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2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1003

House Appropriations Committee
Government Operations Division

Conference Committee

Hearing Date January 24, 2001

Tape Number	Side A	Side B	Meter #
01-24-01 tape #1	0 - 6231	0 - 3710	
Committee Clerk Signature <i>Shelli Hall</i>			

Minutes:

The committee was called to order, and opened the hearing on HB 1003, the budget for the Attorney General's office.

Wayne Stenehjem, Attorney General: Had prepared written testimony. There is a lot going on in the office of the Attorney General. In addition to himself, three other staff persons will be testifying, and Kathy Roll, their fiscal expert, is also available. He was warned not to mention the word "more" but he needs to because in order for the office to accomplish the tasks that have been assigned by law, the department needs the resources to do so. The department had asked for \$1,2 million in addition to what was recommended by the governor. We have shaved this amount down to about \$564,000.

The NCHIP (National Crime History Information Project) is exceedingly important for your constituents and law enforcement in the local area. Designed to allow local law enforcement to connect to a central registry and get information on suspects when they are

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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apprehended from six different registries. It is a program we have been working on that was funded federally, but at the present time, the feds have withdrawn the money. We had had in our office a public information officer and that was eliminated in the executive budget, and I am asking that you put that back, because we get a lot of calls from persons who need to be answered. We need to get the information out to the public. Finally, we need to look at the Fire Marshall funding. The source of funding was changed, and over the last two years we were not able to realize the amount of income expected, and there is a shortfall of \$118,000, and we need to find a source to recoup those funds.

We also have a methamphetamine enforcement challenge and a needs for a statewide drug plan. He is proposing a plan for a statewide drug enforcement program, and most of this can be done administratively, but is reserving the right to come before the legislature to explain why an additional drug enforcement agent may be needed. We are going to be working with the federal government in fighting tremendous odds to get additional federal funding for additional drug enforcement agents. There is an increasing problem with methamphetamine enforcement. I will be proposing in a week or so my plan. We also are developing a cybercrime area, and have an agent who is skilled in this area. There is a bill requesting \$197,000 for this biennium to enhance the local gaming enforcement grants. That money will come out of the tobacco fund. The cities and counties do a bulk of the gaming enforcement, and are entitled to a share of the fund.

Rep. Carlisle. Now that we have a DEA department, do we need another state DEA agent. Are you pursuing the possibility that another federal agent may be coming?

Response: We participate in HIDTA (High Intensity Drug Trafficking Area) and have 4 agents from federal grants, and have authority that was given for 2 additional. There are

additional federal programs. We need to look at adding an agent in Barnes County, in Rugby and north of there, and in Dickinson. Meth labs are rural in nature, and the Bismarek agents have to travel to Dickinson.

Rep. Koppelman: Do you expect any shifts in staffing and reorganizing in the office?

Response: He has only been in office for a few weeks, but the staff seems really great. He is pleased with the structure.

Rep. Byerly: Are we going to get into the local gaming enforcement grant later on. Is this going to be a separate item in your budget.

Response: We can do that.

Rep. Skarphol: Do you have in the budget any one time expenditures?

Response: Someone will answer that later.

Jerry Kemmet, Director, Bureau of Criminal Investigation (CBI): Written testimony covered on pages 4 through 8 in the written testimony. We are seeking increases in general funds to support the following: 1) The National Criminal History Information Program (NCHIP) technical staffing, - Cher Thomas will speak more directly on that later; and 2) Uniform Crime Reporting (UCR) research analyst, who actually compiles reports that are vital for the state; and 3) a rewrite of the Uniform Crime Reporting System. I will also update the committee on the narcotics enforcement and cybercrime.

Pages 4 through 6 cover Uniform Crime Reporting. This is an old system that needs to be rewritten. This system is so old they are afraid that it may quit on them, but the information is very critical. Along with the system, the research analyst is equally important. They supply very critical information. The Bureau of Justice Statistics has been funding this position and they no longer want to fund basic services.

Chairman Byerly: On the UCR system, is that still on an old system, and you want to go to a client server?

Response: Yes we want to go to a client server, and the old system is still on old DOS system.

Rep. Skarphol: Is this utilized for background checks, or strictly for statistical information? Can the officers in the field check this system?

Response: This system is utilized to collect arrest data for ND. When we talk about instant base versus summary base, summary base only collects information on 7 crimes in the state, where instant base collects data on 49 crimes plus 11 smaller crimes. Where you have instant base it also talks about what kind of violator, when did it happen, etc. It has nothing to do with criminal records at all.

Jerry Kemmet (continuing): Pages 6 and 7 refer to meth amphetamine and other drugs. Marijuana is still the drug of choice. But meth amphetamine is increasing tremendously. There are seven narcotic task forces throughout the state of ND (he names them). They were just recently assigned a DEA agent in Bismarck, and have two spots open now. In 1999 the state had 17 meth labs in the state. We ended up with 46 meth labs in 2000. And already have 4 meth labs in January. Clean up of these labs is a big concern. We will have 11 trained persons to clean up meth labs. To contract it out, it can range in cost from \$2,000 to \$20,000 for clean up. DEA will sometimes come in to help out, but the money is frozen in the police budgets. Maybe the state could look at setting up some special fund for clean up purposes, even if its from federal money. Hopefully the state would have a backup plan.

Rep. Skarphol: What is the average cost of clean up?

Response: Between \$2,000 and \$20,000. Our labs have been costing, if we call the company out of Minneapolis who has a federal contract, it runs about \$20,000. The companies in ND that we could use have the same credentials, but are less costly. They could cost about \$3,000.

Rep. Skarphol: So if we were to establish a fund, you would need between \$30,000 and \$150,000.

Response: Yes, if it became a crisis issue, then the Attorney General could go to the emergency commission, and get some from this fund.

Rep. Koppelman: How is the drug fight going, with the increase in labs, and how do we compare with other states in numbers?

Response: Actually, we are quite fortunate in ND. Neighboring states have had a major increase in meth labs. We are hoping that this will not happen in ND. Cannot always regulate the underlying drugs in this area. There is no bill on regulating over the counter drug purchases. The Attorney General hopes to come into this area with a package, not little bills.

Rep. Carlisle: Notes that you can get meth recipes off the Internet. How are you going to balance this with education? How about education in the schools, are we making impact?

Response, Wayne Stenchjem: He hopes to not have to regulate surveillance, but that the companies watch and are careful. There are hotlines to call to report unusual behavior. The kids in schools are responding pretty well.

Jerry Kemmet (continuing): On pages 7 and 8 the testimony deals with cybercrime. There is a tremendous expense to keep the technical level of their cybercrime expert up to par. The department has one person assigned to this task. Chat room, identity theft, e-mails, etc are all problems.

Rep. Koppelman: What are you seeing the most activity in the cybercrime area?

Response: Child pornography, and chat room problems. Where a child is contacted and then sex crimes are later committed.

Rep. Skarphol: What are the number of FTE's in your department in the Attorney General's office, and the approximate dollar amount of your budget?

Response: 63 FTE's, and \$18,000,000 budget. Out of those 63 FTE's, 30 are investigators. \$13,000,000 is special or federal funds.

Chairman Byerly: Comments that the policy is not to replace federal dollars with general fund dollars. The feds start a program, and then take all the funds away. It concerns me when you talk about these things, and I don't think you have had the support you should have from the national level. We may have to guess what is going to happen there in the next four years.

Rep. Glassheim: What is the source of the special funds?

Response: The concealed weapons permits.

Cher Thomas, Director Information Technology Division: Covers handout pages 9 through 12. Information technology is an issue, and the costs are skyrocketing in all areas. Most people think software and hardware. She wants to get away from that misconception. IT plays a critical area in every agencies strategic planning. We should not be buying software and hardware just for the sake of buying software and hardware. It should apply to the strategic organization of the agency. We are trying to do this. She gives an example of home owner, architect, and blueprint, and specialization. The IT division of the department specializes in finding and developing the software and hardware needs of the department, interactive and usable systems talking together.

Rep. Koppelman: Do you have any idea of the cost of the AFIS system since its implementation? What are the ongoing costs?

Response: We can develop these costs, and provide them to you.

Rep. Koppelman: Why are some systems initiated last session still not up and running?

Response: We were planning on having it available, but unfortunately the federal government had not finalized their guidelines until just recently.

Rep. Skarphol: There seems to be two requests. One for your ability to enter the information and access it, and the other request for the uniform crime reporting. Why are they not the same, or easily meshed together.

Response: The UCR system is more of a summary level, and statistical and does not contain all the information.

Response, Jerry Kemmet: UCR is data we collect from local police and sheriff offices. It is information we are gathering from their offices to ours.

Cher Thomas: The old UCR system seems to keep us busy just supporting it, that every time a new version of windows on the computer, it affects the DOS differently. Sometimes the printers will mess the DOS up, and there are other old computer systems that mess things up. It is not meeting the law enforcement needs.

She also discusses the information technology staff funding. This comes up quite regularly, but they do have positions that were initially funded under the NCHIP grant, and the request is that 1.5 of the current 3.75 FTE's be transferred to general fund. The reason is because the NCHIP grant very specifically specifies what the FTE's can be doing. We find that less and less of the staff are working on those projects, and we can't bill the grant. We are also concerned about the NCHIP grant going away, but the program has gone to a different level. The emphasis

is heading to integrating systems between agencies, and a more integrated judicial system. Those funds are probably not going to be coming into the Attorney General's office, but may be going into the Governor's office. Currently the Governor has put together a request for a study into that integrated judicial system.

Rep. Skarphol: Would this new process give you more flexibility to utilize these funds for the UCR program as well as the NCHIP program.

Response: She does not know what the funds will be classified for. Not sure anyone does just yet.

Rep. Koppelman: I am confused as to the UCR funding component. According to the information, the executive budget recommendation added \$250,000 specifically for IT and UCR. And your request beyond the executive budget is about another \$96,000. Is that for the same thing, or are those duplicative.

Response: The original request that went into the budget was a total of those two, when it came out of the governor's recommendation it was cut. We are asking for full funding.

Chairman Byerly: How many actual IT FTE's do you have in the department?

Response: We have 8. We have her position, the director, 3 programmers, 3 network persons, and 1 help desk technician.

Cher Thomas (continuing): In the strategic plan, they would require 10 FTE's, but they are not asking for an increase in FTE's at this time. If there are not enough people, you act reactively and not proactively. Web development continues to be on the back burner. Cannot separate IT from the other divisions, they are interrelated.

Rep. Skarphol: Your portion of this budget is \$2.1 million. Are there any special funds or federal funds in the budget?

Response: Yes there are.

Response, Kathy Roll: \$300,000 In federal funds and a little over \$200,000 in special funds.

Chairman Byerly: To Kathy Roll, you might want to put together a report that will show us where you are loosing federal dollars, and if you are asking for that to be substituted that for general funds.

Response, Kathy Roll: That information should be on page 15 of the handout written testimony.

Ray Lambert, Director Fire Marshall: Handout written testimony pages 13 and 14. He read his written testimony almost word for word. The Fire Marshall division will expect a \$250,000 - \$300,000 shortfall in this biennium. The reasons for the shortfall were listed in the testimony. Ways the shortfall is being made up is listed in the written testimony. The current Fire Marshall billing revenues projection for this next biennium is \$80,000, leaving a shortfall of \$196,000, and even if they get the ability to bill for fuel sites and occupied state buildings they anticipate the need to still be \$118,500, and request that amount from the general fund. He also encourages the passage of HB 1811 as amended.

Rep. Koppelman: Regarding the bill allowing inspections, what about the city facilities that are supposed to be inspected. What degree are those inspected by local fire marshals or fire chiefs. Why city owned property?

Response: Most communities that fire inspectors these facilities are being inspected by the locals. But the communities that do not have fire inspectors, these facilities, like courthouses, are covered under the Fire and Tornado Fund. They do not have inspectors and these facilities are not being inspected. Fire safety becomes an issue.

