

1999 SENATE JUDICIARY

SB 2058

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2058

Senate Judiciary Committee

Conference Committee

Hearing Date January 13, 1999

Tape Number	Side A	Side B	Meter #
1		x	870 - 4365
1-26-99 2	x		253 - 1695
Committee Clerk Signature <i>Jackie ToHmon</i>			

Minutes:

SB2058 relates to the fee for a criminal history record check.

SENATOR WATNE opened the hearing on SB2058 at 11:15 A.M.

All were present.

SENATOR WATNE testified in support of SB2058. Testimony attached.

JANELL VANATTA, Companions for Children, testified in support of SB2058. Testimony attached.

JOE HERSLIP, Criminal Records/Identification Manager, Attorney General Office, testified neutrally on SB2058. Testimony attached.

SENATOR NELSON asked if the fiscal note was for one person overall.

JOE HERSLIP stated yes, that is correct.

Page 2
Senate Judiciary Committee
Bill/Resolution Number SB2058
Hearing Date January 13, 1999

MARTY BOECKEL, Sakakawea Girl Scout Council, testified in support of SB2058. The Girl Scouts do reference checks now instead of record checks. They do record checks if the reference checks are questionable. They do about 2 record checks out of 60 reference checks.

SENATOR WATNE CLOSED the hearing on SB2058.

Discussion.

SENATOR WATNE plans to make some amendments to this bill.

January 19, 1999 3:00 p.m.

Discussion.

Mr. Herslip will come back to give us some more information.

January 26, 1999 2:00 p.m.

Mr. Herslip came to the meeting and discussion was held. A new fiscal note will be made.

SENATOR WATNE made a motion on AMENDMENTS, SENATOR LYSON seconded.

Motion passed.

SENATOR WATNE made a motion for DO PASS AS AMENDED, SENATOR LYSON seconded. Motion passed.

SENATOR WATNE will carry this bill.

6 - 0 - 0

FISCAL NOTE

(Return original and 14 copies)

Bill/Resolution No.: _____ Amendment to: Eng. SB 2058

Requested by Legislative Council Date of Request: 03-22-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

There is no change in this fiscal note from that prepared on 2-2-99. Any increase in the number of non-criminal justice records checks requested of the Bureau of Criminal Investigation will require additional staff resources and additional space to accommodate increased personnel.

It is estimated that a one-fourth Identification Technician position will be required to process an estimated 2,000 records checks in the coming biennium for organizations which are the subject of this bill.

The following is estimated to support this one-fourth position for the next biennium:

Salary	\$ 16,896
Benefits	6,518
Total	<u>\$ 23,414</u>
Operating Expenses	\$ 5,810
Grand Total	<u>\$ 29,224</u>

Operating expenses include a share of computer equipment, training, and additional office space, in addition to a share of support services.

A fee of \$3 per record check is estimated to result in revenues of approximately \$6,000 with an estimated 2,000 record checks in the biennium.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:			\$6,000		\$6,000	
Expenditures:			\$29,224		\$30,393	

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

a. For rest of 1997-99 biennium: none

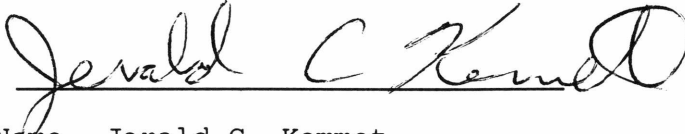
b. For the 1999-2001 biennium: \$29,224

c. For the 2001-03 biennium: \$30,393

4. **County, City, and School District** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

If additional space is needed attach a supplemental sheet.

Signed 

Typed Name Jerald C. Kemmet

Date Prepared 3-23-99

Department Office of Attorney General, BCI

Phone Number 328-5500

FISCAL NOTE

(Return original and 14 copies)

Bill/Resolution No.: _____ Amendment to: SB 2058

Requested by Legislative Council Date of Request: 1-29-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

Any increase in the number of non-criminal justice records checks requested of the Bureau of Criminal Investigation will require additional staff resources and additional space to accommodate increased personnel.

It is estimated that a one-fourth Identification Technician position will be required to process an estimated 2,000 records checks in the coming biennium for organizations which are the subject of this bill.

The following is estimated to support this one-fourth position for the next biennium:

Salary	\$ 16,896
Benefits	6,518
<u>Total</u>	<u>\$ 23,414</u>
Operating Expenses	\$ 5,810
Grand Total	<u>\$ 29,224</u>

Operating expenses include a share of computer equipment, training, and additional office space, in addition to a share of support services.

A fee of \$3 per record check is estimated to result in revenues of approximately \$6,000 with an estimated 2,000 record checks in the biennium.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:			\$6,000		\$6,000	
Expenditures:			\$29,224		\$30,393	

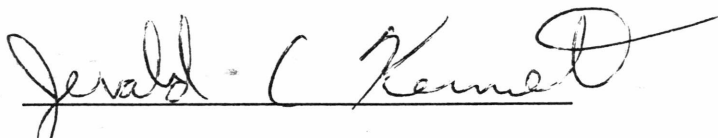
3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: none
- b. For the 1999-2001 biennium: \$29,224
- c. For the 2001-03 biennium: \$30,393

4. **County, City, and School District** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

If additional space is needed attach a supplemental sheet.

Signed 

Typed Name Jerald C. Kemmet

Date Prepared 2-2-99

Department Office of Attorney General, BCI

Phone Number 328-5500

FISCAL NOTE

(Return original and 14 copies)

Bill/Resolution No.: SB 2058 (Revised) Amendment to: _____

Requested by Legislative Council Date of Request: _____

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

Any increase in the number of non-criminal justice records checks requested of the Bureau of Criminal Investigation will require additional staff resources and additional space to accommodate increased personnel.

It is estimated that a one-fourth Identification Technician position will be required to process an estimated 2000 records checks in the coming biennium for organizations which are the subject of this bill.

The following is estimated to support this one-fourth position for the next biennium:

Salary	\$ 16,896
Benefits	6,518
Total	<u>\$ 23,414</u>
Operating Expenses	\$ 5,810
Grand Total	<u>\$ 29,224</u>

Operating expenses include a share of computer equipment, training, and additional office space, in addition to a share of support services.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:						
Expenditures:			\$29,224		\$30,393	

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

a. For rest of 1997-99 biennium:	<u>none</u>
b. For the 1999-2001 biennium:	<u>\$29,224</u>
c. For the 2001-03 biennium:	<u>\$30,393</u>

4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

If additional space is needed
attach a supplemental sheet.

Signed Jerald C Kemmet

Typed Name Jerald C. Kemmet

Date Prepared 01/26/99

Department Office of Attorney
General, BCI

Phone Number 328-5500

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2058 Amendment to: _____

Requested by Legislative Council Date of Request: December 23, 1998

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

Any increase in the number of non-criminal justice records checks requested of the Bureau of Criminal Investigation will require additional staff resources and additional space to accommodate increased personnel.

The legislative assembly, in 1987, anticipated that if there was not a fee attached to non-criminal justice records checks, the volume of requests would be such that BCI staff could not process them. Consequently, a \$20 fee was required, and the number of non-criminal justice requests was manageable by the staff. In recent years, however, despite the fee, requests have increased dramatically. The following numbers illustrate that increase:

<u>Year</u>	<u>Non-Criminal Justice Record Requests</u>
1987	152
1988	661
1989	701
1990	813
1991	935
1992	1,427
1993	1,857
1994	2,646
1995	3,145
1996	4,277
1997	5,007
1998	6,175

(as of Dec. 17th, 6,300 estimated)

The fees received for these checks (anticipated to be approximately \$126,000 in 1998) are added to the General Fund. The majority of non-criminal justice requests for record checks are for employment purposes, although there is also increased use for housing or other purposes. Records checks for Education and Foster Care have contributed to the increase in 1998.

The only purpose for which the fee has been waived by legislative action is the Care Check Registry for day care operators. This is not a required criminal records check and only approximately 300 of these checks have been done since 1992.

The BCI Criminal Records Unit has been contending with backlogs in entering criminal history record information for approximately two years. The number of arrests has increased, the number of fingerprinting cards received has increased, and this is the

information that creates the criminal history record. If the information received is not entered, the information provided for records checks is not accurate and complete. An additional position has been requested in the Attorney General's budget to help reduce the backlog of fingerprint card entries. This position, however, deals with the increase in incoming information. Another position will be required if there is any increase in outgoing information as would occur with this bill.

The following is estimated to support this position for the next biennium:

Salary	\$ 67,584
Benefits	26,072
<u>Total</u>	<u>\$ 93,656</u>
Operating Expenses	\$ 23,240
<u>Grand Total</u>	<u>\$116,896</u>

Operating expenses include computer equipment, training, and additional office space, in addition to a share of support services.

The amendment to Section 12-60-16.9, which would waive the current \$20 fee for organizations which are (1) nonprofit, (2) operated exclusively for charitable purposes, and (3) operated exclusively for the benefit of minors, does not make it clear how many organizations would meet those criteria, or how many would choose to avail themselves of the waiver. Therefore, any estimate of the number of record checks it would generate is purely speculative.

Note: Other bills which have the effect of increasing the number of non-criminal justice record checks would be anticipated to share this fiscal note and should be referenced.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:						
Expenditures:			\$116,896		\$121,572	

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: none
- b. For the 1999-2001 biennium: none
- c. For the 2001-03 biennium: none

4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

If additional space is needed
attach a supplemental sheet.

Signed Jerald C Kemmet

Typed Name Jerald C. Kemmet

Date Prepared 12/29/98

Department Office of Attorney
General, BCI

Phone Number 328-5500

Date: 1-26-99
Roll Call Vote #: 2058 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2058

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS As Amended

Motion Made By Watne Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
SenatorCarolyn Nelson	X				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Watne

REPORT OF STANDING COMMITTEE

SB 2058: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2058 was placed on the Sixth order on the calendar.

Page 1, line 8, replace the first underscored comma with "or" and replace "or" with "and shall impose a fee of three dollars for a"

Page 1, line 9, after "organization" insert "that is" and after "the" insert "exclusive"

Page 1, line 10, after "minors" insert "and which does not receive gaming proceeds from a charitable organization"

Renumber accordingly

1999 HOUSE JUDICIARY
SB 2058

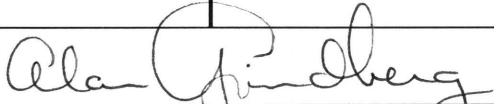
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. : 2058

House Judiciary Committee

Conference Committee

Hearing Date : February 24, 1999

Tape Number	Side A	Side B	Meter #
1		X	5
Committee Clerk Signature 			

Minutes:

SEN. WATNE Presented written testimony, a copy of which is attached.

JANELL VANNATTA (Companions for Children) Presented written testimony, a copy of which is attached.

MARTY BOECKEL (ND GSA) The Girl Scouts is the most popular organization for girls. We have over 1500 members in the state. Those girls are served by over 400 adults. We have liability insurance, and that requires criminal background checks. We urge you to pass this bill. The present \$20 fee is way beyond what we can handle.

JOE HERSLIP (AG) Presented written testimony, a copy of which is attached.

BONNIE PALACEK Presented written testimony, a copy of which is attached.

COMMITTEE WORK: March 1, 1999

Page 2

House Judiciary Committee

Bill/Resolution Number : 2058

Hearing Date : February 24, 1999

REP. MEYER moved that the bill be amended to insert "for a record check" after "three dollars".

Rep. Delmore seconded and the motion passed on a unanimous voice vote.

REP. MAHONEY moved that the bill be further amended by placing a period after minors. Rep.

Sveen seconded and the motion passed on a unanimous voice vote.

REP. CLEARY moved that the committee recommend that the bill DO PASS AS AMENDED.

Rep. Hawken seconded and the motion passed on a roll call vote with 11 ayes, 1 nay and 3

absent. Rep. Klemin was assigned to carry the bill on the floor.

VR
3/18/99

House AMENDMENTS TO ENGROSSED SENATE BILL NO. 2058 App 3-19-99

In lieu of the amendments printed on page 698 of the House Journal, Engrossed Senate Bill No. 2058 is amended as follows:

Page 1, line 7, overstrike the second "a" and insert immediately thereafter "each"

Page 1, line 9, after "for" insert "each record check for" and after "operated" insert "in this state"

Page 1, line 10, remove "and which does not"

Page 1, line 11, remove "receive gaming proceeds from a charitable organization"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment limits the application of the lower \$3 background check fee to nonprofit organizations that are organized and operated in North Dakota but does not limit it only to organizations that do not receive gaming proceeds.

Date: 3/1
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2058

House JUDICIARY Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Am

Motion Made By Cleary Seconded By Hawken

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY	.	✓	REP. KELSH		
REP. CLEARY	✓		REP. KLEMIN	✓	
REP. DELMORE	✓		REP. KOPPELMAN		
REP. DISRUD	✓		REP. MAHONEY	✓	
REP. FAIRFIELD			REP. MARAGOS	✓	
REP. GORDER	✓		REP. MEYER	✓	
REP. GUNTER	✓		REP. SVEEN	✓	
REP. HAWKEN	✓				

Total Yes 11 No 1

Absent 3

Floor Assignment Klemin

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

REPORT OF STANDING COMMITTEE

SB 2058, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2058 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike the second "a" and insert immediately thereafter "each"

Page 1, line 9, after "for" insert "each record check for"

Page 1, line 10, remove "and which does not"

Page 1, line 11, remove "receive gaming proceeds from a charitable organization"

Renumber accordingly

1999 HOUSE APPROPRIATIONS

SB 2058

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2058

House Appropriations Committee

Conference Committee

Hearing Date March 10, 1999

Tape Number	Side A	Side B	Meter #
2	x		41.3-end
2		x	0-30.5
Committee Clerk Signature <i>Casey Davis</i>			

Minutes:

A bill for an act to amend an reenact section 12-60-16.9 of the ND Century Code, relating to the fee for a criminal history record check.

CHAIRMAN DALRYMPLE opened the hearing on SB 2058.

2A: 42.0 JOE HERSLIP, Attorney General's Office, testified in support of the bill.

2B: 0.7 SEN. DARLENE WATNE, sponsor, provided an explanation of the bill and testified in support of it.

2B: 7.2 CHAIRMAN DALRYMPLE asked if there would be a great number of checks requested. Sen. Watne replied that she does not believe so because of the scope.

2B: 8.3 REP. BERNSTEIN asked how many additional checks are anticipated. Mr. Herslip said they expect about 2000 per year.

2B: 10.3 REP. BERNSTEIN suggested that this service only be offered to businesses in this state. Sen. Watne agreed with this. There was discussion of the term "North Dakota-based" organizations.

2B: 13.4 REP. AARSVOLD asked how this would affect National groups with state affiliates. Mr. Herslip said that if they are operating here in ND they would qualify.

2B: 18.2 ALAN KNUDSON, Legislative Council, stated that the Senate amended the bill so that all fees on background checks would be put into the Attorney General's operating fund. This totals \$251,000.

2B: 23.5 Discussion followed regarding changing the fee from \$3 to \$5.

CHAIRMAN DALRYMPLE closed the hearing on SB 2058.

2B: 26.5 CHAIRMAN DALRYMPLE and the committee agreed that they would like an amendment drawn up to make this only for groups in ND, which are ND owned and operated.

General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date March 16, 1999			
Tape Number	Side A	B Side	Meter #
1	x		37.1-45.2
Committee Clerk Signature	<i>Roxanne Kone</i>		

Minutes:

Chairman Dalrymple opened the discussion on Senate Bill 2058.

Amendment 90018.0203 was presented to committee to incorporate judiciary amendments regarding gaming proceeds. Amendment leaves the fee at \$3.

1A: 40.6 Rep. Kerzman asked about the fiscal note amount. Replied it will stay at same amount.

1A: 41.5 Rep. Wentz moved to adopt the amendment. Rep. Bernstein 2nd the motion. On a voice vote the motion carried.

Rep. Wentz moved for a DO PASS AS AMENDED. Rep. Bernstein 2nd the motion. On a Roll Call the motion carried.

14 voting Yes

5 voting No

1 voting Absent

Carrier: Bernstein

Date: 3.16.99
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2058

House Appropriations Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number 90018.0203

Action Taken DO PASS AS AMENDED

Motion Made By Wentz Seconded By Bernstein

Representatives	Yes	No	Representatives	Yes	No
Chairman Dalrymple	✓		Nichols		✓
Vice-Chairman Byerly		✓	Poolman	✓	
Aarsvold			Svedjan	✓	
Bernstein	✓		Timm	✓	
Boehm	✓		Tollefson	✓	
Carlson	✓		Wentz	✓	
Carlisle	✓				
Delzer		✓			
Gulleson	✓				
Hoffner		✓			
Huether	✓				
Kerzman		✓			
Lloyd	✓				
Monson	✓				

Total (Yes) 14 No 5

Absent 1

Floor Assignment Rep. Bernstein

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

REPORT OF STANDING COMMITTEE

SB 2058, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2058 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike the second "a" and insert immediately thereafter "each"

Page 1, line 9, after "for" insert "each record check for" and after "operated" insert "in this state"

Page 1, line 10, remove "and which does not"

Page 1, line 11, remove "receive gaming proceeds from a charitable organization"

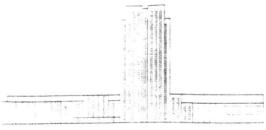
Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment limits the application of the lower \$3 background check fee to nonprofit organizations that are organized and operated in North Dakota but does not limit it only to organizations that do not receive gaming proceeds.

1999 TESTIMONY

SB 2058



Senator Darlene Watne
District 5
28th Avenue SW
Minot, ND 58701-7065

NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Judiciary,
Vice Chairman
Political Subdivisions

TESTIMONY FOR SB 2058

Prepared by Senator Darlene Watne

Tuesday, January 12, 1999

Chairman Stenehjem and Members of the Senate Judiciary Committee:

I was contacted awhile ago by Janell Vanatta in Minot who works with the Companions for Children group. I am sure you are all familiar with the wonderful work they do. Janell's concern was that this nonprofit entity just could not afford the \$20 fee charged by the Bureau of Criminal Investigation for the criminal background check needed when they are looking at a potential new companion willing to donate his or her time to help children. This contact with Janell is what inspired our legislation now before you.

When Senate Bill 2058 was drafted, the question came up: If this group should be exempt, why shouldn't other entities that work exclusively for charitable purposes for the benefit of minors be exempt? It was a good question; and so this bill is drafted to include all nonprofit organizations organized and operated exclusively for charitable purposes for the benefit of minors.

Our state spends a lot of money on children in the courts, on children needing help from broken homes and on children with an assortment of problems. I look at this bill as a prevention bill that will ultimately save our state money by helping children before problems begin. And of course, those that work with children must have background checks. The \$20 fee that the bureau charges seems minor to many, but for groups like the Companions for Children, it is large and difficult to handle. I hope you will help make their work easier through passage of this bill.

Now, a question has come up since this legislation was drafted, and that is: How about monies derived from gaming that are spent for nonprofit organizations that benefit children? I would propose that an amendment be drafted that would exempt this type of group from participating. The main reason for this is money. I saw the fiscal note attached to this bill and it is, in my opinion, outrageous. I guess this is another example of "death by fiscal note." There is no way a full time employee would be needed to administer elimination of paying a fee by an entity, it is simply filing a form with a request. This is not making a need for more requests for investigations.

Thank you for your time and attention. I urge a do pass for Senate Bill 2058.

Respectfully,

Darlene Watne



COMPANIONS FOR CHILDREN

Caring Is Time Spent Sharing

Senator Stenehjem, Senator Watne and members of the Judiciary Committee:

My name is Janell Vannatta and I am the Program Director for Companions for Children in Minot. Today I am testifying *in favor of SB 2058*.

Companions for Children is a nonprofit program that has been providing mentoring services to children from single parent households for over twenty years. Adult volunteers are screened and then matched with these at risk children to help provide them with a greater opportunity to grow into emotionally healthy, productive adults.

The Board of Directors and staff of Companions for Children believe the premise that investment in the children now may prevent future problems, such as drug and/or alcohol abuse, school problems, as well as the expense of a youth entering the juvenile justice system. The Minot Public Library has found information stating that the cost for one youth in the juvenile justice system can range from \$20,000 - \$22,000 per year.

Single parents, who have applied for our program, see the need for additional adult role models for their children as well as having a greater adult support system. Companions for Children, through the screening process, would like to assure these parents that their children will be matched with safe adults. Our screening process includes an application, an orientation, follow up on six references, a psychological test (MMPI), an interview, a social service record check and police records check. Although this process may seem lengthy to some, it is very important to be assured we are matching children with the safest possible adults.

A big area of concern to Companions for Children, is the availability of criminal background checks of our prospective adult volunteers. We are able to get information for the local area, but due to the programs limited budget, have not always been able to secure a background check from the Bureau of Criminal Investigation. The twenty dollar fee is not realistic for this programs budget.

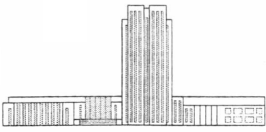
In 1998, our program submitted two names out of sixty-three for a criminal background check. As you can see, ninety-one per cent of the people were not screened by this state's criminal record check. I am concerned that a screening tool that could be very helpful in securing a safe adult volunteer is not being done because of the twenty dollar cost. A waived fee for the criminal background check will add extra security to non-profits, like Companions for Children, that services to children by these preventative programs are being offered by the safest people.

In closing, I would like to thank you for the opportunity to testify in support of SB2058. I'm sure that you, like I would ask; *if these were my children or grandchildren, would I not feel safer knowing that this record check has been done on the adult volunteers assigned to spend time with them?*



A United Way Agency

308 2ND AVENUE SW • P.O. BOX 1962 • MINOT, NORTH DAKOTA 58702-1962 • (701) 838-5784



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Judiciary,
Vice Chairman
Political Subdivisions

Senator Darlene Watne
District 5
28th Avenue SW
Minot, ND 58701-7065

Chairman DeKrey and Members of the House Judiciary Committee:

I am Darlene Watne, Senator from District 5 in Minot - - the only Minot district that encompasses all inner-city voters, which includes all of Southwest and part of Southeast Minot. All other districts from Minot include some of the inner-city then reach out and embrace rural areas.

Senate Bill 2058 has had an interesting background. It all started when Janell Vanatta in Minot called me last summer. Janell works with the Companions for Children, and the \$20 fee charged by the Bureau of Criminal Investigation to do a background check was just too costly for this wonderful nonprofit organization to afford. The background check is needed when they are looking at a potential new companion willing to donate his/her time to help children. This contact with Janell is what inspired the legislation now before you.

I firmly believe that investment in children, especially those who have problems at an early age, prevents future problems. I look at this as a prevention bill. Testimony showed the cost of one juvenile in our justice system runs from \$20,000 to \$22,000 a year. I look at this bill as a minor investment in our state that saves a great deal in the future. Janell will be with us today to tell you how the Companions for Children's group helps these troubled youth at a very important time in their life. The \$20 fee that the bureau charges may seem minor to many, but for groups like the Companions for Children, it is large and difficult to handle. I hope you will help make their work easier through passage of this bill.

So I contacted Legislative Council to draft legislation to get the fee waived for the Companions for Children. The question then arose: "If this group should be exempt, why shouldn't other entities that work for charitable purposes for the benefit of minors also be exempt?" It was a good question, and so this bill was drafted to waive the fee for all nonprofit organizations that work for the benefit of minors.

With that addition I feel we have a wonderful bill, one we can all be proud to have had a voice in passing.

Thank you for your time and attention - - and the children of North Dakota thank you, too.

Respectfully,

A handwritten signature in cursive script that reads "Darlene Watne".

Darlene Watne
Senator, Fifth District

OFFICE OF ATTORNEY GENERAL

TESTIMONY FOR
SENATE JUDICIARY COMMITTEE
ON SB 2058
January 13, 1999

By Joe Herslip, Criminal Records/Identification Manager

Mr. Chairman, members of the committee, my name is Joe Herslip, Criminal Records/Identification Manager with the Bureau of Criminal Investigation, which is a division within the Office of Attorney General.

I am speaking on behalf of the Bureau of Criminal Investigation (BCI) on SB 2058, relating to the fee for a criminal history record check. The BCI is the only law enforcement agency that is authorized by state law to perform a statewide criminal background check in North Dakota. The BCI currently charges a fee of \$20 for background checks as mandated by North Dakota Century Code 12-60-16.9. This bill seeks to waive the fee for nonprofit organizations organized and operated exclusively for charitable purposes for the benefit of minors. We have two specific points to make about this bill.

First, as the bill is drafted, it is not specific as to which organizations may receive the waiver. It is our understanding that if an organization is a nonprofit, charitable organization that serves minors then that organization would qualify for the

waiver. As an example of our concern, the Gaming Division of the Attorney General's Office believes they have many charitable gaming organizations that could potentially qualify under this provision.

We are not opposed to giving a waiver to any group that the Legislature determines should be granted one. We would simply request that the language be amended to be more specific on which organizations would qualify for the waiver.

My second point deals with workload issues for our agency. The fee for the criminal history record check was established by the Legislature in 1987. All monies received by the BCI for performing these checks are deposited into the state's general fund. One effect of the fee is to limit the number of record requests received by the BCI. If criminal history record checks were provided without cost, the BCI would be flooded with requests.

The number of record checks has steadily increased since the implementation of the criminal history law in 1987. In 1987 we received 152 requests. There were a total of 6,280 requests in 1998. In 1998, \$125,600 was deposited in the state general fund from the record checks.

This incredible growth is due to many factors including an increased awareness by employers of the need to perform thorough background checks. Additionally, state and federal laws have mandated background checks for specific groups. Foster care providers, teachers, and daycare providers are now required to have criminal history checks. In addition to this bill, additional bills are aimed at requiring specific groups to obtain background checks. These groups include foster/adoptive parents and private security investigators.

While the number of requests steadily increases, the number of staff has not and the staff is also responsible for other duties. The staff that processes the criminal history record checks also maintains the criminal history records. Fingerprint cards, which are the national standard for positive identification of arrested persons, are the documents which begin the creation of criminal history records. The volume of fingerprint cards has increased approximately 300 percent from 1987 to 1998. We now receive approximately 15,000 criminal history record submissions each year. We have an increasing backlog in processing the cards because the workload has increased but the number of staff has not.

For this reason, we have prepared a fiscal note that requests an additional staff person to deal with the increased workload.

This fiscal note is being attached to all bills that require criminal records checks for specific groups. If this bill passes, an additional staff position will be necessary to deal with the outgoing information.

If there are any questions, I would be happy to answer them.



CfC's Mission and Human Service Needs of the Community.

Funding from local groups/individuals, grants and the United Way has helped CfC to continue to meet needs of single parent children in Minot and the surrounding 15 mile radius. As the rate of single parent families increases, so have the concerns and issues of the children in these homes. Many of the children interviewed expressed feelings of anger, sadness, abandonment, powerlessness, responsibility for the termination of the parents marriage, and that they are needed to take care of the family and need to be very responsible.

Through enrollment with CfC, these children are able to have some respite from these concerns. The children are matched with caring adults who provide:

- ◇ friendship; someone who will listen,
- ◇ recreation; a chance to try new things or maybe a release of energy
- ◇ social development; someone to look up to, another role model, and
- ◇ intervention; someone else to believe in the child and encourage positive attitudes and ideas.

CfC also provides support to the unmatched children. It is especially important to maintain contact with these families, because as they wait, the children sometimes deal with difficult feelings. One little boy, age 8, said "Can't you find anyone who would want to be my friend yet?"

There is a great need for Companions for Children. One statistic from the Minot Public Library states that there are over 1,300 children in single parent families in the Minot area. Although all of these children do not fit the age requirements, CfC would like to raise the number of children being served by this program.

CfC is a preventative program! Reaching these children now in all likelihood will prevent problems the child may face as they grow older. It is very difficult to measure the success of a preventative program. CfC continually evaluates the success of the matched relationships through evaluations and monthly phone contacts.

Youth not receiving any type of intervention, may enter the juvenile justice system. The Minot Public Library has information from the early 1990's stating that the cost to a state for a youth in the juvenile justice system averages from \$20,000 to \$22,000 a year!

A critical component to enrolling in the program is that the youth must want to be matched with an adult. It is always a concern to think of the time these kids will stop asking!

CfC's Priorities

The top five priorities for the CfC wish list:

- ◇ funds to competitively and adequately hire and maintain staff
- ◇ funds for updated, working computers to track data and also other office supplies
- ◇ funds for professional advertisements and LOTS of advertisements to make the community more aware of services available as well as volunteer opportunities
- ◇ funds to assist with a greater number and variety of activities to offer the youth, matched and unmatched and Adult Companions
- ◇ funds to have training opportunities and quality workshops available for staff, Board and Committee Members, Adult Companions, and parents

Comments of Support:

"I am overwhelmed with the success of this program in the past in helping children and families. Students need these types of services in our community. They benefit from having someone who cares enough to take an interest in their lives."

-Chris Petterson, School Counselor

"This fine program has paired many children with adults and has shown the benefits to be long lasting. This program which fosters relationships has often been the guiding light in families where children are missing a parent or positive adult role model."

"I have watched in amazement and frustration throughout the years as this critical program has had to struggle with fundraising efforts in order to survive."

-Cheryl Ekblad, Program Director, Head Start

"I wish my father would come back and I wish my Mom and Dad got along, but I don't think that's gonna happen and maybe a big brother could help me out."

-Joey, age 10

"I'd just maybe like to talk to a man once in a while. You know, that I've got five dumb sisters."

-John, age 8

"Couldn't have made a better match! Kaylie and I get along terrific! This program isn't only good for the Young Companion, but it is also good for the Adult Companion. Thank you!"

-Cecilia, Adult Companion

"I am a divorced mother of three....The two older children had companions for awhile. They had so much fun with them. They got to do things that we don't do. They were in the Air Force and had to move. They were "friends" and missed by all of us....My daughter has a companion now and loves it. My sons need a male figure around more often. Someone to have fun with, to talk to if they want. The boys have been waiting for some time for companions. I wish there were more male volunteers for boys. I really feel its so very important for the kids to have an opportunity to do things without Mom!"

-Alisa, parent

"I cannot "thank" Companions for Children enough - without the two companions I know my raising my grandchildren would have been much harder. We are still very close. I could never thank them enough. We were so fortunate to have known these very special people."

-Lucille, grandmother raising her grandchildren

"My son was angry and headed for the streets. Now his grades are up and he's calmer and even trying to build a new relationship with his father. Your group made the life of my son more worthwhile and has given him a new lease on life. Thanks so much!"

-Susan, parent

Adult Relationships Have Impact



Studies from Public/Private Ventures, a national research organization from Philadelphia, PA has found that there is a definite impact on youth served in youth mentoring programs.

The youth were:

- 46% less likely to begin using illegal drugs
- 27% less likely to begin using alcohol
- 52% less likely to skip school
- 37% less likely to skip a class
- more confident of their performance in schoolwork
- 1/3 less likely to hit someone
- and reported they were getting along better with their families.

Taken from the Fargo Big Brother/Big Sister program Spring/Summer 1996 newsletter.

As Participants In The
**COMPANIONS FOR
CHILDREN**

**Program,
Youth Are Entitled To:**

1. An adult companion as soon as a good match can be found;
2. Take part in the social and recreation program which includes monthly events; and to
3. A free Y Card from the Minot Family YMCA.



If you have a child or know of a child that could use the services of **Companions for Children**, please call **838-5784** to find out how he or she can become involved.

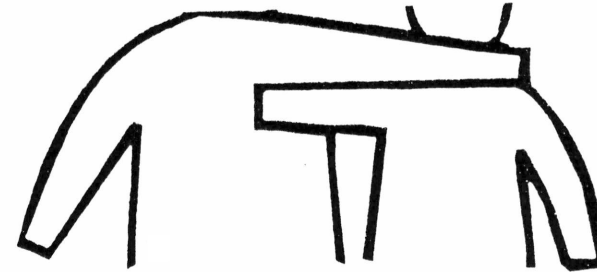
Companions For Children, Inc.



Caring Is Time Spent Sharing

Janell Vannatta, LSW
Program Director
Phone (701) 838-5784

P.O. Box 1962
308 2nd Ave SW
Minot, N.D. 58702-1962



**COMPANIONS
FOR CHILDREN**

Caring

Is

Time

Spent

Sharing

WHO ARE WE?

Companions for Children is a local non profit organization based on the warmth of a one-to-one relationship between an adult volunteer and a child from a single parent household.

Many children need the one-to-one attention they get when matched with a volunteer adult companion. Being a friend, listening, and sharing all add up to a human investment in the future of a child who knows that someone took the time to care.

The program concept is not just togetherness but providing a child with a friend whom he can look up to, relate to, and confide in.



COMPANIONS ARE...

Adults at least 18 years of age who are willing to take a few hours each week to be a special friend to a child. Volunteers serve as mentors and role models to children from one-parent families. Each volunteer makes a commitment to spend a minimum of one hour each week for at least one year with a child.

Volunteers must be individuals who enjoy children and possess patience, understanding, tolerance and a good listening ear.

CHILDREN ARE...

Youth between the ages of 6 to 14 from single parent households who are in need of meaningful adult companionship. Usually they haven't been in serious trouble. They are young people who need someone to take an interest in them and to provide them with opportunities to develop new interests. Most importantly, they are seeking a friend and ally who can help them with the challenges of growing up.

OUR RECORDS OF SUCCESS...

Since 1978 Companions for Children has provided hundreds of children with one-to-one friendships. These friendships have helped many children through the most challenging and crucial times of their lives. In many cases, the relationships have blossomed into lifelong friendships between the children and the volunteers.

Our experience indicates that providing children with caring adult companions is a highly effective means of preventing juvenile delinquency and emotional problems. These positive relationships help prepare children for tomorrow but also make their "today's" a little happier and more interesting.

Companions for Children, Inc. invites you to inquire about the program by calling (701) 838-5784 or by writing to us:

**Companions for Children
PO Box 1962
Minot, ND 58702-1962**

COMPANIONS FOR CHILDREN

Mission Statement

Companions for Children is a non-profit volunteer program that offers a one-to-one relationship between an adult and a youth. The program concept provides the youth with a great opportunity to grow into an emotionally healthy, productive adult.

Children enrolled in Companions for Children are....

- *between the ages of 6 and 14*
- *live within a 15 mile radius of Minot*
- *from a single parent family*
- *want to be matched with an adult friend*

Adult Companions involved in Companions for Children are....

- *wanting to be matched with a youth for at least a year*
- *have the time to meet with the youth regularly*
- *are at least 18 years old*
- *may be single, married, a student, a business executive, a housewife, a member of the armed forces, may or may not have children... it may be YOU!*

Opportunities may be waiting for you at Companions for Children....

- *volunteering to be an Adult Companion*
- *volunteering to be on a Committee or Board*
- *volunteering for special project*
- *offering financial support to Companions for Children*

Help us help these youth who may fall through the cracks!

This booklet has been funded by a grant from
Region II Children's Services Coordinating Committee.



 Printed on recycled paper
(20% post-consumer content by weight).

Youth Mentoring

-- Making a difference in young people's lives



Companions for Children
Caring Means Time Spent Sharing
308 2nd Ave SW
Minot, ND 58702
701-838-5784

What is mentoring?

It's being a positive role model and guide to a young person.

Young people may get adult guidance

through many kinds of connections. These include:

- family ties
- friendships
- neighborhood relations.



Mentoring is the formal linking

of a young person with a responsible, supportive adult. Many young people don't have enough contact with caring adults. Mentoring is a positive response to this need.



A mentor is someone a young person can look up to -- and model him- or herself after.

Why should I consider being a youth mentor?

For many reasons! Mentoring benefits:

Young people

It's a chance for them to explore and grow. With adult guidance, they're more likely to make positive choices and changes.

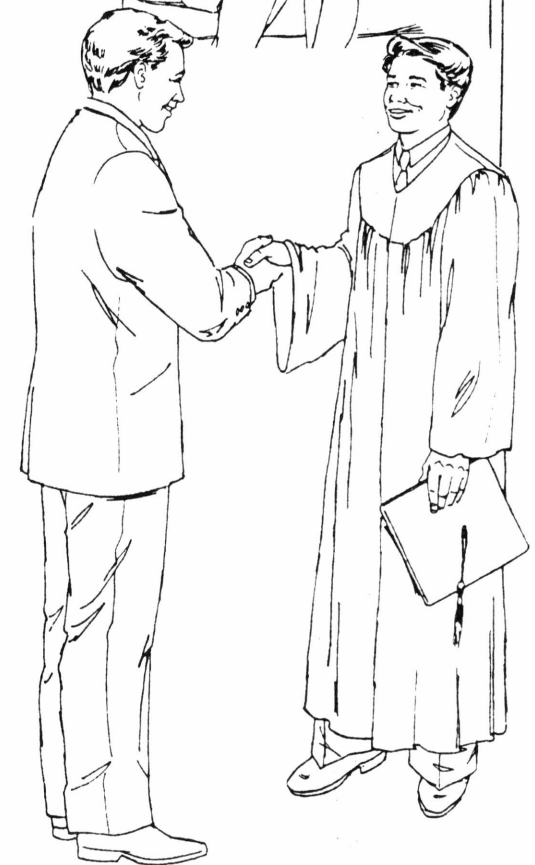


Mentors

Mentoring is a two-way street. Mentors can make a difference in young people's lives -- and young people can make a difference in theirs!

Society as a whole

Building positive relationships with young people is an investment! It helps them stay on course and become responsible, productive adults.



Mentoring can help open doors to a successful future.

Many young people face huge obstacles.

These include:

Economic hardship

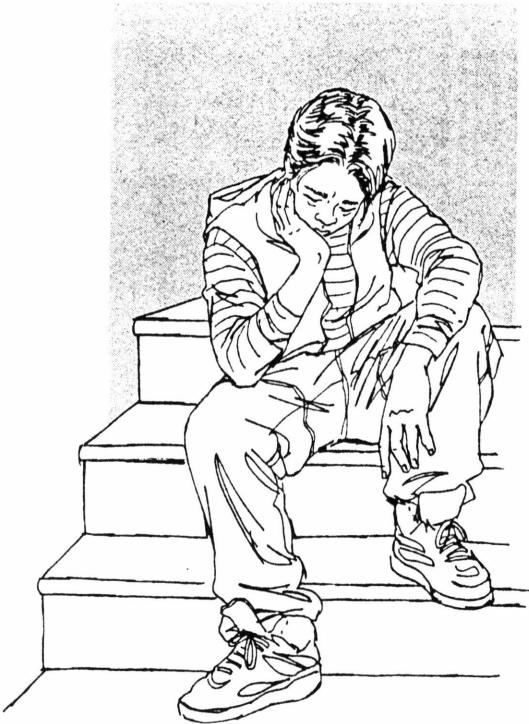
Lack of money can make goals seem out of reach. For example, finishing high school and going on to college may take a back seat to:

- worrying about food and clothing
- working to help support the family.

Negative influences

Media images and peer pressure may encourage young people to:

- use alcohol, tobacco and other drugs
- have sex
- join a gang
- commit crimes
- use violence to solve problems.



Family difficulties

Some young people may be struggling to:

- cope with abuse and neglect
- keep up with schoolwork while caring for younger brothers and sisters.

Mentors are positive role models.

They can:

Set good examples

Young people gain a lot by knowing adults who:

- work hard to reach goals
- sacrifice for others
- face up to -- and overcome -- life's challenges
- are responsible -- and also know how to have fun!

Nurture personal growth

Many young people need adults to help them:

- sort out values and feelings
- deal with moral questions
- make important decisions.

Mentors can be a vital source of advice and support.

Offer practical help

In addition to guiding and nurturing, mentors may offer help with "nuts and bolts" issues such as:

- time management
- problem-solving skills
- career planning.



Mentors act as guides, leaders and teachers. And, most important, they become trusted friends.

How does youth mentoring work?

Many local and national organizations help run youth mentoring programs.

Mentors are recruited through:

- schools and colleges
- business, religious, professional, government, nonprofit and other groups.

Mentors can be young, middle-aged or older adults. It's important that mentors be able to make and keep a commitment to a young person.

Matches are made

-- the process often starts with a standard application form, a background check and a reference check. It may also involve:

- interviews
- get-acquainted meetings
- personal profiles.

Certain programs will then let mentors and young people choose each other -- for example, based on common interests.



What do mentors actually do?

It depends on the needs of the young person. In general, mentors:

Talk and listen

This may be the most important thing any mentor can do.

Seek to enrich

For example, many mentors and young people enjoy:

- visiting a museum, zoo or historic site
- going to a sporting event
- attending a community music or theater production.

Note: A parent's or guardian's permission is usually required for any outing.

Explain and instruct

Young people may ask their mentors to:

- explain rules for sports and games
- teach them about computers
- discuss current events
- help with schoolwork.



Mentoring programs often seek qualified mentors through posters, mailings and other promotions.

Sometimes, the two just "hang out" together!

Mentors can make a difference in other ways.

Mentors are sometimes called on to provide:

Information

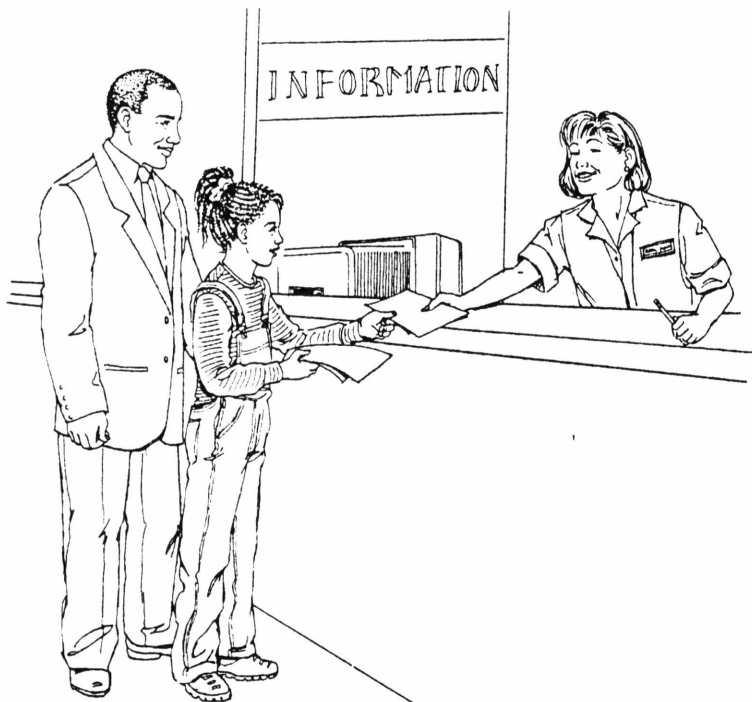
This is crucial in helping broaden a young person's horizons. Mentors can help with:

- applications and interviews for college or work
- financial aid forms
- getting health care.

Advocacy

Young people may need an adult to help support them if they have a problem:

- in school
- at home
- with legal matters.



Mentors aren't expected to have all the answers or solve every problem. But their support during difficult times can be very valuable!

What does it take to be a mentor?

Mentors need a variety of skills and resources along with a bit of imagination! They need to have:

Time

A minimum of a few hours a week is usually required. Consistent contact is one of the keys to building trust.

Patience

Strong relationships often develop slowly. Mentors need to "hang in there" and not give up. Patience and determination carry their own powerful messages!

Communication skills

Young people need adults who can listen. This means being able to:

- ask questions
- avoid interrupting
- give appropriate feedback.

Respect for boundaries

Honoring a young person's need for privacy is important. Trying to get too close too soon can affect the building of a trusting relationship.



Above all, mentors should have a genuine interest in young people -- their hopes, fears and challenges.

Here are some tips

for building a mentoring relationship:

Be partners.

Like any good relationship, mentoring is based on mutual trust, respect and acceptance.

Be honest.

Honesty is the cornerstone of any trusting relationship. It's one of the best ways to prove you're reliable.

Be understanding.

Some young people have serious problems. Their daily lives may expose them to drugs, crime and violence. The best thing a mentor can do is stay calm -- and help the young person discover ways to handle any problems.

Provide challenges.

It's important to be supportive and encourage healthy risks -- such as trying out for a sport, joining a club, starting a new hobby or making new friends.



Limit gift giving.

Your time and attention are far more important than any material gifts you might give.

Avoid making judgments.

Accept the young person for who he or she is. Don't compare him or her to others.

Don't do the work for the young person.

Act as a resource, not a crutch. Never do for the young person what he or she can do on his or her own.

Stay positive.

Accept that you won't have all the answers. No one does. Do the best you can. And, always keep a "can-do" attitude.

Getting support for yourself is important, too! Talk to other mentors and people who run mentoring programs.



Many people have questions about mentoring.

For example:

What if I have difficulty "connecting" with the young person?

There's no magic formula for "connecting." At first, many mentors struggle because of time limits, personality differences, etc. And, sometimes a match may not work out as planned.

But, most obstacles can be overcome with patience and honesty.



Can I really "make a difference" in a young person's life?

Yes! Mentors can influence young people's lives in many positive ways. However, it may take time. You may not see the effects of your influence until years later. Always keep in mind that "small" acts of kindness go a long way.



Should mentors and young people have the same background?

It all depends on the program's goals -- and the needs and abilities of the young people and the mentors. Sharing the same background can help create a bond -- but diversity can also be a plus.

For example, people of different backgrounds may "connect" because they share the same interests (sports, music, computers, etc.).



Are mentors expected to turn lives around?

No one person can accomplish such a huge task! But, being a mentor is an important first step. It can provide young people with new direction.



Learn more about mentoring opportunities.

For information, contact:

Social service agencies

Check your area phone book under "Family and Youth Services," or look under state and local government listings. You can also contact your local United Way agency.



Schools

These include public and private schools, colleges and universities.



Your human resources department

Many organizations help support these programs.

Other community resources

These include local:

- libraries
- places of worship
- community centers
- parks and recreation departments
- chapters of Big Brothers Big Sisters of America
- volunteer clearinghouses.



Find out if mentoring is for you!

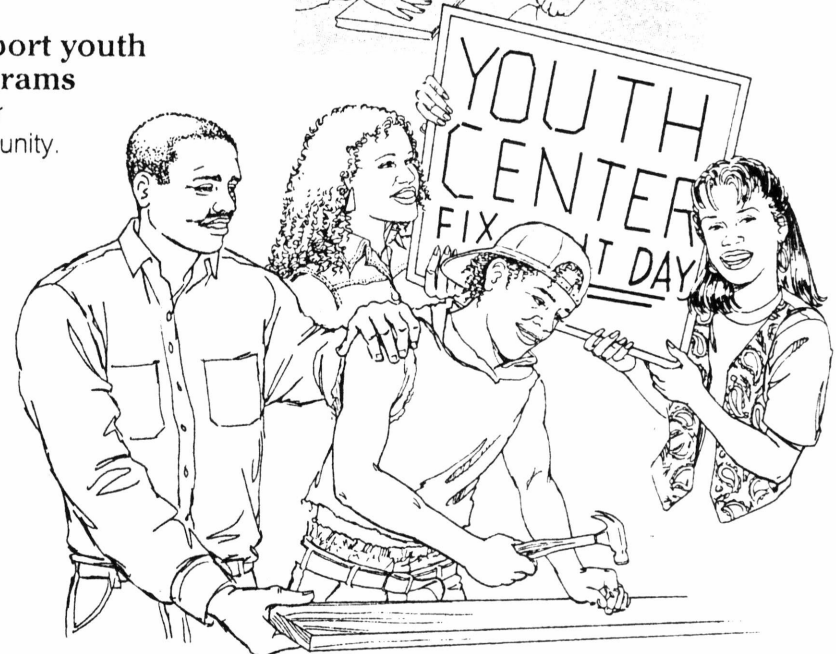
Get more information about mentoring.



Talk about mentoring with friends and family members. Encourage them to learn more about it, too.



Support youth programs in your community.



Discover the rewards of mentoring today!

Darlene —

I visited with Marti from the Girl Scouts after the meeting.

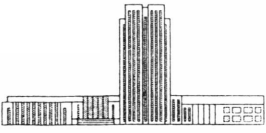
It was really interesting to hear that the number she gave for volunteers really doesn't deserve the scare we had!!

She said that 400 is the number of TOTAL volunteers they have. NOT the number of new volunteers each year that would be needing the background check. She said by far the great majority of volunteers stay with the program for many years. Marti mentioned a more accurate yearly figure may be 30.

I hope you will have a chance to share this with the others.

Thank you so very much for your time and concern for kids. This Bill is a definite step in the right direction.

Janell Vannatta



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:
Judiciary,
Vice Chairman
Political Subdivisions

Senator Darlene Watne
District 5
520 28th Avenue SW
Minot, ND 58701-7065

Chairman DeKrey and Members of the House Judiciary Committee:

I am Darlene Watne, Senator from District 5 in Minot - - the only Minot district that encompasses all inner-city voters, which includes all of Southwest and part of Southeast Minot. All other districts from Minot include some of the inner-city then reach out and embrace rural areas.

Senate Bill 2058 has had an interesting background. It all started when Janell Vanatta in Minot called me last summer. Janell works with the Companions for Children, and the \$20 fee charged by the Bureau of Criminal Investigation to do a background check was just too costly for this wonderful nonprofit organization to afford. The background check is needed when they are looking at a potential new companion willing to donate his/her time to help children. This contact with Janell is what inspired the legislation now before you.

I firmly believe that investment in children, especially those who have problems at an early age, prevents future problems. I look at this as a prevention bill. Testimony showed the cost of one juvenile in our justice system runs from \$20,000 to \$22,000 a year. I look at this bill as a minor investment in our state that saves a great deal in the future. Janell will be with us today to tell you how the Companions for Children's group helps these troubled youth at a very important time in their life. The \$20 fee that the bureau charges may seem minor to many, but for groups like the Companions for Children, it is large and difficult to handle. I hope you will help make their work easier through passage of this bill.

So I contacted Legislative Council to draft legislation to get the fee waived for the Companions for Children. The question then arose: "If this group should be exempt, why shouldn't other entities that work for charitable purposes for the benefit of minors also be exempt?" It was a good question, and so this bill was drafted to waive the fee for all nonprofit organizations that work for the benefit of minors.

It came time for the hearing in the Senate Judiciary and the room was filled with people. The churches were represented feeling they would be covered in this bill. There were representatives at the hearing or letters in my mailbox from the YMCA, YWCA, Girl Scouts, Boy Scouts, and others. There were letters in my mailbox from nursing homes asking me to alter the bill to include their new hirees. Another area of concern opened up, too, and that was some of the gaming entities whose purpose was raising funds that benefit children's groups. Should entities that support child-related organizations from gaming funds be included? How would you know if they were checking for the children's benefit or looking at a new hiree to, for instance, deal blackjack? And they have a funding source that the Companions for Children don't. We had opened a Pandora's box.

In addition, the bill came with a large fiscal note indicating new FTEs would have to be hired for this bill and a couple of others that affect background check procedures. I foresaw the "death by fiscal note" syndrome. The purpose, to benefit the Companions for Children, seemed lost in the shuffle. The bill was just too broad. So, to the drafting board we went with amendments.

The amendments narrowed the bill to its original intent. The amendments narrowed it to groups that operate EXCLUSIVELY for charitable purposes, EXCLUSIVELY to benefit children, and to entities that do not receive gaming funds. I visited with Janell and asked if they could afford a \$3 charge. She said they could. The amendment included a \$3 charge and the troublesome fiscal note was taken care of.

The amendments passed, the bill passed. There was only one objection on the floor, and that was that it should be more open, the fee should be waived for anyone in the state who had a legitimate reason for asking. We thought our original bill had been too broad, and the person on the floor wanted it even broader than our original bill! I found that very interesting. The questioner voted for the bill.

Now, since the legislation passed overwhelmingly in the Senate, Bill Helten of the BCI contacted me requesting an amendment to clarify a question. The way Line 9 reads, "impose a fee of \$3 for a nonprofit organization..." leaves the question: Is this a one-time fee? Is that \$3 per request? To clarify that issue, I propose that the bill be amended to add the words "per record check" following the \$3.

OFFICE OF ATTORNEY GENERAL

TESTIMONY FOR
HOUSE JUDICIARY COMMITTEE
ON SB 2058
February 24, 1999

Mr. Chairman, members of the committee, my name is Joe Herslip, Criminal Records/Identification Manager with the Bureau of Criminal Investigation, which is a division within the Office of Attorney General.

I am speaking on behalf of the Bureau of Criminal Investigation (BCI) on SB 2058, relating to the fee for a criminal history record check. The BCI is the only law enforcement agency that is authorized by state law to perform a statewide criminal background check in North Dakota. The BCI currently charges a fee of \$20 for background checks as mandated by North Dakota Century Code 12-60-16.9. This bill seeks to reduce the fee for nonprofit organizations organized and operated exclusively for charitable purposes for the exclusive benefit of minors

My purpose for appearing before you today is related to the workload issues for our agency. The fee for the criminal history record check was established by the Legislature in 1987. All monies received by the BCI for performing these checks are deposited into the state's general fund. One effect of the fee is to limit the number of record requests received by the BCI.

If criminal history record checks were provided without cost, the BCI would be flooded with requests.

The number of record checks has steadily increased since the implementation of the criminal history law in 1987. In 1987 we received 152 requests. There were a total of 6,280 requests in 1998. In 1998, \$125,600 was deposited in the state general fund from the record checks.

This incredible growth is due to many factors including an increased awareness by employers of the need to perform thorough background checks. Additionally, state and federal laws have mandated background checks for specific groups. Foster care providers, teachers, and daycare providers are now required to have criminal history checks. In addition to this bill, additional bills are aimed at requiring specific groups to obtain background checks. These groups include foster/adoptive parents and private security investigators.

While the number of requests steadily increases, the number of staff has not and the staff is also responsible for other duties. The staff that processes the criminal history record checks also maintains the criminal history records. Fingerprint cards, which are the national standard for positive identification of arrested persons, are the documents which begin the creation of criminal

history records. The volume of fingerprint cards has increased approximately 300 percent from 1987 to 1998. We now receive approximately 15,000 criminal history record submissions each year. We have an increasing backlog in processing the cards because the workload has increased but the number of staff has not.

For this reason, we have prepared a fiscal note that requests an additional one-fourth of a staff person to deal with the increased workload. If this bill passes, this additional staff position will be necessary to deal with the outgoing information.

If there are any questions, I would be happy to answer them.

BISMARCK
Abused Adult Resource Center
222-8370
BOTTINEAU
Family Crisis Center
222-8370
DUNKER
Safe Alternatives for
Abused Families
1-888-662-7378
DICKINSON
Domestic Violence and
Rape Crisis Center
225-4506
ELLEDALE
Kedish House
349-4729
FARGO
Rape and Abuse Crisis Center
800-344-7273
FORT BERTHOLD RESERVATION
Coalition Against
Domestic Violence
627-4171
FORT YATES
Tender Heart Against
Domestic Violence
854-3402
GRAFTON
Tri-County Crisis
Intervention Center
352-4242
GRAND FORKS
Community Violence
Intervention Center
746-0405
JAMESTOWN
S.A.F.E. Shelter
888-353-7233
MCLEAN COUNTY
McLean Family
Resource Center
800-657-8643
MERCER COUNTY
Women's Action and
Resource Center
873-2274
MINOT
Domestic Violence Crisis
Center
852-2258
RANSOM COUNTY
Abuse Resource Network
683-5061
STANLEY
Domestic Violence Program,
NW, ND
628-3233
VALLEY CITY
Abused Persons Outreach
Center
800-344-7273
WILLISTON
Three Rivers Crisis Center
642-2115
WILLISTON
Family Crisis Shelter
572-0757

Testimony SB 2058
House Judiciary
February 24, 1999

Chair Dekrey and Members of the Committee:

My name is Bonnie Palecek, and I am speaking on behalf of the North Dakota Council on Abused Women's Services in regard to SB 2058.

The issue of criminal background checks, particularly for those advocates working with children, is an increasingly important one for domestic violence programs statewide and non-profits in general. In order to cover liability adequately, more and more insurance companies are requiring background checks on all paid and volunteer staff working with children. Of course it is also good program policy, and we strongly encourage our coalition members to complete background checks on all employees.

On the other hand, the \$20.00 fee for each background check is becoming quite burdensome. Staff and volunteers working exclusively with children include 97 individuals statewide. Total staff and volunteers for 20 programs statewide amount to 632 people. As a localized example, the Bismarck Abused Adult Resource Center, with an extensive program for children, utilizes 50 people in the children's program, at \$20.00 a piece, that's \$1,000.00 added to their budget just for background checks. If they did background checks on all 250 staff and volunteers, it would cost them \$5,000, not a small sum.

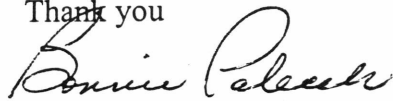
Because the cost is prohibitive, local domestic violence agencies are either being selective in doing background checks, contacting previous employers in lieu of routine checks, or sometimes simply not requesting them. We know that in the future, however, these checks will become a routine necessity.

We realize that at this point we are not included in the SB 2058 at all because we are not "organized and operated...for the exclusive benefit of minors." In order to be inclusive of the 97 child advocate staff and volunteers working in domestic violence programs, we would ask that the word "exclusive" be removed on line 10. We would also ask that the words "which does not receive gaming proceeds from a charitable organization" be removed. We do not feel it is fair to penalize an agency for accepting a couple hundred dollars from an Elks Club which might engage in gaming.



Finally, we must make the point that it appears that non-profits are once again being singled out for a fee when governmental agencies have been exempted. We are increasingly feeling that we are not only picking up the work that these entities don't want to do, but we are expected to pick up the tab as well.

Thank you

A handwritten signature in cursive script that reads "Bonnie Palecek". The signature is written in black ink and is positioned above the printed name.

Bonnie Palecek
Executive Director
NDCAWS/CASAND