

2019 HOUSE JUDICIARY COMMITTEE

HB 1255

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1255
1/16/2019
30897

- Subcommittee
 Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to the powers of railroad police.

Minutes:

1

Chairman K. Koppelman: Opened the hearing on HB 1255.

Rep. Roers Jones: Introduced the bill. This bill deals specifically with railroad police. Railroad police act much like other police. The police work with local law enforcement to coordinate the benefits of the community adding free extra hands to patrol areas around the track. The police are provided with authority state by state and have federal interstate authority under 49-USC28.101. In ND we give rail road police authority to act as officers for felonies and misdemeanor when it involves their property. This bill clarifies their duties. Crossing incidents have gone up in recent years so having law enforcement will be helpful with public education and safety.

Chairman K. Koppelman: How does this different from the BIA bill?

Rep. Roers Jones: This bill is limited in scope and it is only around railroads and yards.

Rep. Rick Becker: Is it BNFS that wants this?

Rep. Roers Jones: BNFS offered this bill.

Kayla Effertz Kleven, BNSF: I just wanted to introduce you to Kerri Gortmaker, Senior Special Agent.

Kerri Gortmaker: The BNFS Police; (Attachment #1) Read testimony. (4:15-7:06).

Rep. Rick Becker: Your assessment covers the people who are trying to zip through. Is that an accurate assessment? What manner can you catch them and site them. Does your jurisdiction extend? Are you able to peruse in order to catch them?

Kerri Gortmaker: Yes I could follow them and pull them over because the offense was on railroad crossing or property.

Chairman K. Koppelman: Would you typically call local police saying I am pursuing this person and hand him off?

Karri Gortmaker: If someone was going around the crossing I would make that traffic stop even off the property. I do have the ability to go out on radio as a safety issue.

Chairman K. Koppelman: Fleeing across town; what happens?

Karri Gortmaker: We have a no pursuit policy.

Rep. Vetter: Who has jurisdiction?

Karri Gortmaker: Currently I only have authority on railroad property. Right now Cass and Grand Forks County have deputized me under them so I can issue a citation in that jurisdiction.

Representative Jones: Your testimony says 66 trespasser casualties; 21 resulted in death;

Kerri Gortmaker: The way the federal railroad administration issues the statistics casualties are injuries and death combined and then you can break it down from that.

Donnell Preskey, NDACo.: I serve as Executive Director for the Sheriff and Deputy Association. They support the bill.

Opposition: None

Hearing closed.

Do Pass Motion Made by Rep. Hanson; Seconded by Rep. Roers Jones.

Discussion: None

Roll Call Vote: 9 Yes 4 No 1 Absent Carrier: Rep. Hanson

Closed.

Date: 1-16-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
HB 1255

House Judiciary 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 HANSON Seconded By Roers Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Rep. Buffalo	✓	
Vice Chairman Karls	✓		Rep. Karla Rose Hanson	✓	
Rep. Becker	—				
Rep. Terry Jones	✓				
Rep. Magrum		✓			
Rep. McWilliams	✓				
Rep. B. Paulson	✓				
Rep. Paur		✓			
Rep. Roers Jones	✓				
Rep. Satrom	✓				
Rep. Simons		✓			
Rep. Vetter		✓			

Total (Yes) 9 No 4

Absent 1

Floor Assignment Rep Hanson

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

REPORT OF STANDING COMMITTEE

HB 1255: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1255 was placed on the Eleventh order on the calendar.

2019 SENATE JUDICIARY

HB 1255

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1255
3/4/2019
#33093 (15:45)

- Subcommittee
 Conference Committee

Committee Clerk: Meghan Pegel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 49-10.1-05 of the North Dakota Century Code, relating to the powers of railroad police.

Minutes:

1 Attachment

Chair Larson opens the hearing on HB 1255. Senator Osland was absent.

Shannon Roers Jones, District 46 Representative, testifies in favor

Representative Roers Jones: We have railroad police officers. Currently they are already allowed to make arrests for people who are committing felonies on railroad property, misdemeanors on railroad property or arresting people who are trespassing. We are looking to add the ability to issue a citation to someone who's committing an infraction or a noncriminal offense on or relating to railroad property or relating to property that's being transported by the railroad or awaiting transportation. Most of what I think they're looking at doing here is being able to cite someone for crossing against the crossing arms and things like that. Everything still has to have that railroad nexus; it has to be related to the things that are happening with the railroad.

Kerri Gortmaker, Senior Special Agent with BNSF Police, testifies in favor (see attachment #1)

(5:15) Senator Myrdal: what would you qualify as trespassing?

Agent Gortmaker: Trespassing is if you're anywhere on railroad, not at a public crossing. We have multiple people that will walk down the railroad tracks and drive their ATVs down the tracks, that kind of thing.

Vice Chairman Dwyer: What would be an infraction or an offense relating to railroad property?

Agent Gortmaker: For example, the crossing. Because it's a public crossing, it's still crossing the railroad, but it's not our specific property, but that would be something I'm dealing with. They're not trespassing on railroad private property; it's technically on public property.

Vice Chairman Dwyer: Are crossings railroad property or state property?

Agent Gortmaker: When a crossing is put in, the state funds it. After that the maintenance of it is the requirement of the railroad. However, it's still cleared by the state.

Vice Chairman Dwyer: All of the things that we discussed are on the property, but what would be something relating to the property? It seems kind of ambiguous.

Agent Gortmaker: Maybe someone goes around a cross arm and is a suspended driver as well. The crime that I would be able to deal with is the violation of going around gate arms, but now they have an additional offense, and I would be able to handle that as well.

Senator Bakke: What power do you have currently? Can you arrest trespassers?

Agent Gortmaker: In the last session, trespass was brought down to an infraction. If they are trespassing, I can detain them, but then I have to call the local law enforcement agency to assist me and take care of it from there. With anything that isn't a misdemeanor or a felony, that's how I have to handle it at this point.

Senator Bakke: With this bill, you can do this on your own without bothering law enforcement?

Agent Gortmaker: Yes. I would be able to do this on my own still with radio-communications so we're all being safe, but I wouldn't have to pull resources from other agencies.

Senator Luick: You are the sole person for the state of ND?

Agent Gortmaker: I am. I am the only BNSF officer. Canadian Pacific has 2 and Amtrak has 1 and they are on the west side of the state.

Senator Luick: Do any of the short lines have anybody?

Agent Gortmaker: No. It's just the class 1 railroads that have it, just us 4 throughout the state.

Senator Bakke: Are you constantly travelling the entire eastern part of the state?

Agent Gortmaker: I travel all of the state. My responsibility is all of North Dakota, and I also cover a little section into Minnesota as well because I'm the closest agent there.

Chair Larson: When you leave the capitol, will you swing by the railroad tracks on your way out in case you see any violators?

Agent Gortmaker: Usually when I'm in a city, I do drive through that area.

Senator Myrdal: What are the things that you've had to deal with?

Agent Gortmaker: I work closely with Cass county since I am in Fargo, and I do a lot of training with them. I've had a fire chief send me a video of someone driving around the cross arms, thefts, vehicle thefts and trespassers. With trespassers I don't want to steal away from other agencies, so I usually am warning and releasing them.

Chair Larson: Local law enforcement or highway patrol can enforce laws on the railroad like going around an arm, correct?

Agent Gortmaker: Correct.

Vice Chairman Dwyer: When I was a kid, my uncle was an agent and we'd always coins on the track to see what would happen when a train comes. I suppose kids do that still.

Agent Gortmaker: Unfortunately, yes. To an extent it's almost become more. I've responded to kids lining up rocks on the tracks or they would take railroad ties and place them across the tracks; there are plenty of issues.

Senator Bakke: When you aren't there and there are infractions and trespassers, then the local police have to go on the property and take care of those issues?

Agent Gortmaker: Correct. Since I came into this position 3 years ago, I've built a lot of relationships with local sheriff's offices and police departments, so they know who I am when I request their assistance.

(13:45) John Olson, BNSF

Olson: She is also deputized by some jurisdictions.

Agent Gortmaker: Correct through Cass county and Grand Forks county. They special deputize me so that I have additional authority if needed.

Olson: The crossings are there by easement. It's the railroad property, but the public easement that's granted to counties or cities is how that legal status is.

(14:30) Doenelle Preskey, Executive Director for the ND Sheriff's and Deputies Association, testifies in favor

Preskey: I want to go on record in support of this bill.

Senate Judiciary Committee

HB 1255

3/4/2019

Page 4

Chair Larson closes the hearing on HB 1255.

Senator Bakke: Motions for a Do Pass.

Senator Myrdal: Seconds.

A Roll Call Vote was Taken: 5 yeas, 0 nays, 1 absent. Motion carries.

Senator Bakke will carry the bill.

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1255**

Senate Judiciary 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 Senator Bakke Seconded By Senator Myrdal

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	AB				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Bakke

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

REPORT OF STANDING COMMITTEE

HB 1255: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1255 was placed on the
Fourteenth order on the calendar.

2019 TESTIMONY

HB 1255

#1
HB 1255
1-16-19
BGI

BNSF Testimony in Support of HB 1255 January 16, 2019

Chairman Koppelman and Committee –

My name is Kerri Gortmaker and I live in West Fargo, ND. I am a Senior Special Agent with BNSF Police and have been in this role for 3 years. Prior to BNSF Police, I worked for the Fargo Police Department for 4 ½ years on patrol. I obtained my Associates degree from NDSCS and attended the Peace Officer Academy in Fargo through Lake Region State College in 2011. I also am currently attending Mayville State University as an online student to obtain my Bachelor's degree.

The BNSF Police team is the law enforcement division of the Resource Protection team. Our community is best described as being 32,500 miles long and 100 feet wide, crisscrossing hundreds of local and state jurisdictions along the way. Railroad police are active in all forms of police duties throughout that community. BNSF Police analyze statistical data to discover crime trends, use K-9 units and proactive uniformed patrol to combat trespassing and cargo thefts, and actively participate with other police agencies to investigate crimes committed on railroad property.

In North Dakota, railroad police currently have the authority of a law enforcement officer for purposes of arresting an individual committing a felony or misdemeanor when the crime is taking place on railroad property or is associated with railroad. We are asking for the same authority for infractions and noncriminal offenses.

This will ensure I can cite trespassers, motorists trying to drive around gates or through flashing lights, and motorists or pedestrians who may be partaking in dangerous, but not criminal, offenses on our property.

Trespassing in particular is of critical importance. With other major rail safety data showing huge improvements – for example, train accident rates are down 41% since 2000 - one rail safety data that's not improving is trespasser deaths. Data released last March shows a 22 percent increase in trespassing deaths compared to 2016. In ND between January 2015 and October 2018 there have been 66 trespasser casualties, 21 of those resulting in death, 31.8%. Every year, railroads spend millions to maintain and improve grade crossings and work directly with communities and law enforcement to educate the public about safe behavior near tracks. Allowing railroad police to have authority over these trespassers in some capacity is another tool in the toolbox.

With that, I'll stand for questions.

#1
HB1255
1-16-19
pg 2

January 13, 2019

To: Representative Kim Koppelman

From: Chief Jason Olson

Minot Police Department

Ref: HB 1255

This letter is in support of HB 1255 which is the bill which would expend the powers of railroad police to be able to enforce not on felonies and misdemeanors that involve railroad property but would add the ability to enforce infractions such as "trespassing on railroad property" and traffic violations such as crossing arm violations.

This bill would serve to enhance public safety by allowing better enforcement of some very unsafe behavior such as disregarding crossing arms at railroad crossings.

I see it as a win-win and without any negative repercussions that I am aware of. The railroad police are excellent public safety partners to local law enforcement. This bill will make them more effective at carrying out their duties.

Thank you.

V/R

Chief Jason Olson

City of Minot, Chief of Police

701-857-4715

jason. olson@minotnd.org



#1
HB1255
1-16-19
pg 3

DEVILS LAKE POLICE

222 WEST WALNUT STREET • DEVILS LAKE, NORTH DAKOTA 58301-3596
PHONE 701-662-0700 • FAX 701-662-0728



JOSEPH KNOWSKI
CHIEF OF POLICE

January 11, 2019

To: Kerri Gortmaker
Special Agent, BNSF Police

From: Joseph Knowski
Chief, Devils Lake Police Dept.

To whom it may concern,

I am in support of HS Bill 1255 which gives increased police powers to Agents of the Burlington Northern Police Dept.

These added powers will only increase their ability to follow through with incidents that happen on Burlington Northern property. These Agents should be able to complete an entire case beginning to end and not go through the local jurisdiction.

Therefore, I am in favor of this bill.

Sincerely,

A handwritten signature in blue ink that reads "Joseph Knowski".

Joseph Knowski
Chief, Devils Lake Police Dept.



#1
HB 1255
1-16-19
Pg 4

1801 College Drive North, Devils Lake, ND 58301-1598

(701) 662-1600 • fax (701) 662-1570 • www.lrsc.edu

LT. John Maritato
Director Peace Officer Training
johnathan.maritato@lrsc.edu

1-11-19

To whom it may Concern,

I am writing you today in regards to House Bill No. 1255 to amend and reenact section 49-10.1-05 of the NDCC relating to the powers of railroad police.

I am in support of the changes that are being brought before Legislative Assembly of House Bill No. 1255. I believe that railroad police, being licensed peace officers in the State of North Dakota should have the rights to arrest, issue citations and remove any individual from railroad property and or locomotive.

With the changes that are being brought forth, I feel gives specific powers of the railroad police and helps with the safety and security of all cities in North Dakota that have train stations, train equipment and train traffic through their communities.

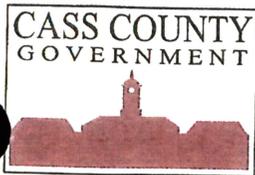
Please consider the changes that are being brought forth for amending this bill.

Thank You

Sincerely,

A handwritten signature in blue ink that reads "John Maritato".

John Maritato



www.casscountynd.gov

Office of the Sheriff

Jesse Jahner, Sheriff

#1
HB1255
1-16-19
pg 5

January 15th, 2019

I Jesse Jahner, Sheriff of Cass County North Dakota am writing in support of House Bill 1255 and to amend and reenact section 49-10.1-05 of the North Dakota Century Code relating to the powers of the Railroad police. I feel this amendment would assist law enforcement agencies across the state in the enforcement of laws pertaining to railroad property. Currently Railroad Police Officers can only handle misdemeanors and felonies but do not have the authority to issue citations for non-criminal offenses or infractions on railroad property. Should Railroad Police Officers need to handle one of these situations they would need to contact the local Sheriff or Chief of Police and summons their Deputies or Officers to the scene to handle these situations. Giving Railroad Police authority to issue citations or handle infractions can only benefit local law enforcement and assist in the investigations of crimes. We have a very good working relationship with our Railroad Police and they have assisted us in criminal and traffic investigations. Railroad Police Officers also provide education and training to our Deputies in relation to crimes that occur on their properties. Please strongly consider house Bill 1255 to increase the effectiveness of how Law Enforcement conducts investigations in relation to the Railroad and their properties.

Sincerely,

Jesse Jahner

Cass County Sheriff

Cass County Sheriff

Law Enforcement Center

1612 23rd Avenue North

P.O. Box 488

Fargo, North Dakota 58107-0488

Phone: 701-241-5800

Fax: 701-241-5806

Cass County Sheriff

Courthouse

211 9th Street South

P.O. Box 488

Fargo, North Dakota 58107-0488

Phone: 701-241-5800

Fax: 701-241-5805

Cass County Jail

450 34th Street South

Fargo, North Dakota 58103

Phone: 701-271-2900

Fax: 701-271-2967



NORTH DAKOTA STATE LODGE
FRATERNAL ORDER OF POLICE



JOE JOHNSON
NATIONAL TRUSTEE

P.O Box 1993, Bismarck, ND 58502-1993
Email: ndfop@hotmail.com Phone Number: 701.318.9927

GRANT BENJAMIN
ND STATE PRESIDENT

January 12, 2019

To: Honorable Representative Kim Koppelman
Chairman of House Committee on Judiciary

From: Grant Benjamin
North Dakota Fraternal Order of Police State Lodge President
P.O. Box 1993
Bismarck, ND 58502-1993

RE: HB 1255
Bill to amend 49-10.1-05 of the North Dakota Century Code [NDCC]
Related to Rail Road Police

Honorable Koppelman –

I am sorry, I am unable to attend the Judiciary Hearing on House Bill 1255, but I am writing a letter in support of passage by the Judiciary committee of this bill. By amending NDCC 49-10.1-05 to allow Federal Law Enforcement Police officers to arrest someone committing a felony or misdemeanor on railroad property and to issue citations is an amendment that is long overdue.

Railroad police officers ARE trained law enforcement officers and should have the authority to enforce laws. Our organization believes the passage of amendments will allow the Railroad Police to better protect our citizens, communities and cities. North Dakota Fraternal Order of Police asks you and your committee to pass this bill as written.

Fraternally

Grant Benjamin
Fraternal Order of Police
North Dakota State Lodge President
701.318.9927

1-26-19 #1
pg 7 HB1255



66 West Museum Drive / PO Box 130 / Dickinson, North Dakota 58601-0130
TELEPHONE 701.456.7610 / FACSIMILE 701.456.7692

SHERIFF COREY LEE

January 15, 2019

Sgt. Matt Keesler
Stark County Sheriff's Office
Civil Process Division
66 W Museum Dr
Dickinson, ND 58601

Rep. Kim Koppelman
Chairman of House Committee on Judiciary
513 First Ave NW
West Fargo, ND 58078

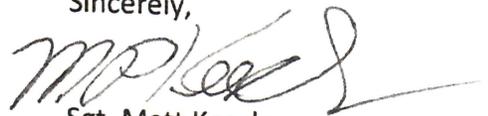
To the Honorable Kim Koppelman,

I write in support of HB 1255, which will grant Railroad Police in ND extended authority to issue citations. Their presence and function is both beneficial and necessary to ensure the safe travel of goods and services along North Dakota's vast railway system.

At present, RR police officers are not authorized to enforce non-criminal offenses and/or infractions on RR property. Being able to perform this function would benefit not only the railroad, but county sheriff's deputies and municipal police officers as well. RR police are just that: "police." We're all on the same team, serving the same respective communities. We therefore should all have the same authority.

I appreciate the committee's time in reviewing this letter and considering their support for HB 1255.

Sincerely,


Sgt. Matt Keesler

#1
HB 1255
3.4.19
pg 1

BNSF Testimony in Support of HB 1255

March 4, 2019

Chairman Larson and Committee –

My name is Kerri Gortmaker and I live in West Fargo, ND. I am a Senior Special Agent with BNSF Police and have been in this role for 3 years. Prior to BNSF Police, I worked for the Fargo Police Department for 4 ½ years on patrol. I obtained my Associates degree from NDSCS and attended the Peace Officer Academy in Fargo through Lake Region State College in 2011. I also am currently attending Mayville State University as an online student to obtain my Bachelor's degree.

The BNSF Police team is the law enforcement division of the Resource Protection team. Our community is best described as being 32,500 miles long and 100 feet wide, crisscrossing hundreds of local and state jurisdictions along the way. Railroad police are active in all forms of police duties throughout that community. BNSF Police analyze statistical data to discover crime trends, use K-9 units and proactive uniformed patrol to combat trespassing and cargo thefts, and actively participate with other police agencies to investigate crimes committed on railroad property. As a law enforcement officer in North Dakota, I fall under the same training and standards as all officers do in North Dakota under the POST Board. BNSF also required additional training, above and beyond what is required by the state.

In North Dakota, railroad police currently have the authority of a law enforcement officer for purposes of arresting an individual committing a felony or misdemeanor when the crime is taking place on railroad property or is associated with railroad. We are asking for the same authority for infractions and noncriminal offenses.

This will ensure I can cite trespassers, motorists trying to drive around gates or through flashing lights, and motorists or pedestrians who may be partaking in dangerous, but not criminal, offenses on our property.

Trespassing in particular is of critical importance. With other major rail safety data showing huge improvements – for example, train accident rates are down 41% since 2000 - one rail safety data that's not improving is trespasser deaths. Data released last March shows a 22 percent increase in trespassing deaths compared to 2016. In ND between January 2015 and October 2018 there have been 66 trespasser casualties, 21 of those resulting in death, 31.8%. Every year, railroads spend millions to maintain and improve grade crossings and work directly with communities and law enforcement to educate the public about safe behavior near tracks. Allowing railroad police to have authority over these trespassers in some capacity is another tool in the toolbox.

With that, I'll stand for questions.



Lake Region
State College



1801 College Drive North, Devils Lake, ND 58301-1598

(701) 662-1600 • fax (701) 662-1570 • www.lrsc.edu

#1
HB 1255
3-4-19
pg 2

LT. John Maritato
Director Peace Officer Training
johnathan.maritato@lrsc.edu

1-11-19

To whom it may Concern,

I am writing you today in regards to House Bill No. 1255 to amend and reenact section 49-10.1-05 of the NDCC relating to the powers of railroad police.

I am in support of the changes that are being brought before Legislative Assembly of House Bill No. 1255. I believe that railroad police, being licensed peace officers in the State of North Dakota should have the rights to arrest, issue citations and remove any individual from railroad property and or locomotive.

With the changes that are being brought forth, I feel gives specific powers of the railroad police and helps with the safety and security of all cities in North Dakota that have train stations, train equipment and train traffic through their communities.

Please consider the changes that are being brought forth for amending this bill.

Thank You

Sincerely,

John Maritato

#1
HB 1255
3.4.19
Pg 3

January 13, 2019

To: Representative Kim Koppelman

From: Chief Jason Olson

Minot Police Department

Ref: HB 1255

This letter is in support of HB 1255 which is the bill which would expand the powers of railroad police to be able to enforce not on felonies and misdemeanors that involve railroad property but would add the ability to enforce infractions such as "trespassing on railroad property" and traffic violations such as crossing arm violations.

This bill would serve to enhance public safety by allowing better enforcement of some very unsafe behavior such as disregarding crossing arms at railroad crossings.

I see it as a win-win and without any negative repercussions that I am aware of. The railroad police are excellent public safety partners to local law enforcement. This bill will make them more effective at carrying out their duties.

Thank you.

V/R

Chief Jason Olson

City of Minot, Chief of Police

701-857-4715

jason.olson@minotnd.org



DEVILS LAKE POLICE

222 WEST WALNUT STREET • DEVILS LAKE, NORTH DAKOTA 58301-3596
PHONE 701-662-0700 • FAX 701-662-0728



JOSEPH KNOWSKI
CHIEF OF POLICE

January 11, 2019

To: Kerri Gortmaker
Special Agent, BNSF Police

From: Joseph Knowski
Chief, Devils Lake Police Dept.

To whom it may concern,

I am in support of HS Bill 1255 which gives increased police powers to Agents of the Burlington Northern Police Dept.

These added powers will only increase their ability to follow through with incidents that happen on Burlington Northern property. These Agents should be able to complete an entire case beginning to end and not go through the local jurisdiction.

Therefore, I am in favor of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Knowski".

Joseph Knowski
Chief, Devils Lake Police Dept.



www.casscountynynd.gov

Office of the Sheriff

Jesse Jahner, Sheriff

1
HB 1255
3.4.19
pg 5

January 15th, 2019

I Jesse Jahner, Sheriff of Cass County North Dakota am writing in support of House Bill 1255 and to amend and reenact section 49-10.1-05 of the North Dakota Century Code relating to the powers of the Railroad police. I feel this amendment would assist law enforcement agencies across the state in the enforcement of laws pertaining to railroad property. Currently Railroad Police Officers can only handle misdemeanors and felonies but do not have the authority to issue citations for non-criminal offenses or infractions on railroad property. Should Railroad Police Officers need to handle one of these situations they would need to contact the local Sheriff or Chief of Police and summons their Deputies or Officers to the scene to handle these situations. Giving Railroad Police authority to issue citations or handle infractions can only benefit local law enforcement and assist in the investigations of crimes. We have a very good working relationship with our Railroad Police and they have assisted us in criminal and traffic investigations. Railroad Police Officers also provide education and training to our Deputies in relation to crimes that occur on their properties. Please strongly consider house Bill 1255 to increase the effectiveness of how Law Enforcement conducts investigations in relation to the Railroad and their properties.

Sincerely,

Jesse Jahner

Cass County Sheriff

Cass County Sheriff
Law Enforcement Center
1612 23rd Avenue North
P.O. Box 488
Fargo, North Dakota 58107-0488
Phone: 701-241-5800
Fax: 701-241-5806

Cass County Sheriff
Courthouse
211 9th Street South
P.O. Box 488
Fargo, North Dakota 58107-0488
Phone: 701-241-5800
Fax: 701-241-5805

Cass County Jail
450 34th Street South
Fargo, North Dakota 58103
Phone: 701-271-2900
Fax: 701-271-2967

#1
HB 1255
3.4.19 pg 6



66 West Museum Drive / PO Box 130 / Dickinson, North Dakota 58601-0130
TELEPHONE 701.456.7610 / FACSIMILE 701.456.7692

SHERIFF COREY LEE

January 15, 2019

Sgt. Matt Keesler
Stark County Sheriff's Office
Civil Process Division
66 W Museum Dr
Dickinson, ND 58601

Rep. Kim Koppelman
Chairman of House Committee on Judiciary
513 First Ave NW
West Fargo, ND 58078

To the Honorable Kim Koppelman,

I write in support of HB 1255, which will grant Railroad Police in ND extended authority to issue citations. Their presence and function is both beneficial and necessary to ensure the safe travel of goods and services along North Dakota's vast railway system.

At present, RR police officers are not authorized to enforce non-criminal offenses and/or infractions on RR property. Being able to perform this function would benefit not only the railroad, but county sheriff's deputies and municipal police officers as well. RR police are just that: "police." We're all on the same team, serving the same respective communities. We therefore should all have the same authority.

I appreciate the committee's time in reviewing this letter and considering their support for HB 1255.

Sincerely,

Sgt. Matt Keesler

1
HB 1255
3.4.19
Pg 7

Sheriff's Office
Phone 701-652-2251
Fax 701-652-2173
J. Johnson, Sheriff



P.O. Box 45
Carrington, ND
58421

January 16th, 2019

To: Representative Kim Koppelman
From: Sheriff Justin Johnson
Foster County Sheriff's Department
Ref: HB 1255

This letter is in support House Bill 1255 that expands the powers of the railroad police to be able to enforce trespass laws relating to railroad property, remove or cite an individual committing an infraction or non-criminal offense, and arresting or removing an individual committing a misdemeanor or felony offense.

This bill would serve to enhance public safety in and around railroad property by authorizing railroad police to cite dangerous behavior without having to wait for local law enforcement.

I support this bill as it will increase public safety, ensure that railroad police can effectively carry out their duties, and shows the railroad police are valued partners in law enforcement.

Please feel free to contact me with questions or concerns regarding this letter.



Sheriff Justin Johnson
Foster County Sheriff's Department

1
HB 1255
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NORTH DAKOTA STATE LODGE FRATERNAL ORDER OF POLICE



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GRANT BENJAMIN
ND STATE PRESIDENT

January 12, 2019

To: Honorable Representative Kim Koppelman
Chairman of House Committee on Judiciary

From: Grant Benjamin
North Dakota Fraternal Order of Police State Lodge President
P.O. Box 1993
Bismarck, ND 58502-1993

RE: HB 1255
Bill to amend 49-10.1-05 of the North Dakota Century Code [NDCC]
Related to Rail Road Police

Honorable Koppelman -

I am sorry, I am unable to attend the Judiciary Hearing on House Bill 1255, but I am writing a letter in support of passage by the Judiciary committee of this bill. By amending NDCC 49-10.1-05 to allow Federal Law Enforcement Police officers to arrest someone committing a felony or misdemeanor on railroad property and to issue citations is an amendment that is long overdue.

Railroad police officers ARE trained law enforcement officers and should have the authority to enforce laws. Our organization believes the passage of amendments will allow the Railroad Police to better protect our citizens, communities and cities. North Dakota Fraternal Order of Police asks you and your committee to pass this bill as written.

Fraternally

Grant Benjamin
Fraternal Order of Police
North Dakota State Lodge President
701.318.9927

