

2017 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2097

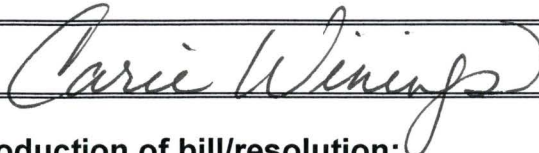
2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2097
1/12/2017
Job Number 26816

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the contents of badges issued to patrolmen, interstate permits, and public security personnel possessing dangerous weapons.

Minutes:

Attachments: 1

Chairman Poolman: Opened the hearing on SB 2097.

Major Brandon Solberg, Chief of Staff, ND Highway Patrol: See Attachment #1 for testimony to explain and in support of the bill.

(3:30) Chairman Poolman: You stated that you are not allowed to carry a Taser at the capitol; do we need to put some sort of an emergency clause so that you can do that immediately upon passage of the bill?

Major Brandon Solberg: That would be great if an emergency clause could be added. Currently our civilian capitol security officers are not carrying Tasers.

Senator Meyer: With the youth academy, you said that there was some risk management issues; what were some of those concerns?

Major Brandon Solberg: The concerns from Risk Management were mainly that we did not have any authority in law to hold such an academy and so there were risks involved such as exposing students to fire arms training for example. Risk Management just wasn't comfortable with that unless there was some authority provided in law. This verbiage change was proposed to Risk Management and we worked with them to make sure that this would cover it.

Chairman Poolman: I would imagine that in our environment it is difficult to get people to want to go into law enforcement at this point. Do you have other things that you have been working on for promotion? I think this youth academy is a great idea.

Major Brandon Solberg: This is one of the things that we thought of that would be new to us. We have always focused on recruitment through advertising, social media, and

Facebook- we have over 20,000 likes on our webpage. We have been very fortunate in ND where, unlike many areas around the nation, we have such strong community support. We don't take the negative hit like some areas of the nation where law enforcement is viewed as an evil profession. We really have not had a negative effect on our ability to recruit. It is certainly not easy and it is not a profession that people are excited to get into and this would allow us to try and target the younger generations. Then if they share that information with family and friends it puts a positive light on the highway patrol.

Chairman Poolman: Closed the hearing on SB 2097.

2017 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Sheyenne River Room, State Capitol

SB 2097
1/13/2017
Job Number 26876

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol to promote public trust; to amend and reenact section 39-03-05, subsection 3 of section 39-12-02, and subsection 2 of section 62.1-02 05 of the North Dakota Century Code, relating to the contents of badges issued to patrolmen, interstate permits, and public security personnel possessing dangerous weapons.

Minutes:

No Attachments

Chairman Poolman: Opened SB 2097 for committee discussion. (Reminded the committee that the three areas that the bill addressed was the Taser being considered a dangerous weapon – a change that was enacted last session but an exemption for public security was not made, their badge changes, and the ability to pursue a youth academy.)

Chairman Poolman: I did ask about needing to put an emergency clause on the bill so that they can start carrying Tasers as soon as we pass the bill.

Senator Marcellais: That is a good idea. I think they need them as soon as possible.

Senator Vedaa: Moved to Amend the bill to add the emergency clause.

Senator Meyer: Seconded.

Chairman Poolman: I do think that since we are seeing increased security measures that this certainly would be part of that. I think it is an easy sell.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Vedaa: Moved a Do Pass As Amended.

Senator Bekkedahl: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent.

Motion Carried.

Senator Vedaa will carry the bill.

17.8021.01001
Title.02000

1/13/17 DH
Adopted by the Government and Veterans
Affairs Committee
January 13, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2097

Page 1, line 5, after "weapons" insert "; and to declare an emergency"

Page 3, after line 30, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency
measure."

Renumber accordingly

2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2097

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: Add emergency clause

17.8021.01001

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Vedaa Seconded By Meyer

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	AB				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment _____

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

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2097

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 17.8021.01001

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Vedaa Seconded By Bekkedahl

Senators	Yes	No	Senators	Yes	No
Chairman Poolman	✓		Senator Marcellais	✓	
Vice Chairman Davison	Ab				
Senator Bekkedahl	✓				
Senator Meyer	✓				
Senator Vedaa	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Vedaa

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

REPORT OF STANDING COMMITTEE

SB 2097: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2097 was placed on the Sixth order on the calendar.

Page 1, line 5, after "weapons" insert "; and to declare an emergency"

Page 3, after line 30, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2017 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2097

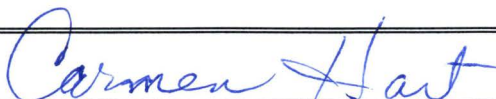
2017 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

SB 2097
3/2/2017
28642

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the contents of badges issued to patrolmen, interstate permits, and public security personnel possessing dangerous weapons

Minutes:

Attachment 1

Chairman Kasper opened the hearing on SB 2097.

Major Brandon Solberg, Chief of Staff for the North Dakota Highway Patrol, appeared in support. Attachment 1. (:01:10-:04:45)

Rep. Laning: Can you give me a definition of differences between public and private security personnel?

Major Brandon Solberg: That is mainly who your employer is, if you are working for a government, public entity versus a private security company. If they just hire private individuals to provide security at facilities, they would be allowed to carry a dangerous weapon.

Rep. Laning: Are there any training differences?

Major Brandon Solberg: I couldn't speak to what is required privately. Publicly, we provide our own level of training to our own security officers. Taser has requirements and courses. Taser itself really bumps up the requirements specific to what we are trying to address here.

Rep. Rohr: Are those the new badges that you are wearing?

Major Brandon Solberg: These are our current badges. The conflict is that the way our current badges set, we are not in compliance with Century Code. We are trying to adjust the language to match our current look of the badge.

Rep. Rohr: I think the youth academy is great idea. Would the children under 18 have to go through background checks, immunization records, etc.?

Major Brandon Solberg: I would say we would probably do some sort of limited background check. This is the upper high school level that we are trying to target. We talked with risk management and legal counsel. We provided a draft agenda as to what we would be looking at doing. We would have to come to some sort of agreement with both of those entities. Initially, the answer is no, you can't do this at all because you don't have the authority to do so in law.

Rep. Steiner: How many children do you think that you would be trying to bring in a year?

Major Brandon Solberg: I could see starting out by hosting one class a year with no more than 20 students.

Chairman Kasper: Is the Code preventing from you doing your job?

Major Brandon Solberg: If anyone is going to try and comply with the law, we should set the example. That is mainly cleanup language in that case. In the instance of a youth academy, we are very careful to following the rules and trying to stay out of trouble, so we run a lot of things through our legal counsel and risk management and get their feedback.

Chairman Kasper: I would suggest for the next legislative session that the Highway Patrol consider looking at the code that applies to you and your department, and look at areas that you think should be updated or cleaned up or amended to be able to do your job better and be able to make decisions that I think are really minor and get us out of micromanaging what you can and cannot do.

Major Brandon Solberg: I appreciate the advice and support, and we can definitely do that.

Chairman Kasper closed the hearing.

Rep. Laning made a motion for a DO PASS on SB 2097.

Rep. Olson seconded the motion.

A roll call vote was taken. 13 Yeas, 0 Nays, 1 Absent.

Rep. Steiner will carry the bill.

Date: 3-2-17
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2097**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Laning Seconded By Olson

Representatives	Yes	No	Representatives	Yes	No
Jim Kasper-Chairman	X		Pamela Anderson	X	
Scott Louser-Vice Chairman	X		Mary Schneider	X	
Jason Dockter	X				
Craig A. Johnson	X				
Daniel Johnston	A				
Karen Karls	X				
Ben Koppelman	X				
Vernon Laning	X				
Christopher D. Olson	X				
Karen M. Rohr	X				
Vicky Steiner	X				
Steve Vetter	X				

Total (Yes) 13 No 0

Absent _____

Floor Assignment Steiner

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

REPORT OF STANDING COMMITTEE

SB 2097, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2097 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

SB 2097

Senate Bill 2097
Government and Veterans Affairs Committee
Senator Nicole Poolman, Chairman
January 12, 2017

Ms. Chairman and members of the Government and Veterans Affairs Committee, my name is Major Brandon Solberg, chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2097.

First of all, this bill would bring our current issued highway patrol badges into compliance versus buying all new badges. Our current badges use the term "North Dakota patrol", instead of "North Dakota highway patrol." Due to the size of our badge, it is difficult to incorporate any more wording on them without making the font smaller. This bill also provides an update to allow the officers unit number or symbol of rank to be displayed at the bottom of the badge instead of a serial number.

Secondly, this bill adds a subsection to the powers of the highway patrol. This subsection gives the highway patrol the power "to promote public trust and an understanding of law enforcement through education, community outreach, and job shadowing programs." The highway patrol continually looks to promote the agency and build public trust.

One such avenue would include the use of a youth academy. Youth academies are conducted by law enforcement agencies nationwide, but they are new to our agency. A youth academy would expose high school age students to several aspects of law enforcement, which not only helps with potential recruitment in the future, but also with building trust among up and coming generations. While researching this option in the past, risk management issues were identified concerning our authority to host such an academy. This bill would help clear up those concerns.

The third update is a simple verbiage change to subsection 3 of North Dakota Century Code 39-12-02. Interstate permits are now available for purchase online so this language change would remove a reference to a system of self-issuing cards that is no longer used.

The last update this bill would provide is an addition to the list of individuals allowed to possess a firearm or dangerous weapon at a public gathering. Currently, the law allows private security personnel while on duty to possess a firearm or dangerous weapon, but there is no such authority for public security personnel. Because the definition of a dangerous weapon was changed to include a Taser, Capitol Security officers are no longer allowed to carry them. Adding language to cover both private and public security personnel would address the highway patrol's concern about preventing Capitol Security officers from carrying a Taser while on duty.

This concludes my testimony. I'd be happy to answer any questions.

Attachment 1
2097
3-2-17

Senate Bill 2097
Government and Veterans Affairs Committee
Representative Jim Kasper, Chairman
March 2, 2017

Mr. Chairman and members of the Government and Veterans Affairs Committee, my name is Major Brandon Solberg, chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2097.

First of all, this bill would bring our current issued highway patrol badges into compliance versus buying all new badges. Our current badges use the term "North Dakota patrol", instead of "North Dakota highway patrol." Due to the size of our badge, it is difficult to incorporate any more wording on them without making the font smaller. This bill also provides an update to allow the officers unit number or symbol of rank to be displayed at the bottom of the badge instead of a serial number.

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One such avenue would include hosting a youth academy. Youth academies are conducted by law enforcement agencies nationwide, but they are new to our agency. A youth academy would expose high school age students to several aspects of law enforcement, which not only helps with potential recruitment in the future, but also with building trust among up and coming generations. While researching this option in the past, risk management issues were identified concerning our authority to host such an academy. This bill would help clear up those concerns.

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This concludes my testimony. I'd be happy to answer any questions.