

2023 SENATE TRANSPORTATION

SB 2054

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2054
1/6/2023

A bill relating to powers of the highway patrol.

9:43 am Chairman Clemens called the meeting to order. Senators Clemens, Conley, Larsen, Paulson, and Rummel were present.

Discussion Topics:

- Changes in terminology
- Flexibility
- NDCC proposed language changes
- Access to Capitol

9:44 am Aaron Hummel, Chief of Staff for the North Dakota Highway Patrol, testified in favor of SB 2054. #12462

10:19 am Senator D. Larsen moved a Do Pass on SB 2054.
Senator Paulson seconded the motion.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

Senator Rummel will carry the bill.

10:20 am Chairman Clemens closed the hearing.

Danielle Butler, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2054: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2054 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE TRANSPORTATION

SB 2054

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2054
2/16/2023

A bill relating to powers of the highway patrol.
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Chairman D. Ruby opened the hearing at 9:24AM.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Weisz, Dakane, Dobervich. **Members absent:** Representative Wagner.

Discussion Topics:

- Terminology of crash versus accident
- Title of Peace Officer
- Authorities of Highway Patrol
- Proposed amendments
- Committee vote

Aaron Hummel, Chief of Staff with the North Dakota Highway Patrol, testimony in support (#20936).

Chairman D. Ruby closed the hearing at 9:44AM.

Representative Koppelman moved to adopt amendment on page 2, line 7, removing the new language (#22966).

Representative Grueneich seconded the motion.

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	AB
Representative Robin Weisz	AB

Motion carried 12-0-2

Aaron Hummel, Chief of Staff with the North Dakota Highway Patrol, answered questions from the committee.

Representative Koppelman moved a Do Pass as Amended.

Representative Murphy seconded the motion.

Representative Koppelman withdrew his motion.

Representative Koppelman moved to remove “the health” on line 4 and remove “general welfare” on line 5 of the bill.

Representative Grueneich seconded the motion.

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	N
Representative Kelby Timmons	Y
Representative Scott Wagner	AB
Representative Robin Weisz	AB

Motion carried 11-1-2

Representative Grueneich moved a Do Pass as Amended.

Representative Dakane seconded the motion.

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y

Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	AB
Representative Robin Weisz	AB

Motion carried 12-0-2

Representative Frelich is the bill carrier.

Chairman Ruby adjourned at 10:00AM.

Mary Brucker, Committee Clerk

February 16, 2023

DR

141

2-16-23

PROPOSED AMENDMENTS TO SENATE BILL NO. 2054

Page 2, line 7, remove the overstrike over "accidents"

Page 2, line 7, remove "crashes"

Page 4, line 4, remove "the health."

Page 4, line 4, remove the second the comma

Page 4, line 5, remove "and general welfare"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2054: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2054 was placed on the Sixth order on the calendar.

Page 2, line 7, remove the overstrike over "accidents"

Page 2, line 7, remove "crashes"

Page 4, line 4, remove "the health."

Page 4, line 4, remove the second the comma

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Renumber accordingly

2023 SENATE TRANSPORTATION

SB 2054

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2054
3/30/2023

A bill relating to powers of the highway patrol.

10:46 AM Chairman Clemens opened the meeting.

Senators Present: **Clemens, Conley, Larsen, Paulson, Rummel.**

Discussion Topics:

- Accidents
- Crashes

Senator Clemens provided information and opened it up for discussion.

Committee discussed.

10:49 AM Chairman Clemens closed the meeting.

Nathan Liesen, Committee Clerk

TESTIMONY

SB 2054



68th Legislative Assembly

Testimony in Support of

Senate Bill No. 2054

Senate Transportation Committee

January 6, 2023

TESTIMONY OF

Maj. Aaron Hummel, Chief of Staff

Good morning, Chairman Clemens and members of the committee. My name is Aaron Hummel and I serve as the chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2054.

This bill would clear up two areas. The first is the highway patrol's jurisdiction related to dignitary protection, and the second is the highway patrol's responsibility for controlling door access on the capitol grounds.

I'll summarize the proposed changes by section starting with NDCC 39-03-09.

- Changing the term "accident" to "crash" matches the Vision Zero strategy to recognize crashes as preventable.
- Using the terminology "of a peace officer" in place of "to exercise general police powers" doesn't change the level of authority but rather uses the term "peace officer" which is defined and used in North Dakota Century Code.
- For subsections 14 and 15 of 39-03-09, the burden and responsibility for the security and protection of dignitaries is placed directly on the superintendent of the highway patrol.
 - The highway patrol has the training and experience to allocate resources and assignments for dignitary protection, and the superintendent should be the one to accept full responsibility for this duty.
 - This change would provide the highway patrol with the flexibility to evaluate threat levels and adjust resources quickly.
 - This change does not remove the ability to consult with others in non-emergency situations. For example, the highway patrol meets with leaders of the House and Senate to discuss security plans prior to every legislative session.
- Subsection 15 of 39-03-09 enhances the highway patrol's ability to provide security and protection to legislative members any time of the year rather than strictly during a legislative session.
- At times the highway patrol has been asked to provide security for visiting dignitaries such as the President of the United States. Adding subsection 19 to 39-03-09 would make it clear that the highway patrol has the authority to provide security, and additional assistance could be requested from other law enforcement agencies, if needed.
 - This change would match common practices in the law enforcement profession across the nation. In fact, the proposed language was drafted from Louisiana's state statute.

The last portion of the bill is related to NDCC 54-21-17.1.

- This language was drafted following the highway patrol's last audit when we learned that the superintendent of the highway patrol is responsible for keys and electronic card access for all doors in the Capitol.
- Facility management has coordinated the issuance of hard keys for many years, but there is no accurate record of who is assigned which key because the same locks have been in use in the Capitol building for decades.
- The only way to regain control over all keys would be to swap out all the door hardware, and facility management estimated that would cost over \$1 million to accomplish.
- This bill proposes a more reasonable solution. The highway patrol would be responsible for the control of hard keys for the exterior doors, and that door hardware could be swapped out at a minimal cost, as most of the external doors are controlled by electronic key card access.
- Hard keys for interior doors would be the responsibility of each agency head. If an employer wanted to issue a team member a hard key, they could do so.
 - If additional hard keys for a door are needed, facility management could be contacted to have more made.
- Exterior door access could primarily be controlled with electronic card keys, and the highway patrol maintains that system.
 - If someone is terminated from employment, ends a contract, or loses a key card, the key card can simply be deactivated.
 - Securing the exterior portion of the building would be the highway patrol's priority.
- Several interior doors have card access, and hard keys will have less importance as the electronic card access system continues to expand.
 - Electronic card access makes controlling access levels much smoother, and the highway patrol would maintain interior and exterior card access for electronic keys.
- The final portion of this bill clarifies that the highway patrol can lock down the Capitol and executive mansion during an emergency.

This concludes my summary. The proposed changes would more closely match our agency's current practices. I would appreciate your support for this bill, and I will stand for any questions.



68th Legislative Assembly

Testimony in Support of

Senate Bill No. 2054

House Transportation Committee

February 16, 2023

TESTIMONY OF

Maj. Aaron Hummel, Chief of Staff

Good morning, Chairman Ruby and members of the committee. My name is Aaron Hummel and I serve as the chief of staff for the North Dakota Highway Patrol. I am here to provide testimony in support of Senate Bill 2054.

This bill would clear up two main areas under the powers of the highway patrol. The first is the highway patrol's jurisdiction related to dignitary protection, and the second is the highway patrol's responsibility for controlling door access on the capitol grounds.

I'll summarize the proposed changes by section starting with NDCC 39-03-09.

- Changing the term "accident" to "crash" matches the Vision Zero strategy to recognize crashes as preventable.
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- Subsection 15 of 39-03-09 enhances the highway patrol's ability to provide security and protection to legislative members any time of the year rather than strictly during a legislative session.
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- The final portion of this bill clarifies that the highway patrol can lock down the Capitol and executive mansion during an emergency.

This concludes my summary. The proposed changes would more closely match our agency's current practices. Senate Bill 2054 passed the Senate with a vote of 47-0 and I would appreciate your support for this bill, and I will stand for any questions.

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Adopted by the House Transportation
Committee

February 16, 2023

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