

2021 HOUSE EDUCATION

HB 1460

2021 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1460
1/27/2021

Relating to the powers and duties of the state board of higher education and law enforcement officer jurisdiction

Chairman Owens called the hearing to order at 9:00 AM. Roll call was taken with Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager present. Rep. M. Johnson was absent.

Discussion Topics:

- Jurisdictional role of local police
- Training and policy investigations between campus and local LE officers
- Is Joint Powers Agreement effective
- What would boundaries be

Rep. Vetter introduced HB 1460, #3755

Haley Wamstad, States Attorney, Grand Forks County, #3564

Danny Weigel, City Councilman, City of Grand Forks, #3700

Eric Plummer, UND Police Department, #3630

Written testimony:

Closed the hearing at 9:53 AM.

Bev Monroe, Committee Clerk

Chairman Owens and Education Committee,

Introduction

HB 1460 is a bill that was introduced so the legislature and but ultimately, you the education committee can determine a question only the legislature can answer.

What is the proper role of state funded higher education peace officers in our communities?

- 1) Are they meant to just protect state higher education property? This bill as written would only allow them to have jurisdiction only on higher education property.
- 2) Are they to protect higher education property and partially help local police in our local communities? This is the way the current law is. This was passed by the legislature in my first session in 2017. Boundaries were spelled out to encompass the boundaries "University area" of town. See Map example. Some of the issues with the current law is that the police then tend to patrol the busiest roads which are the boundaries. Demers Ave, Gateway Dr. / Patrol Gateway Drive to airport.

Issues with the current law: They appear to always have issues because of patrolling the borders instead within the campus area. There is a bill in the Senate to move the boundaries again. This will not solve the problem as the same problem will arise at a different location. For example

- 3) They have the same training, why not allow them to patrol the whole city? The money is already being spent, if their services are needed somewhere else in the city, why not allow them jurisdiction? Included in my testimony is the amendments you would need to change it to this option.

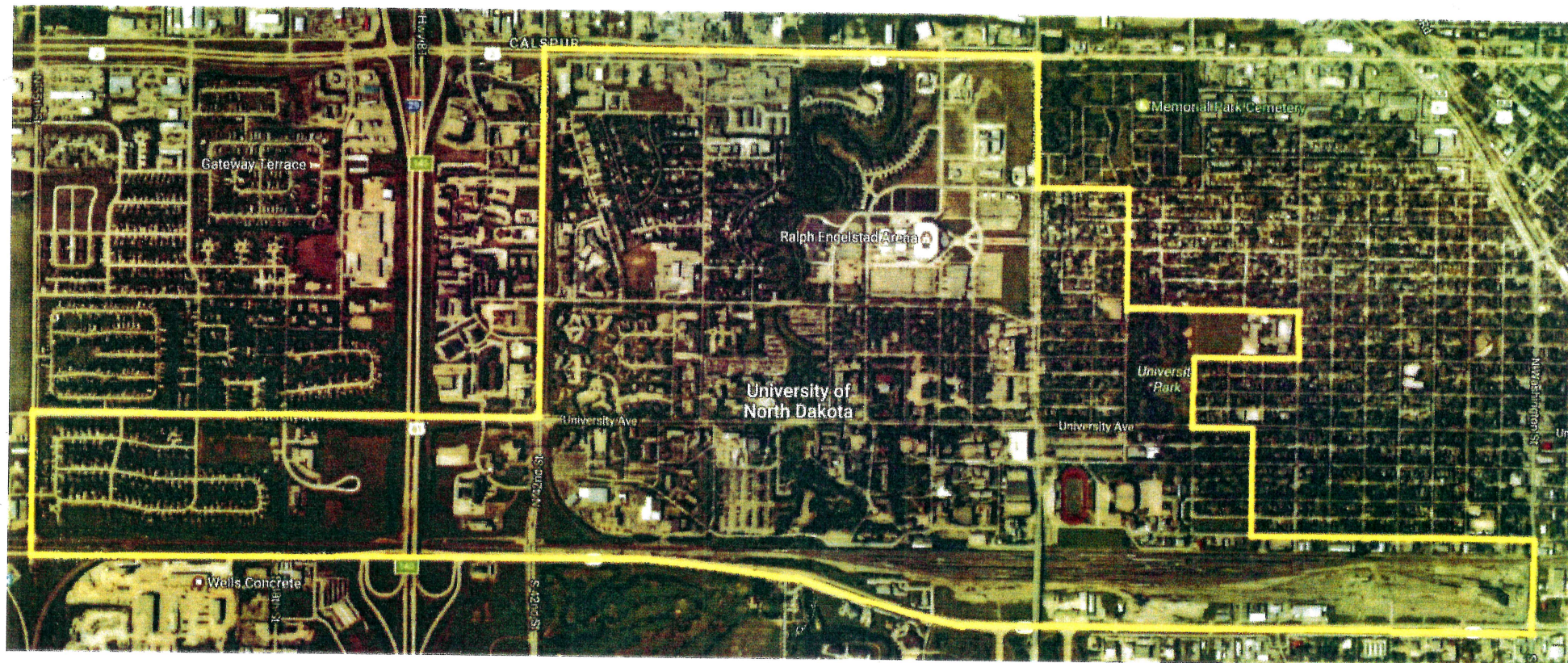
Think of this bill as a lump of clay that I giving to the education committee. Please form this bill into the answer to solve the jurisdiction issue of the higher education police.

Suggestion: Spell out their role to protect by setting their boundaries to a workable solution that doesn't need to be solved every few years.

What is the mix? How much state dollars should be used to patrol/police local communities?

This bill was introduced to ask a question and hopefully the education committee can solve this issue so we don't need to keep addressing jurisdiction issues every few years. Education committee, I give you this bill.

Thank you and good luck.



January 25, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1460

Page 1, line 1, remove "subdivision b of"

Page 1, replace lines 5 through 21 with:

"SECTION 1. AMENDMENT. Subsection 2 of section 15-10-17 of the North Dakota Century Code is amended and reenacted as follows:

2. Authorize the employment of law enforcement officers having jurisdiction on property owned or leased by the state board of higher education to enforce laws and regulations at its institutions, or as otherwise provided in this subsection.
 - a. A law enforcement officer employed by North Dakota state university has jurisdiction on all property owned or leased by the state board of higher education and other property ~~on and within the boundaries of the intersection of nineteenth avenue north and Dakota drive south to eighth avenue north, eighth avenue north east to tenth street north, tenth street north north to nineteenth avenue north, nineteenth avenue north west to Dakota drive~~within the city limits of Fargo.
 - b. A law enforcement officer employed by the university of North Dakota has jurisdiction on all property owned or leased by the state board of higher education and other property ~~on and within the boundaries of the intersection of demers avenue and north fifty fifth street, north fifty fifth street north to university avenue, university avenue east to north forty second street, north forty second street north to gateway drive, gateway drive east to north columbia road, north columbia road south to tenth avenue north, tenth avenue north east to north twenty fifth street, north twenty fifth street south to sixth avenue north, sixth avenue north east to north twentieth street, north twentieth street south to fifth avenue north, fifth avenue north west to north twenty third street, north twenty third street south to university avenue, university avenue east to north twenty first street, north twenty first street south to dyke avenue, dyke avenue east to north washington street, north washington street south to demers avenue, and demers avenue west to north fifty fifth street. Jurisdiction under this subdivision includes~~within the city limits of Grand Forks and the Grand Forks international airport.
 - c. A law enforcement officer employed by the North Dakota state college of science has jurisdiction on all property owned or leased by the state board of higher education and property on and within the boundaries of the intersection of seventh avenue north and eleventh street north, eleventh street north to sixteenth avenue north, sixteenth avenue north west to fourth street north, and fourth street north south to seventh avenue north.



Office of the State's Attorney

January 26, 2021

House Education Committee
North Dakota State Capitol
600 E. Boulevard Ave
Bismarck, ND 58505

Re: HB 1460 – Relating to UND Police Department Jurisdiction
January 27, 2021 Testimony before the House Education Committee

Dear Chairman Owens and Members of the House Education Committee,

I am writing today in opposition to HB 1460 as I do not believe this bill serves the interests of justice.

HB 1460 takes us back to the state of the law in 2015 after the issuance of the Kroschel v. Levi decision. 2015 ND 185. Based on this decision, university police had jurisdiction only on property owned by that university. This decision made it extremely difficult for officers responding to emergency calls and resulted in additional litigation for those offenses in which university police were the investigating agents.

As you are likely aware, UND does not own one contiguous piece of land, but rather UND owns a patchwork of properties that are interspersed between privately owned properties as well as roadways owned and maintained by other governmental entities. In 2017, the legislature passed SB 2193 to clarify the boundary limits of university police jurisdiction.

If passed, HB 1460 would require law enforcement officers with the University of North Dakota Police Department to determine ownership of property at the location of the criminal offense prior to responding to an emergency call, which may result in unnecessary delay. Therefore, I respectfully request the committee consider a “do not pass” recommendation on HB 1460. Thank you for your time and consideration. I am available to answer any questions you may have.

Sincerely,

Haley L. Wamstad
Grand Forks County State's Attorney

Chairman Owens & Members of the Education Committee,

Thank you for the opportunity to provide this committee with testimony regarding House Bill 1460. I come before you as a member of the Grand Forks City Council representing the wonderful citizens of Ward 1, which also encompasses a large portion of the University of North Dakota campus. I would also like to inform you that I do work full time as the Investigations Commander for the University of North Dakota Police Department but am only speaking on behalf of my role as a council member.

As an elected official who happens to be an 11-year law enforcement officer both as a county deputy and a campus law enforcement officer, I see first-hand how the policies and laws that we put in place have an impact on the communities we represent. I often ask myself, is this policy good for the community and in this particular case, will it have an impact on making the community safer?

In my opinion, House Bill 1460 does neither of these two items. In fact, House Bill 1460 makes the University of North Dakota campus and Grand Forks Community significantly less safe. As this bill is written, a fully licensed police officer from UND could be responding to an emergency call of gun shots being fired and when they arrive on scene the suspect could be standing a few feet from a campus building. But as this bill is written, those few feet could put that suspect on private property, thus not allowing a UND Police Officer to act due to them not having any authority.

If you take this same bill and write it so that it is applicable for county sheriff's offices around the state, you would be saying that a county deputy only has jurisdiction on property owned or leased by the county. If you take this same bill and make it applicable for state troopers, you are saying that state troopers only have jurisdiction on state owned or leased property. Finally, if you take this bill and apply it to city police officers you are saying they only have authority on property owned or leased by the city they are employed by. We understand that this is not currently the case for any of the agencies I listed above. Our law enforcement officers throughout the State of North Dakota do a tremendous job keeping our communities safe, we should be looking at different ways to support them, not hinder their ability to investigate crime and bring closure to victims because they happen to be a foot away from property owned or leased by the State Board of Higher Education.

I have always said that when our citizens are in difficult or emergent situations, they will not care what color uniform shows up to assist them or what the patch on the shoulder says. They will be truly grateful that an officer is there in their time of need. If this bill is passed, officers are now tasked with making split second decisions on whether the crime is occurring on leased or owned land of the State Board of Higher Education. I urge the members of this committee to vote NO on House Bill 1460. I would be happy to stand for any questions the committee may have.

Danny Weigel
Grand Forks City Council
701-330-0317

January 27, 2021
House Education Committee
Honorable Mark Owens

HB1460
Oppose

Good morning Chairman Owens and members of the Education Committee. I am Eric Plummer and I am the Chief of Police for the University of North Dakota. Today I will be speaking in regards to House Bill 1460.

The University of North Dakota is a large footprint in the greater Grand Forks community as it stretches beyond the traditional property of the campus. We have affiliated properties, private properties, and businesses interspersed throughout our core campus. We also have a network of city roadways and sidewalks which run throughout and contiguous to campus property. If this bill passes, we would not be able to enforce driving under the influence laws or quality of life laws, such as urinating in public, loud parties, and drinking in public, along these roadways and sidewalks throughout campus, and no longer would have some UND fraternities and sororities under the jurisdiction of our police department. Nor would we be able to respond to calls for service or emergencies, such as assaults or robberies on these streets and properties, shots-fired calls adjacent to our property, or even traffic crashes on city streets within the middle of campus. Passage of this bill would impact the safety and security of our students, faculty, and staff.

When the Kroshel v. Levi N.D. Supreme Court decision created gaps within the campus geography in 2015, this affected our jurisdiction and our crime numbers increased within our Clery Act defined geography. In previous years, we were able to apprehend these criminals outside of this area prior to them reaching our campus properties. In 2017, the legislature addressed the issues regarding these gaps and aided us in our efforts by defining our law enforcement jurisdiction similar to those of other law enforcement agencies. The defined jurisdiction portion of that bill safeguarded the university's ability to protect its campus without having gaps within its campus borders. Since passage, an issue has been discovered regarding vehicles turning from these boundary roadways when violations of the law have occurred and is currently in bill form in the Senate.

I am opposed to HB1460 as it builds barriers to public safety for our students, faculty, staff, the campus and the community.

Thank you Chairman Owens and members of the Education Committee for your time today, for your service to the state, and for your continued support of the law enforcement community.

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Education Committee Coteau AB Room, State Capitol

HB 1460
1/27/2021

Relating to the powers and duties of the state board of higher education and law enforcement officer jurisdiction

Chairman Owens called the hearing to order at 10:15 AM. Roll call was taken with Reps. Owens, Schreiber-Beck, Heinert, Hoverson, D. Johnson, Longmuir, Marschall, Pyle, Richter, Simons, Zubke, Guggisberg and Hager present. Rep. M. Johnson was absent.

Rep. Schreiber-Beck made a **Do Not Pass** motion, seconded by **Rep. LaurieBeth Hager**.

Roll call vote:

Representatives	Vote
Representative Mark S. Owens	Y
Representative Cynthia Schreiber-Beck	Y
Representative Ron Guggisberg	Y
Representative LaurieBeth Hager	Y
Representative Pat D. Heinert	Y
Representative Jeff A. Hoverson	Y
Representative Dennis Johnson	Y
Representative Mary Johnson	AB
Representative Donald Longmuir	Y
Representative Andrew Marschall	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Luke Simons	Y
Representative Denton Zubke	Y

Motion carried 13-0-1. **Rep. Pyle** is the carrier.

Chairman Owens closed the hearing at 10:18 AM.

Bev Monroe, Committee Clerk by Anna Fiest

REPORT OF STANDING COMMITTEE

HB 1460: Education Committee (Rep. Owens, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1460 was placed on the Eleventh order on the calendar.