

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2163

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2163

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/15/09

Recorder Job Number: 7047

Committee Clerk Signature

*Katie Oliver*

Minutes:

**Senator Dever** called the committee to order. Role was taken, all committee members were present. Senator Dever opened the public hearing on SB 2163.

**Dan Donland:** I am a Deputy Chief of the Bismarck Police Department. My testimony will be brief; it just concerns SB2163 on page 2 under the 37-17.3-08 starting with line 29. The concern at the Bismarck Police Department has at a municipality in developing their budget on the bill it indicates the director "shall announce any fee increases a minimum of 6 months prior to the effective date." The Police Department is not opposed to any fee changes but just timeliness 6 months is pretty short especially when our budget process has to be completed but July of any year and we hear about those results towards the end of that same year. So in other words, if the director decides to change fees on January 1 and makes them effective July 1 our budget process is already closed so we wouldn't be able to amend for any of those fee increases. Just a consideration in that respect, a recommendation of the amount of time would be 18 months. That would give us time to know what those fees would be and to introduce those into our budget process. Thank you, I would be happy to answer any questions.

**Senator Dever:** Dan, can I assume that you are alright with the rest of the bill?

**Dan Donland:** I believe so, I have not had a chance to review this, and I was just informed this morning that I was coming up here so I apologize for that. The only other thing is I am not sure what the definition is on line 12 of the first page under #3 where it talks about the 'communication system'.

**Senator Dever:** Yesterday in another committee we had a conversation about ambulance services and the fact that a lot of them prefer to use their cell phones. Does that create a problem?

**Dan Donland:** That creates a problem in that the communication is not there as a permanent record but that is a more direct, efficient form during emergencies.

**Senator Dever:** Does the 911 dispatch system in Bismarck considered to be a part of the state radio?

**Dan Donland:** I would have to defer that question to someone who is more knowledgeable on the 911 system. I believe it is a regional, local system as opposed to the state radio I do believe it is separate.

**Senator Oehlke:** On that first page on the bottom where it says political sub divisions may furnish receiving and transmitting sets for enforcement purposes each county and organized city within the state may furnish to its law enforcement, firefighters, & emergency personnel the appropriate radio systems, does that leave anybody out? We have a search and rescue team in Devils Lake that uses state radio, this looks to me that they might not be able to access state radio.

**Dan Donland:** I am not sure what else would not be included in there when they talk about law enforcement, firefighters, & emergency personnel that is the main crux of who would respond and utilize the system but other outlying agencies I am not sure about.

**Senator Oehlke:** We work hand in hand with the Sherriff's office but are a separate entity I think that there are several agencies like that around the state that perhaps have been using state radio.

**Dan Donland:** I believe that agencies would be working with law enforcement and would have access to that radio system and work hand in hand with each other. But your agency separate does not appear to have access to state radio.

**Senator Dever:** Any other questions? Anyone else to testify on SB2163? If not we will recess this bill until Mr. Wilz is available.

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2163

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/15/09

Recorder Job Number: 7105

Committee Clerk Signature *Kate Anne*

Minutes:

**Greg Wilz:** See attached testimony #1.

**Senator Oehlke:** On page 1 line 22, what about emergency search and rescue teams that may not be part of a jurisdiction?

**Greg Wilz:** Clearly it was never our intention to exclude any entity that is involved in emergency services. You bring up a good point, we didn't account for units that are not sanctioned under specific sub jurisdiction of local government. The language in the current law says that the director of state radio may furnish. What we did was update the language to say that each county or organized city, local elements of government can do that.

**Mike Link:** My name is Mike Link; I am the newly appointed director of state radio. Let me try and clarify Senator Oehlke's question, you have to read the title under section 27-17.3-06 that says without permit. The permit statute is under the duties of the director so as, in this case myself, feels that in a personally owned vehicle you can have that mobile radio, I can issue you a permit to do that. So we are not restricting you, but at state radio we need to account for what radios are out there and where they are at in what vehicles. We are only worried about the radios that go over 11 watts not portable's.

**Senator Nelson:** We have switched this from DOCR to military section of the code and I would imagine that is because of homeland security and the previous directors position there. Why is it going into 37?

**Greg Wilz:** It is simply going into 37 because the rest of the agency stuff is based there. The adjunct general is the director of the department of emergency services within that department is 2 divisions: State radio and the division of homeland security. This bill was filed weeks ahead of the bill we entertained yesterday and at that time we thought that the AG's office was going to move both sections of lost and missing children and lost and missing person's to 12 of the code. After this bill was filed and we got the draft from the AG's office they decided that state radio should still have all of the existing requirements it has in 54. That is why I asked in the committee hearing yesterday that we have this bill that we will be heard today that moves this stuff and I would ask consideration of the committee yesterday to move that along with it.

**Senator Nelson:** If you want to keep the remaining section somewhere you can always put it in another bill before next Monday its just easier if it gets amended into one of these 2 that is out there on the same subject.

**Greg Wilz:** Yes, I think that we will do that. If it will please the committee the agency will take the lead to develop amendments to the bill and provide them to the clerk of court.

**Senator Cook:** These counties or political subdivisions that would be using the radios and paying the fees, are they all a part of counties that use state radio for their 911 system.

**Greg Wilz:** No, there are basically 3 fees that the agency deals with. 1 is the fee called the 911 fee, which really is geared towards the 22 counties who use us as a public service answering point. This particular section of the code deals with the mobile data system and the law enforcement teletype system. All jurisdictions in the state have access to use those 2 system's

as well based on fee. Those 2 are open to the entire state and the 911 fee is just to the 22 counties that we support as a public safety answering point.

**Senator Dever:** Yesterday in Human Services we had a bill regarding emergency medical services and the health department. There was a section in there referring to the department of health, the department may regulate communication protocols and methods with emergency medical services. I suggested at least the amendment to include the words 'consistent with state radio protocol'. Does that create any kind of a conflict with different people doing different things?

**Greg Wilz:** I am aware of the issues that the department of health has and actually Mr. Wedrick and I have been talking over the past couple of months about some of their issues. They are working right now to republish their emergency plans for large-scale events and ambulance assembling who dispatches. The department of health is one of the state agencies that also have a state emergency operations center, just called the DOC, and it deals with the medical piece in conjunction with the emergency operations center that we run. They have some communications issues, there is no direct authority lines to sub jurisdictions they are a part of local government. The department of health struggles to support within their mission to talk with, work with, and gain a situational awareness when large scale events happen. Most recently there was some issue with the derailment that happened close to Cass County with the ethanol. The department of health is charged to have a grasp on what is going on with emergency medical services in the state; it's tough for them to do that because they don't have a means to communicate. We are working with the department of health right now to figure out the appropriate add ins to their operations center and use of some of the state frequencies to gain that tactical awareness.

**Senator Dever:** I think that all the different entities have consistent with each other but its not something that we should take for granted. One of the concerns they expressed is that some of the responders like to use their cell phones and then they communicate with each other and not the dispatch center.

**Greg Wilz:** Through expanding the state radio system, making radios more available to the people that need them hopefully we can curtail some of that. Our system is developed around people that have various responsibilities at various levels and any time that you have a break in that system it leaves some folks without knowledge and so now they are out of the solution set. Most recently with the expenditures that we have made with radios we still have a ways to go? The state is working right now to put together a state wide interoperable communications plan along with that a frequency management plan which eventually should assist everybody in their ability to talk to who they need to, when they need to, and how they need to.

**Senator Dever:** Sounds good, any other questions? If not we will close the public hearing on SB2163



## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.2163

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 01/15/09

Recorder Job Number: 9381

Committee Clerk Signature

*Kate Olive*

Minutes:

Senator Dever: I think that we had discussed these amendments. There was another set that Greg Wilz had brought back.

Senator Oehlke: He cleared up my issue.

A motion was made by Senator Cook with a second by Senator Oehlke to move the amendment on SB 2163. Having no discussion the motion passed 5-0.

A motion was made for a do pass as amended by Senator Nelson with a second by Senator Horne. Having no discussion the motion passed 5-0 with Senator Oehlke carrying the bill.

**FISCAL NOTE**  
**Requested by Legislative Council**  
04/20/2009

Amendment to:       Engrossed  
                              SB 2163

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The proposed language for SB 2163 does not create a fiscal impact from the current language in place.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

<b>Name:</b>	Holly Gaugler	<b>Agency:</b>	Adjutant General
<b>Phone Number:</b>	701 333-2079	<b>Date Prepared:</b>	04/20/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
03/13/2009

Amendment to: Engrossed  
SB 2163

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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<b>Name:</b>	Holly Gaugler	<b>Agency:</b>	Office of Adjutant General
<b>Phone Number:</b>	701-333-2079	<b>Date Prepared:</b>	03/13/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
02/17/2009

Amendment to: SB 2163

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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<b>Name:</b>	Holly Gaugler	<b>Agency:</b>	Adjutant General
<b>Phone Number:</b>	(701) 333-2079	<b>Date Prepared:</b>	02/17/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/07/2009

Bill/Resolution No.: SB 2163

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<b>Name:</b>	Holly Gaugler	<b>Agency:</b>	Adjutant General
<b>Phone Number:</b>	701-333-2079	<b>Date Prepared:</b>	01/09/2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2163

Page 1, line 13, after "network," insert "and" and after "system," remove "and any other system"

Page 1, after line 15, insert:

"4. "Mobile radio" means a radio capable of transmitting 11 watts or greater."

Page 1, line 23, after "each" insert "mobile"

Page 2, line 5, after "submitted," insert "that" and remove "which in the director's opinion"

Page 2, line 13, after "in" insert "a privately owned" and remove "an"

Page 2, line 14, after the second "a" insert "mobile"

Page 2, line 30, after "of" insert "one year" and remove "six months"

Page 4, line 10, insert:

**37-17.3-10. Lost or missing persons. The division shall:**

1. Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost or missing persons.
2. Implement a data exchange system to compile, to maintain, and to make available for dissemination to North Dakota and to out-of-state law enforcement agencies, descriptive information that can assist appropriate agencies in recovering lost or missing persons.
3. Establish contacts and exchange information regarding lost or missing persons with the national crime information center.
4. Notify all enforcement agencies that reports of lost or missing persons must be entered as soon as the minimum level of data specified by the division is available to the reporting agency and that no waiting period for entry of such data exists. If the enforcement agency is unable to enter the data, the division immediately upon notification shall enter the information into the national crime information center file.
5. Compile and retain information regarding lost or missing persons in a separate file, in a manner that allows the information to be used by law enforcement

and other agencies considered appropriate by the division, for investigative purposes. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case.

6. Provide prompt confirmation of the receipt and entry of the lost or missing persons report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. Allow any parent, guardian, or identified family member to submit a lost or missing persons report to the division which will be included in the division file system and transmitted to the national crime information center, if they are unable to receive services from the local law enforcement agency.
8. Compile and maintain a historical data repository relating to lost or missing persons for all of the following purposes:
  - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing persons.
  - b. To provide a factual and statistical base for research which would address the problem of lost or missing persons.

Renumber accordingly

*JF*  
2-13-09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2163

Page 1, line 12, after "3." insert "Mobile radio" means a radio capable of transmitting eleven watts or greater.

4."

Page 1, line 13, replace the first underscored comma with "and" and remove ", and any other system"

Page 1, line 23, after "Each" insert "mobile"

Page 2, line 5, remove the underscored comma and remove "in the director's opinion"

Page 2, line 13, replace "an" with "a privately-owned" and after "a" insert "mobile"

Page 2, line 30, replace "six months" with "one year"

Page 4, after line 9, insert:

**"37-17.3-10. Lost or missing individuals. The division shall:**

1. Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost or missing individuals.
2. Implement a data exchange system to compile, maintain, and make available for dissemination to North Dakota and to out-of-state law enforcement agencies descriptive information to assist appropriate agencies in recovering lost or missing individuals.
3. Establish contacts and exchange information regarding lost or missing individuals with the national crime information center.
4. Notify each enforcement agency that a report of lost or missing individuals must be entered as soon as the minimum level of data specified by the division is available to the reporting agency and that no waiting period for entry of that data exists. If the enforcement agency is unable to enter the data, the division shall enter the information into the national crime information center file immediately upon notification.
5. Compile and retain information regarding lost or missing individuals in a separate file, in a manner that allows the information to be used by law enforcement."

Renumber accordingly







**REPORT OF STANDING COMMITTEE**

**SB 2163: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2163 was placed on the Sixth order on the calendar.

Page 1, line 12, after "3." insert ""Mobile radio" means a radio capable of transmitting eleven watts or greater.

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Renumber accordingly

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2163

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Senate Bill 2163

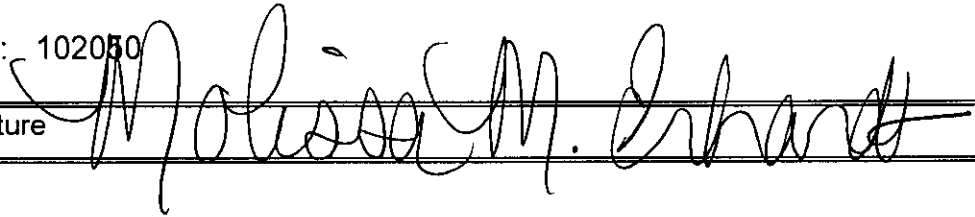
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/5/2009

Recorder Job Number: 102050

Committee Clerk Signature



Minutes:

**Chairman Grande:** Open the hearing on SB 2163. Clerk read the title.

**Greg Wilz, Deputy Director, Department of Emergency Services, State of**

**ND and Director of Homeland Security, State of ND:** I would be more than

willing to give you a little background on the bill before I present my testimony if that is your wishes. The Department of Emergency Services has been trying to corral and update its parts of the Century Code for the past couple of sessions.

This particular piece was looked at last session and we decided to wait for another session to do a better job at refining the language and so what had happened was we spent some time and went to Legislative Council because we also wanted to bring the bits and pieces that were currently in Chapter 54 of Century Code into the agencies basic Chapter which is 37. So before you in the Engrossed Bill 2163 you will note that it looks like it is all new language because everything is underlined. That is in fact, not true, most of it is a roll-over from the current Century Code language and it's in 54 but based on formality that is why it

looks like it is all new language and it is not. If I could say that it really goes towards updating the basic language. We were still in the Century Code referring to things like short-wave radios, and stuff like that, it needed to be looked at for a long time, it just hadn't been. This is an upgrade in language based on the technology that is currently being used. It provides additional definitions and it pretty much addresses all those other things that are in State Radio right now. It does not do anything, I will cover that in my testimony as well, with the fees, in terms of what the agency currently has the ability to put in place with the exception of one area and that would be on Page 2, Line 1. This has been a long time practice of the agency where sub-jurisdictions will register a radio to be used on the State Radio system. We have forever, I understand, been charging a one-time ten dollar fee which is an administrative cost to put that radio into the system and sustain it in the master radio catalog. Essentially what that means is when you call in and you are in Golden Valley County and you call in on this unit number we know exactly who we are talking to. We maintain that kind of a journal of radio numbers. That has been a long time practice and process of the agency that we took the opportunity to actually put in the Century Code. The most important piece of that paragraph is that we are starting to run out of unit numbers from one to 10,000. We have asked on a yearly basis for sub-jurisdictions to report the valid unit numbers that they are maintaining out there in

the fields. We get very few responses, less than 50% compliance with that. So, quite frankly we took the opportunity to make it a part of the Century Code and now they will have to. We find out that a lot of jurisdictions not use, turn off, or vacate a radio number or they will actually put new ones on, or people on additional radios and they really never tell us and that is very difficult to know who you are talking to. It is important to us at the PSAP and at State Radio to know who we are communicating with. That is the new piece in the bill. The rest of it again is pretty much just all language updates and with that I would just like to run into my testimony and then I will stand for any questions you may have.

Testimony. See Attachment # 1.

**Chairman Grande:** Greg, I am looking at your three-page testimony, and I am in the proposed amendment page and I am looking at Page 4, Line 10 insert, that language and the next page that I am looking at.

**Greg Wilz:** No, the whole first page of this testimony was put into the Engrossed Bill from the original. It is a simply, I think, a matter of maybe the staple came loose and they lost the second page. I stand for any questions you or the committee may have?

**Chairman Grande:** Questions from the committee?

**Rep. Froseth:** I do not know where it is at in the bill but SB 2163 does add a requirement for agencies to validate information yearly. How do you propose to

accomplish that? Is it mandatory for them to contact you or you have to contact them?

**Greg Wilz:** The process that we have been using, I believe, and the process that will continue to work into the future. We have spreadsheets on the computer that have a county, the number of radios that are registered within that county, and the unit numbers, and all you do is forward that out to the counties and ask them to validate that they are still live unit numbers used by officers or responders in the field and just have them send it back. If they deleted one, we have them delete through it. I think it is a very simple process, we send them out

something to validate, they send it back with the changes and everybody is happy.

**Rep. Dahl:** So 37-17 is the Chapter that pertains to your department and this is the last section of code that needs to be moved over to streamline your duties, is that my understanding?

**Greg Wilz:** Yes, 37-17 is our chapter, this moves all of the stuff geared toward State Radio into 37-17. We also have a Senate Bill 2161, which is moving the last piece of 54 into 37. It is the piece that is geared around lost and missing or runaway children and lost or missing adults. The lost and missing runaway children stuff, because of the sensitivity and the timing of response to that is going to be moved to the Attorney General's office in the twelfth part of the



Century Code, because they need to get on the Amber Alerts quickly. They need to be able to respond to missing children very quickly. State Radio has never had authority to do that. That is a Law Enforcement thing. The missing people or runaway people, adult, that stays with State Radio because that piece of the code deals with what we do to support local Law Enforcement Officers in regard to APBs, notices, filing, and stuff like that. That bill will move that last little piece into 37.

**Chairman Grande:** The portion that is moving with the children that also has vulnerable adults, correct? Is that going to include walk-away Alzheimer's people, where are they going to be at in the missing persons?

**Greg Wilz:** That resides in the missing or runaway people piece of it. The children is the 18 and below thing. That is the Amber Alert stuff. The laws that are on the books right now that deal with missing persons, somebody that suffers from Alzheimer's that wanders away from the facility, are adequate. Local law has the responsibility, we have the responsibility in support of local law, there really are no issues there. But on the other side of it, the law required State Radio to initiate investigations and some things like that and we do not have that authority, we are not Law Enforcement. It was ill-placed originally.

**Chairman Grande:** The requirement was necessary to maintain reliable data in an environment that is consistently changing and to preserve the current number

in the system. Where is that in the bill, I am not matching up your testimony to the wording?

**Rep. Kasper:** It would be on bottom of Page 1 and top of Page 2.

**Chairman Grande:** That is all I needed.

**Rep. Kasper:** On your missing page, number seven, allow any parent, guardian, or identified family member to submit a lost or missing persons report to the division which will be included in the division file system and transmitted to the National Crime Information Center if they are unable to receive services from a local Law Enforcement Agency. I have seen television programs that talk about the problems with some local Law Enforcement Agencies, where they wanted to get an alert out quickly, went to the local Law Enforcement Agency and where not able to be helped. How are things like that handled if they think the local Law Enforcement Agency is not helping them, what can they do?

**Greg Wilz:** This particular paragraph allows for a redundancy that we think is pretty important. It is in there from our perspective to deal with some of the things we are talking about but perhaps more importantly we have jurisdictions, counties that have a single Sheriff or maybe a Sheriff and a part-time deputy, and in some of these cases immediate access to those folks is pretty tough. They may be out in the field on one end of the county and this event happens in the other. In those cases where they do not get connected and immediate access to

local Law Enforcement officers this allows them to call directly into State Radio.

We then, backtrack with that local Law Enforcement that was really the big issue for us in ND in regards to this paragraph. However, those folks that are not getting the service from the local Law Enforcement, I think this is the backup for them as well because we have a relationship with all the Law Enforcement agencies that our in local jurisdictions. Clearly we can serve as a communications conduit to see what really is going on. The other avenues that we have are that we have ties to BCI and to the Highway Patrol and also as well the Attorney General's office. So if there is something goofy out there this will

allow us to try to mitigate that.

**Rep. Kasper:** So you are not going to say go back to your local Law Enforcement Officer we can't help you or have you contacted them, no, we can't help you, you are going to be cooperative to try to get this alert out quick.

**Greg Wilz:** Yes, That is correct. That is our role.

**Rep. Amerman:** I just want to see if I get this right with all the underlining and missing pages and whatever all here. In a nutshell what we are doing because everything is underlined because we are moving it from one section of code to your section of code under Emergency Services. So the reason it is underlined is because it is all new to your section.

**Greg Wilz:** That is correct.

**Rep. Amerman:** The only new language is on the top of Page 2. Is that where you said is the new language?

**Greg Wilz:** There is a lot of new language here but it is really an update based on technology, we are getting rid of the old vernacular and putting the new stuff in. The only thing that we are changing here or really adding to this thing is the fact we want to put in law the requirement to report radio numbers on a yearly basis and we have also chose, in hindsight it probably was a mistake, to put that ten dollar fee in there, but it has been a practice for years, decades that the agency charge the ten dollars as an administrative fees to code that radio number into the book and publish the book and make it available to all responders so they know who they are talking to as well.

**Rep. Amerman:** The fee has been charged, it just has not been in code?

**Greg Wilz:** Yes, it just has not been in code.

**Chairman Grande:** Any other questions from the committee? Anyone else wishing to speak in favor of 2163? Favor? Favor? Opposition? Opposition? Neutral? Close the hearing on 2163.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work One 2163

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 3/5/2009

Recorder Job Number: 10304

Committee Clerk Signature

*Moussa M. Erhardt*

Minutes:

### **Committee Work One:**

**Chairman Grande:** We will take up SB 2163.

**Vice Chairman Randy Boehning:** Motion for moving the amendments that were missed and removing the period on Line 24 and further amend that.

**Rep. Kasper:** 2<sup>nd</sup>.

**Chairman Grande:** Everyone clear on those amendments? Questions? In favor of the amendments say I. All in favor. Opposed? We have the amended bill before us.

**Rep. Dahl:** Motion for a Do Pass As Amended.

**Rep. Karls:** 2<sup>nd</sup>.

**Chairman Grande:** We have a Do Pass As Amended by Rep. Dahl, 2<sup>nd</sup> by Rep. Karls. Clerk will call the roll of a Do Pass.

**Clerk Erhardt:** Roll Call: Yes: 13. No: 0. Absent: 0. Carrier: Rep. Dahl.

March 5, 2009

VK  
3/5/09

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2163

Page 4, line 24, after "enforcement" insert "and other agencies considered appropriate for investigative purposes by the division. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case.

6. Provide prompt confirmation of the receipt and entry of the lost or missing individuals report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. If any parent, guardian, or identified family member is unable to receive services from the local law enforcement agency, allow the parent, guardian, or identified family member to submit a lost or missing individuals report to the division which must be included in the division file system and transmitted to the national crime information center.
8. Compile and maintain a historical data repository relating to lost or missing individuals for the following purposes:
  - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing individuals; and
  - b. To provide a factual and statistical base for research that addresses the problem of lost or missing individuals"

Renumber accordingly

Date: 3/5/9  
 Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2163

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Dahl Seconded By Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman	✓	
Vice Chairman Boehning	✓		Rep. Conklin	✓	
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth	✓		Rep. Winrich	✓	
Rep. Karls	✓		Rep. Wolf	✓	
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep Dahl

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

**REPORT OF STANDING COMMITTEE**

SB 2163, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2163 was placed on the Sixth order on the calendar.

Page 4, line 24, after "enforcement" insert "and other agencies considered appropriate for investigative purposes by the division. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case.

6. Provide prompt confirmation of the receipt and entry of the lost or missing individuals report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. If any parent, guardian, or identified family member is unable to receive services from the local law enforcement agency, allow the parent, guardian, or identified family member to submit a lost or missing individuals report to the division which must be included in the division file system and transmitted to the national crime information center.
8. Compile and maintain a historical data repository relating to lost or missing individuals for the following purposes:
  - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing individuals; and
  - b. To provide a factual and statistical base for research that addresses the problem of lost or missing individuals"

Renumber accordingly



2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

CONFERENCE COMMITTEE

SB 2163

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.2163

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 04/16/09

Recorder Job Number: 11914

Committee Clerk Signature

*Kate Ouse*

Minutes:

Chairman Oehlke called the committee to order, roll was taken, and all members were present.

**Senator Oehlke:** One thing that you will notice is that there is a blue sheet of paper that changes the amendment. Senator Nelson notices that it seemed a little wordy so the only thing is different and there are 3 words 'so to do' that were removed after the first word permit. The sentence means the same thing and does not create any problems but that section would go on page 2 line 14 right after the words 'North Dakota'. Basically allows those on search and rescue to have a radio in their vehicle if they have permission. The other amendment that was drafted at the request of the AG's office added the definition of what an individual is in this situation. Now I think what we have to do is recede from the amendment and then re-add the new amendment and then we will have to take care of the blue sheet as well

**Senator Dever:** Can't you just include this in the motion to include it in the other amendments?

**Senator Oehlke:** I think that we have to write it as 0203.

**Representative Dahl:** So you would have to recede and further amend?

**Senator Dever:** Seems that we can insert it into that amendment

**Senator Oehlke:** I am ok with that.

Senator Nelson made a motion to combine the two amendments with a second by Representative Dahl. There was no discussion and the motion passed on a 6-0 voice vote. Representative Dahl made a motion to have the House recede from its amendments and further amend the bill with a second by Representative Wolf. There was no discussion and the motion passed 6-0 with Senator Oehlke carrying the bill to the floor.

April 14, 2009

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2163

That the House recede from its amendments as printed on page 771 of the Senate Journal and page 892 of the House Journal and that Engrossed Senate Bill No. 2163 be amended as follows:

Page 4, line 24, after "enforcement" insert "and other agencies considered appropriate for investigative purposes by the division. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case. As used in this subsection, "individual" means an individual who is eighteen years of age or older.

6. Provide prompt confirmation of the receipt and entry of the lost or missing individuals report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. If any parent, guardian, or identified family member is unable to receive services from the local law enforcement agency, allow the parent, guardian, or identified family member to submit a lost or missing individuals report to the division which must be included in the division file system and transmitted to the national crime information center.
8. Compile and maintain a historical data repository relating to lost or missing individuals for the following purposes:
  - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing individuals; and
  - b. To provide a factual and statistical base for research that addresses the problem of lost or missing individuals"

Renumber accordingly

.0202

Oehlke Amendment

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2163**

Page 2, line 14, after "North Dakota" insert "without first securing a permit from the director upon such application as the director may prescribe"

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2163

That the House recede from its amendments as printed on page 771 of the Senate Journal and page 892 of the House Journal and that Engrossed Senate Bill No. 2163 be amended as follows:

Page 2, line 14, after "~~North Dakota~~" insert "<sup>applying for and</sup> without first securing a permit from the director upon such application as the director may prescribe"

Page 4, line 24, after "enforcement" insert "and other agencies considered appropriate for investigative purposes by the division. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case. As used in this subsection, "individual" means an individual who is eighteen years of age or older."

6. Provide prompt confirmation of the receipt and entry of the lost or missing individuals report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. If any parent, guardian, or identified family member is unable to receive services from the local law enforcement agency, allow the parent, guardian, or identified family member to submit a lost or missing individuals report to the division which must be included in the division file system and transmitted to the national crime information center.
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  - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing individuals; and
  - b. To provide a factual and statistical base for research that addresses the problem of lost or missing individuals"

Renumber accordingly

Committee voted  
to combine the  
2 attached amends on white  
paper.

Blue sheet is the combined  
version.

JEJ

8-3278

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 21163 (, as (re)engrossed):

Date: 4-16-09

Your Conference Committee Govt + Veto Affairs

For the Senate:

For the House:

YES / NO		YES / NO	
Sen Oehlke		Rep Boehning	
Sen Deuel		Rep Dahl	
Sen Nelson		Rep Wolf	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ - \_\_\_\_\_

\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

CARRIER: \_\_\_\_\_

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Nelson

SECONDED BY: Dahl

*Accept Amend*

VOTE COUNT 6 YES 0 NO     ABSENT

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 21163 (, as (re)engrossed):

Date: 4-16-09

Your Conference Committee Gov't + Veto Affairs

**For the Senate:**

**For the House:**

	YES / NO			YES / NO	
Sen Oehlke	X		Rep Boehning	X	
Sen Dewel	X		Rep Dahl	X	
Sen Nelson	X		Rep Wolf	X	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (S/J/HJ) page(s) 771 - \_\_\_\_\_

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: 4-16-09  
CARRIER: Oehlke

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Dahl

SECONDED BY: Wolf

VOTE COUNT    YES    NO    ABSENT



**REPORT OF CONFERENCE COMMITTEE**

**SB 2163, as engrossed:** Your conference committee (Sens. Oehlke, Dever, Nelson and Reps. Boehning, Dahl, Wolf) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 771, adopt amendments as follows, and place SB 2163 on the Seventh order:

That the House recede from its amendments as printed on page 771 of the Senate Journal and page 892 of the House Journal and that Engrossed Senate Bill No. 2163 be amended as follows:

Page 2, line 14, after "Dakota" insert "without first applying for and securing a permit from the director"

Page 4, line 24, after "enforcement" insert "and other agencies considered appropriate for investigative purposes by the division. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case. As used in this subsection, "individual" means an individual who is eighteen years of age or older.

6. Provide prompt confirmation of the receipt and entry of the lost or missing individuals report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. If any parent, guardian, or identified family member is unable to receive services from the local law enforcement agency, allow the parent, guardian, or identified family member to submit a lost or missing individuals report to the division which must be included in the division file system and transmitted to the national crime information center.
8. Compile and maintain a historical data repository relating to lost or missing individuals for the following purposes:
  - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing individuals; and
  - b. To provide a factual and statistical base for research that addresses the problem of lost or missing individuals"

Renumber accordingly

2009 TESTIMONY

SB 2163

Attachment  
#1.

TESTIMONY - SB 2163  
HOUSE COMMITTEE – GOVERNMENT AND VETERANS AFFAIRS  
March 5, 2009  
BY GREG WILZ  
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Madam Chairman and members of the committee, my name is Greg Wilz. I am the Deputy Director of the Department of Emergency Services (NDDDES) and Director of Homeland Security for the state of North Dakota. My intent is to provide information concerning the importance of SB 2163 as it relates to NDDDES.

SB 2163 will result in two important accomplishments. First, it moves department specific language from NDCC Chapter 54-23.2 into Chapter 37-17.3; as a consequence, all law pertaining to the NDDDES will be contained within the North Dakota Disaster Act. Second, it updates the code and provides descriptions of current technologies.

Much of current language was passed mid twentieth century. SB 2163 drops reference to shortwave radios and deletes the authority to purchase radio equipment for state-owned cars and road maintainers, the state penitentiary, and other antiquated vernacular.

SB 2163 does not provide for additional fees outside current law nor does it allow for fee increases beyond what is in current law. Mobile data terminal fees will continue to recoup actual cost of providing services. The fees for the Law Enforcement Teletype System will continue to generate approximately 50 percent of the cost to provide services. Counties that contract Public Safety Answering Point services with State Radio will continue to incur 911 fees based upon the requirements of law. SB 2163 has no fiscal note.

SB 2163 does add a requirement for agencies with State Radio assigned unit numbers to validate the information yearly. The requirement is necessary to maintain reliable data in an environment that is constantly changing and to preserve the current numbering system.

Language in the bill formalizes announcements and effective dates of fee adjustments and requires by law the director consult with local units of government prior to establishing new fee structures.

The engrossed bill before you includes amendments that were jointly authored by the Department of Emergency Services, North Dakota Sheriff's Association, and the North Dakota Chiefs of Police Association. However, page 2 of the recommended amendments presented in the initial Senate hearing were inadvertently omitted from the engrossed bill. I request the committee to include the amendments listed on page 2. The attached document contains all original amendments.

I would be pleased to answer any questions Committee members may have.