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Richard Costa
Operator's Signature

10/6/03
Date

2003 HOUSE TRANSPORTATION

HB 1484

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1484

House Transportation Committee

Conference Committee

Hearing Date February 14, 2003

Tape Number	Side A	Side B	Meter #
1	x		9.1 to 34.8
Committee Clerk Signature <i>Lauren H. Gode</i>			

Minutes:

Rep. Weisz opened the hearing on HB 1484, a bill for an Act to amend and reenact section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol.

Rep. Kerzman: Representing District 31 introduced HB 1484. His written testimony is attached. His concern is to look for efficiencies with these tight budget constraints. He felt there may be well be a duplication of services among the law enforcements at state and county levels.

Rep. Weisz: Are there any specific instances where you feel there are duplications? Can you think of one where there was a problem?

Rep. Kerzman: Just looking at the general philosophy -- after introducing this legislation I have had some second thoughts but I do know we need to avoid duplication of services.

There was no one to appear in support of HB 1484.

Opposition: (11.5)

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House Transportation Committee
Bill/Resolution Number HB 1484
Hearing Date February 14, 2003

Sen. Stan Lyson: Representing District 1 spoke in opposition to the bill. Citing his many years of experience as Sheriff of Williams County. His working experiences with the Highway Patrol were excellent and many times essential and often provided expertise his staff didn't have. His word of caution was to be careful or you might get what you are asking for. He urged a do no pass vote.

Rep. Delmore: Reference was made about restricted jurisdiction in urban areas limiting the utility of the Highway Patrol -- what is that ?

Sen. Lyson: Certainly -- traffic jurisdiction in the urban areas where they have their own police force and ordinances.

Rep. Schmidt: In our area there was a forum of County Commissioners -- talking about the anhydrous ammonia thefts and the drug problem was brought up -- they were all in support and need of the Highway Patrol help.

Sen. Lyson: Yes they do, do drug enforcement.

Sheriff Erhardt: As Sheriff of Morton county related the size of his county, the limited staff and increased responsibilities --- all were offset with the training and experience of the Highway Patrol. He urged a no vote on this bill.

Rep. Weisz inquired of Sheriff Erhardt whether he thought the current separation of powers were about right or needed to be changed.

Sheriff Erhardt: Thought they were well defined and working well.

Clarence Tuhy: Newly elected sheriff of Stark County urges a no vote as his small County and small budget could not begin the train their personnel with expertise they get from the Highway Patrol.

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House Transportation Committee
Bill/Resolution Number HB 1484
Hearing Date February 14, 2003

Col. Hughes: Superintendent of the Highway Patrol cited there are 79,000 miles of road in the state of North Dakota and that only 7500 miles were on the State Highway system. This would be a severe cut in responsibility for the patrol but a big load added to the locals. Also he noted that only about 100 of North Dakotas towns and cities are reached by state roads. All the remainder would become local responsibility without the resource of the Highway Patrol to draw on. This is huge when you begin to weigh home land security, drug enforcements -- last year the Patrol made over 400 drug arrests -- they do have two 'drug dogs' available in different parts of the state. He then read the duties of the Highway patrol as setforth in Title 39 of the Century Code. This was defined and prescribed by the legislature as recently as 1967.

Matt Erhardt: A former, now retired Highway Patrol related his working experiences with local law enforcement; and, now as a County Commissioner he sees the need for Patrol assistance and cooperation at the local level. He urged "Do Not Pass".

LeRoy Ernst: As Executive director of the North Dakota Motor Carrier who carry 80% of North Dakota freight transport recited his appreciation for the patrol for their traffic control, their accident investigation and their escort services for HazMat movements. He urged a no vote on this legislation.

There being no other persons wishing to testify for or against HB 1484, Chairman Weisz closed the hearing on HB 1484.

Rep. Bernstein: Moved a 'Do Not Pass' motion for HB 1484. Rep. Galvin seconded the motion. On a roll vote the motion carried 13 Nays 0 Nays 0 Absent.

Rep. Galvin was designated to carry HB 1484 on the floor.

End of record (34.5).

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To Costa Richardson
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10/16/03
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Date: 2/14/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1484

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 30681.0100

Action Taken Do Not Pass

Motion Made By Rep. Hartman Seconded By Rep. Galvin

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 13 No 0

Absent 0

Floor Assignment Rep. Galvin

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

REPORT OF STANDING COMMITTEE (410)
February 14, 2003 11:41 a.m.

Module No: HR-29-2733
Carrier: Galvin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1484: Transportation Committee (Rep. Welsz, Chairman) recommends **DO NOT PASS**
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1484 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

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HR-29-2733

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Salvatore Riccardi
Operator's Signature

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2003 TESTIMONY

HB 1484

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TESTIMONY
HB 1484
by Representative James A. Kerzman

Chairman Representative Weisz, Members of House and Transportation
Committee.

I am Representative James Kerzman from District 31, which includes Grant,
Sioux, and most of Hettinger and Morton counties.

I am introducing this bill to stimulate discussion about several concerns that have
been brought to my attention. This is not a vendetta against the Highway patrol- I
strongly feel they are very dedicated, professional, well trained personnel that
provide excellent service to this state and our citizens.

With the budget constraints that we are under, I feel that we must look for
efficiencies, areas where there may be duplication of services. As you well know,
most counties in this day and age, have well trained, capable Sheriff departments.
The small rural towns that I am familiar with contract with the various Sheriff
departments in their respective counties for police protection. All larger
metropolitan areas have their own police departments, and the Highway Patrol has
limited jurisdiction in their areas. Is there any duplication of services?

Also, with the added emphasis that needs to be placed on the drug war - can we
shift some of the resources from the Patrol, including manpower to this arena?

Any questions?

Respectfully submitted.

Representative James A. Kerzman