

1999 SENATE POLITICAL SUBDIVISIONS

SB 2298


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2298

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
1		x	4129 to 4683
Committee Clerk Signature 			

Minutes:

SENATOR LEE: call committee back to order

SENATOR Nething: Sponsor of SB2298

SENATOR LEE: any questions

SENATOR LEE: students in the building

MARK GILBERTON: Executive director of the ND peace officers and training board

chapter 12-63 of the ND Century Code. Changes in language and cleanup of bill

SENATOR WATNE: bases for a revocation and what would be one of the results

MARK GILBERTSON: Penalty section 12.63-12, subsection 1, officer license and crimes that prohibit the revocation of the license, deadly force, false statements etc.

SENATOR LEE: question

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number Sb2298

Hearing Date January 28, 1999

DICK PECK: support of SB2298

SENATOR NELSON: length of license

DICK PECK: 3 Years

SENATOR KELSH: refusal to renew a license or revocation as relates to continuing education or training

DICK PECK: Could be part of it, hours in training or late getting application in

SENATOR NELSON: why would late in issuing a license be an issue

DICK PECK: referred to MARK GILBERTSON

MARK GILBERTSON: length of time needed to renew a license and penalties and forgetting to renew the license

MOTION: FAVORING AND OPPOSED TO 2298

SENATOR LYSON: MOVE TO DO PASS

SENATOR KELSH: SECONDED

SENATOR LYSON TO CARRY

Date: 1-28-99
Roll Call Vote #: (

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2288

Senate Political Subdivisions Committee Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Lyson Seconded By Kelsh

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson	/				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Sen. Lyson

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

REPORT OF STANDING COMMITTEE (410)
January 28, 1999 2:08 p.m.

Module No: SR-18-1392
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2298: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the
Eleventh order on the calendar.

1999 HOUSE POLITICAL SUBDIVISIONS

SB 2298

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2298

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-26-99

Tape Number	Side A	Side B	Meter #
1	x		13.6--26.9
Committee Clerk Signature <i>Pam Hever</i>			

Minutes: BILL SUMMARY: Relating to peace officer standards, training, and licensing.

Vice Chair Maragos : called the hearing to order.

Sen. Dave Nething, Dist. 48, Jamestown : 13.6 testified in support. This bill deals with peace officers training standards. I am interested because as a law school graduate, I worked at the Attorney Generals Office. In the 1963 session, a bill was passed that made the AG's Office responsible for setting up a peace officer training program. I was made the director of this new program and have been interested in it ever since. This program brings together all of the law enforcement entities in N.D. to have the same standards plus maintain local law enforcement and have a cohesive state law enforcement program. also. Standards are an important area and we want to do a good job for the citizens of N.D.

Mark Gilbertson, N.D. Bureau of Criminal Investigation, Director of Training and Exec. Sec. for POST (Peace Officers Standards/Training Board : testified in support of the bill. This bill is some amendments to Chapter 12-63 of the N.D. Century Code. The first change is in the

definition section. In 1989, when the licensing legislation was originally passed, the reference to the criminal justice training and statistics division was put in, which made the Attorney General responsible for licensing and standards. Since that time there has been a reorganization within the **B**ureau of Criminal Investigation. The second amendment deals with if adverse action has been taken against a license of any peace officer for cause. Something that officer has done to no longer be worthy of practicing as a peace officer. The one year waiting period was added to bring the entire section into sameness. The final amendment is in the penalty section to bring it to likeness with the rest of the criminal penalties in the N.D. Century Code.

Vice Chair Maragos : In the case of the denial, what recourse does the applicant have for appeal, if he thinks it is unfair?

Mark : 19.0 According to 12-63.12, which covers the entire adverse license action, the board can't take final action against a person until the entire administrative process has been followed. The denied person can go before district court to appeal.

Rep. Koppelman : In the penalty section, what constitutes violation of a chapter. Is it a person seeking a reinstatement without waiting a year or is it the boards failure to follow this procedure? What is this penalty applied to?

Mark : 20.1 The adverse license action section clearly specifies those instances where a person could be held to any type of license action. The class B misdemeanor deals with any person who practices peace officer duties without meeting all the requirements to be a peace officer.

Rep. Koppelman : 20.9 Do you think class B is tough enough?

Mark : I think it is fitting, because of all the other ramifications by violation of law. A subdivision who would hire someone not qualified as a peace officer would have unbelievable liability potential.

Rep. N. Johnson : 22.0 Can someone come back within two days, if they are denied, and try again?

Mark : That's correct. We have had that. An application was denied and they came back the next day.

Rep. Rose : 22.8 "Refusal to renew" under section 2, is that disciplinary action that your group takes?

Mark : It is one of the actions available to the regulatory board for persons who do not meet their continuing education requirements or side arms qualifications. It's a lesser degree than revoking or suspending the license.

Vice Chair Maragos : Have you ever prosecuted this violation?

Mark : There has never been a prosecution to date for the class B misdemeanor. The board has taken administration action against the licenses of individuals.

Dick Peck, N.D. Peace Officers Assoc. : 24.0 Want to go on record as supporting this bill.

Rep. Delmore : Do you see any problems with the class B misdemeanor? Is that enough?

Dick Peck : It's adequate.

Rep. Koppelman : Please refresh my memory. What are the penalties for class B misdemeanor?

Dick Peck : 30 days and \$1,000.

Vice Chair Maragos : Is there any more testimony in support; any in opposition. Hearing none, the hearing was closed.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2298-a

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-4-99

Tape Number	Side A	Side B	Meter #
2	x		41.7--44.0
Committee Clerk Signature <i>Sam Dever</i>			

Minutes:

Chairman Froseth : I was not present at this hearing, so I hand over duties to Vice Chair Maragos.

Vice Chair Maragos : 41.7 This is a simple amendment and there was no testimony in opposition. The committee did not have any problems the day of the hearing. We did not act, because we wanted to wait for the chairman to act.

ACTION: Rep. Severson made a motion of DO PASS and Rep. N. Johnson seconded the motion.

ROLL CALL VOTE: 13 YES and 0 NO with 2 ABSENT. PASSED.

Rep. Niemeier will carry the bill.

Please type or use black pen to complete

Date 3-4-99
Roll call vote # 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. ^{SB} 2298

House POLITICAL SUBDIVISIONS Committee _____

- Subcommittee on _____
 - Conference Committee _____
- } Identify or check where appropriate

Legislative Council Amendment Number _____

Action Taken Do pass

Motion Made By Rep. Severson Seconded By Rep. N. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glasheim	/				
Rep. Gunter	/				
Rep. Johnson, N	/				
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B	/				

Total 130 0
(Yes) (No)

Absent 2

Floor Assignment Rep. Niemeier

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

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE (410)
March 4, 1999 4:09 p.m.

Module No: HR-39-4070
Carrier: Niemeier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2298: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2298 was placed on the Fourteenth order on the calendar.