

2009 SENATE JUDICIARY

SB 2161

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2161

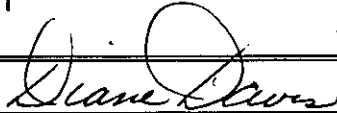
Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 14, 2009

Recorder Job Number: 2161

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Relating to lost, missing or runaway children.

Greg Wilz – Deputy Director of the Dept. of Emergency Services and Director of Homeland Security for the State of ND. – See written testimony – in support of.

Senator Nething – Asks him to explain the bill.

Wilz – He said it moves issues with missing children to the Bureau of Criminal Investigation instead of with State Radio division.

Discussion follows on the bills language.

Wilz – He says the new language in section one is almost verbatim from the last bill. In section 2 run away children are removed.

Senator Schneider – Wonders why run away children was struck out of section 2.

Wilz – States because they are covered as the part of the lost and missing in section 1.

JoAnn Brager – Vice President, West River Head Start – See written testimony – neutral
Discussion follows on what proof of identity means. Can they copy a certified copy as proof.
Can they accept a certificate of live birth. Ms. Brager describes what they do now and what they accept.

Senator Nething – Asks Mr. Wilz to clarify what proof of identify is.

Wilz – Said he would defer to BCI to see if they have knowledge of this. He understands that if they showed up with a certified copy and you can make a copy for your files that is acceptable.

Jerry Kemmet – Director of BCI – Agrees that a copy would be sufficient.

Close hearing 2161

*No further
information found
for this bill.*

FISCAL NOTE
 Requested by Legislative Council
 01/22/2009

REVISION

Bill/Resolution No.: SB 2161

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

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).*

This bill requires the Bureau of Criminal Investigation (BCI) to establish and maintain information regarding lost, missing or runaway children.

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.*

Section 1 requires the BCI to establish and maintain a statewide system to:

Notify law enforcement of lost, missing, or runaway children reports;

Implement a data exchange system for disseminating to local and out-of-state law enforcement information to assist in recovery of such children. Exchange information regarding these children with the National Crime Information Center (NCIC); and

Notify law enforcement to enter lost, missing, or runaway children reports as soon as the minimum level of data specified is available to the reporting agency.

BCI is to provide prompt notification to the law enforcement agency or to families of receipt and entry of the child's report. This bill allows the family of the missing child to submit a report to BCI to include in the database of information and transmit the information to the NCIC if the family is unable to receive law enforcement agency services.

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.*

Assuming the BCI adopts the same process currently used by Radio Communications, which is utilizing NCIC, there should not be additional expenditures needed.

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.*

Assuming the BCI adopts the same process currently used by Radio Communications, which is utilizing NCIC, there should not be additional appropriations needed.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	01/22/2009

FISCAL NOTE
Requested by Legislative Council
01/05/2009

Bill/Resolution No.: SB 2161

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	\$328,725	\$0	\$19,100	\$0
Appropriations	\$0	\$0	\$328,725	\$0	\$19,100	\$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

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).*

This bill requires the Bureau of Criminal Investigation (BCI) to establish and maintain information regarding lost, missing or runaway children.

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.*

Section 1 requires the BCI to establish and maintain a statewide system to:

Notify law enforcement of lost, missing, or runaway children reports;

Implement a data exchange system for disseminating to local and out-of-state law enforcement information to assist in recovery of such children. Exchange information regarding these children with the National Crime Information Center (NCIC); and

Notify law enforcement to enter lost, missing, or runaway children reports as soon as the minimum level of data specified is available to the reporting agency.

BCI is to provide prompt notification to the law enforcement agency or to families of receipt and entry of the child's report. This bill allows the family of the missing child to submit a report to BCI to include in the database of information and transmit the information to the NCIC if the family is unable to receive law enforcement agency services.

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.*

Expenditures reflect the anticipated cost of the required state database system.

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.

Appropriations reflect the anticipated cost of the required state database system. No appropriation has been provided for this bill's fiscal impact.

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	01/10/2009

Date: 1/14/09
 Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES SB 2161
BILL/RESOLUTION NO.

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken **Pass** **Do Not Pass** **Amended**

Motion Made By Sen. Nelson Seconded By Sen. Lyson

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) _____

Absent _____

Floor Assignment Senator Nelson

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

REPORT OF STANDING COMMITTEE

SB 2161: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2161 was placed on the
Eleventh order on the calendar.

2009 SENATE APPROPRIATIONS

SB 2161

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2161

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01-22-09

Recorder Job Number: 7620

Committee Clerk Signature

Minutes:

Chairman Holmberg opened the hearing at 3:16 pm in regards to SB 2161 relating to lost, missing or runaway children.

Mike Link, Director, State Radio

Mike Link stated that the appropriations had been pulled on SB 2161 because of a policy issue.

Tammy Dolan, Fiscal Analyst reported that the fiscal note shows 0 dollars. They've pulled the appropriations on this bill.

V. Chair Bowman: It's a bill without a purpose?

Mike Link said it's a duty change? There must be a miscommunication between the office of state radio and the attorney general's office. We have since consulted on that and the fiscal note that was attached to this originally has come down to zero where you see no additional funding for this bill.

V. Chair Bowman asked about the cost of the original note.

Senator Mathern asked if he had a suggestion as to which committee should hear this policy issue.

Chairman Holmberg said it was heard – by the judiciary.

Senator Fischer suggested they send it back to the judiciary committee.

Chairman Holmberg: First we need to hear all of the testimony. That would assume to be the route to go because they have to carry it. Any additional questions? Anyone else that needs to testify? If not, we'll take a motion to whatever you want to do and refer it back to the judiciary committee for their work because we'd have a new fiscal note.

Senator Christmann questioned if we should pass the bill without knowing what it does or what's in it and if it's proper to pass it out of here without committee recommendations and then rely on the judiciary recommendations? We could give it a DO PASS, but we don't know what's in it.

Senator Robinson asked if there is an option within this committee to refer it back to the judiciary committee without a vote because it doesn't belong here.

Chairman Holmberg: No, it belongs here because I had the original fiscal note and was asked for a fiscal review and I said yes. And now we have a new fiscal note.....

Senator Robinson: That's my point. It needs to be with the note – Yes. But now without the note.....

Chairman Holmberg: But there is a note. It just says there no fiscal impact. We can wait until tomorrow to resolve it.

V. Chair Grindberg: If we kill it we'll certainly learn about it.

Senator Krebsbach: The fiscal note says it has been referred to the judiciary.

Chairman Holmberg: It was re-referred. They had a hearing on the 6th and it was reported out of committee on the 15th. Then the new fiscal note is the 22nd. We have now had a hearing on it. We've had a hearing. I'll get back to you tomorrow.

Senator Mathern: Let's move it back without committee recommendation.

Senator Krebsbach: Let them explain it.

Bill/Resolution No. SB 2161

Hearing Date: 01-22-09

Chairman Holmberg: Let them explain it? If we put a DO NOT PASS on it, we would carry it. If we put a DO PASS on it, they have to carry it. I don't know what happens without committee recommendation. We'll find out tomorrow, we have a little time.

Chairman Holmberg closed the hearing on SB 2161.

Unable to locate
any further information
on this bill.

2009 HOUSE JUDICIARY

SB 2161

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2161

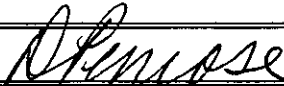
House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/9/09

Recorder Job Number: 10423, 10428

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on SB 2161.

Mike Lynk, Director, Division of State Radio, Dept. of Emergency Services: Sponsor, support (attachment).

Rep. Delmore: Usually we don't remove parts of bills until we are sure that the other bill has been passed. You are asking us to take out parts of SB 2163 and insert parts of this bill.

What happens if that bill doesn't pass?

Mike Lynk: SB 2163 was a Do Pass in the House side.

Rep. Delmore: It has to be voted on the Floor and needs the Governor's signature before it becomes law. I'd be very curious why the Senate didn't include these amendments, because they can actually put forth amendments on the Floor of the Senate.

Mike Lynk: What happened on the Senate side, was that they passed the Bill on the Floor before they received the amendments. Legislative Council was preparing the amendments, and so the Senate didn't see the amendment before they passed the bill on the Floor. They have since done an engrossed version of SB 2163 on the Senate side, and that has been attached as part of this testimony.

Rep. Delmore: This is the version that you would like us to pass out is the engrossed bill that we passed out.

Mike Lynk: The engrossed bill with the changes that I've mentioned today, the amendments taking that section from 21-61 and deleting that section that went to section 37.

Rep. Klemin: Just to make sure that I am on the same page as you are, that second amendment where we are repealing this other section, in section 3 of this bill, is that also in SB 2163, the repealer.

Mike Lynk: Yes, I believe so. On your copy of the engrossed version of SB 2163 that I passed out, on the last line it takes out the section after chapter 54-23.2.

Rep. Klemin: On page 4, of 2163 is that where you are looking.

Mike Lynk: Line 25, page 4, chapter 54-23.2.

Rep. Klemin: The whole chapter is being repealed. So in the bill we have before us this morning, why are we just repealing two sections, if in the other bill they are repealing the whole chapter.

Mike Lynk: This was an effort to move part of the bill 2161 to 2163, which is under the Division of State Radio. We wanted to move the remaining portions, that were investigative portions in 2161 to the Bureau of Criminal Investigations.

Rep. Klemin: The way I understand it, if two bills do exactly the same thing, no harm done; unless the changes are different then they would have to be reconciled. I think Rep. Delmore's point is, you don't take out the section 2 of 2161 like you're suggesting we do, it's kind of like so what. If it's taken out in 2163 and taken out in 2161 and they are both exactly the same thing, it doesn't affect anything. But if we take it out here and 2163 doesn't pass, then there is a big difference. My question goes to section 3 of SB 2161, the one before us this morning. In this bill, it repeals two sections in chapter 54-23.2. Whereas in SB 2163, it repeals the whole

chapter. I don't know how many sections are in that chapter, but why if we were to reconcile these two bills, wouldn't we want to repeal the whole chapter in SB 2161.

Mike Lynk: I do see your point. Our intent is to reconcile these two bills. Our intent is that the bill in front of you today, SB 2161 minus the amendments that I've suggested, in section 2 and section 3, that are in SB 2163, need to be removed from SB 2161. The remaining portion of that needs to stay with the Bureau of Criminal Investigations. The remaining portion of SB 2161 is the investigative part and goes to BCI.

Rep. Griffin: So in section 3, we are switching it to the 04.1.

Mike Lynk: Yes.

Rep. Griffin: My question is why we would keep that in if we are pulling apart that section. If you are pulling that section out, why aren't you pulling it out of this bill.

Mike Lynk: Maybe this will make it clear. Some of the intent of SB 2163 is to reconcile the duties of the office of the Division of Emergency Services. If you look at the top of SB 2163, the engrossed bill, we are changing the section of 54-23.2 to section 37-17.3. So we want the portion that we are moving to SB 2163, we want to repeal 54-23 because that reconciles all the sections that pertain to the Division of Emergency Services; the two chapters of 37. I hope that clarifies some of your questions.

Chairman DeKrey: Who put this together.

Mike Lynk: Michelle, the Adjutant General's desk.

Chairman DeKrey: We will recess the hearing.

Ch. DeKrey: We will reopen the hearing on SB 2161. Further testimony in support of SB 2161. Testimony in opposition or neutral. We will close the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2161

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/17/09

Recorder Job Number: 11092, 11095

Committee Clerk Signature

Delmore

Minutes:

Chairman DeKrey: We will take more information on SB 2161.

Mike Lynk, Director, State Radio: Thank you for taking additional information on SB 2161.

SB 2163 has passed. The provision that was an issue last week was 54-23.2, on line 14,

section 2 repealed that whole chapter. In SB 2161 there was language that repealed just the section. Since the passing of SB 2163 I met yesterday with Ken Sorenson from the AG's office, to make some amendments for SB 2161, which I hope will clarify the issue from last week.

Chairman DeKrey: Thank you.

Ken Sorenson, Attorney General's Office: (attachment/amendments to SB 2161). The language in SB 2161 removes section 2 and 3, as unnecessary.

Rep. Delmore: Does this bill contain the definitions and procedures that are needed to put this in place.

Ken Sorenson: Yes.

Chairman DeKrey: Thank you. We will close the meeting.

(Reopened later in the same session).

Rep. Delmore: I move the amendments of Ken Sorenson.

Rep. Wolf: Second.

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

What are the committee's wishes?

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

Rep. Wolf: Second.

11 YES 0 NO 2 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Wolf

VR
3/17/09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2161

Page 1, line 2, replace "; to amend and reenact section" with a period

Page 1, remove lines 3 through 5

Page 4, remove lines 13 through 30

Page 5, remove lines 1 through 23

Renumber accordingly

Date: 3/17/09
 Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2161

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. Delmore Seconded By Rep. Wolf

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

Total (Yes) 11 No 0

Absent 2

Floor Carrier: Rep. Wolf

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

REPORT OF STANDING COMMITTEE

SB 2161: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2161 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; to amend and reenact section" with a period

Page 1, remove lines 3 through 5

Page 4, remove lines 13 through 30

Page 5, remove lines 1 through 23

Renumber accordingly

2009 SENATE JUDICIARY

CONFERENCE COMMITTEE

SB 2161

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB2161

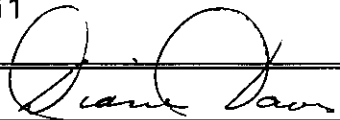
Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 4/22/09

Recorder Job Number: 12111

Committee Clerk Signature



Minutes:

Senator Lyson, Chairman

Representative Klemin

Senator Olafson

Representative Koppelman

Senator Schneider

Representative Wolf

Senator Lyson asks Representative Klemin to explain the changes made by the House.

Rep. Klemin states that the Director of State Radio, Mike Link, along with Ken Sorenson from the Attorney General's office, came in and gave them a proposed amendment to delete sections 2 and 3 out of the bill because they are covered by SB2163. The House agreed and that is what is before us. Senator Olafson moves the Senate accede to the House amendments, Senator Schneider seconds.

Roll call vote – 6 yes, 0 no,

Senator Lyson will carry

Date: 4/22/09

Roll Call Vote #: 1

2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB2161 as (re) engrossed

Senate _____ Judiciary _____ Committee

Check here for **Conference Committee**

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House Amendments
 - HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ pages(s) 891 -- _____

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.

Motion Made By Sen. Olafson Seconded By Sen. Schneider

Senators				Representatives			
		Y e s	N o			Y e s	N o
Senator Lyson-Chair	X	X		Rep. Klemin	X	X	
Senator Olafson	X	X		Rep. Koppelman	X	X	
Senator Nelson	X	X		Rep. Wolf	X	X	
Sen. Schneider	X	X					

Vote Count 6 Yes 0 No _____ Absent

Senate Carrier Sen. Lyson House Carrier _____

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

REPORT OF CONFERENCE COMMITTEE

SB 2161: Your conference committee (Sens. Lyson, Olafson, Schneider and Reps. Klemin, Koppelman, Wolf) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 891 and place SB 2161 on the Seventh order.

SB 2161 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

SB 2161

TESTIMONY - SB 2161
SENATE COMMITTEE – JUDICIARY
JANUARY 14, 2009
BY GREG WILZ
DEPUTY DIRECTOR, DEPARTMENT OF EMERGENCY SERVICES

Mr. 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 relating to SB 2161 authored by the Office of the Attorney General.

SB 2161 essentially transfers responsibility for lost, missing, and runaway children to the Bureau of Criminal Investigation (BCI). The following three reasons explain why it is paramount to rest responsibility with the Bureau.

- 1) Bureau personnel have investigative authority; State Radio staff does not.
- 2) The time sensitive issues involved are solved more readily through law enforcement.
- 3) BCI in concert with Highway Patrol serves as the lead state agency for issuing Amber Alerts. State Radio and the State Emergency Operations Center provide the means and methods for the alerts.

I ask for your support of SB 2161 and that committee members consider one change. Because SB 2163 transfers the remaining language in 54-23.2 to 37-17.3, I request that the remaining section to be re-enacted under 54-23.2-04.1 is re-enacted under 37-17.3-10 and appended to HB 2163.

Thank you, I will try to answer any questions you may have.

January 14, 2009

From: JoAnn Brager, Vice President – West River Head Start

To: Chairperson Nething and Judiciary Committee

RE: SB 2161

My name is JoAnn Brager and I am the Vice President of West River Head Start serving 168 children and their families in 7 centers located through out four counties – Grant, Mercer, Morton, and Oliver.

Head Start provides comprehensive services to children and families with low income (family of four at or below the Federal Poverty Guidelines of \$21,200 annual gross income) or other criteria that puts them at risk for future school success. The Head Start Act of 2007 mandates that Head Start programs find and enroll children who are homeless. State-wide, Head Start programs serve 3,353 children and families. In the Fargo area, Head Start serves a significant number of children and families who are immigrants.

30% of the children enrolled in WRHS receive special education services through the local public school district. 75% of the children attend another child care before and/or after Head Start. Most of the children have siblings. Almost all of the 168 children are enrolled simultaneously in at least two programs that SB 2161 would require to have certified proof of identity. Approximately 30% would have to have three certified copies of birth certificates.

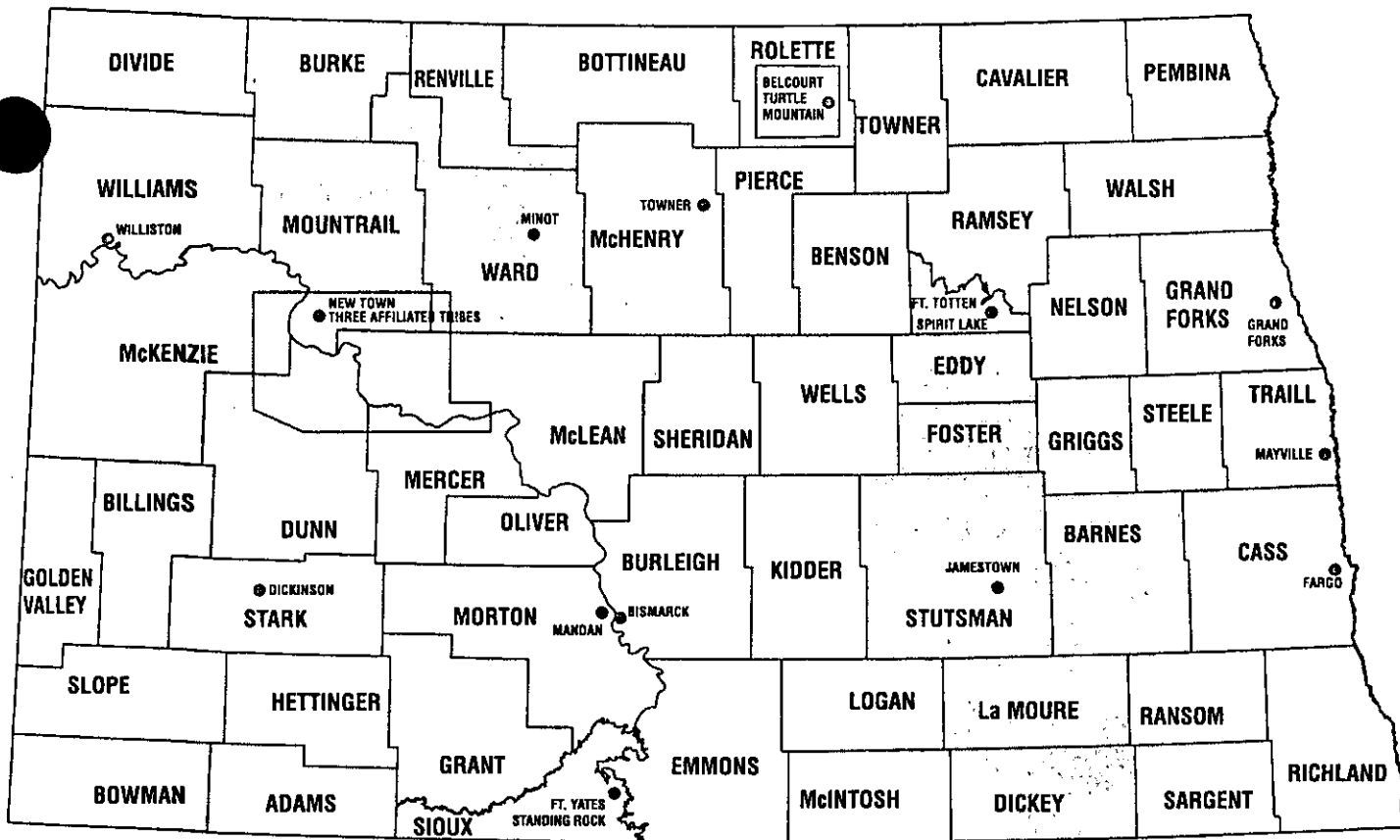
SB 2161 would require families to pay for certified copies of birth certificates to be kept in each file for each child in each of the schools or child care programs where they are enrolled. For my families that have five children, that may mean as many as ten (10) or more certified proof of identity. At a cost of \$10 per copy, a family would need to pay a minimum of \$100 in order to not have their children reported as lost, missing or runaway children. I believe this bill would put an undo financial hardship on those families.

Thank you for your time this morning. I would be happy to answer any questions you may have.

NORTH DAKOTA HEAD START SITES, January 2009

Funded Enrollment: 2,932 Children

Attachment 3
SB2161



● Head Start Sites Reservations
 □ Unserved counties Rolette Served

	Address/PO Box	City/State/Zip	Phone	Fax	Number of Head Start Children
Julie Quamme	420 University Ave. • PO Box 1407	Williston, ND 58802	(701) 572-2346	(701) 572-0494	115
Sara Young Bird	509 9th Street North	New Town, ND 58763	(701) 627-4820	(701) 627-4401	163
Cheryl Ekblad	2815 Burdick Expressway East	Minot, ND 58702	(701) 857-4688	(701) 857-4517	270
Jennifer Ramey	CAP Bldg Hwy 5 W. • PO Box 900	Belcourt, ND 58316	(701) 477-0260	(701) 477-8597	330
Allison Driessen	701 Main Street North	Towner, ND 58788	(701) 537-5409	(701) 537-5312	216
Beverly Graywater	723 3RD Avenue • PO BOX 89	Fort Totten, ND 58335	(701) 766-4070	(701) 766-1357	100
(Cookie) Priscilla Mitchell	3600 6th Avenue North	Grand Forks, ND 58203	(701) 746-2433 Ext. *8-12	(701) 746-2450	343
Allison Johnson	330 3rd Street North East	Mayville, ND 58257	(701) 788-4868	(701) 788-4781	80
Scott Burtsfield	3233 South University Drive	Fargo, ND 58104	(701) 235-8931	(701) 298-7622	309
Sharon Hansen	107 3rd Avenue South East	Dickinson, ND 58601	(701) 227-3010	(701) 225-1968	152
JoAnn Brager	1402 2nd Street North West	Mandan, ND 58554	(701) 663-0379 Ext. 168	(701) 663-9643	168
Carmelita Bear Ribbs	200 Proposal Avenue • PO Box 473	Fort Yates, ND 58537	(701) 854-7250	(701) 854-7257	257
Laurel Nybo	720 N. 14th Street	Bismarck, ND 58501	(701) 323-4400	(701) 250-0450	231
my Hoggarth	1411 12th Ave. N.E. • PO Box 507	Jamestown, ND 58402	(701) 252-1821	(701) 252-7108	198

North Dakota Department of Human Services
Children and Family Services Division
 State Capitol-Judicial Wing
 Phone: 701-328-1711
 Fax: 701-328-3538

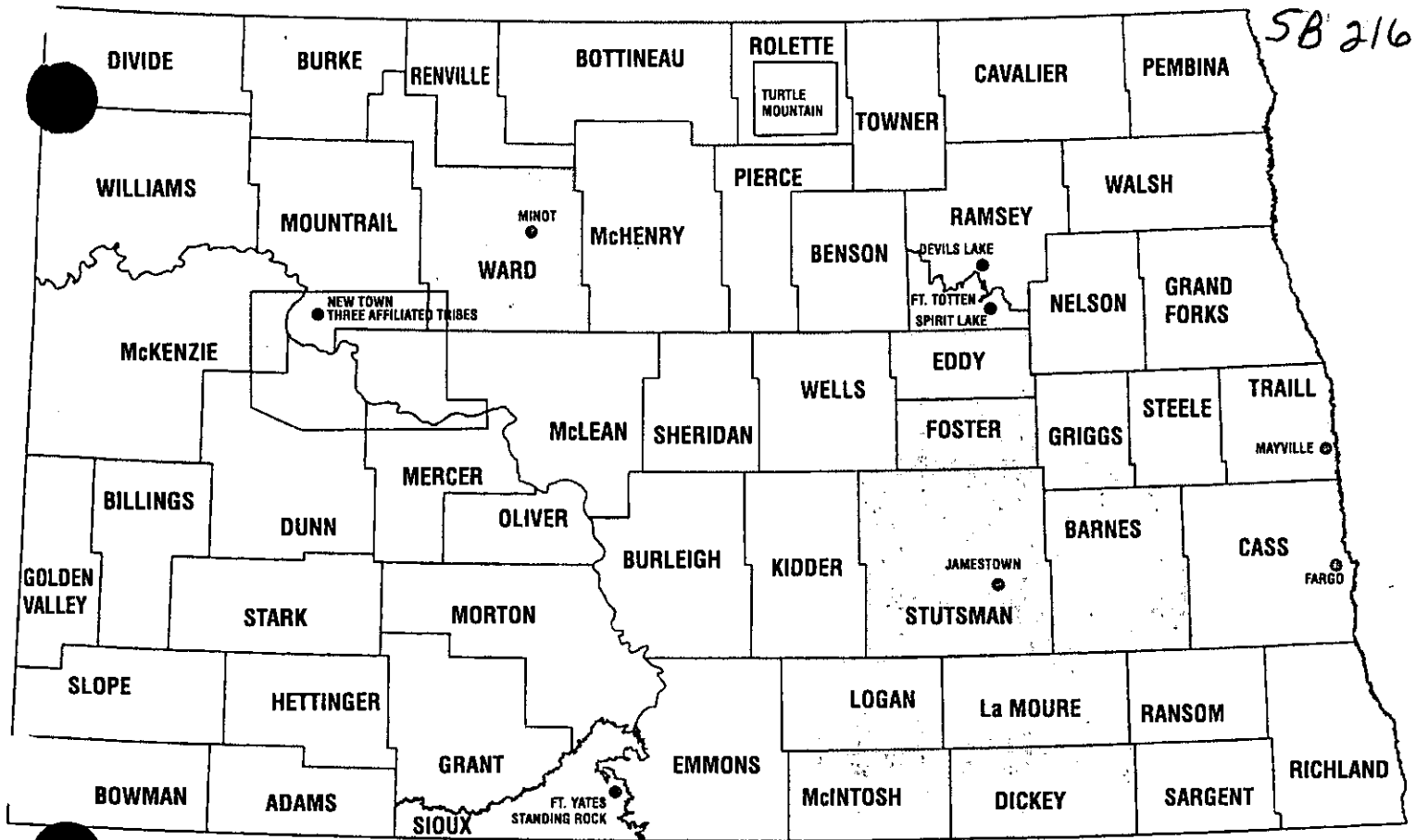
Head Start - State Collaboration Office
 Linda Rorman ~ Administrator
 Email: lrorman@nd.gov
 600 East Boulevard Avenue, Dept. 325
 Bismarck, ND 58505-0250

For more information please visit our website at: www.nd.gov/dhs/services/childfamily/headstart/sites.html

**NORTH DAKOTA EARLY HEAD START SITES, JANUARY 2009
FUNDED ENROLLMENT: 421 INFANTS, TODDLERS, AND PREGNANT WOMEN**

Attachment 4

SB 2161



● Head Start Sites Reservations
□ Unserved counties Rolette Served

**Number of
Early Head
Start Infants,
Toddlers,
and Pregnant
Women**

	Address/PO Box	City/State/Zip	Phone	Fax	
Cheryl Ekblad	2815 Burdick Expressway East	Minot, ND 58702	(701) 857-4688	(701) 857-4517	85
Allison Driessen	1401 College Drive North	Devils Lake, ND 58301	(701) 665-4431	(701) 665-4442	50
Beverly Graywater	723 3rd Avenue	Fort Totten, ND 58335	(701) 766-4070	(701) 766-1357	75
Allison Johnson	330 3rd Street North East	Mayville, ND 58257	(701) 788-4868	(701) 788-4781	40
Scott Burtfield	3233 South University Drive	Fargo, ND 58104	(701) 235-8931	(701) 298-7622	60
Carmelita Bear Ribbs	200 Proposal Avenue • PO Box 473	Fort Yates, ND 58537	(701) 854-7562	(701) 854-7566	75
Tammy Hoggarth	1411 12th Ave N.E. • PO Box 507	Jamestown, ND 58402	(701) 252-1821	(701) 252-7108	36

**North Dakota Department of Human Services
Children and Family Services Division**

State Capitol-Judicial Wing
Phone: 701-328-1711
Fax: 701-328-3538

Head Start - State Collaboration Office

Linda Rorman ~ Administrator
Email: lrorman@nd.gov

600 East Boulevard Avenue, Dept. 325
Bismarck, ND 58505-0250

TESTIMONY - SB 2161
HOUSE COMMITTEE – JUDICIARY
MARCH 9, 2009
BY MIKE LYNK
DIRECTOR, DIVISION OF STATE RADIO
DEPARTMENT OF EMERGENCY SERVICES

Mr. Chairman and members of the committee, my name is Mike Lynk. I am the Director of the Division of State Radio, Department of Emergency Services (NDDDES). My intent is to provide information relating to SB 2161 authored by the Office of the Attorney General.

SB 2161 essentially transfers responsibility for lost, missing, and runaway children to the Bureau of Criminal Investigation (BCI). The following three reasons explain why it is paramount to rest responsibility with the Bureau.

- 1) Bureau personnel have investigative authority; State Radio staff does not.
- 2) The time sensitive issues involved are solved more readily through law enforcement.
- 3) BCI in concert with Highway Patrol serves as the lead state agency for issuing Amber Alerts. State Radio and the State Emergency Operations Center provide the means and methods for the alerts.

I ask this committee to consider the attached amendments that were submitted at the request of the Senate Committee. Prior to receiving those amendments, members inadvertently passed the bill. I will address them now. I have also attached a copy of Engrossed SB2163 (including proposed amendments omitted by Legislative Council) that moves the remaining section dealing with lost or missing persons to Chapter 37-17.3-10.

Thank you, I will try to answer any questions you may have.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2161

Page 4, remove lines 13 through 30

Page 5, remove lines 1 through 21

Page 5, line 22, after the second period insert "Sections 54-23.2.04.1 and" and remove "Section"

Renumber accordingly

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2163

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to create and enact chapter 37-17.3 of the North Dakota Century Code,
2 relating to the state radio broadcasting system; and to repeal chapter 54-23.2 of the North
3 Dakota Century Code, relating to the state radio broadcasting system.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Chapter 37-17.3 of the North Dakota Century Code is created and
6 enacted as follows:

7 **37-17.3-01. Definitions.** As used in this chapter, unless the context otherwise
8 requires:

- 9 1. "Director" means the director of the division of state radio.
- 10 2. "Division" means the division of state radio of the department of emergency
11 services.
- 12 3. "Mobile radio" means a radio capable of transmitting eleven watts or greater.
- 13 4. "System" means the state radio broadcasting system consisting of the state radio
14 network and North Dakota telecommunications system that may be employed to
15 enhance interoperable communications that promotes officer and citizen safety.

16 **37-17.3-02. State radio broadcasting system.** The director may purchase the
17 necessary apparatus and equipment to construct or establish a radio broadcasting system for
18 this state that enables seamless interoperable communications from local, state, and federal
19 levels. The director is charged with the operation and maintenance of the system.

20 **37-17.3-03. Political subdivisions may furnish receiving and transmitting sets for**
21 **enforcement purposes.** Each county and organized city within the state may furnish to its law
22 enforcement, firefighters, and emergency medical personnel the appropriate radio or radio
23 systems that can access the state radio system. Each mobile radio that is programmed to
24 access the state radio system must be registered with the division of state radio and assigned a

1 unit number. A one-time fee of ten dollars for registering and assigning unit numbers must be
2 paid to the director on all newly added radios by the appropriate governmental entity. Agencies
3 with registered radios must validate assigned unit numbers annually.

4 **37-17.3-04. Broadcasting dispatches - Reports required.** The director shall
5 broadcast all dispatches and reports submitted which have a reasonable relation to or
6 connection with the apprehension of criminals, the prevention of crimes, or the maintenance of
7 peace and order in the state, including disaster emergency services.

8 **37-17.3-05. Emergency service for certain messages.** Every telephone company
9 and company providing communications equipment operating within this state shall provide
10 emergency service to all messages or calls directed to any station of the system.

11 **37-17.3-06. Official use of radio equipment on private automobiles prohibited**
12 **without permit.** No person may equip or use in a privately-owned automobile or any other
13 motor vehicle a mobile two-way radio equipped for transmitting and receiving on any frequency
14 authorized for first responder use in the state of North Dakota. This section does not apply to
15 the use of a two-way citizens' band radio, a two-way business radio, or a two-way amateur
16 radio in an automobile or any other motor vehicle.

17 **37-17.3-07. Maintenance of radio system - Personnel, equipment, and expense.**
18 The director may employ such radio operators and assistants and such radio equipment as the
19 director may deem necessary to carry out the provisions of this chapter and shall fix the
20 compensation of such personnel. The cost of maintenance and operation of the system and all
21 shortwave length radio receiving and transmitting sets owned or operated by the state must be
22 paid out of the appropriation for this purpose.

23 **37-17.3-08. State radio system and service fees.** The director shall establish the
24 appropriate fees for access to the state radio system and the service provided to local
25 government users of the mobile data terminal system and North Dakota law enforcement
26 telecommunications systems and other such systems that may be employed that enhance
27 public safety. Changes to fees charged by the division, including schedule of charges for
28 counties and cities, will take effect on July first. The director shall announce any fee increases
29 a minimum of one year prior to the effective date. When the director considers an adjustment,
30 as a part of the process the director shall consult with representatives of state and local units of
31 government prior to setting fees. The director may consider economic conditions and the

1 general economy when setting fees. The director shall deposit all revenue obtained under this
2 chapter with the state treasurer for deposit in the state radio broadcasting system operating
3 account. The state radio broadcasting system operating account must be expended pursuant
4 to legislative appropriation for the operation and maintenance of the system. Fee structures will
5 include:

6 1. Mobile data terminal fees. The division shall establish and charge fees to provide
7 mobile data terminal service to interested local law enforcement agencies. The
8 fees must be based on actual costs incurred by the division for providing the
9 service and will be levied on a per system user basis. State general fund agencies
10 that access the system will not incur any fees for the service.

11 2. Each county and city law enforcement department that accesses the North Dakota
12 teletype system shall pay a fee based upon fifty percent of the actual costs
13 incurred by the division for providing the service. Fees will be levied on a per
14 terminal basis. Other law enforcement affiliated organizations and federal
15 agencies will pay one hundred percent of the actual costs incurred by the division
16 for providing the service. Fees will be levied on a per terminal basis. State
17 general fund agencies that access the system will not incur any fees for the
18 service. City and county law enforcement fees will be based on the following
19 schedule of charges per terminal:

20 a. County population of less than five thousand shall pay thirty dollars per
21 month.

22 b. County population of five thousand or more but less than ten thousand shall
23 pay sixty dollars per month.

24 c. County population of ten thousand or more but less than fifteen thousand
25 shall pay ninety dollars per month.

26 d. County population of fifteen thousand or more but less than twenty-five
27 thousand shall pay one hundred twenty dollars per month.

28 e. County population of twenty-five thousand or more shall pay one hundred
29 sixty dollars per month.

30 **37-17.3-09. Public safety answering point service and fees.** The division may
31 provide 911 services to a political subdivision with a population of fewer than twenty thousand

1 and shall charge the apportioned amount consistent with the actual costs of providing the
2 service per telephone access line and wireless access line for 911 services provided to political
3 subdivisions. The fee for 911 wireless services must be charged to and paid by the political
4 subdivision receiving services from the division under this section from and after the date of the
5 agreement entered into by the political subdivision or its designee under section 57-40.6-05,
6 whether the date of that agreement is before or after April 4, 2003. Each county currently
7 receiving 911 services from the division shall abide by the standards established by law.

8 **37-17.3-10. Lost or missing individuals.** The division shall:

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

25 **SECTION 2. REPEAL.** Chapter 54-23.2 of the North Dakota Century Code is
26 repealed.

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

PROPOSED AMENDMENT TO SENATE BILL NO. 2161

Page 1, line 2, remove “; to amend and reenact section”

Page 1, remove lines 3 and 4

Page 1, line 5, remove “procedures to aid in the identification and location of missing children”

Page 4, remove lines 13-30

Page 5, remove lines 1-23

Renumber accordingly.