

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2041

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Lacosta Rickford
Operator's Signature

10/15/03
Date

2003 SENATE JUDICIARY

SB 2041

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10/15/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2041

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 01/22/03

Tape Number	Side A	Side B	Meter #
1		X	3.9- 33.0
Committee Clerk Signature <i>M. L. Lally</i>			

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. This was a joint Session with Senate and House Representatives Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill.

Testimony in support of SB 2041

Wayne Stenejem Introduced the Bill (Tape 1, Side 1, meter 17.8 to 40.1)

Kurt Wolfe Read Attached #1 Testimony (Tape 1, Side 2, meter 3.9) Criminal Justice Information Sharing (C-JIS) Project

Senator John T. Traynor, Chairman refereed to the amount of a record check \$3 to \$25 fee charge

Sandi Tabre discussed only nonprofit deal with children Amendment will be coming up increasing the fee from \$3 to \$10

Senator Del more discussed with Kurt the one time start up fee due to startup costs (meter 11)

Concealed weapons license fees \$10 of \$25 go towards this fund. Requested a revised Fiscal note.

LaCosta Rickford
Operator's Signature

10/15/03
Date

Page 2

Senate Judiciary Committee
Bill/Resolution Number 2041
Hearing Date 01/22/03

Paul Hedrickson - (meter 15.5) Sheriff. Spoke on behalf of the Sheriffs and Deputies Assoc.

This bill will help them move faster in unison with the Judges, Police, and Courts. It will let a lone law enforcement agent in a rural area's or the "field". It will make a one man department able to function as well as a large department like Fargo. Wire Tap between the presidents of the Hells Angels and the Bandito's they make the comment that if the man (police) ever get their act together and work together we don't stand a chance. We are so fragmented and this will give us a main line whether it is drugs or Home Land Security.

Testimony in opposition of SB 2041

Testimony Neutral to SB 2041:

Senator John T. Traynor, Chairman closed the hearing

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2041

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 01/27/03

Tape Number	Side A	Side B	Meter #
1		X	0.0 - 29.0
3	X		4.0 - End
Committee Clerk Signature			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. This was a joint Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill.

Testimony in support of SB 2041

Sandi Tabre - Deputy Attorney General - Hand out Board Amendment Attachment #1

Discussion on who is on the board. (meter 2.1) Senator Thomas L. Trenbeath asked the regards of expence of reporting process. We are already recieving most of the information. We will only be tying all the sources together with this system.

Fiscal Note: Additiona FTE's (meter 8.0) Discussed other funding sources. Including Homeland Security funding. Lack of Staff.

Senator Dick Dever we are tying our state together but what about at a Federal Level? To some extent we do but the FBI has there own data bank.

Page 2

Senate Judiciary Committee
Bill/Resolution Number 2041
Hearing Date 01/27/03

Christopher Dobbs - Representing the Caatholic Churck. Proposing an amendment in regards to the fees to do background checks for non profit organizations that work with childeren (meter 10)

As you know the Catholic church has had a very difficult time and are trying to rectify their issues. One of the things is to better evaluate who has contact with childern. By doing criminal background checks and or profiles on all employees and volunteer staff that have contact with childeren. The discount fee in the present bill does not pertain to churchs. We would like to rectify this. We would have 6,000 per diocies of people. We would like to raise the \$3 to \$10 and open it to churches. We hope to eliminate the problems we have in other organizations so they may do checks on their people and avoid the issues we have had.

Discussion of Costs to do Checks (meter 12.8) It cost the state \$25 to do this. We would loose at least \$15 per background check. Discussion on what public and privite school teachers pay for a background check.

Sandi Tabre said only four groups our currently able and using the \$3 fee at present.

Discussion on who would be (numbers) utilizing background check? Senator Carolyn Nelson

What if you pull a volunteer out of church to teach Sunday School, how will you check them?

Can you narrow this number down for us? It would have to do with an organization and its policies (17 meter)

Sandy Tabre spoke of our states inability to even do a FBI check for anyone. We need this bill aside from costs to be able to do an extensive check on an average citizen. Only by the people who are authorized by statute; teachers, nursing homes. We can do a state background check on any one but we can not do an FBI check. \$32 dollars for a state check and an FBI check and you have to do both.

Page 3

Senate Judiciary Committee

Bill/Resolution Number 2041

Hearing Date 01/27/03

Testimony in opposition of SB 2041

none

Testimony Neutral to SB 2041:

none

Senator John T. Traynor, Chairman closed the hearing

Senator John T. Traynor, Chairman reopened the hearing

Mr. Dobbs presented amendment and discussion was on who should pay what fees (tape 3 side 1, meter 3.8)

Senator Dick Dever submitted an attachment of what the Boy Scouts do

Motion Made to amend #1 on SB 2041 by Senator Carolyn Nelson and seconded by

Senator Dennis Bercier.

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passes

Motion Made to amend #2 on SB 2041 by Senator Carolyn Nelson and seconded by

Senator Dennis Bercier.

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passes

Motion Made to pass SB 2041 as amended twice by Senator Thomas L. Trenbeath and seconded by Senator Stanley W. Lyson, Vice Chairman.

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion Passed

Floor Assignment Senator Thomas L. Trenbeath

FISCAL NOTE
Requested by Legislative Council
03/27/2003

Amendment to: SB 2041

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$280,000		\$280,000	
Expenditures	\$0	\$0	\$180,000		\$180,000	
Appropriations	\$0	\$0	\$180,000		\$180,000	

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill establishes a criminal justice information sharing (CJIS) board. The board will set policy regarding the collection, storage and sharing of criminal justice information and the related systems. The bill increases, from \$20 to \$30, the fee charged for each criminal history record check.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

In the 2003-05 biennium we anticipate processing 28,843 records checks. Of these, 343 are charged \$3 and 28,500 are charged \$30 for each record check.

The fastest growing segments requesting record checks are those that affect the safety of children and other state citizens. Previous legislation has mandated or permitted criminal records checks for various groups, and the current legislature has considered several more, including church employees and volunteers. These additional workloads require more staffing.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Due to the significant workload increase anticipated to result from nonprofits' ability to request federal background check information, as well as the criminal history records checks increase resulting from House Bill No. 1252 (ITD), and Senate Bill Nos. 2223 (city and county employment applicants), and 2253 (Board of Medical Examiners applicants and those subject to discipline), 2 FTE's and associated expenses will be needed. Based on the anticipated background check increase from these four bills, the records checks workload is estimated to increase by at least 33 percent.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

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La Costa Rickford 10/15/03
Operator's Signature Date

An appropriation is needed as described in the expenditures portion of this note.

Name:	Bob Helten/Kathy Roll	Agency:	Office of Attorney General
Phone Number:	701-328-5500/328-3622	Date Prepared:	03/27/2003

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Lacosta Rickford
Operator's Signature

10/15/03
Date

FISCAL NOTE
Requested by Legislative Council
03/18/2003

Amendment to: SB 2041

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$140,000	\$0	\$140,000	
Expenditures	\$0	\$0	\$180,000	\$0	\$180,000	
Appropriations	\$0	\$0	\$180,000	\$0	\$180,000	

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill establishes a criminal justice information sharing (CJIS) board. The board will set policy regarding the collection, storage and sharing of criminal justice information and the related systems.

The bill increases, from \$20 to \$25, the fee charged for each criminal history record check, which is to fund the CJIS project.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

In the 2003-05 biennium we anticipate processing 28,843 records checks. Of these, 343 are charged \$3 and 28,000 will be charged \$25 for each record check.

The fastest growing segments requesting record checks are those that affect the safety of children and other state citizens. Previous legislation has mandated or permitted criminal records checks for various groups, and the current legislature will consider several more, including church employees and volunteers. These additional workloads require more staffing.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Due to the significant workload increase anticipated to result from nonprofits' ability to request federal background check information, as well as the criminal history records checks increase resulting from House Bill No. 1252 (ITD) and Senate Bill Nos. 2223 (city and county applicants) and 2253 (Board of Medical Examiners applicants and those subject to discipline), 2 FTE's and associated expenses will be needed. Based on the anticipated background check increase from these four bills, the records checks workload is estimated to increase by at least 33 percent.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive

budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

An appropriation is needed as described in the expenditures portion of this note.

Name:	Bob Helten/Kathy Roll	Agency:	Office of Attorney General
Phone Number:	701-328-5500/328-3622	Date Prepared:	03/26/2003

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Lacosta Rickford
Operator's Signature

10/15/03
Date

FISCAL NOTE
Requested by Legislative Council
02/14/2003

Amendment to: SB 2041

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$120,000			
Expenditures	\$0	\$0	\$175,551		\$175,312	
Appropriations	\$0	\$0	\$175,551		\$175,312	

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$20,000	\$40,000	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill establishes a criminal justice information sharing (CJIS) board. The board will set policy regarding the collection, storage and sharing of criminal justice information and the related systems.

The amendments adopted by both the Senate committees, and the full Senate, remove the funding for the CJIS board. In addition, the bill provides for the Bureau of Criminal Investigation (BCI) to obtain an FBI criminal history check for nonprofit organizations engaged in activities involving direct contact with minors by the organization's employees, agents, or volunteers, for which the organization will pay the costs.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

The fastest growing segments requesting record checks are those that affect the safety of children and other state citizens. Previous legislation has mandated or permitted criminal records checks for various groups, and the current legislature will consider several more, including church employees and volunteers. 2003 House Bill No. 1252 and Senate Bill No's. 2223 and 2253 provide for criminal background checks to various entities through the BCI. These bills, along with Senate Bill No. 2041, will create significantly higher workload for which additional staff and expenses will be required.

The private entity would contact police or sheriff departments to fingerprint the person to be investigated. The fiscal impact shown for cities and counties relates to the income each is estimated to receive for this purpose. The BCI would bill the private entity for the FBI check. All of revenues from the federal record checks are sent to the FBI - BCI is unable to retain any of this revenue. Fees for the federal record checks would be \$22 for employees, and \$16 for volunteers. State checks would be \$20 for both employees and volunteers. Total fees would either be \$42 for employees or \$36 for volunteers.

Revenue estimates for the 2005-07 biennium are unavailable.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

2003 House Bill No. 1252 and Senate Bill No's. 2223 and 2253 provide for criminal background checks through the BCI – the Office's appropriation has yet to be adjusted for these significant workload increases. These bills, along with Senate Bill No. 2041, will create a significantly higher workload for which additional staff and expenses would be required. Two identification technicians and related expenses are reflected in this bill to address the four bills mentioned above.

It is important to be aware that background checks information is only as good as the data entered into the system. It is critical to have the system up-to-date (rather than backlogged as has occurred previously due to insufficient staffing). If the BCI receives background checks requests but is unable to input charges and dispositions, comprehensive checks would not occur, which could result in hiring staff or volunteers who probably should not work with children.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

2003 House Bill No. 1252 and Senate Bill No's. 2223 and 2253 provide for criminal background checks through the BCI – the Office's appropriation has yet to be adjusted for these significant workload increases. These bills, along with Senate Bill No. 2041, will create a significantly higher workload for which additional staff and expenses will be required. Two identification technicians and related expenses are reflected for this bill.

Name:	Robert Helten/Kathy Roll	Agency:	Office of Attorney General
Phone Number:	701-328-5500/328-3622	Date Prepared:	02/18/2003

La Costa Rickford
Operator's Signature

10/15/03
Date

FISCAL NOTE
Requested by Legislative Council
12/16/2002

Bill/Resolution No.: SB 2041

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	(\$500,935)	\$612,406	\$0	\$613,435
Expenditures	\$0	\$0	\$0	\$612,406	\$0	\$613,435
Appropriations	\$0	\$0	\$0	\$612,406	\$0	\$613,435

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill establishes a criminal justice information sharing (CJIS) board. The board will set policy regarding the collection, storage and sharing of criminal justice information and the related systems.

The bill increases, from \$20 to \$25, the fee charged for each criminal history record check. Eighty percent of these fees will be deposited in the criminal justice information sharing fund, for the purpose of funding criminal justice information sharing activities. The remaining 20% will be credited to the Attorney General's operating fund to defray the expenses of criminal history record checks.

The bill also deposits \$10 of the \$25 concealed weapons license into the criminal justice information sharing fund. Currently the \$10 is deposited into the General Fund.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

In the 2003-05 biennium we anticipate processing 22,843 records checks. Of these, 343 are charged \$3 and 22,500 are charged \$25 for each record check.

We anticipate processing 4,991 concealed weapons permits in 2003-05 at \$25 each.

The fastest growing segments requesting record checks are those that affect the safety of children and other state citizens. Previous legislation has mandated or permitted criminal records checks for various groups, and the current legislature will consider several more, including church employees and volunteers. These additional workloads require more staffing.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

The CJIS Board will receive approximately \$500,000 for criminal justice information sharing projects.

The Bureau of Criminal Investigation in the Office of Attorney General will receive approximately \$112,500 to offset some of the cost of providing criminal history record checks.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

The CJIS Board will need an appropriation for the additional moneys to be deposited in the Criminal Justice Information Sharing Fund.

The Office of Attorney General, BCI Division, does not currently have the spending authority needed for this bill. The Office will need an increased appropriation for the criminal record check moneys anticipated.

Name:	Kathy Roll/Jerry Kemmel	Agency:	Office of Attorney General
Phone Number:	328-3622/328-5500	Date Prepared:	01/15/2003

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Lacosta Rickford
Operator's Signature

10/15/03
Date

AH. #1

Proposed Amendments to Senate Bill No. 2041
Presented by the Office of Attorney General
January 27, 2003

Page 1, line 13, after "shall" insert "approve and"

Renumber accordingly

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La Costa Rickford
Operator's Signature

10/15/03
Date

Date: January 27, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2041

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend #1

Motion Made By Senator Carolyn Nelson Seconded By Senator Dennis Bercier

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent Zero (0)

Floor Assignment _____

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 1, after "board;" insert "to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to federal criminal history checks;"

(2)

Page 3, after line 20, insert:

"SECTION 4. A new section to chapter 12-60 of the North Dakota Century Code is created and enacted as follows:

Federal criminal history checks. The bureau may file for federal processing with the federal bureau of investigation a criminal history check requested by a nonprofit organization engaged in activities involving direct contact with minors by the organization's employees, agents, or volunteers. All costs associated with the criminal history check filed with the federal bureau of investigation are the responsibility of the nonprofit organization.

Renumber accordingly

Date: January 27, 2003
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2041

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend #2

Motion Made By Senator Carolyn Nelson Seconded By Senator Dennis Bercier

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent Zero (0)

Floor Assignment _____

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

30126.0301
Title.0400

Adopted by the Judiciary Committee
January 29, 2003

JS
1-31-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 1, after the semicolon insert "to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to federal criminal history checks;"

Page 1, line 13, after "shall" insert "approve and"

Page 3, after line 20, insert:

"SECTION 4. A new section to chapter 12-60 of the North Dakota Century Code is created and enacted as follows:

Federal criminal history checks. The bureau may file for federal processing with the federal bureau of investigation a criminal history check requested by a nonprofit organization engaged in activities involving direct contact with minors by the organization's employees, agents, or volunteers. The nonprofit organization shall pay all costs associated with the criminal history check filed with the federal bureau of investigation."

Renumber accordingly

Date: January 29, 2003
Roll Call Vote #: 3

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2041

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS as amended twice

Motion Made By Sen. Trenbeath Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) SIX (6) No ZERO (0)

Absent Zero (0)

Floor Assignment Senator Thomas L. Trenbeath

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

REPORT OF STANDING COMMITTEE (410)
February 3, 2003 1:11 p.m.

Module No: SR-20-1524
Carrier: Trenbeath
Insert LC: 30126.0301 Title: .0400

REPORT OF STANDING COMMITTEE

SB 2041: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to federal criminal history checks;"

Page 1, line 13, after "shall" insert "approve and"

Page 3, after line 20, insert:

"SECTION 4. A new section to chapter 12-60 of the North Dakota Century Code is created and enacted as follows:

Federal criminal history checks. The bureau may file for federal processing with the federal bureau of investigation a criminal history check requested by a nonprofit organization engaged in activities involving direct contact with minors by the organization's employees, agents, or volunteers. The nonprofit organization shall pay all costs associated with the criminal history check filed with the federal bureau of investigation."

Renumber accordingly

2003 SENATE APPROPRIATIONS

SB 2041

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10/15/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2041

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 2-10-03

Tape Number	Side A	Side B	Meter #
1	x		0-1127
Committee Clerk Signature <i>Sandra Dawson</i>			

Minutes: Chairman Holmberg opened the hearing to SB 2041. Attendance was called, a quorum established. (Meter 231) Roxanne Woeste, Fiscal staff for Legislative Council: Gave a brief explanation of the bill, section by section. (Meter 544) Senator Mathern: The special funds entities receiving these moneys exist presently, could they have a decrease in general funds in their budgets if this passes? (Meter 594) Roxanne Woeste: I believe the negative general fiscal impact is due to the fact that some of these fees that are collected are presumed to be deposited currently into the general fund and these changes divert some of these funds into a special fund. (Meter 635) Senator Mathern: We are diverting to agencies that already existing is that amount of diversion not needed now by that agency? In terms of what the governor has recommended? (Meter 665) Chairman Holmberg explained Senator Mathern's question: It's a trade off in other words, if we lost five hundred thousand dollars in revenue under this bill and the agencies involved get the money, is there any correspondent reduction in their budget to take care of the five hundred thousand that we are losing in the general budget? (Meter 689) Roxanne: The funds

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Lacosta Rickford
Operator's Signature

10/15/03
Date

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Senate Appropriations Committee

Bill/Resolution Number SB 2041

Hearing Date 2-10-03

that would be going into the would be going into information technology department for criminal justice information sharing activities. They would correlated between the Attorney General's office, supreme court, and other appropriate entities. Right now there are no specific dollars being spent for these types of activities. (Meter 749) Senator Thane: How many conceal weapon permits are enforced today? (Meter 788) Roxanne: 4,991 permits (Meter 809) Senator Krauter: who pays the \$25 fee? (Meter 824) Roxanne: Whoever is requesting the record check from the Attorney General's office. (Meter 864) Sandi Tabor, Deputy Attorney General: Provided information on the background for SB 2041. Back in 2001 the governor issued an executive order forming a criminal justice information sharing board and several subcommittees to look at how it is put together - the concept of criminal justice information sharing. In response to some of your questions about the budget, our agency has been receiving federal grant money for a number of years to put together criminal history information and as many of you recall, we are also responsible for the uniform recording program and we have been updating that and putting that together. This effort is really something that was put together by the supreme court, the executive branch, our office to try to look at ways to improve what we are doing and to bring ourselves into the next century as you will and look at what types of technology can make our ability to get very important information to law enforcement officers out in the field as quickly and practically as possible. For the last two years we have been meeting as a group to try to put together the organization for this. This bill really highlights some of our thoughts, one we thought it was important to get the executive board put into statute so everyone is clear on who is responsible for this. Not only from the how do we design this, but who is responsible financial end. There are some federal moneys that we have in our budget through prior grants and

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Senate Appropriations Committee

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hopefully future grants, that we will be able to allocate to programs approved. The price tag is well over one million dollars just for the first fazes. We are looking for other money, part of the expense is implementing the hub, the hub being the overall center portion of this system that will allow people to send information in and allow people to bring it back out in a web user friendly manner. So that's why we are here today, we need to find some money, in regard your question Senator Mathern, about does this off set any money, no, this is new, so the money we are looking for is new money. It's not going to affect our budget except that we are getting some money from criminal history checks that we did not get before. But the large part of the money is to go to SEGIS to try to find ways to finance a pretty big program. The amendments that was put on does cause us some concerns, but I have talked to the AG and if this committee decides to forward with this concept, we are going to sit down with the House Judiciary committee and talk about the amendment itself. Because of the way it was written, it may cause us to need a FTE, just for this amendment. They are several bills out that are looking for the bureau of criminal investigation to expand who is doing record checks for. As is mentioned, we can do record checks for anybody right now but the key is getting to the feds and doing the federal checks too. In most incidences in order to do the federal FBI check we have to have specific legislation authorizing it and we can only do that from government entities. This amendment expands and opens the door to quite a bit and what we had talked to Senator Holmberg about is that we are assume our appropriations and we will end up in conference committee. At that time we will know which bills have passed, and then we can come to you and say "here's what we need in order to accomplish all what is in affect. At this time I want you to be aware that we are a little concerned about the amendments and the best place is to sit down and talk to the House about

La Costa Rickford
Operator's Signature

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Senate Appropriations Committee

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how we need to redo the amendment and at the conference committee we will have a full idea of what FTE requirements are needed. (Meter 1298) Senator Tallackson: If the executive branch was mentioned, shouldn't this have been included in the governor's budget? (Meter 1320) Sandi: Really can't answer why it wasn't. (Meter 1486) Senator Lindaas: There is the NCIC (National Crime Information Center), does this overlap with that? (Meter 1509) Sandi: Bob or Jerry need to answer that. (meter 1542) Bob Hilton, Information Services section of BCI: There is a requirement that we need to do both the state and the federal. If we find something in the state that would prohibit that individual to function as an employee or as a volunteer, the federal check would not be necessary. (Meter 1639) Senator Robinson: We were under the impression this would be part of the executive budget recommendation and why it is not there, I don't know. We were very supportive of SB 2041. (Meter 1691) Senator Grindberg: Could we get a spread sheet or a breakdown of how these fees would be spent in the next biennium? What would your opinion be if we just stripped everything out of this bill that related to fee and establishing the fund and pass the concept for now? (Meter 1708) Sandi: We would like to at minimum see the bill passed so that we have the structure in place. Its been working now for 18 months and we think it is a good structure. I think it is important to continue that concept . If you strip the money it is going to put a damper on the plan. (Meter 1808) Senator Grindberg: What is we did nothing? (Meter 1836) Sandi: I think if you did nothing, we would still operate under the executive, we are perfectly comfortable with that too. We still would have the financial issue. We can provide you with any budget material that a consultant came in with a grant and put together for us. It can show you the numbers. (Meter 1890) Senator Krauter: Who pays the \$25? (Meter 1898) Sandi: The requester such as if a teacher needs a history check the employer of the

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Senate Appropriations Committee
Bill/Resolution Number SB 2041
Hearing Date 2-10-03

teacher. If the city or county wants a background check, the agency would have to decide who would pay that fee. (Meter 2035) Senator Tallackson and Thane: Both commented on the fees. (Meter 2100) John Olson, representing the State Attorneys and Peace Officers Association: Strongly urge your support of the bill. (Meter 2137) Senator Krauter: So the state's attorney would pay the \$25 fee to request the information? (Meter 2140) John Olson: No, I don't believe state's attorney as members of law enforcement would have to pay this. (Meter 2161) Senator Kilzer: what about raising the fees to \$35? (Meter 2174) John Olson: I don't have any problem with that, I don't know what that would do to the number of permits. (Meter 2214) Doug Friesz, Director of Emergency Management: See written testimony Exhibit 4. (Meter 2300) Chairman Holmberg closed the hearing on SB 2041.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2041 vote

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 2-12-03

Tape Number	Side A	Side B	Meter #
3	X		1440-1690
Committee Clerk Signature <i>Sandra Davis</i>			

Minutes: Chairman Holmberg opened the hearing to vote on SB 2041. (Meter 1448)

Amendments (30126.0401) were proposed and explained by Senator Grindberg. A motion to pass the amendment was made by Senator Grindberg and seconded by Senator Robinson. Senator Robinson made some comments. (Meter 1615) A voice vote passed the amendment. A motion of DO PASS AS AMENDED was made by Senator Grindberg and seconded by Senator Robinson. (Meter 1650) The vote was 11 yeas, 0 nays and 3 absent. The floor assignment was Senator Robinson. The hearing was closed by Chairman Holmberg.

30126.0401
Title.0500

Prepared by the Legislative Council staff for
Senator Grindberg
February 10, 2003

QJ
2-12-03

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2041

Page 1, line 3, replace "sections" with "section" and remove ", 12-60-16.9, 12-60-18, and"

Page 1, line 4, remove "62.1-04-03"

Page 1, line 5, remove "and to the fees for criminal history checks and concealed weapons permits"

Page 3, remove lines 11 through 22

Page 3, remove lines 30 and 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 19

Renumber accordingly

Amendment
by Rob. Voie

~~2041~~
2041

Date:
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30126.0401

Action Taken DO PASS

Motion Made By Grindberg Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 11 No

Absent 3

Floor Assignment Robinson

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

REPORT OF STANDING COMMITTEE (410)
February 13, 2003 11:50 a.m.

Module No: SR-28-2567
Carrier: Robinson
Insert LC: 30126.0401 Title: .0500

REPORT OF STANDING COMMITTEE

SB 2041, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2041
was placed on the Sixth order on the calendar.

Page 1, line 3, replace "seclions" with "seclion" and remove ", 12-60-16.9, 12-60-18, and"

Page 1, line 4, remove "62.1-04-03"

Page 1, line 5, remove "and to the fees for criminal history checks and concealed weapons permits"

Page 3, remove lines 11 through 22

Page 3, remove lines 30 and 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 19

Renumber accordingly

2003 HOUSE JUDICIARY

SB 2041

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La Costa Richard
Operator's Signature

10/15/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2041

House Judiciary Committee

☐ Conference Committee

Hearing Date 3-5-03

Tape Number	Side A	Side B	Meter #
2	x		18-20.3 / 47.2-end
2		xx	0-9
Committee Clerk Signature <i>A. Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Wrangham)

The original hearing was held on January 22, 2003 in the Pioneer Room as a Joint Session with the Senate. The minutes are attached. Attachments can be found with the Senate minutes in the library.

Chairman DeKrey: We heard this bill so I would like to do committee work.

Sandi Tabor, Deputy AG: (See attached updated overview and amendments). To summarize the changes by the Senate Appropriation Committee, that was that they stripped the amendments to the language to the bill that would have allowed the CJIS Project, the Criminal Justice Information Sharing Project, to get 80% of the criminal history background check funding and a portion of the concealed weapons funding. When you are ready to do some work on this, we do have an amendment to propose that would add back in a \$5 to the criminal history background check and that that \$5 would be allowed to go to CJIS, so there would be no impact on today's

Page 2
House Judiciary Committee
Bill/Resolution Number SB 2041
Hearing Date 3-5-03

general fund money, but would allow at least a little over \$100,000 to be funneled into CJIS, because we do need to have seed money to get that project going.

Chairman DeKrey: We will take these bills up when we return this afternoon.

(Reopened later in the afternoon session)

Chairman DeKrey: We will take a look at SB 2041. The major change was that Senate Appropriations stripped out the money. I think it would be fair to say, mainly because it was raiding general fund money. One of the things the original bill did was raised the criminal history records information fee which is now \$20 to \$25 and split that \$25 - 80/20 between the CJIS project and the AG's office. The Information Technology Department and the Attorney General's office discussed the amendment that I handed out, and the amendment I handed out, increases the fee from \$20 to \$25, the extra \$5 will go to CJIS and not raid the general fund, this will be around \$112,500.00.

Rep. Eckre: So am I to understand that the fiscal note is not relevant anymore.

Ms. Tabor: The fiscal note, I believe that is part was generated on the amendments.

Kathy Roll: With the increase in background investigations that are required as a result of the engrossed bill, we would require 2 additional FTE's to handle the workload.

Ms. Tabor: There are several bills floating around that allows other entities to get criminal history background checks. What we've done is try to consolidate the aggregate effect on all of these bills on our office, so 2 FTE's with this bill, plus those other bills.

Rep. Delmore: (passed attached testimony), what are we doing with the non-profit people, what are we doing with those fees in the bill.

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House Judiciary Committee
Bill/Resolution Number SB 2041
Hearing Date 3-5-03

Ms. Tabor: In the bill, the law has provisions that stated that entities that specifically deal with children could get criminal history background checks for \$3, and that language remains in the bill. The change that was added was broader language, which was supposed to allow for other non-profit entities that have some kind of contact with children to be able to get federal background checks. What we found out that that language really isn't necessary because there is a federal act which already provides a mechanism for that to occur, but the State has to take some action in order to do that.

Rep. Delmore: What are we charging the non-profit people, is that going to be \$25.

Ms. Tabor: Non-profits would be charged at \$25, unless they fall under that very narrow exception that currently is in the law.

Rep. Maragos: Obviously a church would not fall into that exception, even when it is dealing with children, so they're going to be hit with the \$25 fee.

Ms. Tabor: That's correct.

Rep. Maragos: If churches find that they can't afford it, what exposure will they face because they didn't do the background checks.

Ms. Tabor: The same exposure facing the Catholic Church. Our average cost is \$20 for each background check.

Rep. Delmore: Is it true that in MN and MT charge \$8 for the background checks.

Ms. Tabor: I believe that they have a general exception when dealing with organizations that deal with children.

Rep. Delmore: We've also got things like Domestic Violence for Children fall through the cracks because they are not in that narrow limitation.

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House Judiciary Committee
Bill/Resolution Number SB 2041
Hearing Date 3-5-03

Bob Helton, AG's office: I don't have that information with me, but I can get it for you.

Rep. Maragos: Do you have any examples of an entity that is solely for the purpose of dealing with children.

Mr. Helton: Little League would be one of the organizations, dealing only with children and only for the purposes of providing some kind of charitable activity for them. There is no revenues generated at all from that activity from anybody.

Rep. Maragos: Bishop Ryan High School in Minot, where would they fall.

Mr. Helton: Actually they would fall into two categories. Right now the teachers in that school would be covered by the Educational Standards Board for the licensing background checks that are done for them. Now you have other employees in that institution, like cooks, etc. they may be covered under the amendment that is proposed under this bill, but they would still be at the \$25 level. Unless we could somehow determine with certainty that the only services that they are providing are for children and charitable purposes.

Rep. Maragos: Could the church set up a separate entity within the church that deals with children and then qualify.

Mr. Helton: That may be possible. It would have to specifically identify a group of individuals and that group would be such that it wouldn't be providing any other kinds of services to adults or anybody else. It's possible. But when you are dealing with the church as a whole, obviously they are providing services to a wide range of people of all ages. That's one reason why they are excluded from that \$3 fee.

Rep. Maragos: What is the maximum age limit to be considered.

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House Judiciary Committee
Bill/Resolution Number SB 2041
Hearing Date 3-5-03

Mr. Helton: 17 years old, as far as the federal checks go, that would have to continue as far as the teachers go. Not our rule, but a federal requirement, if they are currently receiving federal background checks through a state statute, which the teachers are, they would have to continue under that. We're talking about the \$20 for the state records check. We're talking about the \$22 for the federal records check, specifically what we're addressing is whether that state \$20 fee will be \$20 or \$25 or \$3 under this previous provision in the bill. We would do the \$3 fee at the state level, but that's not going to change the federal requirement.

Rep. Maragos: That's \$20. So right now they pay the state fee and then the federal fee, so it was about \$42. So now it will be around \$47.

Mr. Helton: Correct.

Rep. Maragos: Churches, do they have to get the federal background check too.

Ms. Tabor: Nobody has to get the federal background check, the check is up to them.

Mr. Helton: It is the teachers who have to have the federal, but as far as the church as a whole goes, their employees, that would simply be a church requirement or whatever kind of organization or business that we are talking about that provides that kind of service to children, would be up to them. Actually there is a reduced fee for volunteers, as opposed to employees and that fee at the federal level is \$16.

Rep. Maragos: How do we treat volunteers in the state.

Mr. Helton: We make no distinction within the state.

Rep. Maragos: So they would still have to pay the \$25.

Ms. Tabor: As long as they don't fall into that narrow exemption, yes.

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House Judiciary Committee
Bill/Resolution Number SB 2041
Hearing Date 3-5-03

Rep. Klemin: I understood you to say, that the \$20 is what it costs you on the average to get the background check done. So then if we were to give a discount to somebody else, they would be paying below cost, is that correct.

Ms. Tabor: That is the exact reason why the Senate Judiciary Committee did not go along with the amendments that provided reduced fees and who gets the cheaper rate. They were concerned about what that would do to the general fund dollars.

Rep. Delmore: I believe that amendment was part of that handout that I passed out to you on page 2.

Ms. Tabor: I think it is an overall picture too, not only wouldn't it cut back on the cost, then add on because we have been notified by the Catholic Diocese that we're going to be doing anywhere from 3,000-5,000 requests for background checks in the next biennium. So I think the big picture made them concerned.

Chairman DeKrey: What are the committee's wishes in regard to SB 2041.

Rep. Klemin: I move to adopt the amendments that have been proposed by the AG's office.

Rep. Grande: Seconded.

Voice vote: Carried.

Rep. Klemin: I move a Do Pass as amended and rereferred to Appropriations.

Rep. Maragos: Seconded.

11YES 0 NO 2 ABSENT DO PASS AS AMENDED/REREFER TO APPROP.

CARRIER: Rep. Maragos

30126.0501
Title.0600

Adopted by the Judiciary Committee
March 5, 2003

House Amendments to Reengrossed SB 2041 - Judiciary Committee 03/05/2003

Page 1, line 3, remove the first "and", replace "section" with "sections", and after "12-60-16.2" insert ", 12-60-16.9, and 12-60-18"

Page 1, line 4, after "information" insert "and fees for criminal history record checks; and to provide a continuing appropriation"

House Amendments to Reengrossed SB 2041 - Judiciary Committee 03/05/2003

Page 3, after line 10, insert:

"SECTION 3. AMENDMENT. Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

12-60-16.9. Criminal history record information - Fee for record check - Continuing appropriation. The bureau shall impose a fee of ~~twenty~~ twenty-five dollars for each record check. The bureau shall waive the fee for any criminal justice agency or court, and shall impose a fee of three dollars for each record check for a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minors. Five dollars of the fee for each record check must be deposited in the criminal justice information sharing fund. The funds deposited into the criminal justice information sharing fund are appropriated to the information technology department on a continuing basis for the purpose of funding the criminal justice information sharing activities authorized by the criminal justice information sharing board under section 1 of this Act.

SECTION 4. AMENDMENT. Section 12-60-18 of the North Dakota Century Code is amended and reenacted as follows:

12-60-18. Money collected paid into general fund. All Except as provided in section 12-60-16.9, all moneys collected or received, including all rewards for the apprehension or conviction of any criminal earned or collected by the superintendent, the chief of the bureau, his assistants, or any employee of his office, shall be paid into the general fund of the state.

Renumber accordingly

Date: 3/5/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2041

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30126.0501 .0600

Action Taken Do Pass a. Amended + Rerefer to Approps.

Motion Made By Rep. Klemin Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	AB		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	AB				

Total (Yes) 11 No 0

Absent 2

Floor Assignment Rep. Maragos

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

Rerefer to Approp.

REPORT OF STANDING COMMITTEE (410)
March 6, 2003 8:41 a.m.

Module No: HR-40-4058
Carrier: Maragos
Insert LC: 30126.0501 Title: .0600

REPORT OF STANDING COMMITTEE

SB 2041, as reengrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and", replace "section" with "sections", and after "12-60-16.2" insert ", 12-60-16.9, and 12-60-18"

Page 1, line 4, after "information" insert "and fees for criminal history record checks; and to provide a continuing appropriation"

Page 3, after line 10, insert:

"SECTION 3. AMENDMENT. Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

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SECTION 4. AMENDMENT. Section 12-60-18 of the North Dakota Century Code is amended and reenacted as follows:

12-60-18. Money collected paid into general fund. All Except as provided in section 12-60-16.9, all moneys collected or received, including all rewards for the apprehension or conviction of any criminal earned or collected by the superintendent, the chief of the bureau, his assistants, or any employee of his office, shall be paid into the general fund of the state.

Renumber accordingly

2003 HOUSE APPROPRIATIONS

SB 2041

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10/15/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2041

House Appropriations Committee
Government Operations Division

☐ Conference Committee

Hearing Date March 24, 2003

Tape Number	Side A	Side B	Meter #
1	XX	XX	
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: Committee Work

Rep. Carlson asked with the increase from \$20,000 to \$30,000 has had a hearing.

Sandi Tabor, Asst. Attorney General this previously had an amendment to increase the fee to fund CJIS, that was then sent to Appropriations.

Rep. Carlson who is going to complain the increase

Tabor probably the school and the Catholic Diocese. The Catholic Diocese created this bill.

OMB This easing flow would be to fund the general fund and then pay from there, that would allow for tracking.

Rep. Carlson motioned to further amend 30126.0502 so the funds would be flowed through the general fund to better allow for tracking, second by **Rep. Timm**.

ROLL CALL VOTE 6 yes 1 no 2 absent **MOTION CARRIES**

Page 2

Government Operations Division

Bill/Resolution Number SB 2041

Hearing Date March 24, 2003

Rep. Carlson moved a DO PASS AS AMENDED on SB 2041, second by Rep. Timm,

ROLL CALL VOTE. 7 yes 0 no 2 absentMOTION CARRIES.

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Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2041

House Appropriations Committee

☐ Conference Committee

Hearing Date 03-25-03

Tape Number	Side A	Side B	Meter #
1		X	16.0 - 17.2
Committee Clerk Signature <i>Chris E. Nelson</i>			

Minutes:

Chairman Svedjan Opened SB 2041 for discussion. A quorum was present.

Rep. Duane DeKrey Introduced the bill.

Rep. Carlisle I move amendment .0503 to SB 2041. 2nd by Rep. Timm.

Rep. Delzer Are we requiring all non-profits to fingerprint?

Rep. DeKrey No, the feds aren't requiring it, the non-profits do it for liability purposes.

Rep. Delzer Will FTE's be paid for out of this fund?

Sandy Tabor, Deputy Attorney General The twenty to thirty covers the cost of the two FTE's.

Chairman Svedjan All of this is covered in the Attorney General's budget, including amendments?

Tabor Yes.

Rep. Monson Does this affect my coaches and teachers?

Tabor This is not a requirement, its only a mechanism.

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Operator's Signature

10/15/03
Date

Page 2

House Appropriations Committee

Bill/Resolution Number SB 2041

Hearing Date 03-25-03

Rep. Delzer Is there any private background entity that could do this?

Tabor I'm sure there are, but they don't have access to federal records.

Rep. Skarphol You're hiring 2 people. What do you perceive to be the flow of checks?

Tabor I don't know.

Rep. Carlisle Next biennium this will be part of your budget request.

Rep. Warnke Do you keep background information after they are done?

Tabor I don't know.

Rep. Wald Does this relieve a nonprofit from liability if something happens?

Tabor I think that is part of it.

Motion Carries

Rep. Carlisle I move a Do Pass As Amended. 2nd by Rep. Wald. Motion Carries 18-2-3.

Rep. Carlisle will carry this bill on the floor.

30126.0502
Title.

Prepared by the Legislative Council staff for
House Appropriations - Government
Operations
March 24, 2003

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2041

In lieu of the amendments adopted by the House as printed on page 921 of the House Journal, Reengrossed Senate Bill No. 2041 is amended as follows:

Page 1, line 1, remove "to create and enact"

Page 1, remove line 2

Page 1, line 3, remove "history checks; and", replace "section" with "sections", and after "12-60-16.2" insert ", 12-60-16.9, and 12-60-18"

Page 1, line 4, after "information" insert "and fees for criminal history record checks; and to provide a continuing appropriation"

Page 3, replace lines 11 through 17 with:

"SECTION 3. AMENDMENT. Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

12-60-16.9. Criminal history record information - Fee for record check - Continuing appropriation. The bureau shall impose a fee of ~~twenty~~ thirty dollars for each record check. The bureau shall waive the fee for any criminal justice agency or court, and shall impose a fee of three dollars for each record check for a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minors. Twenty dollars of the fee must be credited to the state general fund and ten dollars of the fee must be credited to the attorney general's operating fund up to a total of one hundred eighty thousand dollars each biennium. Any collections from the ten dollar portion of the fee in excess of the one hundred eighty thousand dollars each biennium must be credited to the state general fund. The funds deposited into the attorney general's operating fund are appropriated to the attorney general on a continuing basis for performing criminal history record checks.

SECTION 4. AMENDMENT. Section 12-60-18 of the North Dakota Century Code is amended and reenacted as follows:

12-60-18. Money collected ~~paid into~~ deposited in general fund - Exception. All Except as provided in section 12-60-16.9, all moneys collected or received, including all rewards for the apprehension or conviction of any criminal earned or collected by the superintendent, the chief of the bureau, his assistants, or any employee of his office the bureau, shall be paid into must be deposited in the general fund of the state.

Renumber accordingly

30126.0503
Title.

Prepared by the Legislative Council staff for
House Appropriations - Government
Operations

March 24, 2003

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2041

In lieu of the amendments adopted by the House as printed on page 921 of the House Journal, Reengrossed Senate Bill No. 2041 is amended as follows:

Page 1, line 1, remove "to create and enact"

Page 1, remove line 2

Page 1, line 3, remove "history checks;"; replace "section" with "sections", and after "12-60-16.2" insert "and 12-60-16.9"

Page 1, line 4, after "information" insert "and fees for criminal history record checks"

Page 3, replace lines 11 through 17 with:

"SECTION 3. AMENDMENT. Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

12-60-16.9. Criminal history record information - Fee for record check.

The bureau shall impose a fee of ~~twenty~~ thirty dollars for each record check. The bureau shall waive the fee for any criminal justice agency or court, and shall impose a fee of three dollars for each record check for a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minors."

Renumber accordingly

Date:03-24-03

Roll Call Vote Number # 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2041

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30126.0503

Action Taken Do Pass to further amend 0502 to create 0503

Motion Made By Rep. Carlson Seconded By Rep. Timm

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman					
Rep. Skarphol					
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim		x			
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 6 No 1

Absent 2
Skarphol/Koppelman

Floor Assignment _____

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

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Operator's Signature

La Costa Rickford

10/15/03
Date

Date:03-24-03
Roll Call Vote Number # 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2041

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30126.0503

Action Taken Do Pass as amended

Motion Made By Rep. Carlson Seconded By Rep. Timm

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman					
Rep. Skarphol					
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 7 No 2

Absent 2
Skarphol/Koppelman

Floor Assignment Carlson

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

REPORT OF STANDING COMMITTEE (410)
March 26, 2003 9:28 a.m.

Module No: HR-54-5777
Carrier: Carlisle
Insert LC: 30126.0503 Title: .0700

REPORT OF STANDING COMMITTEE

SB 2041, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed SB 2041 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 921 of the House Journal, Reengrossed Senate Bill No. 2041 is amended as follows:

Page 1, line 1, remove "to create and enact"

Page 1, remove line 2

Page 1, line 3, remove "history checks;", replace "section" with "sections", and after "12-60-16.2" insert "and 12-60-16.9"

Page 1, line 4, after "information" insert "and fees for criminal history record checks"

Page 3, replace lines 11 through 17 with:

"SECTION 3. AMENDMENT. Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

12-60-16.9. Criminal history record information - Fee for record check. The bureau shall impose a fee of ~~twenty~~ **thirty** dollars for each record check. The bureau shall waive the fee for any criminal justice agency or court, and shall impose a fee of three dollars for each record check for a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minors."

Renumber accordingly

2003 TESTIMONY

SB 2041

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Operator's Signature

LaCosta Rickford

Date

10/15/03

SB 2041
Criminal Justice Information Sharing Board

The bill establishes the framework for centralizing the sharing of criminal justice information. The overall objective is to provide a more efficient and cost-effective system for providing and collecting criminal justice information between federal, state and local law enforcement, and the judicial branch.

- ▶ Creates the criminal justice information sharing board consisting of the chief justice of the Supreme Court (or his designee), the Attorney General (or his designee) and the chief information officer. The board will set policy relating to the collection, storage and sharing of criminal justice information and the systems necessary to perform the functions.
- ▶ Section 3 of the bill increases the fee collected for criminal history record checks from \$20 to \$25. It provides that 80% of the fee will be deposited into the criminal justice information sharing fund, and the remaining 20% will be deposited into the AG's operating fund.
- ▶ Section 5 directs \$10 of the \$25 concealed weapons permit fee to the criminal justice information sharing fund.

58204)

Attachment #1

North Dakota
Criminal Justice Information Sharing (CJIS)
Project
"Improving Public Safety"

Introduction

The ability of the North Dakota criminal justice community to fulfill its public safety responsibilities depends on the effective and efficient use of resources and timely access to current, complete, and accurate information by all parties. The state of North Dakota is defining the future direction for criminal justice information sharing (CJIS) and will begin implementing information sharing functionality in early March, 2003.

CJIS Background

October 2000	SEARCH completed a site visit at North Dakota's request and issued a number of recommendations.
January 2001	The governor issued an Executive Order creating the CJIS Board and Executive Committee.
March 2001	North Dakota used a \$25,000 grant from the National Governor's Association to develop a Criminal Justice Information Sharing Plan. The Plan outlined short-term initiatives and next steps to implement criminal justice information sharing.
April 2001	The http://www.ndcriminaljustice.com web site was created.
September 2001	North Dakota was awarded a grant for \$310,000 to develop a technical architecture, data standards, and an implementation plan.
November 2001	After an RFP process and competitive bids, MTG Consulting was awarded the contract to develop the deliverables outlined in the grant. Nexus Innovations, Inc. was hired to assist with project management.
April 2002	MTG completed the technical architecture, data standards, and implementation plan.
August 2002	The CJIS Project Director was hired.
October 2002	Technology Teams were formed to create the following: A detail design document for CJIS Data Center (Hub); A requirements document/ request for performance (RFP)

October 2002

for the existing Uniform Crime Reporting (UCR) and Incident-Based Reporting (IBR) Repository; requirements document/RFP for a Law Enforcement Records Management System (LERMS); and an RFP for a security analysis consultant to define CJIS security requirements and design.

CJIS Vision

Improve public safety by providing effective and efficient justice policies, processes, and information systems required to capture and share complete, accurate, and timely information in support of program operations and informed decision making across jurisdictional and organizational boundaries statewide.

The Benefits

- Improved access to information that will be used to:
 - Improve the level of safety for criminal justice staff in the field and throughout the entire criminal justice process.
 - Improve public safety by having more complete information about individuals interacting with the criminal justice process. This capability enables officers, state's attorneys, and judges to make better decisions.
- Improve the timeliness of information so that individuals do not slip through any cracks in the criminal justice process.
- Reduce the cost of the justice process by moving information automatically between systems and justice organizations.

Business Goals

- Ensure effective operations. Highly efficient programs and processes will characterize justice operations. It is important that effective operations be identified as a separate goal to give it appropriate visibility and demonstrate the desire to dramatically improve the effectiveness of justice operations and programs. It is also significant to note that increases in efficiency are a major attribute of effectiveness.
- Improve decision making. The justice community will make high-quality decisions based on complete and accurate information. High quality decisions demand reliable and complete data in order to make well-informed strategic and tactical decisions that are in the best interest of public safety and the community. Limited resources must be deployed to programs with the highest value and areas with the greatest need to ensure maximum return on taxpayer investment.

- Improve criminal justice staff safety. The CJIS effort will focus on improving criminal justice staff safety. The ability to have all of the information on an individual involved in a criminal incident provides a greater degree to safety for the staff. The CJIS staff will consider this goal whenever a choice is made about the amount or level of detail provided to justice staff. The best person to make a decision is the staff member doing the work in the criminal justice process; therefore, CJIS should provide staff with the information they need to make well-informed decisions.
- Ensure access to information. The North Dakota justice partners will have easy access to the justice services and information they need. Improving access to services increases the convenience, options, and ability for the justice community to understand public safety issues and appropriately utilize justice resources. Improving this access also enables justice organizations to more efficiently obtain the information and services they need from their justice partners as events and individuals move through the justice process.
- Deliver timely information. Justice information will be available to justice partners in a timely fashion. Information is a key asset of the justice community, and sharing that information in a timely fashion is extremely important as the justice community seeks to improve public safety.
- Implement cost-effective systems. CJIS will implement systems that are cost-effective and meet the needs of the justice community. CJIS will seek to utilize systems developed by other states and organizations to minimize costs. In addition, CJIS will focus on mainstream technologies that offer the most cost-effective combination of supportability and common use.
- Ensure privacy and accuracy. CJIS systems and information sharing will focus on clear and accurate information and maintain the privacy of CJIS information. CJIS will focus on this aspect to ensure that users accessing information are authorized to see the information and use it.

Enabling Technology Goals

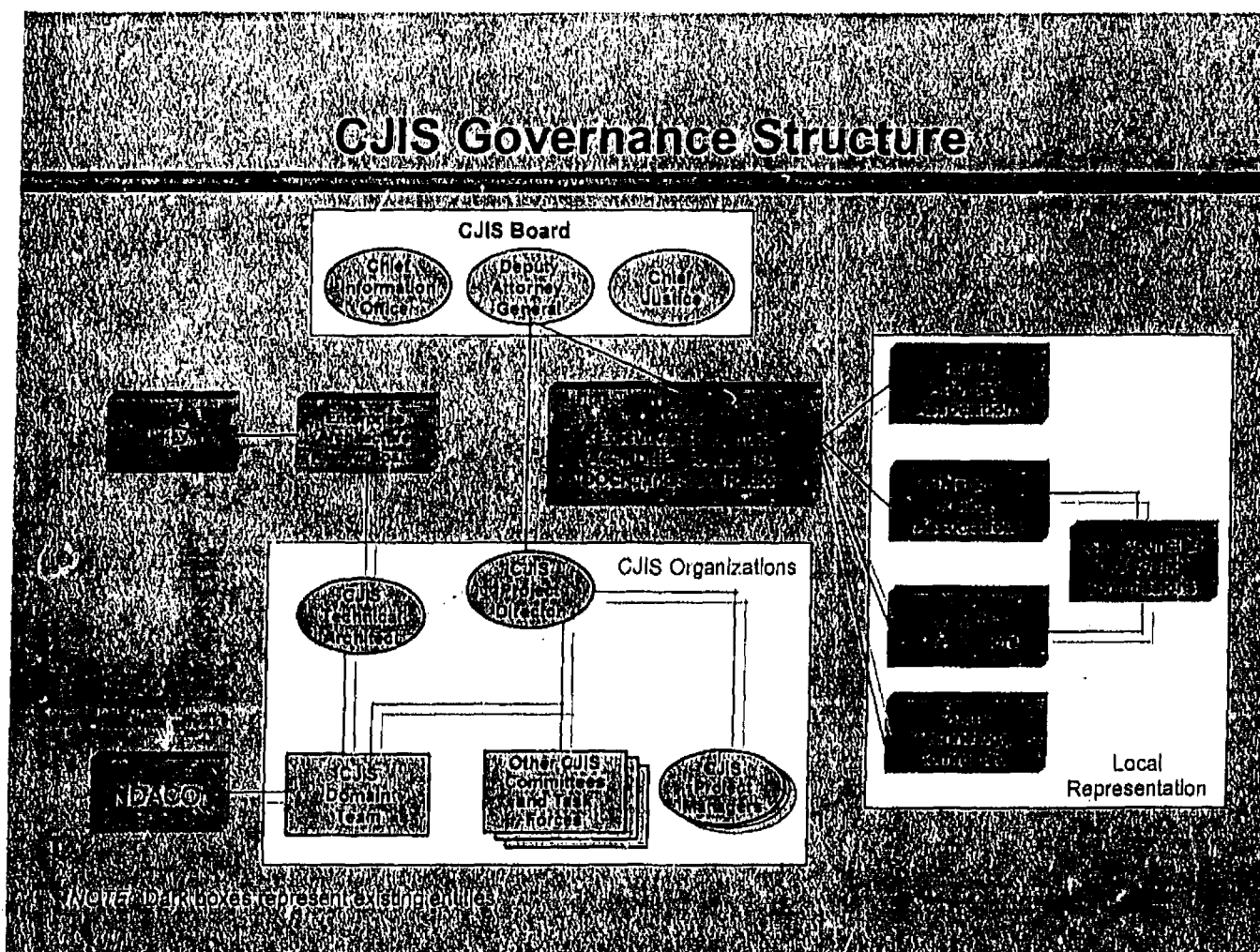
- Provide a standards-based environment. The justice technology environment will be based on a defined set of standards that apply to technology infrastructure, information, and processes. These standards should extend to include the following:
 - Hardware and software infrastructure.
 - Data.
 - Networks.
 - System development.
 - Technology management processes and systems.
- Leverage existing technology. Wherever possible and appropriate, existing technology will be leveraged to improve justice operations. Realization of this goal

will allow justice organizations to continue to take advantage of current technologies that provide operational efficiency to justice organizations.

- Leverage new technology. Wherever possible and appropriate, new technology will be leveraged to improve justice operations. Realization of this goal will allow justice organizations to take advantage of new technology that enables improved operational efficiency and increases the effectiveness of operations and programs.
- Ensure responsive technology support. The IT support functions and processes will be highly responsive to business and user needs. Accomplishing this goal will help ensure that justice organizations are, in turn, able to be responsive to their customers' needs and provide stable services to statewide users.
- Ensure system flexibility. The technology infrastructure and solutions developed for the justice community will be designed for maximum flexibility. As new hardware and software technology is planned and implemented, the flexibility and adaptability of the solution must be a significant consideration.
- Provide information-sharing facilities. Justice organizations will be able to quickly share complete and accurate information. The ability to share complete information can enable improved efficiency in areas such as reducing redundant data capture and reducing the amount of time spent searching for missing information. Improved outcomes (e.g., increased warrant clearances, higher conviction rates, increased effectiveness of offender program) can also be supported through these information-sharing facilities.
- Ensure information security. Justice information will be properly secured to ensure maintenance of information privacy rights of individuals and protection of other confidential information captured in the justice process. Security will include:
 - Definition of end-to-end security standards and architecture.
 - Implementation of security at the network, system, database, and application levels.
 - Implementation of appropriate security processes and procedures.
 - Clear roles and responsibilities regarding security management.
- Capture business performance data. Wherever possible, information systems will be designed to capture business performance data as a by-product of other automated processes. To make good business decisions, justice organizations must have business performance information available that provides insight into program and service efficiency and effectiveness.
- Minimize complexity. The technology environment implemented to support the justice community will include the minimum number of technologies required to meet business needs. It is critical that the technology organization focus its energy on a limited set of technologies to help ensure that it can maintain currency,

competency, architectural coherence, and responsive support for the justice community's technical environment.

CJIS Governance Structure



Current Status

Technology Teams are currently working on the following projects:

- UCR & IBR Repository and Law Enforcement Records Management System.
Requirements document and RFP will be complete by 1/31/03. Plan for a signed contract and start implementation date of 03/10/03. Estimate one year to complete.

- Security Analysis, Requirements document and RFP will be complete by 2/10/03. Plan for a contract and start date of 3/17/03. Estimate four to six months to complete security analysis/design.
- CJIS Data Center, Currently working on design document for future CJIS Hub that will facilitate sharing information between criminal justice agencies. Plan to have a working pilot in approximately fifteen months.

CJIS Funding Sources

- Federal Funds
- NCHIP Grant
- ATTF Grant
- CITA Grant
- NIBRS Grant
- Attorney General's Office 01-03 General Fund
- Bill # 2041 – an Act to provide for a criminal justice board and partial funding mechanism.

Project Cost Estimate

CJIS Implementation Plan Totals	FY0304	FY0405
Capital/Onetime Cost Totals	\$1,752,000	\$1,691,000
Operating Cost Totals	\$349,000	\$387,200
Total	\$2,101,000	\$2,078,200
Grand Total	\$4,741,200	

Conclusion

The North Dakota Criminal Justice Information Sharing Project is a long-term, multi-year, multi-project plan involving all the criminal justice community as well as many other state agencies. The CJIS system will be created one piece at a time using proven planning and project management methodology. The advantage of building it one step at a time is the ability to measure performance and the flexibility to adapt to changes. Special funds for the most part will support this project through fiscal year 2005, however, after this it will be necessary to allocate general fund dollars to fund the ongoing operational costs needed to maintain the CJIS system.

Technology alone will not result in an integrated justice information sharing system. The

CJIS leadership is well established and is made up of the Executive Committee and Board. They provide project direction and deal with budget, organizational, and relationship issues that may arise from time to time. CJIS will greatly improve public safety by facilitating efficient transfer of complete, accurate, and timely information to the person that needs it most and enabling them to make informed decisions.

7.

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La Costa Rickford
Operator's Signature

10/15/03
Date

Submitted By Sen Dever



Mark G Holtz
<mholtz@bsamail.org>
>

To: "ddever@state.nd.us" <ddever@state.nd.us>
cc:
Subject: RE:

01/28/2003 11:38 AM

Please respond to
"mholtz@bsamail.org"

Dick- We are using a National organization called choice-point. They do a National criminal background check and costs \$3.50 in North Dakota. (It is \$6.50 for minnesota) We are starting this procedure in April for all NEW leaders. Call if you have questions

Mark G. Holtz
Scout Executive

-----Original Message-----

From: Sheila Remboldt [SMTP:srembold@bsamail.org]
Sent: Tuesday, January 28, 2003 10:48 AM
To: 'mholtz@nlcbsa.org'
Subject: FW:

Mark, could we visit about this and I could let Dick know.

-----Original Message-----

From: Dick D. Dever [SMTP:ddever@state.nd.us]
Sent: Tuesday, January 28, 2003 9:59 AM
To: srembold@bsamail.org
Subject: Re:

Sheila:

Thanks for the earlier e-mail. Things are kind of hectic right now and I have not had a chance to respond. I agree.

On another issue:

We have a bill that involves criminal background checks done by the state Criminal Bureau of Investigation. They currently charge \$ 20.00 to do a check and they have a provision to charge only \$ 3.00 to "non-profit organizations that operate for charitable purposes and work exclusively with minors". The actual cost of doing the checks is about \$ 21.00.

The North Dakota Catholic Conference wants to do checks on all 6,000 of their volunteers throughout the state. Current language does not extend to them and they would like it changed. If you do the math, we are talking about a lot of money.

I know that the BSA does check on volunteers, but not through the state. I told the committee that I would try to find out what the BSA procedure is. It would be helpful if you could enlighten me or ask Mark Holtz to e-mail. I think we will take the bill up again this afternoon.

It always good to hear from you. Thanks!

Dick

ENGROSSED SB 2041
Criminal Justice Information Sharing Board

The bill establishes the framework for centralizing the sharing of criminal justice information. The overall objective is to provide a more efficient and cost-effective system for providing and collecting criminal justice information between federal, state and local law enforcement, and the judicial branch.

► Creates the criminal justice information sharing board consisting of the chief justice of the Supreme Court (or his designee), the Attorney General (or his designee) and the chief information officer. The board will set policy relating to the collection, storage and sharing of criminal justice information and the systems necessary to perform the functions.

► The Senate Appropriations Committee removed all funding from the bill.

► The Senate Judiciary Committee added Section 3 which authorizes the Bureau of Criminal Investigations to do FBI record checks for nonprofit organizations engaged in activities involving direct contact with minors by the organizations employee, agents or volunteers. The section makes the nonprofit organization responsible for payment of all costs associated with the records check.

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La Costa Rickford
Operator's Signature

10/15/03
Date

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2041

SECTION 1. AMENDMENT. Section 12-60-16.9 of the North Dakota Century Code is amended and reenacted as follows:

12-60-16.9. Criminal history record information - Fee for record check. The bureau shall impose a fee of ~~twenty~~ twenty-five dollars for each record check. The bureau shall waive the fee for any criminal justice agency or court, and shall impose a fee of three dollars for each record check for a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minors. Five dollars of the fee for each record check shall be deposited in the criminal justice information sharing fund. The funds deposited into the criminal justice information sharing fund are appropriated to the information technology department on a continuing basis for the purpose of funding criminal justice information sharing activities as governed by the criminal justice information sharing board under chapter 12-60.

SECTION 2. AMENDMENT. Section 12-60-18 of the North Dakota Century Code is amended and reenacted as follows:

12-60-18. Money collected paid into general fund. All

Except as provided in section 12-60-16.9, all moneys collected or received, including all rewards for the apprehension or conviction of any criminal earned or collected by the superintendent, the chief of the bureau, his assistants, or any employee of his office, shall be paid into the general fund of the state.

Fiscal Impact

In the 2003-05 biennium, BCI anticipates processing 22,500 records checks at the \$25 rate, generating \$112,500 in additional revenue to fund criminal justice information sharing activities.

North Dakota

Division of Emergency Management



JOHN HOEVEN
GOVERNOR

Maj Gen MICHAEL J. HAUGEN
ADJUTANT GENERAL

DOUGLAS C. FRIEZ
STATE DIRECTOR

To: Senator Ray Holmberg, Chairman
Senate Appropriations Committee
From: *Doug Friez* Doug Friez, Director
ND Division of Emergency Management
Homeland Security Coordinator
Subject: SB 2041
Date: February 10, 2003

I am hear to testify in favor of SB 2041, relating to the collection of criminal justice information.

This project will allow access to automated, comprehensive data enabling law enforcement and justice agencies to make more informed, effective and timely decisions. Criminal Justice records at all levels will be available to every authorized law enforcement and criminal justice official throughout of state. The development of this project is critical to our Homeland Security effort.

I strongly support this legislation and urge it's passages.

Thank you.

J:\HOMES\Admin Assistant 2003\Correspondence-Doug F\Crimeal Justice\1-23-03\Friez.m.doc

PO Box 5511 • Bismarck, North Dakota 58506-5511
701-328-8100 • Fax 701-328-8181
discoverednd.com

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La Costa Rickford
Operator's Signature

10/15/03
Date

BISMARCK

Abused Adult Resource Center
222-8370

BOTTINEAU

Family Crisis Center
228

S LAKE

Safe Alternatives for
Abused Families
1-888-662-7378

DICKINSON

Domestic Violence and
Rape Crisis Center
225-4506

ELLENDALE

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
Prevention Center
355

JAMESTOWN

S.A.F.E. Shelter
888-353-7233

MCLEAN COUNTY

McLean Family
Resource Center
800-651-8643

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
845-0078

WAHPETON

Family Crisis Center

WILLISTON

Family Crisis Shelter
572-0757

To: House Judiciary Committee

From: Bonnie Palecek, North Dakota Council on Abused Women's Services

Re: SB 2041

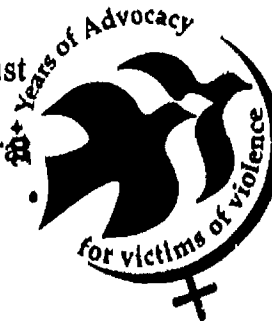
Date: March 5, 2003

Chair DeKrey and Members of the Committee:

The Council on Abused Women's Services wishes to bring an important matter relating to SB 2041 to the Committee's attention. The issue specifically involves a proposed increase in background checks from \$20 to \$25, with the \$5 increase going to fund a computer project on criminal histories.

Two years ago, several groups submitted a proposal to the legislature requesting a lower fee for those organizations which operate "exclusively for charitable purposes for the exclusive benefit of minors." An effort to broaden that reduced fee to any non-profit working directly (but not exclusively) with children failed: for example, our domestic violence shelters have programs for children, but domestic violence programs are not organized exclusively for children and therefore are not be eligible for a reduced fee.

The current \$20 fee is placing increasing burdens on non-profits which must meet ever higher screening requirements of insurance companies and federal



North Dakota Council on Abused Women's Services • Coalition Against Sexual Assault in North Dakota
ndcaws@ndcaws.org • 418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Toll Free 1-800-472-2911 • Fax 255-1904

Lacosta Rickford
Operator's Signature

10/15/03
Date

grantors. Screening new employees and literally hundreds of volunteers across the state has become very costly. Raising that fee to \$25 would obviously increase that burden further. Note: there are nearly 400 direct service staff and volunteers in the four largest programs in the state.

In an effort to compromise, we would propose that language in the current statute be amended as follows:

12-60-16.9: The bureau shall waive the fee for any criminal justice agency or court, and shall impose a fee of \$10 "~~a nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minor~~" for a non profit organization "engaged in activities involving direct contact with minors by the organizations employees, agents, or volunteers."

This change would spread the costs more equitably among many more non-profits working directly with children and bring our fees more in line with Minnesota and Montana fees, which we understand are around \$8 per check.

These background checks are an extremely important public safety issue, as is the criminal history project. As critical players in guarding public safety in this regard, we are certainly willing, and have been committed to, doing our part. We don't believe, however, that we as non-profits should be asked to shoulder a large portion of these costs.

We believe this issue deserves much more in-depth study to determine the impact on many more non-profits and would encourage you to consider such a study. We also ask that you consider our perspective before imposing yet another fee increase.

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Sal Costa Rickford
Operator's Signature

10/15/03
Date

BISMARCK
Abused Adult Resource Center
222-8370

BOTTINEAU
Family Crisis Center

LAKE
Alternatives for
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1-888-662-7378

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GRAND FORKS
Community Violence
Intervention Center
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JAMESTOWN
Shelter
233

JOHN COUNTY
McLean Family
Resource Center
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MERCER COUNTY
Women's Action and
Resource Center
873-2274

MINOT
Domestic Violence Crisis
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852-2258

RANSOM COUNTY
Abuse Resource Network
683-5061

SPIRIT LAKE
Victim Assistance
766-1816

STANLEY
Domestic Violence Program,
NW, ND
628-3233

VALLEY CITY
Abused Persons Outreach
Center
845-0078

WAHPETON
Crisis Center

WELLS
Family Crisis Shelter
572-0757

To: Senate Judiciary Committee

From: Bonnie Palecek, North Dakota Council on Abused Women's Services

Re: SB 2041

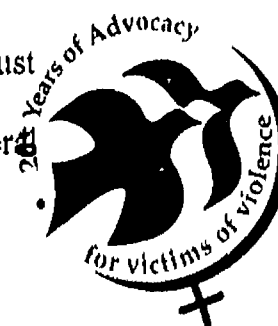
Date: April 2, 2003

Senator Traynor and Members of the Committee:

The Council on Abused Women's Services wishes to bring an important matter relating to SB 2041 to the Committee's attention. The issue specifically involves a proposed increase in background checks from \$20 to \$30, (yet another \$5 from the bill originally before you). We believe that this increase will have a significant negative impact on public safety because many non-profits will stop doing checks if the fee is raised.

Two years ago, several groups submitted a proposal to the legislature requesting a lower fee for those organizations which operate "exclusively for charitable purposes for the exclusive benefit of minors." An effort to broaden that reduced fee to any non-profit working directly (but not exclusively) with children failed: for example, our domestic violence shelters have programs for children, but domestic violence programs are not organized exclusively for children and therefore are not be eligible for a reduced fee.

The current \$20 fee is placing increasing burdens on non-profits which must meet ever higher screening requirements of insurance companies and federal



North Dakota Council on Abused Women's Services • Coalition Against Sexual Assault in North Dakota
ndcaws@ndcaws.org • 418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Toll Free 1-888-255-6240 • Fax 255-1904

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grantors. Screening new employees and literally hundreds of volunteers across the state has become very costly. Raising that fee to \$30 would obviously increase that burden further. Note: there are nearly 400 direct service staff and volunteers in the four largest programs in the state who would be appropriate for screening. That results in a fiscal of \$12,000 for our programs alone. In an effort to compromise, we would remind the committee of language previously proposed:

12-60-16.9: The bureau shall waive the fee for any criminal justice agency or court, and shall impose a fee of \$10 "a ~~nonprofit organization that is organized and operated in this state exclusively for charitable purposes for the exclusive benefit of minor~~" for a non profit organization "engaged in activities involving direct contact with minors by the organizations employees, agents, or volunteers."

This change would spread the costs more equitably among many more non-profits working directly with children and bring our fees more in line with Minnesota and Montana fees, which we understand are around \$8 per check for non-profits.

These background checks are an extremely important public safety issue; As critical players in guarding public safety in this regard, we are certainly willing, and have been committed to, doing our part. We don't believe, however, that we as non-profits should be asked to shoulder a large portion of these costs.

We believe this issue deserves much more in-depth study to determine the impact on many more non-profits. We ask that you consider our perspective before imposing yet another fee increase.

Finally, we noted that the language the Senate Judiciary Committee had added a couple months ago which would allow non-profits to request FBI Checks has been removed. That access is important to us, and we strongly encourage reinstating that provision.

Thank you for your consideration.

Bonnie Plesch