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Dorinda Hall
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10/2/03
Date

2003 HOUSE JUDICIARY

HB 1143

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1143

House Judiciary Committee

Conference Committee

Hearing Date 1-21-03

Tape Number	Side A	Side B	Meter #
1	xx		41-end
1		xx	0-10
Committee Clerk Signature <i>Al Penrose</i>			

Minutes: 11 members present, 1 member absent (Rep. Bernstein)

Chairman DeKrey: We will open the hearing on HB 1143.

Doug Friez, State Emergency Mgmt. Director and Homeland Security Coordinator: (see attached testimony).

Rep. Boehning: When you are talking about certain documents, are you talking about blueprints that are in local courthouses that are on file.

Mr. Friez: If there is information in those blueprints that require protecting.

Rep. Kretschmar: Who, under the bill, is going to decide what diagrams, etc. will become exempt.

Mr. Friez: I don't believe any changes in the procedures for open records.

Chairman DeKrey: What if someone challenges the exemption, how would they go about doing that, do they have to file a petition with the court? Who has the final say in this dispute in whether it is exempt or not.

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Mike Mullen, Attorney General's Office: If they wanted information that they believed was not exempt as defined in the proposed bill, they would simply file an open records request and then an examination would have to be conducted, to see whether this document fits under the terms of the law. If it didn't, then it would have to be disclosed.

Mr. Friez: We are not interfering with any of the existing procedures.

Rep. Kretschmar: What official in the government makes the decision that the document is exempt or not.

Mr. Friez: Again, the official in charge of the organization to which the request is being made would be the initial determiner of that; and if that is not accepted by the requester, it would have to be decided.

Rep. Eckre: If a person wanted the water/sewer line information, and the official decided that the person really didn't need it for the reason he wanted it for, then the person could appeal that, correct?

Mr. Friez: As I understand it, it may have to be discussed with the city and state's attorney and move toward that system.

Rep. Onstad: These records that the county exempts, and it covers some particular building, something that is no longer of public safety concern, at that point would it become open again, would any of them become open records.

Mr. Friez: The intent is to certainly limit the amount of information that is exempt, critical information that could be used against us. If it isn't going to do any harm, it's not going to be a part of this.

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Rep. Onstad: What if 20 years from now, there is a new focus, can someone go back to the archives and see information.

Mr. Friezi: The determination will be made on whether or not that information could be utilized to harm, and if not, it won't be.

Chairman DeKrey: Thank you. Anyone else wish to testify in support.

Tim Wiedrich, Chief of Bioterrorism Administration Section of the ND Dept of Health:

(see attached testimony) Support.

Chairman DeKrey: Thank you. Any further testimony in support.

Linda Johnson, Director of School Health Program, Dept. of Public Instruction: (see attached testimony)

Rep. DeImore: Do schools need to use all of the safety measures?

Ms. Johnson: No, they choose the measures that work best for them.

Chairman DeKrey: Thank you. Any further testimony in support.

Mary Wahl, ND Council of Educational Leaders: Support exempt from open records laws, we need to protect the kids by keeping information from bad guys.

Chairman DeKrey: Thank you.

Mike Mullen: The question about plans re: bridges, sewer, etc. that the city may have. In Section 2, line 13, any plans and records, information, etc. used to produce these security plans relating to protection of public or public officials are exempt. So this information has to be collected in connection with a security. Not just any public records, anywhere.

Chairman DeKrey: Thank you. Anyone else in support?

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Jack McDonald, ND Newspaper Association & ND Broadcasters Assoc: We are in support with the amendments. (see attached testimony) It is good that these documents are exempt instead of confidential.

Chairman DeKrey: Thank you. Support of HB 1143, opposition to HB 1143?

We will close the hearing on HB 1143.

Chairman DeKrey: We need to act on the bill right away, to get it to the Senate as quickly as possible.

Rep. Delmore: I move a Do Pass on the amendments.

Rep. Grande: Seconded.

Chairman DeKrey: Any discussion? Hearing none, we will take a voice vote on the amendments. Passed unanimously. The amendment carries.

Rep. Delmore: I move a Do Pass on HB 1143 as amended.

Rep. Grande: Seconded.

11 YES 1 NO 1 ABSENT DO PASS W/AMENDMENTS CARRIER: Rep. Grande

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1/21/03
Date

38106.0101
Title.0200

Adopted by the Judiciary Committee
January 21, 2003

VR
1/22/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1143 JUD 1-22-03

Page 1, line 8, remove "confidential and is"

HOUSE AMENDMENT TO HB 1143 JUN 1-2-03
Page 2, line 13, after "and" insert "only those portions of"

Page 2, line 22, replace "confidential" with "exempt"

Renumber accordingly

Page No. 1

38106.0101

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