2009 SENATE JUDICIARY

SB 2041

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2041
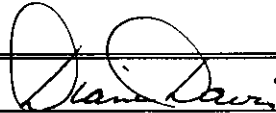
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: January 21, 2009

Recorder Job Number: 7446

Committee Clerk Signature	*[signature]*

Minutes: **Senator Nething, Chairman**

Relating to the Criminal Justice Information Sharing Board.

Roxanne Woeste – Legislative Council – She explains the bill – She is not for or against.

Senator Nething – Notices there is no fiscal impact on the fiscal note.

Woeste – Said there are a few expenses but the department feels they can fund those expenses within their appropriation levels.

Senator Fiebiger – Asks her to explain the rational why they added from 3 to 12 people.

Woeste – The Criminal Justice Information Sharing Board felt the board itself was too small. They would have more people involved in the actual decision making.

Lisa Feldner – Chief Information Officer for the State – Chairman of the CJIS Board. See written testimony. She talks of the organizational charts under the CJIS Board. They are making the changes because they always had to go back to the executive committee. So they are eliminating the executive committee and making it all one board. She also talks of the multiple components of CJIS.

Closed the hearing on 2041

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2041

Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/21/09 – committee work, 1/26/09

Recorder Job Number: 7750

Committee Clerk Signature	

Minutes: **Senator Nething, Chairman**

Committee work

Motion for do pass from Senator Nelson, seconded by Senator Fiebiger

Vote – 6 yes, 0 no

Senator Schneider will carry

FISCAL NOTE
Requested by Legislative Council
12/08/2008

Bill/Resolution No.:   SB 2041

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
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$0	$0	$0	$0
Appropriations	$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).*

SB 2041 will not have any fiscal impact.

   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.*

No fiscal impact.

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.*

N/A

   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.*

N/A

   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.*

N/A

Name:	Mike J. Ressler	Agency:	ITD
Phone Number:	328-1001	**Date Prepared:**	12/08/2008

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES SB 2041
BILL/RESOLUTION NO.

Senate _____ **JUDICIARY** _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ **Do Pass**   ☐ **Do Not Pass**   ☐ **Amended**

Motion Made By _Sen Nelson_ Seconded By _Sen Fiebiger_.

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething – Chairman	X		Sen. Tom Fiebiger	X	
Sen. Curtis Olafson – V. Chair.	X		Sen. Carolyn Nelson	X	
Sen. Stanley W. Lyson	X		Sen. Mac Schneider	X	

Total   (Yes) _____ 6 _____ (N) _____ 0 _____

Absent _____

Floor Assignment _Sen. Schneider_

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

REPORT OF STANDING COMMITTEE (410)
January 27, 2009 8:32 a.m.

Module No: SR-16-0990
Carrier: Schneider
Insert LC: .   Title: .

REPORT OF STANDING COMMITTEE

SB 2041: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Eleventh order on the calendar.

2009 HOUSE JUDICIARY

SB 2041

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2041

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 3/2/09

Recorder Job Number: 9885

Committee Clerk Signature	*[signature]*

Minutes:

Chairman DeKrey: We will open the hearing on SB 2041.

Lisa Feldner, CIO, CJIS Board: Support (attachment). Explained the bill. This bill will change the membership of the Criminal Justice Information Sharing board. We increased the number of users from the last biennium. The system is growing quite rapidly. This group started with a board of three members. I think that was appropriate to get it off the ground. Now, I think the problem that the board members see is that we aren't able to keep in touch with the users enough. On the last page you will notice that the CJIS Board and the Executive Committee (advisory committee comes from the Executive Committee). Well, as we've gotten more users – there is a need for more members.

Rep. Zaiser: You have the Executive Committee and an Advisory Committee who advises the executive committee.

Lisa Feldner: Yes.

Rep. Zaiser: Are there any other committees involved in this.

Lisa Feldner: Yes, there is a technology committee.

Rep. Zaiser: Have you any concerns about this getting too bogged down.

Lisa Feldner: This recommendation came through the Interim IT committee, as well as it was recommended by the Executive Committee, and we had a study from the Bureau of Justice came in and recommended that we put these two groups together.

Rep. Zaiser: What two groups would merge?

Lisa Feldner: They are the CJIS board and the Executive board. On the back page of the memo, where it talks about the CJIS board and the CJIS executive committee.

Rep. Delmore: On the last page, you have committees as necessary to meet; can you tell me a little bit about who is on the board and if they are paid, or are they ad hoc committees.

Lisa Feldner: If we need to bring ad hoc committees, they are paid through the CJIS budget, a per diem.

Rep. Klemin: These additional committees, would they also be made up of members of the new board, kind of like a subcommittee of the board.

Lisa Feldner: Yes. Usually there is a group of us that are on the executive board and if they need a special expertise, someone would be brought in.

Rep. Kretschmar: On the list of the members of the committee on page 1 and top of page 2, only two that say they can have a designee. Is there a reason for that?

Lisa Feldner: I tried to get out of this. Deputy AG Trenbeath is the one who actually put in the requirements. In (g) it is intentional on his part.

Rep. Koppelman: So this is a merging of the executive committee and the board, and the executive committee goes away.

Lisa Feldner: Yes.

Rep. Koppelman: That's why there isn't a fiscal note, because there is nothing being eliminated, the committee still meets.

Lisa Feldner: Correct.

Rep. Koppelman: I assume that since the fiscal note said there is no cost to the bill, is because that the committee already meets. You talked about not being able to get information from some of these other entities, so how will this help if it essentially replaces the executive committee, but it is replacing some different players is what you're saying. And the only way to get information is to get them on the board, is that correct.

Lisa Feldner: No, we get information; the problem is that the board of three of us always needs to refer to the executive committee all the time, because we don't have the information readily available. So we just feel like this is an extra step. It's pretty much the same people; we're just moving them onto the board. The other issue we have, that I didn't mention earlier, that getting the board of three people is very difficult, because I can't even walk down the hall and run into the chief justice, without having an open meeting problem.

Rep. Zaiser: Is there a breakdown of the checks and balances, because as I look at the appointments of the governor, judiciary system, and no legislative. We don't have the checks and balances based on who is on the board now.

Lisa Feldner: We took the existing executive committee that was made up of the users. We didn't actually look at the branches of government when we set up this board. That wasn't in our minds about the checks and balances. It was just taking the existing group of users and put them on the board.

Rep. Zaiser: When it was originally designed, it wasn't looked at that way, maybe we should look at it now because it does appear to be a violation of the checks and balance system.

Rep. Boehning: On page 2, line 9, the compensation of $75, should it go up to $135.

Lisa Feldner: No.

Rep. Kingsbury: On page 3, top of page, that the board may appoint such committees as it deems necessary. What do you see there?

Lisa Feldner: One of the things that Rep. Delmore can also tell you about, is one of the committees that we had, was a victim notification committee. We received a portion of some funds as a special grant. Prior to submitting the grant, we really needed information from that group, so we got together a committee for that purpose. So now that we got it going, we don't need the committee any more. When we have a special project or if we are bringing on a different law enforcement agency that we've not dealt with before, then we might have a special committee for a short time to gather information, etc. and then be disbanded.

Rep. Vig: Who is the Chief Information Officer who makes up the board? What agency do you fall under?

Lisa Feldner: I fall under the Information Technology Dept, and am the Chief Information Officer for this. I am a neutral entity. IT doesn't do law enforcement, so we kind of play the neutral party.

Chairman DeKrey: Thank you. Further testimony in support.

Gen. David Sprynczynatyk, Adjutant General, Director, Emergency Services: Support. We would like to amend the bill, on line 12 to remove the "division of state radio", so that it would read as follows: "the director of the department of emergency services or the director's designee.

Rep. Koppelman: In your area of emergency services, what area does it fall under that deals with this kind of information, criminal justice information software.

Gen. David Sprynczynatyk: Within the department of emergency services, it is of a policy nature, and it needs to be the director.

Rep. Koppelman: Your point is that would be a lower level designee versus the director.

Gen. David Sprynczynatyk: That's correct. If you look at the bill, the person needs to be able to make decisions and should be the director.

Rep. Zaiser: When do we begin to approach data for the sake of data?

Gen. David Sprynczynatyk: As you look at CJIS and what it is intended to do, it is intended to be a clearing house and an access point for law enforcement officials to access that data and I think in my experience, it is important that we have that access as we move forward into the law enforcement activity; whether it is at a threat level or as cases move through the court system. So when you talk about CJIS, it is to ensure that the people that we have had access to the data have continued access to it. All these users need to be on the board to control their access.

Rep. Zaiser: I agree that appropriate data is always helpful, but I think we can get cluttered with data, so that the more data you have, the more difficult it is to define and zero in on where you want to go. When we talk about data, do you think it is too much data?

Gen. David Sprynczynatyk: I wouldn't disagree that sometimes there is too much data and access to it; but I think there are two important elements when we talk about the volume of data, how it's accessed, and what is data. Obviously, an engagement of a threat, data needs to be managed carefully to be successful.

Rep. Vig: This is a criminal justice board, but as I look at this, it has 8 members appointed by the Governor, and 2 appointed by the Attorney General. The Attorney General is the law enforcement officer. Could he have members of the state police, sheriff, state's attorney association, could they be appointed by the Attorney General, on the law enforcement side of it.

Gen. David Sprynczynatyk: It could very well be. My understanding and background of the bill is that the CJIS has changed since the beginning and this makes sense now to do it this way.

Rep. Klemin: You would like to amend the bill, on page 1, line 12, remove "division of state radio".

Gen. David Sprynczynatyk: Yes.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to SB 2041?

Rep. Delmore: I move the amendment to remove "division of state radio", page 1, line 12.

Rep. Kretschmar: Second.

Chairman DeKrey: Voice vote, motion carried. We now have the bill before us as amended.

Rep. Koppelman: I move a Do Pass as amended.

Rep. Delmore: Second.

12 YES 1 NO 0 ABSENT   DO PASS AS AMENDED   CARRIER: Rep. Hatlestad

VR
3/2/09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 12, remove "division of state radio"

Renumber accordingly

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2041

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken   ☐ DP   ☐ DNP   ☑ DP AS AMEND   ☐ DNP AS AMEND

Motion Made By _Rep. Koppelman_   Seconded By _Rep. Delmore_

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✔		Rep. Delmore	✔	
Rep. Klemin	✔		Rep. Griffin	✔	
Rep. Boehning	✔		Rep. Vig		✔
Rep. Dahl	✔		Rep. Wolf	✔	
Rep. Hatlestad	✔		Rep. Zaiser	✔	
Rep. Kingsbury	✔				
Rep. Koppelman	✔				
Rep. Kretschmar	✔				

Total   (Yes) _____12_____ No _____1_____

Absent _____O_____

Floor Carrier: _____Rep. Hatlestad_____

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

REPORT OF STANDING COMMITTEE
SB 2041: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "<u>division of state radio</u>"

Renumber accordingly
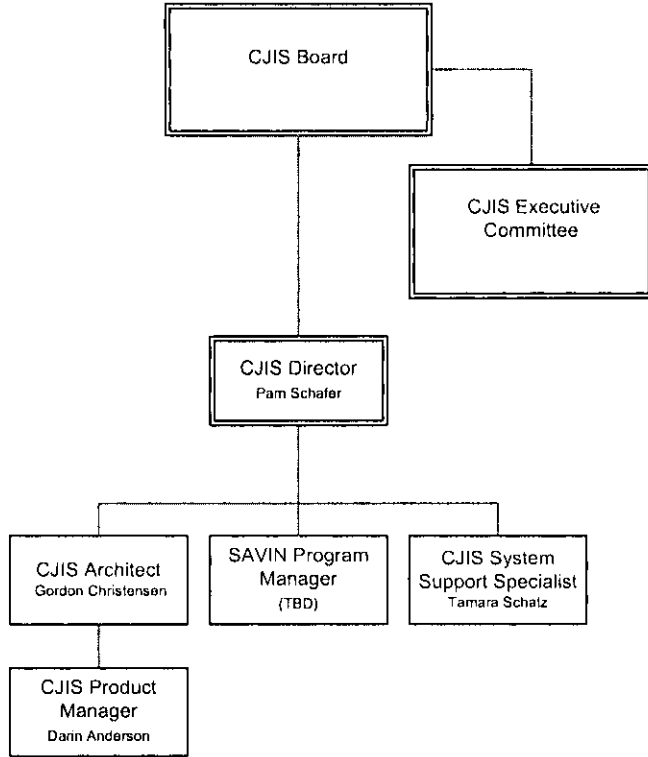
2009 TESTIMONY

SB 2041

Organization Chart

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                    ┌─────────────────┐
                    │   CJIS Board    │
                    └────────┬────────┘
                             │        ┌──────────────────┐
                             │        │ CJIS Executive   │
                             │        │   Committee      │
                             │        └──────────────────┘
                    ┌────────┴────────┐
                    │  CJIS Director  │
                    │  Pam Schafer    │
                    └────────┬────────┘
            ┌────────────────┼────────────────┐
  ┌─────────┴──────┐ ┌───────┴───────┐ ┌───────┴────────┐
  │ CJIS Architect │ │ SAVIN Program │ │  CJIS System   │
  │Gordon Christensen│ │   Manager    │ │Support Specialist│
  └─────────┬──────┘ │    (TBD)     │ │ Tamara Schatz  │
            │        └───────────────┘ └────────────────┘
  ┌─────────┴──────┐
  │  CJIS Product  │
  │    Manager     │
  │ Darin Anderson │
  └────────────────┘
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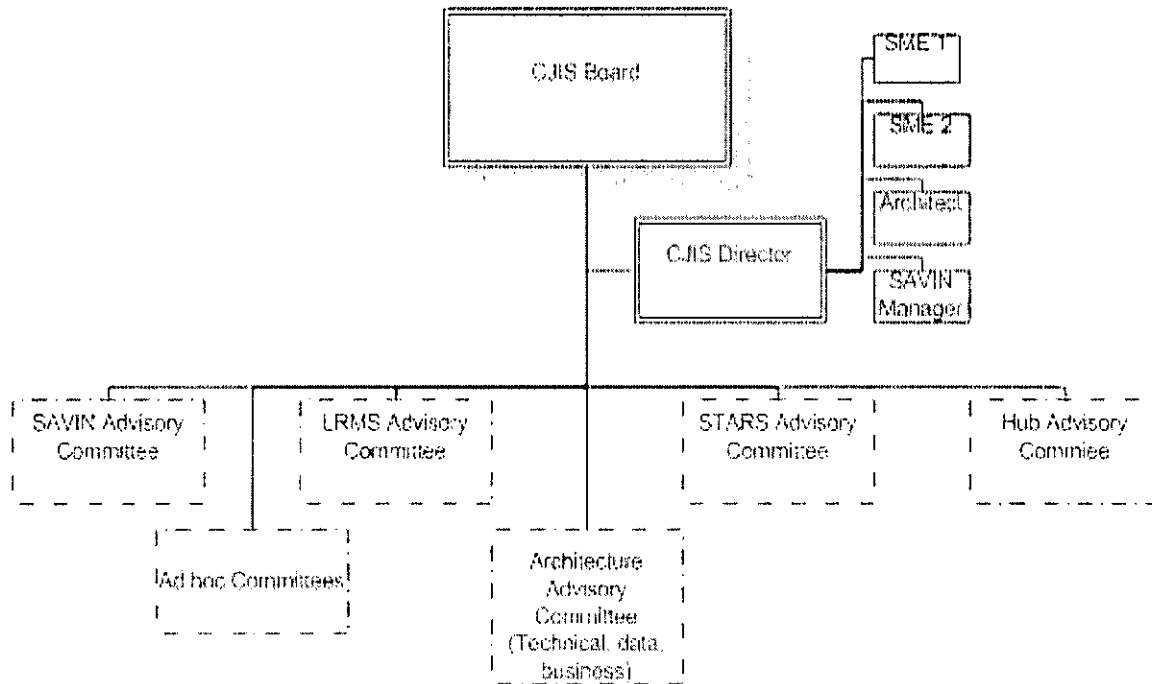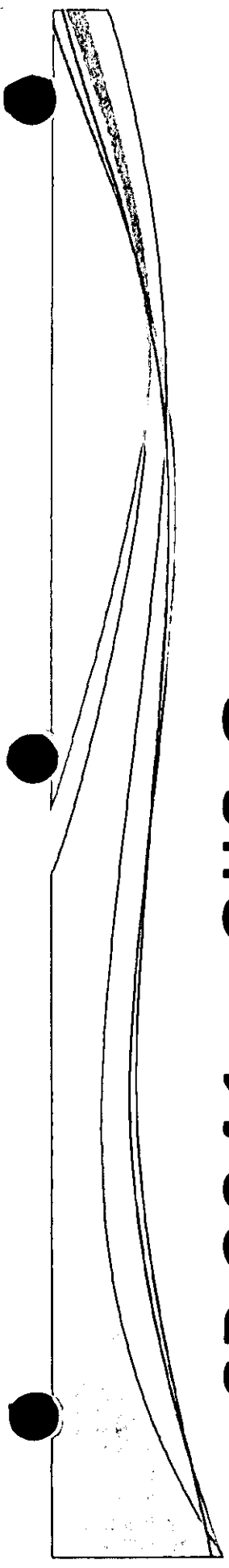
Exhibit 1

Assumptions:
- The CJIS Board is a "policy making" board. (As opposed to an advisory committee with stronger Director authority.)
- The CJIS Board is ultimately responsible for determining the CJIS programs and services offered and evaluating their effectiveness.
- The CJIS Board is the hiring authority for the CJIS Director and provides his/her performance evaluations.
- The CJIS Board is responsible for approving the budget and monitoring the expenditures of the CJIS programs to ensure fiscal accountability.
- The CJIS Board develops and/or approves policies, standards and guidelines.
- The CJIS Director serves at the will of the Board and is responsible for day-to-day operation of the CJIS programs.
- The CJIS Director develops the CJIS strategic plan and budget to present to the Board for approval.
- The CJIS Director monitors CJIS programs and reports on their status.
- The CJIS Director is responsible for hiring and managing staff to administer CJIS programs.
- The CJIS Director is responsible for carrying out the policies, standards and guidelines approved by the Board.
- Advisory committees may be established by the Board or through legislation (SAVIN).
- Advisory committees advise the Board and CJIS Director with regard to CJIS programs and improvement efforts.
- The Architecture Advisory Committee is responsible for developing and promoting the adoption of standards, policies and guidelines for the technical architecture, data architecture and business architecture.
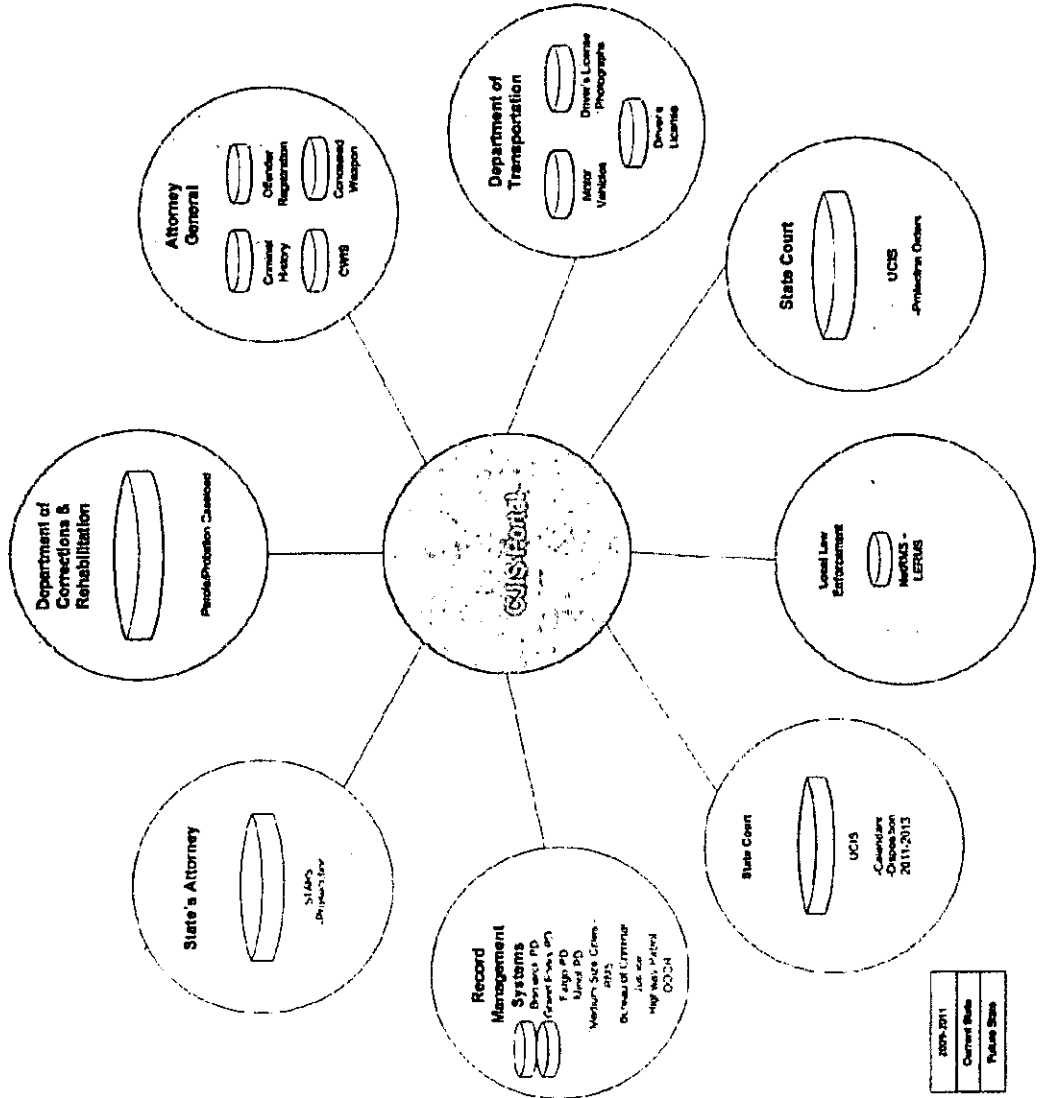
Updated 11/12/2004

SB 2041 – CJIS Governance

The mission of the North Dakota Criminal Justice Information Sharing (CJIS) program is to facilitate timely sharing of information to criminal justice and other authorized personnel.

The purpose of this bill is to provide a more efficient and effective governance process for CJIS. The bill was sponsored by the interim Information Technology Committee.
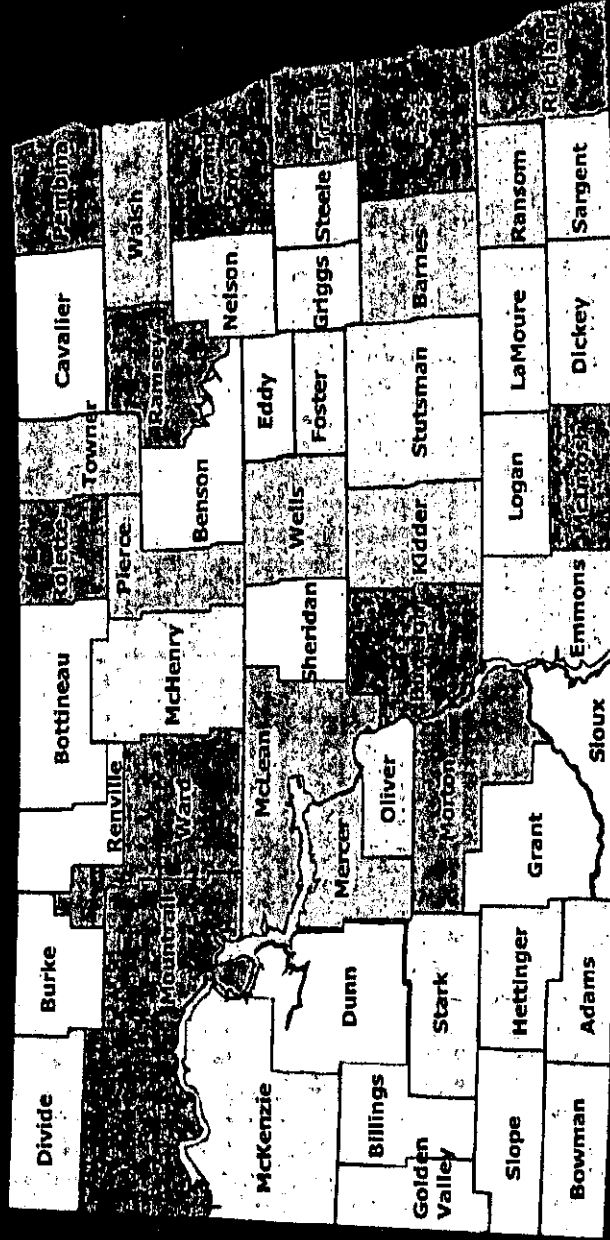
Testimony provided 3/2/09 by Lisa Feldner, CIO, email: lfeldner@nd.gov
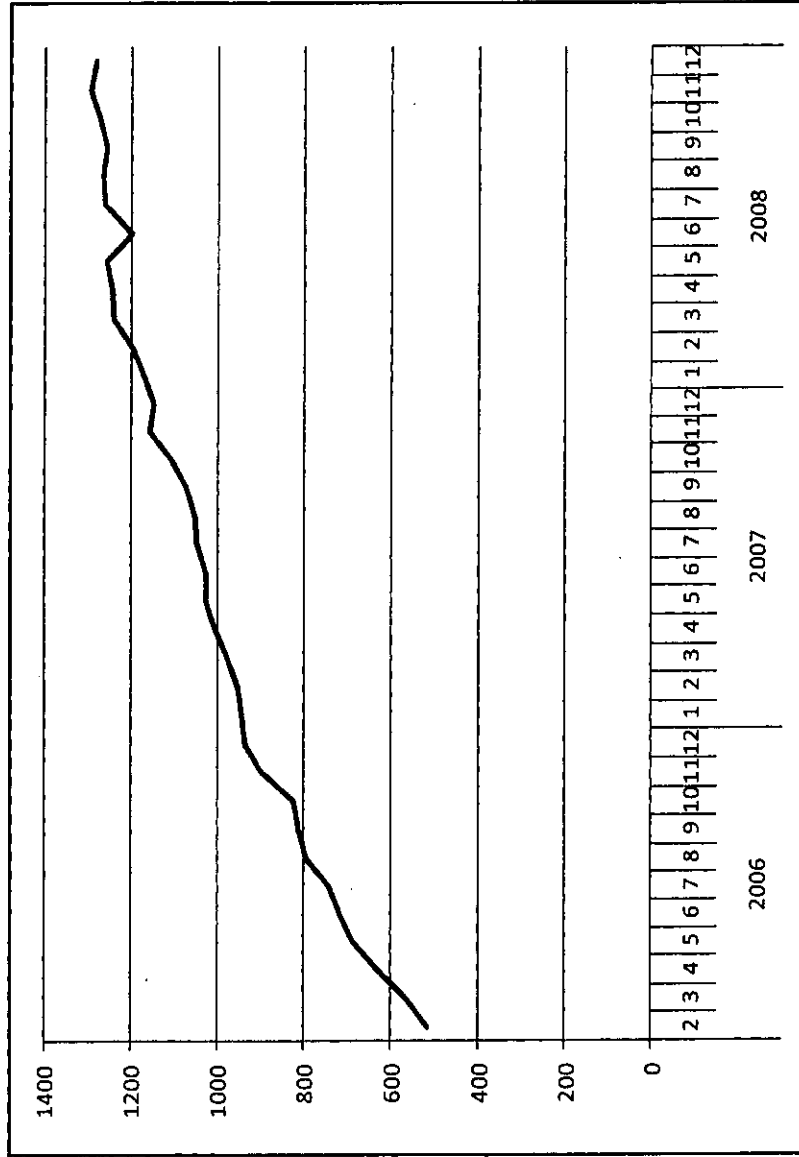
1

CJIS – Information Sharing

CJIS – Agencies Served by CJIS Portal

Number of Agencies served by the CJIS Portal by County

50 Sheriff's Departments
39 Police Departments
8 State Agencies
3 Campus Police Departments
12 State Parks or Recreation Areas
27 Prosecuting Attorneys
11 Federal Agencies

CJIS – Number of Portal Users

Current # of Portal users = 1286 – a 28% increase over past biennium, average user performs 140 transactions per month

4

CJIS – Governance

- CJIS Board (policy and oversight)
  - Chief Justice of the Supreme Court
    - Chief Justice Gerald VandeWalle
  - Attorney General
    - Deputy AG - Thomas L. Trenbeath
  - CIO of North Dakota
    - Lisa Feldner

- CJIS Executive Committee
  (advisory for the CJIS Board)
  - Chiefs of Police Association
  - Department of Transportation
  - Bureau of Criminal Investigation
  - Department of Corrections
  - Highway Patrol
  - Information Technology Department
  - ND State's Attorney Association
  - ND Sheriffs and Deputies Association
  - Department of Emergency Services

Organizational chart:

- CJIS Board
  - CJIS Executive Committee
  - CJIS Director — Pam Schafer
    - CJIS Architect — Gordon Christensen
      - CJIS Product Manager — Darin Anderson
    - SAVIN Program Manager — Amy Vorachek
    - CJIS System Support Specialist — Tamara Schatz

5