or duties"

Page 2, line 27, replace "while" with "if"

Page 2, line 27, after "performing" insert "an"

Page 2, line 28, replace "operations" with "operation"

Page 2, line 28, replace "duties" with "duty upon the request of a state entity, political subdivision, or volunteer fire department. A volunteer organization may classify a personal vehicle as a class C emergency vehicle if needed to assist in a search and rescue operation in accordance with this paragraph"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2329, as engrossed: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2329 was placed on the Sixth order on the calendar.

Page 2, line 12, remove "Vehicles operated by a governmentally owned agency for the purpose of"

Page 2, line 13, replace "search and rescue" with "Vehicles used or operated by governmental search and rescue personnel while performing emergency operations or duties"

Page 2, line 27, replace "while" with "if"

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Page 2, line 28, replace "operations" with "operation"

Page 2, line 28, replace "duties" with "duty upon the request of a state entity, political subdivision, or volunteer fire department. A volunteer organization may classify a personal vehicle as a class C emergency vehicle if needed to assist in a search and rescue operation in accordance with this paragraph"

Renumber accordingly

21.1038.02002
Title.

Prepared by the Legislative Council staff for
Representative D. Ruby
March 24, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2329

Page 2, line 12, remove "Vehicles operated by a governmentally owned agency for the purpose of"

Page 2, line 13, replace "search and rescue" with "Vehicles used or operated by governmental search and rescue personnel while performing emergency operations or duties"

Page 2, line 27, replace "while" with "if"

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Renumber accordingly