



## **Information Technology Department**

600 E Boulevard Ave., Dept 112 • Bismarck, ND 58505-0100 • (701) 328-3190

June 10, 2010

### **Testimony in response to Administrative Rules Committee regarding the Criminal Justice Information Sharing Board in adopting rules published in the July 2010 supplement to the North Dakota Administrative Code.**

1) Whether the rules resulted from statutory changes made by the Legislative Assembly.

The rules did not result from statutory changes made by the Legislative Assembly.

2) Whether the rules are related to any federal statute or regulation.

The rules are not related to any federal statute or regulation.

3) A description of the rulemaking procedure followed in adopting the rules.

The Criminal Justice Information Sharing Board followed the rules set forth by the Office of Attorney General on establishing Administrative rules. The notice of intent of creating administrative rules was posted in North Dakota Newspaper Association two weeks prior to the public hearing. A public hearing was held on October 13, 2009. There were no participants from the public. The rules were filed with the Office of Attorney General. Approval was received by the Office of Attorney General and the rules were then filed with Legislative Council.

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4) Whether any person has presented a written or oral concern, objection, or complaint for agency consideration with regard to these rules

No comments were received.

5) The approximate cost of giving public notice and holding any hearing on the rules and the approximate cost of developing and adopting the rules.

The cost was \$1,730.54.

6) An explanation of the subject matter of the rules and the reasons for adopting those rules.



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The purpose of the proposed rule is to adopt Title 110 (pages 587-590) for the CJIS Board. The proposed rule addresses organization of CJIS, access of the CJIS Portal and confidentiality.

7) Whether a regulatory analysis was required by North Dakota Century Code (NDCC) Section 28-32-08 and whether that regulatory analysis was issued.

No regulatory analysis was required as the proposed rules are not expected to have an impact on the regulated community in excess of \$50,000, and neither the Governor nor any member of the Legislative Assembly requested a regulatory analysis.

8) Whether a regulatory analysis or economic impact statement of impact on small entities was required by NDCC Section 28-32-09.1 and whether that regulatory analysis or impact statement was issued.

This regulatory analysis or economic impact statement was not required as they will not have an impact.

9) Whether a constitutional takings assessment was prepared as required by NDCC Section 28-32-09.

The rules will not constitute a taking; therefore, not prepared.

10) If these rules were adopted as emergency rules (interim final) under NDCC Section 28-32-03, provide the statutory grounds from that section declaring the rules to be an emergency and the facts that support that declaration and provide a copy of the Governor approve the emerge status of the rules.

The rules were not adopted as emergency rules.

Prepared by:

Pam Schafer  
CJIS Director



Wayne Stenehjem  
ATTORNEY GENERAL

STATE OF NORTH DAKOTA  
**OFFICE OF ATTORNEY GENERAL**

STATE CAPITOL  
600 E BOULEVARD AVE DEPT 125  
BISMARCK, ND 58505-0040  
(701) 328-2210 FAX (701) 328-2226  
[www.ag.nd.gov](http://www.ag.nd.gov)

**OPINION**

**December 22, 2009**

Ms. Pam Schafer  
CJIS Director  
Information Technology Department  
600 E Boulevard Ave Dept 112  
Bismarck, ND 58501

Dear Ms. Schafer:

The Office of Attorney General has examined the proposed new N.D.A.C. title concerning the Criminal Justice Information Sharing Board, along with the notice of the proposed rules, the publication of that notice, and the filing of that notice with the Legislative Council. This office has also determined that 1) a written record of the agency's consideration of any comments to the proposed rules was not made because there were no comments, 2) a regulatory analysis was not issued or requested, 3) a takings assessment was not prepared, 4) a small entity regulatory analysis and an economic impact statement were prepared, and 5) the proposed rules are within the agency's statutory authority.

These administrative rules are in compliance with N.D.C.C. ch. 28-32 and are hereby approved as to their legality. Upon final adoption, these rules may be filed with the Legislative Council.

Sincerely,

Wayne Stenehjem  
Attorney General

eee/vkk

cc: John Walstad, Legislative Council