

2009 HOUSE POLITICAL SUBDIVISIONS

HB 1127

2009 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1127

House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: January 23, 2009

Recorder Job Number: 7630

Committee Clerk Signature



Minutes:

Rep. Headland: Opened the hearing on HB 1127.

Matthew Sagsveen, Ass't Attorney General. (see testimony #1) (Enclosed Booklet Crime in ND, 2007). Went over and read his testimony. Asked for a Do Pass on this bill.

Rep. Kretschmar: On Section 2 you removed the state drug enforcement unit?

Sagsveen: The drug authority has been a part of the criminal investigation and is no longer needed in the section.

No opposition.

Hearing closed.

Vice Chairman Headland reopened the hearing on HB 1127.

Do Pass Motion Made By Rep. Jerry Kelsh Seconded by Rep. Koppelman

Vote: 10 Yes 0 No 3 Absent Carrier Rep. Hatelstad

Hearing closed.

Roll Call Vote #:/

Date: 1-23-09

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1127

House Political Subdivisions

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Do Not Pass

Amended

Motion Made By

Rep. Kelsh

Seconded By

Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Rep. Dwight Wrangham, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Kari Conrad	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Craig Headland, Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Jerry Kelsh	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Patrick Hatlestad	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Robert Kilichowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Nancy Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Corey Mock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Lawrence Klemin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Senator Steve Zaiser	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Kim Koppelman	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Rep. William Kretschmar	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Rep. Vonnie Pietsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

Total (Yes) 10 No 0

Absent 3

Floor Assignment Rep. Hatlestad

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

No tape on the action.

REPORT OF STANDING COMMITTEE

HB 1127: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1127 was placed on the Eleventh order on the calendar.

2009 SENATE POLITICAL SUBDIVISIONS

HB 1127

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1127

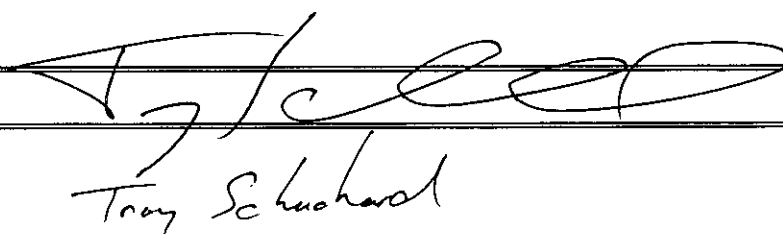
Senate Political Subdivision Committee

☐ Check here for Conference Committee

Hearing Date: February 27, 2009

Recorder Job Number: 9843

Committee Clerk Signature



Troy Schuchard

Minutes:

Chairman Andrist: Opened hearing on HB 1127, all members present.

Matt Sagsveen: On behalf of the Attorney General testified in support of HB 1127. (See attachment #1)

Senator Bakke: is there a penalty if an entity does not respond to a request from the Attorney General within the 30 days?

Matt Sagsveen: There is no penalty set by statute, and the Attorney General's has not developed a penalty or figured out what the appropriate remedy is going to be. I don't know if there is a remedy as we sit here today. This really comes into play is when federal grants use this information or certain political subdivisions use this information haven't reported and grant information is based on incomplete information and the state may receive less grant money based on those incomplete statistics and that is what we are trying to avoid.

Senator Bakke: think about that, the penalty. I just can't imagine that an entity wouldn't do it.

Chairman Andrist: Closed the hearing on HB 1127.

Senator Judy Lee: I move for a Do Pass

Senator Olafson: Seconded

Chairman Andrist: Motion for a Do Pass is recommended 6-0, Senator Judy Lee will carry.

Date: _____
Roll Call Vote #: _____

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Political Subdivisions

Committee

☐ Check here for Conference Committee

1127

Legislative Council Amendment Number

Action Taken

☒ Do pass

☐ Do not pass☐ Amend

Motion Made By

J-Lee

Seconded By

Olatson

[illegible]

Total (Yes)

(Yes) 6

No

Absent

Floor Assignment

J. Lee

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

REPORT OF STANDING COMMITTEE

HB 1127: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1127

①

TESTIMONY – HOUSE BILL 1127
HOUSE COMMITTEE – POLITICAL SUBDIVISIONS
JANUARY 23, 2009
PRAIRIE ROOM
BY MATTHEW SAGSVEEN, ASSISTANT ATTORNEY GENERAL

Chairman Wrangham and members of the Committee, my name is Matthew Sagsveen. I appear on behalf of the Attorney General in support of House Bill 1127.

Section 1

House Bill 1127 amends section 12-62-01.1 of the North Dakota Century Code to require that county and city officials furnish information relating to crime and criminal activity to the Attorney General within thirty days of when a request is made.

Under the current law, officials have a duty to provide this information to the Attorney General. But there are always some agencies that drag their feet or who fail to report altogether. Reporting delays and omissions have wide ranging effects including the potential for reduced federal grant dollars and a negative impact on public safety.

In order to assure that the reporting of statewide statistics is timely and reliable, it is vital that information requested by the Attorney General be reported, and in a timely manner. We would like to think that when the Attorney General reminds

local agencies to do something, they will do what every other citizen will do – and follow the law.

Sections 2 and 3

House Bill 1127 repeals sections 54-12-15 and 54-12-16, which define the duties and protections of the state drug enforcement unit under the Office of Attorney General. These duties and protections have been assumed by the Bureau of Criminal Investigation. Because these duties have been assumed by another division under the Office of Attorney General, statutes outlining the duties and protections of the drug enforcement unit are no longer needed. These statutes should be repealed to reflect current practice.

Section 4

House Bill 1127 repeals section 44-04-23 of the North Dakota Century Code, which was enacted to address computer software concerns associated with the year 2000. The concerns stemmed from the computer programming practice of representing the year with only two digits. Many people feared that significant computer failures would result from computers mistakenly reading the year 2000 as the year 1900, or failing to acknowledge any date at all.

Aware of the problem, the Legislature enacted legislation to ensure that private entities were taking appropriate actions to counteract the problem. Section 44-04-23 sought to encourage the exchange of important Y2K readiness information

between public and private entities by providing that any response by a private entity to a request by a public entity is exempt from open records laws and may not be used, offered in evidence, or be subject to discovery in any civil action for damages in tort, contract, or for any other form of relief against the public entity or person.

Because of the proactive effort of the Legislature in enacting this legislation, as well as other efforts in the public and private sectors, all major Y2K catastrophes were avoided. The legislation successfully fulfilled its purpose and is now obsolete. Therefore, section 44-04-23 can be repealed from the Century Code.

The Attorney General asks for a do pass on this bill.

This concludes my prepared testimony. I would be happy to answers any questions you may have.

Thank you.

HB1127



NORTH DAKOTA
Office of Attorney General
Bureau of Criminal Investigation



Crime in North Dakota, 2007

Attorney General
Wayne Stenehjem

*Following two
pages from
this document*

Crime Index Offenses by Reporting Jurisdiction

The rate per 100,000 population is shown immediately below the actual number of crime index offenses reported by each jurisdiction. A county total is also shown for each of those counties that have more than one reporting jurisdiction within its geographic boundaries. The rate is reported per 100,000 for easy comparison to national publications.

Number and Rate of Index Offenses, 2007

County	Reporting Jurisdiction	Population	Murder/ Non-Negligent Manslaughter	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny/ Theft	Motor Vehicle Theft	Total Index Offenses
Adams	County SO	2,320		1 43.1	1 43.1	1 43.1	4 172.4	5 215.5	1 43.1	13 560.3
Barnes	County SO	4,597					16 348.1	13 282.8	3 65.3	32 696.1
	Valley City PD	6,325	1 15.8	1 15.8		7 110.7	19 300.4	65 1027.7	5 79.1	98 1549.4
	County Total	10,922	1 9.2	1 9.2		7 64.1	35 320.5	78 714.2	8 73.2	130 1190.3
Benson	County SO	7,060	DID NOT REPORT IN 2007							
Billings	County SO	827	DID NOT REPORT IN 2007							
Bottineau	County SO	6,638				1 15.1	13 195.8	22 331.4	6 90.4	42 632.7
Bowman	County SO	1,508								0 0.0
	Bowman PD	1,473	DID NOT REPORT IN 2007							
Burke	County SO	1,929	1 51.8			2 103.7	6 311.0	10 518.4		19 985.0
Burleigh	County SO	15,520		6 38.7	1 6.4	13 83.8	40 257.7	75 483.2	8 51.5	143 921.4
	Bismarck PD	58,648	2 3.4	24 40.9	11 18.8	71 121.1	256 436.5	1200 2046.1	101 172.2	1665 2839.0
	Lincoln PD	2,548					7 274.7	9 353.2	1 39.2	17 667.2
	County Total	76,716	2 2.6	30 39.1	12 15.6	84 109.5	303 395.0	1284 1673.7	110 143.4	1825 2378.9
Cass	County SO	22,287	1 4.5	3 13.5		8 35.9	50 224.3	107 480.1	19 85.3	188 843.5
	Fargo PD*	90,283	3 3.3	64 70.9	26 28.8	150 166.1	542 600.3	2141 2371.4	200 221.5	3126 3462.4
	West Fargo PD	22,462		5 22.3	4 17.8	20 89.0	95 422.9	340 1513.7	54 240.4	518 2306.1
	County Total	135,032	4 3.0	72 53.3	30 22.2	178 131.8	687 508.8	2588 1916.6	273 202.2	3832 2837.8
Cavalier	County SO	4,049				3 74.1	12 296.4	72 1778.2	6 148.2	93 2296.9
Dickey	County SO	3,594				1 27.8	5 139.1	30 834.7	3 83.5	39 1085.1
	Oakes PD	1,797	DID NOT REPORT IN 2007							
Divide	County SO	1,108	DID NOT REPORT IN 2007							
	Crosby PD	981	DID NOT REPORT IN 2007							
Dunn	County SO	3,441								0 0.0
Eddy	County SO	2,495			1 40.1		14 561.1	5 200.4		20 801.6

* Includes 135 index offenses reported by the NDSU PD

Arrest Analysis by Reporting Jurisdiction

The table below contains arrest totals for each reporting agency in 2007. Juvenile and adult arrests as well as arrests reported without age information are included.

Arrests by Reporting Jurisdiction, 2007

Agency	Murder/Non-Neg. Mansl.	Negligent Manslaughter	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny/Theft	Motor Vehicle Theft	Other Assault	Arson	Forgery/Counterfeiting	Fraud	Embezzlement	Stolen Property Offenses	Vandalism	Weapons Offenses	Prostitution	Other Sex Offenses	Drug Abuse Violations	Gambling Violations	Off. Against Fam. & Children	DUI	Liquor Law Violations	Disorderly Conduct	Vagrancy	All Other Offenses	Suspicion	Curfew/Litering	Runaway	Total
Adams SO			1		1	1			1							1			1			8	4			1				15
Barnes SO							2	1							1	1			2			5	6	1		4			1	24
Valley City PD	2				5	3	28	3	19			1		2	5				21			74	44	3		30			2	242
Benson SO	DID NOT REPORT IN 2007																													
Billings SO	DID NOT REPORT IN 2007																													
Bottineau SO						2	2	1											17				109	3		10				144
Bowman SO																						7								7
Bowman PD	DID NOT REPORT IN 2007																													
Burke SO								2							2				13			1				20				38
Burlingame SO						6	2	21			197				2	4			45		3	135	209	10		57			6	697
Bismarck PD	1		8	9	32	22	383	20	294	2	23	46	21	23	103	14		14	287		14	514	657	332		704	71	122		3716
Lincoln PD									1						1							6	1			3	1			13
Cas. SO					1	2		2	23						1			1	29		14	82	83	3		22			1	264
Fargo PD	3		13	7	50	60	601	28	407	9	30	94		30	209	21	6	5	285	2	75	943	1037	221		815			162	5113
West Fargo PD				3	6	9	28	6	132		1	1		10	20	8		2	67			134	132	23		99	26	34		741
NDSU PD																			2			9	31			5				47
Cavalier SO					1		9	3	1							2			3		3	2	1							25
Dickey SO					1	1	1		1			21										11	5	1		7				49
Oakes PD	DID NOT REPORT IN 2007																													
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Crosby PD	DID NOT REPORT IN 2007																													
Dunn SO																						16								16
Eddy SO																			1			15	1	1		1				19
Emmons SO						4		1			5			1			1				6	44	4		16			1		83
Linton PD	DID NOT REPORT IN 2007																													
Foster SO																														0
Carrington PD						1	3		3						1	1						9	8	1		1				29
Golden Valley SO	DID NOT REPORT IN 2007																													
Grand Forks SO					2	8	3	7	19		1	30		1	6	3			12		6	70	48	7		912			13	1148
Emerado PD					1		1		1						1				1		1	16	5	1		2				30
Grand Forks PD	1	2			27	23	266	15	201		10	17	1	7	64	11		5	129		14	282	363	257		279	32	101		2107
Larimore PD	DID NOT REPORT IN 2007																													
Northwood PD							1	1																						2
Thompson PD																														0

2

TESTIMONY – HOUSE BILL 1127
SENATE POLITICAL SUBDIVISIONS COMMITTEE
February 27, 2009

MATTHEW SAGSVEEN
ASSISTANT ATTORNEY GENERAL

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