

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2415

2001 SENATE POLITICAL SUBDIVISIONS

SB 2415

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2415

Senate Political Subdivisions Committee

Conference Committee

Hearing Date February 8, 2001

Tape Number	Side A	Side B	Meter #
1	x		0.0-23.4
Committee Clerk Signature <i>Mary Jo Wocken</i>			

Minutes:

The hearing was opened on SB2415. All present in attendance.

SENATOR LYSON assumed the chair for Senator Cook on SB2415, relating to 911 data base.

SENATOR FISCHER: Introduced SB2415, and also was sponsor of this bill. This bill deals with the 911 data base and releasing the information to county treasurers and auditors for the purpose of updating their data bases as far as sending out tax statements and other public notices which they have a return rate on. Within 24 hours after the service is ordered, that 911 receives that name and address. The proposal here also includes some amendments to hand out, to clarify the bill. I was uncomfortable with the language and had the amendments drawn up yesterday. What it does is takes all of the telephone numbers off, so they are all taken off the data base, as well as any unpublished telephone numbers because for safety reasons, issues with domestic violence, and its unpublished number, all of that data is eliminated. Only telephone numbers that would be available within 6-8 months anyway, because of the publications that would be transferred to the

auditor and the treasurer. That's the simplicity of the bill. SENATOR WATNE: Would you explain to me the safety answering code box. I don't quite understand the way this works.

SENATOR FISCHER: I think that's the entire name. There is someone that has dealt with the 911 system for many years and probably could explain that a little bit better, but I believe that it is the 911 system. That's what it is called. JIM MCKAY: My expertise in this field is that I was on the first governors 911 advisory board for 2 years. I worked as a hobby and addressed Grand Forks County as a hobby. In 1992, it was the best hobby I ever had. The reason for this bill the way it is written, not one had access to that data base which the taxpayer built. The PSAP is a Public Service Answering Point, that is where the data that comes up in the screen when your phone call comes in from 911 and flashes on the screen and gives the name and address and phone numbers from a location. That what that is. The reason that we wrote this bill and it was original standards and guidelines, that we protected, in those days, we didn't realize that we could give a list without giving the full name, address and phone number. Today with computers the way they are run, you can take that field out, no one is exposed to that telephone number. The telephone number is the property of the telephone company, people pay to have their telephone numbers unlisted, and unpublished. We don't want to infringe on that whatsoever. As an example of the, the Cas County treasurer each year spends between \$600-900 for return tax statements. They then have to return the tax statement back, they spend a lot of time researching where it was supposed to have gone. Here sits a data base that they can't touch. It is the most current base you could possibly have. By doing this it gives them the chance to save that money, get the right addresses when this comes back. The other problem is in the treasurers office if they can't get this tax statement out in time, it comes back then April when he finally gets the tax statement to the person who should've had it, they have missed their 5% discount. This is a

simple statement. Let's take the telephone numbers out, we don't want those anywhere. Leave that in the data base where it belongs, just let the county auditor and or treasurer have access to the names and addresses. SENATOR POLOVITZ: What am I understand, your eliminating all telephone numbers on the screen? JIM MCKAY: No, any of it would come down, that could be used by the auditor or treasurer. Telephone numbers stay in PSAP. SENATOR POLOVITZ: Ok. JIM MCKAY: It's just the spin off. We're just going to use a few, going into the computer to pick out the field, we just bring out the field as a spin off, then come back to go to the treasurer. That we give to them on a hard copy on a disk. SENATOR POLOVITZ: All of the public safety answering points may not provide any information for unpublished telephone numbers? What your saying here though your not limiting the coverage of response to that telephone call, by eliminating this. JIM MCKAY: No, we haven't changed anything in the data base. That unlisted number is in the database. SENATOR POLOVITZ: That's what I wanted to know. JIM McCoy: We're not going to be exposed to it because of the fact that it is private. The telephone company owns the telephone number. We're not asking for those at all. That's there. SENATOR LYSON: It says that no information will be provided not even the mane is going to come over saying this man is in the computer or in the database. But when it goes to the treasurer or auditor. I understand why the address and telephone number shouldn't be there but, my thought would be, this may be the point to start looking at a better way of selecting jury people an so on. That's what I'm wondering what is going to be sent over to the auditor? I know the telephone number is not. JIM MCKAY: Technically, the best way, if I were an auditor. I would know the tax statement says that this is the address and it comes back. Now, where is it? Now they have got a base that is absolutely current. Maybe the person moved in the last week. Within 24 hours that database is upgraded, that is the way the system works, so it is the most current. I don't think

they are going to go through and re-address everything from the list they have. They would have to tweak it a little bit, make sure it is up to date. SENATOR LYSON: I guess my question then, would be, you talked about the domestic violence people. The address is going to go over there, do we need anything in here to keep this thing private from other people? JIM MCKAY: Let's use domestic violence for an example, this the nothing but a telephone book without the telephone numbers. That name is already there. SENATOR LYSON: But I am asking about addresses? JIM MCKAY: The addresses are still in the phone book too. SENATOR LYSON: If there is an unlisted telephone number? JIM MCKAY: No, were not going to get that one. SENATOR LYSON: You get nothing from them? Not even the name? JIM MCKAY: Nope. That's going to fall off, because that's the way we originally set it up. This is getting a little deeper. We couldn't even get the telephone numbers for pay phones to begin with. SENATOR FLAKOLL: Procedurally, how will this go in terms, I would envision that, those that have the original 911 information as far a transferring into the offices, does it happen weekly. I would envision that it would happen every time somebody changes there address. Who pays for some of these? I can see it happening monthly, or? JIM MCKAY: Let's say the auditor has to have an address. She could call up, and ask them what is the address of the person, where it is now she can't. They can bring it up on the screen to get the address. As far as getting a print out, I wouldn't suggest that except for once a year, if they didn't want that. Is available, it would be like an information center for them. SENATOR FLAKOLL: When this information is, if I moved, if I call up the phone company and say what do you have for an address on so forth and so on, Casselton,ND? JIM MCKAY: When you move across the street there is a job ticket written and within 24 hours that is in the database of the telephone company. The address that you left stayed there, the only thing that moved was your name, and your telephone number. That

would be the only change in the database. SENATOR FLAKOLL: We're not giving the city any more information that they could find when they called the phone company anyway. Is that correct? JIM MCKAY: No, No. Problem is the telephone directory that people use is out of date. SENATOR MATHERN: The privacy of the records in the county treasurer and auditor office. Can they give that information to anybody? JIM MCKAY: What would they do with it? I don't know, actually all it is, is the same as the telephone directory and for privacy without the telephone numbers. The secret is without the telephone number. SENATOR WATNE: You say that there is probably never would be a printed out list that they would be able to call when they have a specific name, and this bill say that ' they shall provide the information'. Why doesn't it say then, when requested? JIM MCKAY: I think, what happened is that this is the original bill of the 911 committee to go deep to rip it up. If I were going to be this, then I would be the county auditor or treasurer, I would ask for that list on a disk in November, so that I could check it across, that will be mailing in December. I would only want it once a year. That's all I would want. SENATOR POLOVITZ: What is the bottom line on this? JIM MCKAY: One, it doesn't cost you anything. SENATOR POLOVITZ: I wouldn't worry about that. JIM MCKAY: Fiscal isn't there, its the fact that your going to save the taxpayers money. They pay for those in this database. JIM MCKAY: Fiscal isn't there, it's the fact that your going to save the taxpayers money. They pay for those in this database. Now let the county employees use it to save their time and money. Top line. That's what it would be. GREG SUND: Neutral, Administrator of Dickinson. It was mentioned that the phone books are out of date, so it doesn't provide a reliable source of information, but this only requires the phone company to provide this information on an annual basis. So it would be no more current that the phone book. Also, the last line of this bill, doesn't the public service answering point can't give out the information but it does, but

once you give the information to the other entities, they are not limited in giving it out. So it is subject to open record. I don't know what or if you intended a limitation on there or not.

SENATOR LYSON: I think when I was listening to this, I think the database is updated

immediately upon the telephone getting the information when they moved or something. That

database in your 911 system within hours. GREG SUND: So, where it says an annual basis, that

doesn't mean anything? SENATOR LYSON: I think from what I understood, that was they

meant extend them a printed list. GREG SUND: Okay. SENATOR LYSON: One time, a year.

GREG SUND: I just wasn't sure if that was real clear, that, once something gets out of the hands

of the public safety people, it is public information. This is only affecting one branch. I don't

know where I exactly stand on this bill. whether it is a pro or a con.

Closed Hearing on SB2415

Discussion was help by Committee members.

February 9, 2001 Tape 1, Slide B, Meter # 6.4-13.8)

Discussion was held among the committee members.

SENATOR COOK: Does everyone have the amendments? What do they do? SENATOR LEE:

Starting on Line 19, where the underlining begins, "in addition a public safety answering point

shall provide name and address but not telephone number information in the database to the

county treasurer and the auditor of the county, in which the public safety answering point is

located for the purpose of verifying and correcting names and address used for official purposes.

From these two the public answering point may not be used or disclosed to the public service

answering point or to their state employees for any other purpose except under a court order". It

may not provide any information for non public cell phone number if not otherwise provided.

However, the public safety answering point may not provide any information for a unpublished

2-9-01

telephone number if not otherwise provided. The information furnished to the public answering point may not be used or disclosed by the public service answering point or its agents or employees for any other purpose except under a court order. They can't tell you anything about an unpublished number. SENATOR COOK: Okay, that provides the confidentiality or security that we were had concerns about. Are we comfortable with annual? SENATOR LEE: No. SENATOR COOK: These amendments don't change, that do they? SENATOR MATHERN: I would just move that we strike" on a annual basis to allow the opportunity to provide it on a more timely basis," for an amendment. SENATOR COOK: Committee, you. SENATOR FLAKOLL: Can you restate that please? SENATOR MATHERN: I'm moving that we just add an additional amendment striking on Line 8, the four words, "on a annual basis" , and my reasoning behind that is to allow the telecommunications company to provide that information on a more timely basis. More often, if necessary. SENATOR COOK: Senator Mathern, I heard a motion there? Did I hear you say, that you wanted to do that along with moving these amendments? SENATOR MATHERN: Yes. SENATOR COOK: That's what I thought. SENATOR FLAKOLL: 2nd. SENATOR WATNE: You did discuss at one point whether to add," this is a blank, open, you know they would do it every day, every month, whatever. On the second section I am talking about now, getting that information to the treasurer and auditor. We did discuss putting in there "when requested" so that they don't feel they have to send them a whole list of everybody all the time. But when the people, need it, the information, they could get it. If they wanted the disc, fine they could get it, or if they had ten letters come back with bad addresses, they could send or call for the most information, the most current information. Because now it doesn't tell if its the disc in November or a, by taking this out. So, to be free to have it at any time. We talked about putting in on Line 20, the answering point shall provide

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Senate Political Subdivisions Committee

Bill/Resolution Number SB2415

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information when requested. That would really free it up. I just throw that out for discussion if we're talking about amendments. SENATOR WATNE: I 'm wondering if we don't accomplish that right now. I hear what your saying and I agree with you, but I think as written it does accomplish that if it says it "shall". SENATOR LYSON: I agree with you. I think it accomplishes it right now, and to put that in there, I think may give a signal to some people that may want to abuse this for personal information or whatever. More of an opportunity to do so. I think they can do it right now

Motion a Do Pass on amendments- Senator Mathern

Senator Flakoll- 2nd

Roll call vote: 7 Yes 0 No 1 Absent

Do Pass as Amended Senator Lyson

Senator Mathern- 2nd

Roll call vote: 7 Yes, 0 No, 1 Absent

Carrier: Senator Lyson

10767.0101
Title.

Prepared by the Legislative Council staff for
Senator Fischer
February 7, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2415

Page 1, line 19, replace "A" with "In addition, a"

Page 1, line 20, after "provide" insert "name and address, but not telephone number."

Page 1, line 22, overstrike "The" and insert immediately thereafter "However, the public safety answering point may not provide any information for an unpublished telephone number. If not otherwise provided, the" and after "furnished" insert "to the public safety answering point"

Renumber accordingly

D. Mattheis - suggesting amending "annual basis" is restrictive"

10767.0102
Title ~~of~~
Stat

Adapted by the Political Subdivisions
Committee
Prepared by the Legislative Council staff for
Senator Fischer 9
February 7, 2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2415

Page 1, line 8, overstrike ", on an annual basis,"

Page 1, line 19, replace "A" with "~~in addition, a~~"

Page 1, line 20, after "provide" insert "~~name and address, but not telephone number.~~"

Page 1, line 22, overstrike "The" and insert immediately thereafter however, the public safety answering point may not provide any information for an unpublished telephone number. If not otherwise provided, the, and after "furnished" insert "to the public safety answering point"

Renumber accordingly

Page 1, line 17, Remove "A public safety"

Page 1, ~~remove~~ remove lines 20 and 21

Page 1, line 22, remove "correcting names and addresses used for official purposes.", ~~and~~ overstrike "The" and insert immediately thereafter "In addition, a public safety answering point shall provide name and address, but not telephone number, information in the data base to the ~~county~~ treasurer and auditor of the ^{county} auditor in which the public safety answering point is located for the purpose of verifying and correcting names and addresses used for official purposes."

~~However, the~~

REPORT OF STANDING COMMITTEE

SB 2415: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2415 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike ", on an annual basis,"

Page 1, line 19, remove "A public safety"

Page 1, remove lines 20 and 21

Page 1, line 22, remove "correcting names and addresses used for official purposes.", overstrike "The" and insert immediately thereafter "In addition, a public safety answering point shall provide name and address, but not telephone number, information in the data base to the treasurer and auditor of the county in which the public safety answering point is located for the purpose of verifying and correcting names and addresses used for official purposes. However, the public safety answering point may not provide any information for an unpublished telephone number. If not otherwise provided, the", and after "furnished" insert "to the public safety answering point"

Renumber accordingly

2001 HOUSE POLITICAL SUBDIVISIONS

SB 2415

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2415

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-16-01

Tape Number	Side A	Side B	Meter #
2	xx		1611--2839
Committee Clerk Signature <i>Pam Deves</i>			

Minutes: Chair Froseth opened the hearing on SB2415 relating to a 911 system data base.

Sen. Tom Fischer, Dist 46 : prime sponsor and support SB2415. The basic premise of this bill is use the 911 data base and let the auditors of the counties access it. The treasurers in many counties are getting about 6,000 tax statements (in Cass County) back per year, because addresses are not current. 911 system with a 24 hour service rolls into the data base of 911. If that was accessible by the counties, they would have the most current address system available. We missed something in the senate side, so I passed out amendments that the attorney general's office helped with. One of the things we had always thought about was privacy of unpublished numbers. People pay for that and some situations, like domestic violence, the numbers need to be unlisted. The unpublished numbers would be eliminated and not passed on to the treasurer or reported to the auditor. The amendment defines unpublished information. Please Do Pass with these amendments.

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House Political Subdivisions Committee
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Hearing Date 3-16-01

Rep. Delmore : I'm glad you removed those two for safety reasons. Will this bill help you in Case County?

Sen. Fischer : Yes.

Jerry Bergquist, ND 911 Coordinator/Pres. of 911 Assoc. : (2260-2615) neutral on this bill. Here to give you a history of the 911 system.

Vice-Chair Severson : (2645) If HB1409 passes first, and this passes later; SB2415 will supersede HB1409. This would be the way that it would go.

Jerry : Then if that is the case, we would not provide that information to the post office. That will be very interesting for the phone companies since they need addresses to send phone bills to those individuals.

Rep. Delmore : I don't think 911 should be exempt. You would have the most current changes.

Jerry : I don't know if any one entity has the most current changes.

Chair Froseth : Further testimony on SB2415? Hearing none, we are closed. We will hold this.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2415 b

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-22-01

Tape Number	Side A	Side B	Meter #
2	xx		1300--2060
Committee Clerk Signature <i>Pam Sever</i>			

Minutes: Chair Froseth : Jim Flemming brought us new amendments to look at. The unpublished are confidential. We think 911 should be exempt so they won't be a source for open records and concentrate on a life saving unit, which they are and should be. The treasurer and auditor do not get the names. Sen. Fischer liked these.

Rep. Kretschmar : I move the amendments.

Vice-Chair Severson : I second.

VOICE VOTE: ALL YES. PASSED.

Rep. Delmore : I move a **DO PASS AS AMENDED.**

Rep. Ekstrom : I second.

VOTE: 14 YES and 0 NO with 1 absent. PASSED. Vice-Chair Severson will carry.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL 2415

Page 1, line 9, after "each" insert "911 coordinator or"

Page 1, line 13, overstrike "18 U.S.C. 2703(C)(1)(B)(iii)", insert immediately thereafter "18 U.S.C. 2703(c)(1)(B)(iii)" and after the last period insert "information provided under this section must be provided in a manner which identifies the names and telephone numbers which are unpublished. As used in this section and section 57-40.6-07, "unpublished" means information which is not published or available from directory assistance."

Page 1, line 16, overstrike "Names" and insert immediately thereafter "Unpublished names"

Page 1, line 17, after "a" insert "911 coordinator or"

Page 1, line 18, overstrike "private data", insert immediately thereafter "confidential"; and remove the overstrike over "only"

Page 1, line 19, replace "in addition" with "Published names, addresses, and telephone numbers provided to a 911 coordinator or public safety answering point under section 57-40.6-06 are exempt records as defined in section 44-04-17.1 but must be provided"

Page 1, remove line 20

Page 1, line 21, remove "information in the data base" and replace "in which the public safety" with "served by the 911 coordinator"

Page 1, line 22, remove "answering point is located"

Page 1, line 23, remove "However, the public safety answering point may not provide any"

Page 1, line 24, remove "information for an unpublished telephone number. If not otherwise provided, the" and overstrike the second "information"

Page 2, line 1, overstrike "furnished", remove "to the public safety answering point", and overstrike "may not be used or disclosed by the public"

Page 2, overstrike lines 2 and 3

Re-number accordingly

57-40.6-07. Use of the furnished information. Names Unpublished names, addresses, and telephone numbers provided to a 911 coordinator or 911 public service safety answering point under section 57-40.6-06 are private data confidential and may be used only for verifying the location or identity, or both, for response purposes only, of a person calling a 911 answering point for emergency help. The Published names, addresses, and telephone numbers provided to a 911 coordinator or public safety answering point under section 57-40.6-06 are exempt records as defined in section 44-04-17.1 but must be provided to the treasurer and auditor of the county served by the 911 coordinator for the purpose of verifying and correcting names and addresses used for official purposes. ~~Information furnished may not be used or disclosed by the public service answering point or its agents or employees for any other purpose except under a court order.~~

VR
3/23/01

HOUSE AMENDMENTS to ENG. SB2415 HOUSE POL. SUBS. 3-23-01

Page 1, line 1, after "to" insert "create and enact a new subsection to section 57-40.6-01 of the North Dakota Century Code, relating to a definition; and to"

Page 1, after line 3, insert:

"SECTION 1. A new subsection to section 57-40.6-01 of the North Dakota Century Code is created and enacted as follows:

"Unpublished" means information that is not published or available from directory assistance."

Page 1, line 9, after "each" insert "911 coordinator or"

Page 1, line 13, overstrike "18 U.S.C. 2703(C)(1)(B)(iii)" and insert immediately thereafter "18 U.S.C. 2703(c)(1)(B)(iii), and in a manner that identifies the names and telephone numbers that are unpublished"

Page 1, line 16, overstrike "Names, addresses," and insert immediately thereafter "Unpublished names"

Page 1, line 17, overstrike "provided to" and insert immediately thereafter "generated by", after "a" insert "911 coordinator or", and after "point" insert "or provided to a 911 coordinator or public safety answering point"

Page 1, line 18, overstrike "private data" and insert immediately thereafter "confidential" and remove the overstrike over "only"

Page 1, line 19, remove "In addition,"

Page 1, remove lines 20 through 23

Page 1, line 24, remove "information for an unpublished telephone number. If not otherwise provided, the" and overstrike "information"

HOUSE AMENDMENTS to ENG. SB2415 HOUSE POL. SUBS. 3-23-01

Page 2, line 1, overstrike "furnished", remove "to the public safety answering point", and overstrike "may not be used or disclosed by the public"

Page 2, overstrike line 2

Page 2, line 3, overstrike "order" and insert immediately thereafter "Published names and telephone numbers maintained by a 911 coordinator or public safety answering point are exempt records as defined in section 44-04-17.1 but must be provided upon request to the treasurer and auditor of the county served by the 911 coordinator for the purpose of verifying and correcting names and addresses used for official purposes"

Renumber accordingly

Date: 3-22-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2415

House POLITICAL SUBDIVISIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number 10767.0201 0300

Action Taken Do Pass As Amended

Motion Made By Rep. Delmore Seconded By Rep Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	/	
Vice-Chair Dale C. Severson	/				
Rep. Lois Delmore	/				
Rep. Rachael Disrud	/				
Rep. Bruce Eckre	/				
Rep. Mary Ekstrom	/				
Rep. April Fairfield	AB				
Rep. Michael Grosz	/				
Rep. Jane Gunter	/				
Rep. Gil Herbel	/				
Rep. Nancy Johnson	/				
Rep. William E. Kretschmar	/				
Rep. Carol A. Niemeier	/				
Rep. Andrew G. Maragos	/				

Total (Yes) 14 No 0

Absent 1 ab

Floor Assignment Vice Chair Severson

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

REPORT OF STANDING COMMITTEE

SB 2415, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2415 was placed on the Sixth order on the calendar.

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"Unpublished" means information that is not published or available from directory assistance."

Page 1, line 9, after "each" insert "911 coordinator or"

Page 1, line 13, overstrike "18 U.S.C. 2703(C)(1)(B)(iii)" and insert immediately thereafter "18 U.S.C. 2703(c)(1)(B)(iii), and in a manner that identifies the names and telephone numbers that are unpublished"

Page 1, line 16, overstrike "Names, addresses," and insert immediately thereafter "Unpublished names"

Page 1, line 17, overstrike "provided to" and insert immediately thereafter "generated by", after "a" insert "911 coordinator or", and after "point" insert "or provided to a 911 coordinator or public safety answering point"

Page 1, line 18, overstrike "private data" and insert immediately thereafter "confidential" and remove the overstrike over "only"

Page 1, line 19, remove "In addition."

Page 1, remove lines 20 through 23

Page 1, line 24, remove "information for an unpublished telephone number. If not otherwise provided, the" and overstrike "information"

Page 2, line 1, overstrike "furnished", remove "to the public safety answering point", and overstrike "may not be used or disclosed by the public"

Page 2, overstrike line 2

Page 2, line 3, overstrike "order" and insert immediately thereafter "Published names and telephone numbers maintained by a 911 coordinator or public safety answering point are exempt records as defined in section 44-04-17.1 but must be provided upon request to the treasurer and auditor of the county served by the 911 coordinator for the purpose of verifying and correcting names and addresses used for official purposes"

Renumber accordingly