

ļ,

1

- Standard

¥

đ

ı

٠

,•

44



The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. 10.784

1012 62 \mathbf{M} $\Delta \Delta$ Operator's Signature Date

2003 SENATE POLITICAL SUBDIVISIONS

19 19

¥ te s

1, 2

SB 2223

11 A 10-11

, (

1

41

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

10/21/03 Date <u>^^</u> Operator's Signature

,

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2223

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
1		Х	0 - 1851
Committee Clerk Signatu	re Style	4 Borg	

Minutes:

CHAIRMAN COOK opened the hearing on SB 2223. All members (6) in attendance.

SB 2223 is a bill to authorize for a city or county to require the submission of fingerprints of an

applicant for certain city or county employment.

SENATOR FLAKOLL introduced SB 2223 and explained that it is important to get the best

information on people when hiring from out of state.

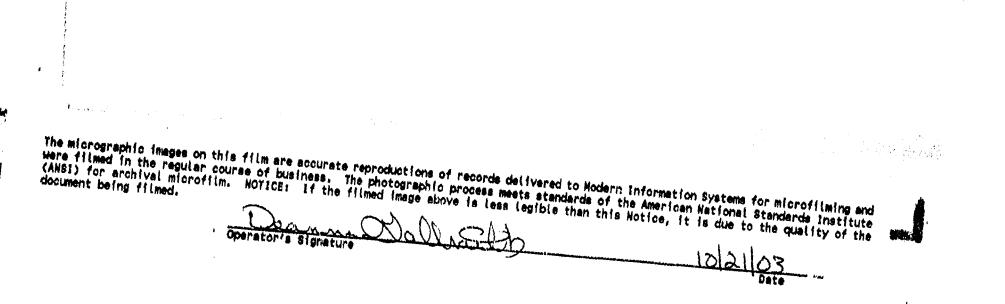
Testimony in support of SB 2223

Bruce Hoover, Fargo Fire Chief and Director of ND Fire Chief's Association appeared in

support of SB 2223 (See attached testimony)

SENATOR GARY LEE asked what is meant by criminal background in relation to this bill.

Bruce Hoover answered that their intent is that they would like to have access to the FBI data base. Any convictions in their history.



Page 2 Senate Political Subdivisions Committee Bill/Resolution Number SB 2223 Hearing Date January 30, 2003

USE SU

Jerry Kemmet, Director Bureau of Criminal Investigation, appeared in neutral position of SB 2223. They are trying to streamline the process so that it will take less time for an investigation. Right now it takes up to six months. This check would include all the states in the United States. (see attached testimony) Bob Helton, Manager of Criminal Records, As indicated in the fiscal note, if all of these bills

pass it could create a problem for them. With a FTE they should be able to handle them with no problem.

Jack McDonald, North Dakota Newspaper Association, and North Dakota Broadcasters

Association requested an amendment. (see attached testimony)

No testimony in opposition of SB 2223

CHAIRMAN COOK closed the hearing on SB 2223

SENATOR JUDY LEE moved to Amend SB 2223 to include on line 9 prior to the word criminal the word FBI.

SENATOR GARY LEE seconded the motion

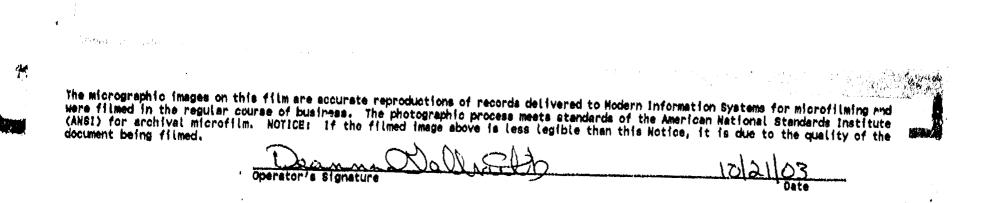
Roll Call Vote: 6 Yes 0 No 0 Absent

SENATOR SYVERSON move a DO PASS AS AMENDED

SENATOR GARY LEE seconded the motion.

Roll Call Vote: 6 Yes 0 No 0 Absent

Carrier: SENATOR JUDY LEE



CHARACTER ST

FISCAL NOTE Requested by Legislative Council 01/17/2003

They.

Bill/Resolution No.: SB 2223

All A LA

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			\$8,000			
Expenditures			\$12,808			1
Appropriations			\$12,808			

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

200	2001-2003 Blennium 200		03-2005 Biennlum		200	nium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Countles	Citles	School Districts
	[ļ		(\$8,000)		[(\$8,000)	

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

This bill allows a state and federal criminal records check for those applicants designated by a county resolution or city ordinance to undergo such check. State statute assesses a \$20 fee for a state record check. The state receives no remuneration for processing federal records checks. The estimated cost in staff time and operating expenses for the Bureau of Criminal Investigation (BCI) to process records checks is approximately \$18.34 for state only, and \$30.52 for state and federal (the average for all records checks is estimated at \$20.12). The \$20 fee charged by the state goes to the General Fund, so any increases in workload caused by the requirement to conduct criminal record checks for specified groups or organizations are not necessarily covered by the Attorney General's appropriation for BCI staff. This bill, taken by itself, does not require an additional FTE, but this and other similar bills, taken as a whole, would require an additional FTE if enacted. Please refer to House Bill No. 1252, and Senate Bill No. 2253, which allow for criminal records checks on certain information Technology Division (ITD) employee, and by the North Dakota Board of Medical Examiners respectively.

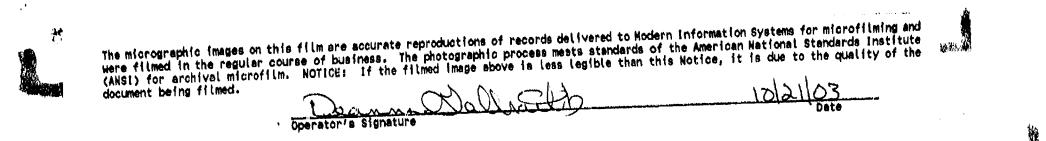
- 3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:
 - A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

The only city or county agency that is known to intend to request criminal records checks on applicants for employment, at the present time, is the Fargo Fire Department. Other counties and cities are anticipated to enact resolutions or ordinances, however, and a very conservative estimate is that it may result in approximately 400 such requests in the 2003-05 biennium, which would result in revenues of \$8,000 at the current fee of \$20 per record check. Subsequently, in the 2005-07 biennium because of the ever-increasing interest in conducting criminal records checks for specific occupations and activities, an estimate is not possible.

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.

It is estimated that, given personnel and operating cost for BCI personnel directly involved in conducting criminal records checks, the current cost of processing a state and federal record check is approximately \$30.52. There are

five FTE positions directly involved in this activity. The cost of processing the criminal records checks anticipated by

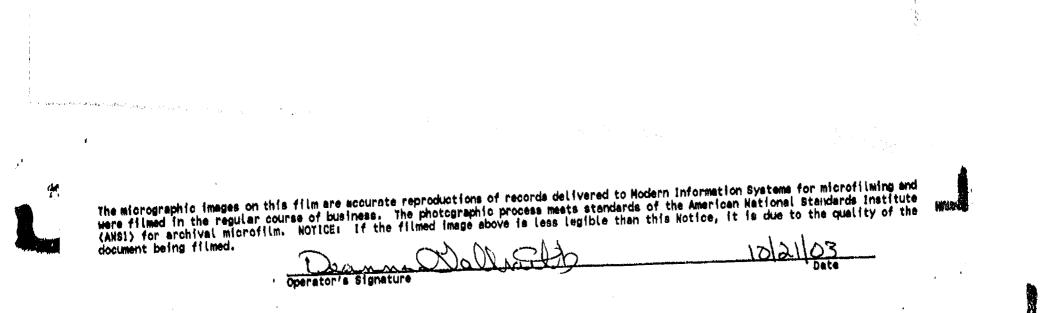


this bill, based on the estimate per record check, is \$12,208.

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.

No additional appropriation has been made to cover the costs anticipated by this bill.

Name:	Robert Helten/Kathy Roll	Agency:	Office of Attorney General
Phone Number:	701-328-5500/328-3622	Date Prepared:	01/24/2003



-

10000

Adopted by the Political Subdivisions Committee January 30, 2003

30347.0301 Title.0400

NOT BE

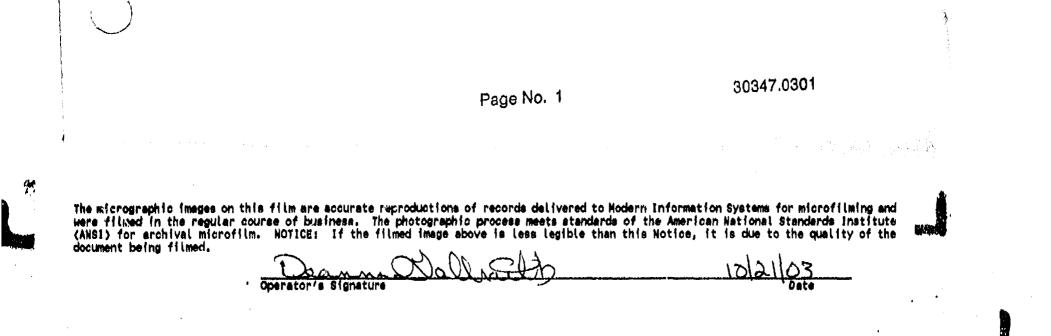
PROPOSED AMENDMENTS TO SENATE BILL NO. 2223

Page 1, line 9, replace "Criminal" with "Federal bureau of investigation criminal" and remove "when"

Page 1, line 10, replace "received" with "obtained" and replace "not a public record subject to section 44-04-18 and section 6 of" with "confidential"

Page 1, line 11, remove "article XI of the Constitution of North Dakota"

Renumber accordingly

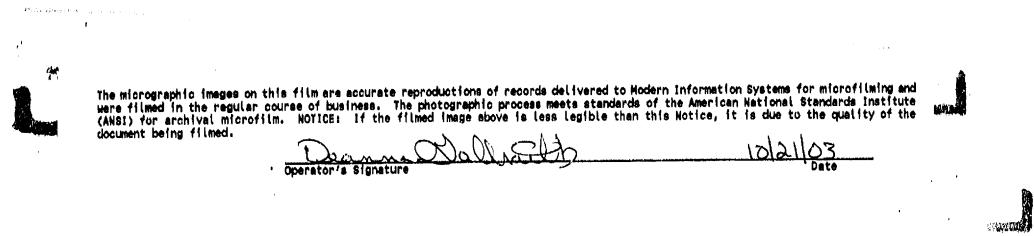


L. Gal

.

Date: /- 30-03 Roll Call Vote #: / 2003 SENATE STANDING COMMITTEE ROLL CALL VOT BILL/RESOLUTION NO. 5B 2223 enate Political Subdivisions Check here for Conference Committee egislative Council Amendment Number <u>30347.0301</u> ction Taken <u>A Mendment Adopted</u> otion Made By <u>Sentator Tudy Lee</u> Seconded By <u>Sentator</u> Senators Yes No Senators Senator Dwight Cook, Chairman X Senator John O. Syverson, V C Senator Judy Lee X Senator Judy Lee X Senator Linda Christenson X Senator Michael Polovitz Y	T ES Committee
Roll Call Vote #: / 2003 SENATE STANDING COMMITTEE ROLL CALL VOT BILL/RESOLUTION NO. 5B 2223 anate Political Subdivisions Check here for Conference Committee gislative Council Amendment Number 30.347.030/ ction Taken A Mendment Adopted otion Made By Senators Yes No Senators Yes enator Dwight Cook, Chairman X enator John O. Syverson, V C X enator Judy Lee X enator Judy Lee X	Committee
BILL/RESOLUTION NO. 5B 2223 nate Political Subdivisions Check here for Conference Committee gislative Council Amendment Number 30347.030/ stion Taken Amendment T Adopted Adopted otion Made By Sentators Senators Yes No Senators Yes No enator Dwight Cook, Chairman X Image: Constrained of the senator Senators enator Gary A. Lee X Image: Constrained of the senator Senators enator Linda Christenson X Image: Constrained of the senator Senators	Committee Gary Lee
Check here for Conference Committee egislative Council Amendment Number <u>30347.0301</u> ction Taken <u>A Mendment't Adopted</u> otion Made By <u>Sentator Tudy Lee</u> Seconded By <u>Sentator</u> <u>Senators Yes No Senators</u> <u>Senator Dwight Cook, Chairman X</u> <u>Senator John O. Syverson, V C X</u> <u>Senator Gary A. Lee X</u> <u>Senator Judy Lee X</u> <u>Senator Linda Christenson X</u>	Gary Lee
egislative Council Amendment Number <u>30347.0301</u> ction Taken <u>A Mendmentit</u> Adopted otion Made By <u>Sentator Tudy</u> <u>Les</u> Seconded By <u>Sentator</u> <u>Senators Yes No Senators</u> <u>Senator Dwight Cook, Chairman X</u> <u>Senator John O. Syverson, V C X</u> <u>Senator Gary A. Lee X</u> <u>Senator Judy Lee X</u> <u>Senator Linda Christenson X</u>	
SenatorsYesNoSenatorsSenator Dwight Cook, ChairmanXSenator John O. Syverson, V CXSenator Gary A. LeeXSenator Judy LeeXSenator Linda ChristensonX	
SenatorsYesNoSenatorsSenator Dwight Cook, ChairmanXSenator John O. Syverson, V CXSenator Gary A. LeeXSenator Judy LeeXSenator Linda ChristensonX	
Senator Dwight Cook, Chairman Senator John O. Syverson, V C Senator Gary A. Lee Senator Judy Lee Senator Linda Christenson	Yes No
Senator John O. Syverson, V C X Senator Gary A. Lee X Senator Judy Lee X Senator Linda Christenson X	
Senator Gary A. Lee X Senator Judy Lee X Senator Linda Christenson X	
enator Judy LeeXenator Linda ChristensonX	
Senator Linda Christenson	
tal (Yes) No	
sent	99 - 99 - 99 - 99 - 99 - 99 - 99 - 99
or Assignment	

X . 1



JAA2 CENIA TE STAN			•	
2005 SENATE STAF	(DING (L/RESO)	COMMI' LUTION	TTEE ROLL CALL VO INO. 5B 222	OTES DO Pass 3 2 5 America
Senate Political Subdivisions				Committee
	· · · · · · · · · · · · · · · · · · ·		<u></u>	
Check here for Conference Con	nmittee			
Legislative Council Amendment Nu	mher	202	17 1301	
Action Taken Do Pa	55	<u>ds</u>	Amended	
Motion Made By Sewator	Syvers	ical Sec	onded By <u>Seventor</u>	c Gary Lee
Senators	Yes	No	Senators	Yes No
Senator Dwight Cook, Chairman	Y Y		jenators	105 100
Senator John O. Syverson, V C	X	 		
Senator Gary A. Lee				
Senator Gary A. Lee Senator Judy Lee	X			
فيستبدأ المستقبان المسترين والمستحين أركابه المناسب فليتعاد ويستجلن ويستعط والمربط بسيان والمستحد والمراجع				
Senator Judy Lee	X			
Senator Judy Lee Senator Linda Christenson	X X			
Senator Judy Lee Senator Linda Christenson	X X			
Senator Judy Lee Senator Linda Christenson	X X			
Senator Judy Lee Senator Linda Christenson	X X			
Senator Judy Lee Senator Linda Christenson	X X			
Senator Judy Lee Senator Linda Christenson	X X			
Senator Judy Lee Senator Linda Christenson	X X			

ALC: NO.

Ş,

۰.

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

ł

....

1

and the set of south the first of the state of the The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process maets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. ~ <u>1012</u> ł <u> ^^__ ^</u> Operator's Signature Date

di Europ

WIRLS W



Module No: SR-24-2050 Carrier: J. Lee Insert LC: 30347.0301 Title: .0400

REPORT OF STANDING COMMITTEE

SB 2223: Political Subdivisions Committee (Sen. Cook, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2223 was placed on the Sixth order on the calendar.

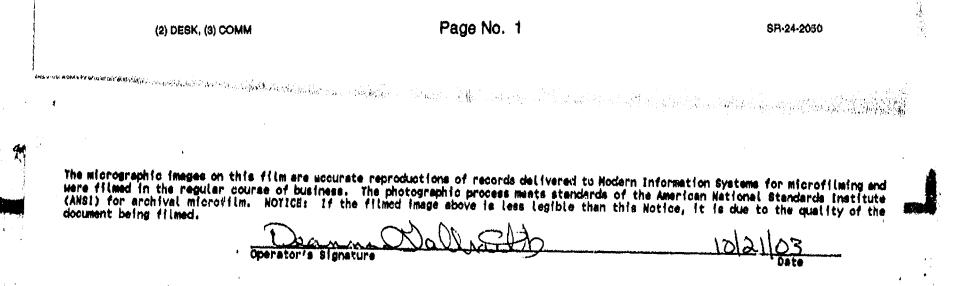
Page 1, line 9, replace "Criminal" with "Federal bureau of investigation criminal" and remove "when"

Page 1, line 10, replace "received" with "obtained" and replace "not a public record subject to section 44-04-18 and section 6 of" with "confidential"

Page 1, line 11, remove "article XI of the Constitution of North Dakota"

Renumber accordingly

 \mathcal{L}^{\dagger}



2003 HOUSE POLITICAL SUBDIVISIONS

11. 4 In 11

Ξ,

, I

40

#

SB 2223

-

12 7

1. IN 1.

ŧ

The Micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

子 10/2 Date <u>~~~</u>~~~ Operator's Signature

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2223

House Political Subdivisions Committee

Conference Committee

Hearing Date: March 7, 2003

Tape Number	Side A	Side B	Meter #
1	X		25.8-49.7
Committee Clerk Signal	ture Mickie S	chmidt	3-17-03

Minutes:

TAPE 1: SIDE A:

(25.8) CHAIRMAN GLEN FROSETH: We will open the hearing on SB 2223.

(25.3) BRUCE HOOPER: FARGO FIRE CHIEF: (Testimony in support) (See attachment #1)

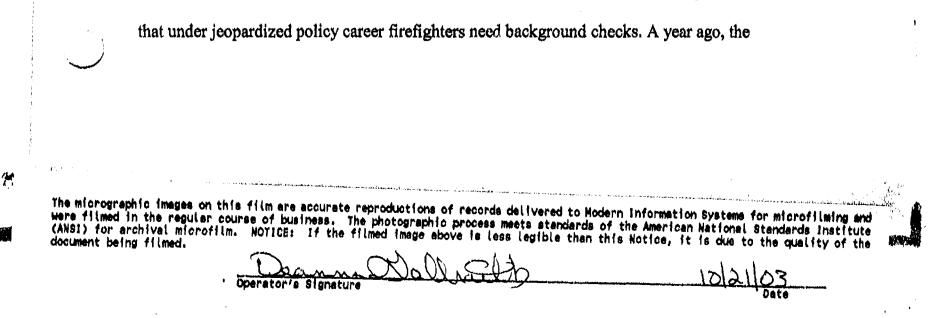
(28.0) CHAIRMAN GLEN FROSETH: Do you know if most other states have the same access?

(28.1) BRUCE HOOPER: At this point International Association of Fire Chiefs right now are

compiling data.

(28.6) CHAIRMAN GLEN FROSETH: Also, I was wondering if there was any federal participation in this due to Homeland Security program.

(28.9) BRUCE HOOPER: When we first started working on this over a year ago, the FBI said



- VY LACODE

· · · ·

Page 2 House Political Subdivisions Committee Bill/Resolution Number SB 2223 Hearing Date: March 7, 2003

3

standard said that state law had to specify that occupation. Since then the Attorney General of the

S. There

: 1

1

United States has ruled that they changed the scope.

(30.0) REP. WILLIAM KRETSCHMAR: How many employees do you have?

(30.1) BRUCE HOOPER: We have 91 full time employees. We hire about 45 people a year.

(30.4) REP. GIL HERBEL: Is there any cost to access this?

(30.5) BRUCE HOOPER: The only cost is what the state charges. We are very flexible on that fee.

(31.3) CHAIRMAN GLEN FROSETH: There is a fiscal note on this Bill. There's a \$20.00 fee for the state and there's an \$18.34 fee for FBI. I think we will address this and it will probably have to go to Appropriations.

(31.7) REP. DALE SEVERSON: Should someone choose not to get finger printed, is that an

automatic disqualification for employment?

(31.8) BRUCE HOOPER: It will be mandatory for every position.

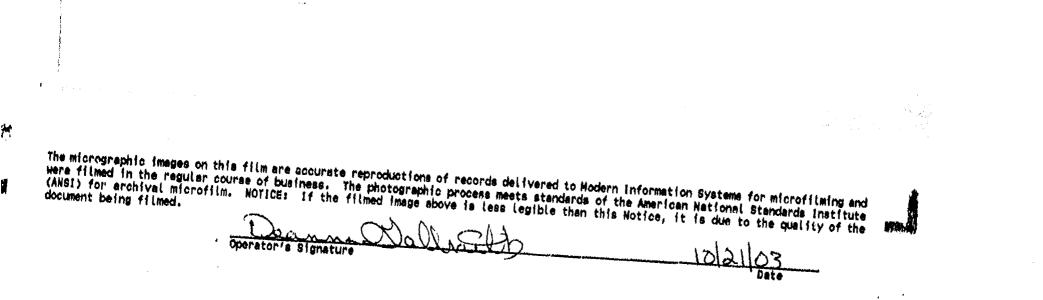
(32.5) REP. DALE SEVERSON: The BCI, you would just go to each state, rather than to the FBI?

(32.7) BRUCE HOOPER: At this point, that's what we need to do. With this Bill, the FBI only has one data base, and we would only need to access that.

(33.5) **REP. DALE SEVERSON:** When you receive that information back, how secure is that personal information?

(33.8) BRUCE HOOPER: At this time, every record is public record. As soon as we make our hiring decision, then the records are closed.

(34.3) REP. DALE SEVERSON: Who has access to that information?



Page 3 House Political Subdivisions Committee Bill/Resolution Number SB 2223 Hearing Date: March 7, 2003

anne su

(34.4) BRUCE HOOPER: We have two people doing the back ground checks and they report to me.

1

(34.5) REP. ALON WIELAND: On lines 4 and 5, it says the governing body of a city by ordinance of a county by resolution, there are five home rule counties that can pass ordinances and it may be in their best interest to do that, and I don't know whether they would still be able to do this under this particular Bill as it is written, but would you have any objection if it were amended to include those home rule counties under ordinance as opposed to resolution?

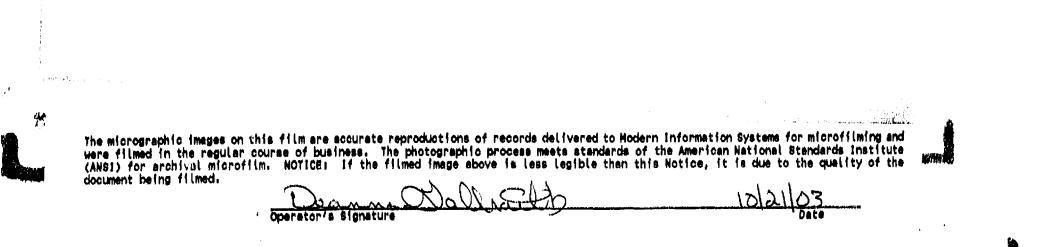
(35.1) BRUCE HOOPER: We went through several drafts and different processes. They don't want the counties or cities to have one meeting and pass a resolution. They want it to be in code somewhere.

(36.6) JERRY KEMMIT: DIRECTOR OF BUREAU OF CRIMINAL INVESTIGATION:

We appear before you in a neutral position. (See attachment #2) We are the agency for collecting criminal history records, putting them out, keeping them, and also disseminating the records when we get a request. There is also SB 2041.

(40.2) REP. DALE SEVERSON: When someone asks for a criminal background check, is it just the state that you give them? If this law were passed would it be state as well as a federal background check?

(40.5) JERRY KEMMIT: Yes. Right now by law, unless there is specific language in statute that will allows me to do the federal check, I can't release that. An example in the medical association is last year they had a Dr. come in from out of state. I was able to run the state check for them and then the Assistant Attorney General, the board asked me to run the Federal check,



Page 4 House Political Subdivisions Committee Bill/Resolution Number SB 2223 Hearing Date: March 7, 2003

which I can't even legally release to him. The Doctor had a record but we couldn't release it to the board.

(43,3) REP. SALLY SANDVIG: In HB 2253 dealing with the medical examiner, we added language that would provide you guys to cover your cost and then send all of these Bills down to Appropriations because you need a new employee, then would you be covered?

(43.7) JERRY KEMMIT: Yes, I think both Appropriations Committee's have discussed these Bills and said they need to do a Conference Committee and then decide what they're going to do.

(44.2) CHAIRMAN GLEN FROSETH: We'll have to re-refer this to Appropriations. On the fiscal note it says this Bill by itself does not require an additional FTE, but this and other similar bills, taken as a whole, would require an additional FTE if enacted.

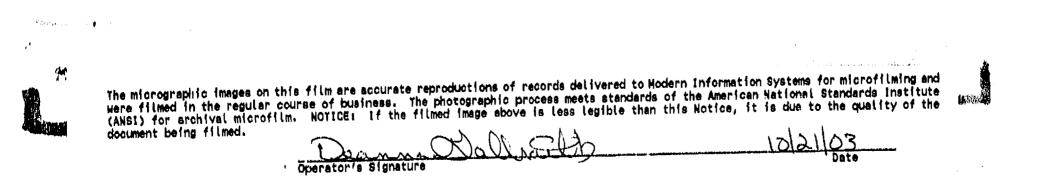
(44.8) JERRY KEMMIT: Actually the fiscal note is based on 400 checks and was our best guess.

(45.6) CHAIRMAN GLEN FROSETH: Any more testimony in support? Opposed? Hearing none, I will close the hearing on SB 2223. What are the committees wishes?

(46.5) REP. WILLIAM KRETSCHMAR: I WOULD LIKE TO PROPOSE AN AMENDMENT. ON LINE 5, AFTER THE SECOND WORD "BY", ADD THE WORDS "ORDINANCE OR."

(46.7) REP. DALE SEVERSON: SECOND IT.

(46.8) CHAIRMAN GLEN FROSETH: We have a motion on the Bill that would satisfy the concerns that Rep. Wieland had about the home rule counties. Any more discussion? I will take a voice vote: 14-y; 0-n. The amendment carries.



Sec. Balan

A TANK

5

Page 5 House Political Subdivisions Committee Bill/Resolution Number SB 2223 Hearing Date: March 7, 2003

(48.1) REP. RON IVERSON: I MOVE A DO PASS AS AMENDED AND REFER TO

小学 编辑

RANK

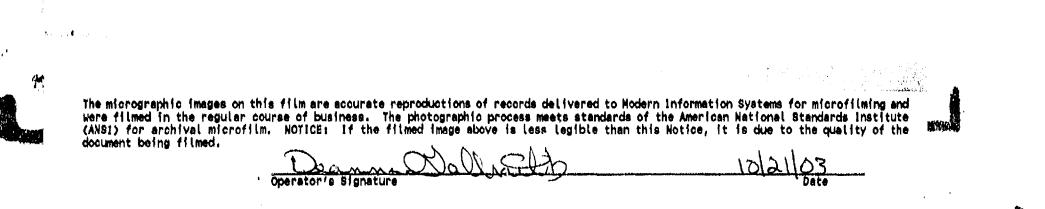
APPROPRIATIONS.

5

(48.4) REP. DALE SEVERSON: I SECOND IT.

(48.5) CHAIRMAN GLEN FROSETH: Any further committee discussion? Hearing none, I

will have the clerk take the Roll Call Vote: 11-y; 0-n; 3-absent; Carrier: Rep. Froseth. (49.7)



Repeter to Appropriations

Date: 3 - 7 - 03 Roll Call Vote #: 3

(_____

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO 77 2223

POLITICAL SUBDIVISION House

Committee

ι.

and the second

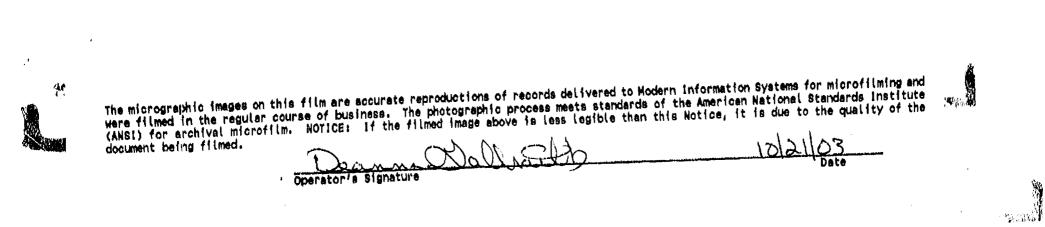
Check here for Conference Committee

Legislative Council Amendment Number

Action Taken	Do	Pass	AS	Ame	endel ?	Refer to	Appropriations
Motion Made By	Be	p. Se	Nevs	on	_ Seconded	By Rep.	······································

Representatives	Yer	No	Representatives	Yes	No
Chairman Glen Froseth					
Vice-Chairman Nancy Johnson					
Rep. Mike Grosz	V/				
Rep. Gil Herbel					
Rep. Ron Iverson	V/				
Rep. William Kretschmar	V/				
Rep. Andrew Maragos					
Rep. Dale Severson					
Rep. Alon Wieland	Q				
Rep. Bruce Eckre	Q				
Rep. Mary Ekstrom					
Rep. Carol Niemeier	$\downarrow \sqrt{4}$	<u> </u>			
Rep. Sally Sandvig	$\downarrow \lor 4$				
Rep. Vonnie Pietsch					
Total (Yes)		No	0		
Absent 3					
Floor Assignment Rep.	Fros	eth	/	···· +1121-014	•

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



Т

REPORT OF STANDING COMMITTEE (410) March 7, 2003 1:24 p.m.

Module No: HR-41-4263 Carrier: Froseth insert LC: 30347.0401 Title: .0500 THAT IS

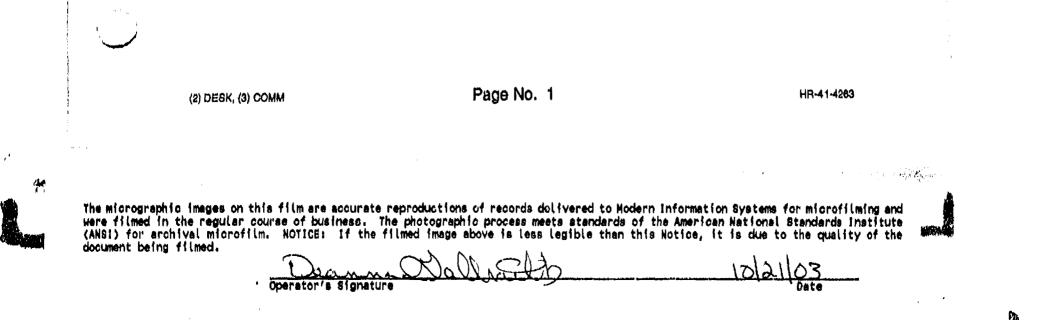
reproval

REPORT OF STANDING COMMITTEE

SB 2223, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2223 was placed on the Sixth order on the calendar.

Page 1, line 5, after the second "by" insert "ordinance or"

Renumber accordingly



.

.

-

Palaces!

10

100-16-11

SB 2223

.

2003 HOUSE APPROPRIATIONS

11. 2

1

I. It y

h.

6

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

lisloi 03 Operator's Signature Date

.



BILL/RESOLUTION NO. SB 2223

House Appropriations Committee Government Operations Division

Conference Committee

4

Hearing Date March 24, 2003

Tape Number	Side A	Side B	Meter #
1		XX	
	، بر رو با بر والا از رو با بر رو الارو و الم و المراجع الم المراجع الم المراجع المراجع المراجع المراجع المراجع		
Committee Clerk Signate	ire Kelly &	hmidt	
Ainutes: Committee Wor	k		

A DO PASS motion was made by Rep. Thoreson, second by Rep. Glassheim

ROLL CALL VOTE 7 yes 0 No 2 Absent (Skarphol/Koppelman)

Motion Carries.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

T WE H

х i

2003 HOUSE STANDING COMMITTEE MINUTES

See May

V SPACE

BILL/RESOLUTION NO. SB 2223

House Appropriations Committee

Conference Committee

Hearing Date 03-25-03

Tape Number	Side A	Side B	Meter #
1		X	37.0 - 44.1
Committee Clerk Signa	ture his & 1	laster -	

Minutes:

Chairman Svedjan Opened SB 2223 for discussion. A quorum was present.

Rep. Thoreson There is a General Fund impact of \$12,000.

Rep. Froseth This bill is inspired by the Fargo Fire Department that wants to do background

checks on new employees. The state can only charge \$20 for the state check, they may not

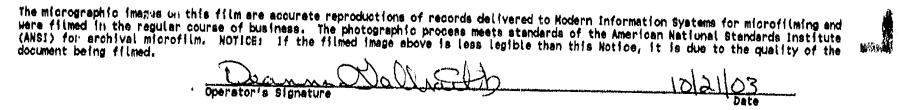
charge for the federal check which costs \$30.52. That is the explanation of the cost.

Kathy Roll The amendment on 2041 will take care of 1252, 2223, and 2253.

Rep. Thoreson I move a Do Pass. 2nd by Rep. Carlisle.

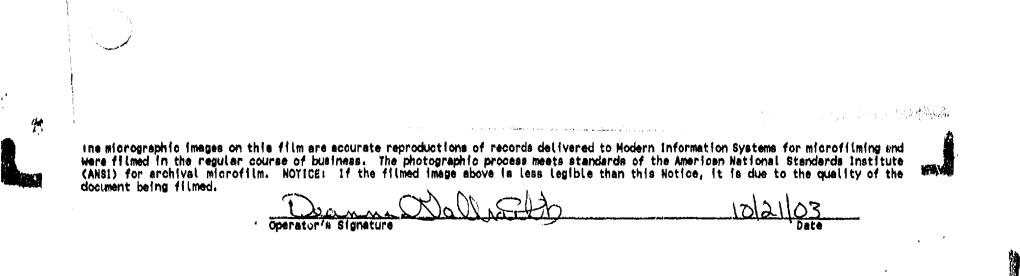
Rep. Delzer The person taking fingerprints and the person in the BCI may charge fees, the way I read that someone could do this for hire.

Sandy Taylor They fingerprints could be done by a private entity. Then they are charged to the BCI for the federal background check.



Page 2 House Appropriations Committee Bill/Resolution Number SB 2223 Hearing Date 03-25-03 **Rep. Delzer** If it is going to be a private individual, why do we need the language saying that the person taking fingerprints under this section may charge a reasonable fee? That is an action taking place before it is in the state's situation. **Taylor** I don't know the answer, it must just be clarification language.

Motion Carries 19-1-3. Rep. Froseth will carry this bill.



11'12

"That as

I.

١.

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

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. SB 2223

House Appropriations: Government Operations Division Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

٠,

件

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				
otal (Yes)		7 No			(
bsent					2
Skarphol/Koppelman					

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

101 $\Delta\Delta$ Operator's Signature

REPORT OF STANDING COMMITTEE (410) March 26, 2003 7:46 a.m.

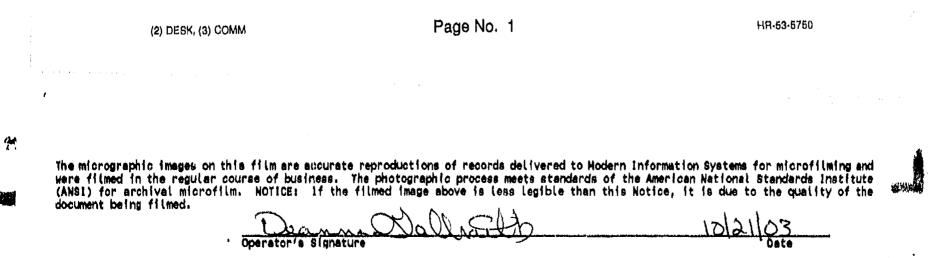
5

. '

Module No: HR-53-5750 Carrier: Froseth Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2223, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS (19 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2223 was placed on the Fourteenth order on the calendar.



60.46

46

Ì

Sec. 131

2003 TESTIMONY

SB 2223

١ te :

The micrographic images on this film are accurate reproductions of records delivered to Modern Informatio., Systems for microfilming and were filmed in the regular course of business. The photographic process meats standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed. 樽 ٠,

10/21/03 5 (ŧ Δ 5 Operator's Signature Date

Testimony on Senate Bill 2223 Senate Political Subdivisions Committee

January 30, 2003 By Bruce Hoover

Mr. Chairman and members of the Committee: my name is Bruce Hoover, Fargo Fire Chief, and a director with the North Dakota Fire Chief's Association. I appear before you today in support of Senate Bill 2223.

The North Dakota Fire Chief's Association and the Fargo Fire Department requested this legislation to provide political subdivisions the ability to perform nation-wide criminal background checks on firefighter candidates. In order to access the FBI database for criminal background checks, there must be authorization in state law. The FBI has issued an opinion that this bill meets their requirements for state authorization.

Our original intent, when visiting with Senator Flakoll, was to have the ability to perform nationwide criminal background checks on firefighter candidates. However, when corresponding with the FBI, they recommended a broader scope to the legislation. This bill, as suggested by the FBI permits cities to pass ordinances that require background checks on candidates for certain positions, including but not limited to firefighters. The FBI cited as an example, candidates for a water plant operator as a position that cities may want to require nation-wide background checks.

Candidates applying for positions as full time firefighters in North Dakota come from all regions of the U.S. so local criminal background checks do not provide a full picture of the candidate. The individuals that we hire need to be above reproach. Not only is he or she charged with protecting lives and property, but they will enter businesses as well as residences, unescorted when doing their duties as firefighters. I am relatively certain that every one of us hopes that we never need the services of a firefighter at our home, but when we do, we want to be confident that our home or business is in good hands when they do arrive. Additionally, the national security issues that have come to public attention since September 11, 2001, demonstrate the importance of maintaining a public work force that the citizens can count on.

We do not know what the future will bring, so this bill provides cities and counties flexibility in providing secure services for their citizens through local ordinances that would reference this state law.

10.1

44

AL MAL

Ņ

Mr. Chairman and members of the committee thank you for your consideration and I urge you to

pass Senate Bill 2223. I will be happy to answer any questions.

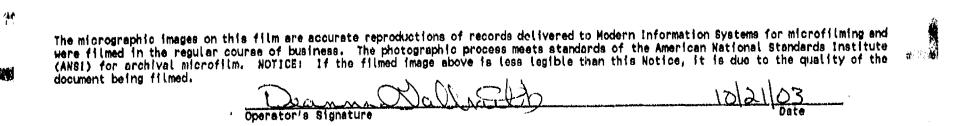
The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for urchival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Senate Bill 2223 Before the Senate Political Subdivisions Committee Jerry Kemmet, Director Bureau of Criminal Investigation January 30, 2003 the de

Mr. Chairman and Members of the Committee:

I would like to comment with regard to the fiscal note on SB 2223. It is the responsibility of the BCI to collect and maintain records of criminal arrests and prosecutions and to assemble criminal history records for offenders in the state. It is also our responsibility to release that information for whatever reasons the legislature deems appropriate. We take that responsibility very seriously, and the only thing we request is adequate staff to do that job as accurately and completely as we possibly can.

This bill, by itself, does not put an unmanageable burden on the BCI criminal records staff, but, along with several other bills, it will create the need for an additional FTE in the criminal records unit. Other bills include HB 1252, which would allow the Information Technology Department to conduct state and federal background checks on designated employees and applicants for employment, and SB 2253, which would allow the Board of Medical Examiners to conduct state and federal criminal records checks on applicants for licensure or licensees who are the subject of a disciplinary investigation. An amendment to SB 2041 would allow nonprofit charitable organizations providing services to minors to conduct state criminal background checks on all employees, agents, and volunteers at a reduced fee.



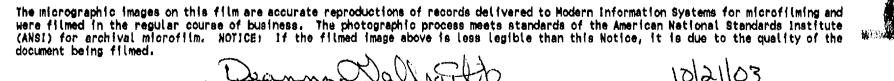
All 11 . 11

٩

Each of these bills, taken by itself, is not anticipated to have a significant impact at present, but if each one of them is enacted, the combined effect will require that we have an additional identification Technician in the BCI criminal records unit.

We request that you consider the fiscal impact of this bill in conjunction with the others mentioned.

e:\ip-legislature\03\testimony ab2223.dog



Operator's Signature

40

, '

Date

- II HALL

PROPOSED AMENDMENTS TO SENATE BILL 2223

- Page 1, line 9, remove "Criminal" and insert immediately thereafter "Federal bureau of investigation criminal" and remove "when"
- Page 1, line 10, replace "received" with "obtained" and after "is" insert immediately thereafter "confidential" and remove "not a public record subject to section 44-04-18 and section 6 of"

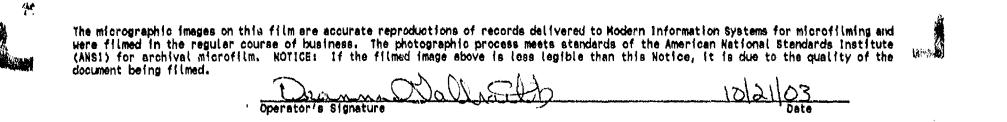
Page 1, line 11, remove "article XI of the Constitution of North Dakota"

Renumber accordingly

ι

٠,

Will read: Federal Bureau of Investigation criminal history record information obtained by a city or county is confidential.



and the fi

JANUARY 30, 2003

SENATE POLITICAL SUBDIVISIONS COMMITTEE SB 2223

SENATOR COOK AND COMMITTEE MEMBERS:

My name is Jack McDonald. I am appearing today on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. We recognize the concerns behind this bill, but feel it is a bit too broad in one area and request just a teensy amendment for just one sentence. · William

Criminal history records maintained by the state Bureau of Criminal Investigation (BCI) and various law enforcement agencies are open records. Any individual, for a \$20 fee, can get a copy of a criminal history record from BCI. We do this all the time in my law practice. Therefore, there is no reason why they should be a closed record when obtained by a city.

We would respectfully request the amendment below. It won't detract from the main intention of the bill.

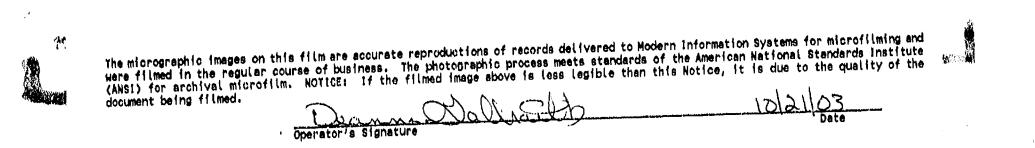
If you have any questions, I'd be glad to try and answer them. Thank you for your time and consideration.

PROPOSED AMENDMENTS TO SB 2223

On page 1, line 9, remove "Criminal history record information when" On page 1, remove line 10.

On page 1, line 11, remove "article XI of the Constitution of North Dakota."

Renumber accordingly



Thursday, January 30, 2003 Jack McDonald

PROPOSED AMENDMENTS TO SB 2223

Page 1, line 9, remove "Criminal" and replace with "Federal bureau of investigation criminal" and after "Information" insert "is confidential"
 Page 1, line 10, after "county" insert "and" and after "record" inset a period and delete the remainder of the sentence.

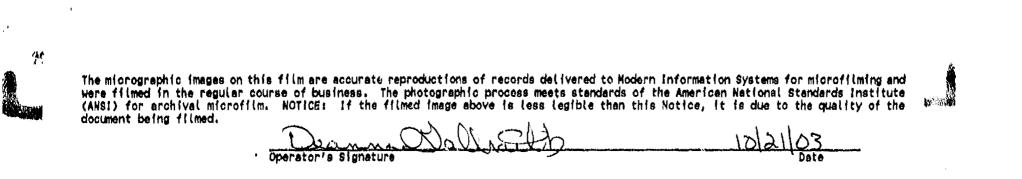
Renumber accordingly

FYI

AN MALL

With this amendment, the sentence will read:

Federal bureau of investigation criminal history record information is confidential when received by a city or county and is not a public record.



1

Section!

61116-115 \$2 3-7-03

Senate Bill 2223 Before the House Political Subdivisions Committee Jerry Kemmet, Director Bureau of Criminal Investigation March 7, 2003 ૾ૡૢૼૣ

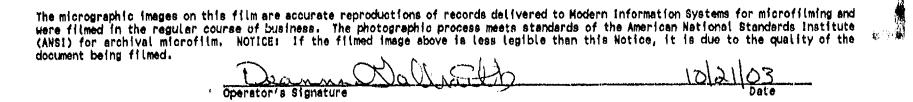
 $I_{\rm TV}$

Mr. Chairman and Members of the Committee:

I would like to comment with regard to the fiscal note on SB 2223. It is the responsibility of the BCI to collect and maintain records of criminal arrests and prosecutions and to assemble criminal history records for offenders in the state. It is also our responsibility to release that information for whatever reasons the legislature deems appropriate. We take that responsibility very seriously, and the only thing we request is adequate staff to do that job as accurately and completely as we possibly can.

This bill, by itself, does not put an unmanageable burden on the BCI criminal records staff, but, along with several other bills, it will create the need for an additional FTE in the criminal records unit. Other bills include HB 1252, which would allow the Information Technology Department to conduct state and federal background checks on designated employees and applicants for employment, and SB 2253, which would allow the Board of Medical Examiners to conduct state and federal criminal records checks on applicants for licensure or licensees who are the subject of a disciplinary investigation. An amendment to SB 2041, seeks to allow nonprofit charitable organizations providing services to minors to conduct state and federal criminal background checks on all employees, agents, and volunteers at a reduced fee.

With the exception of SB 2041, each of these bills, taken by itself, is not anticipated to have a significant impact at present, but if each one of them is enacted,

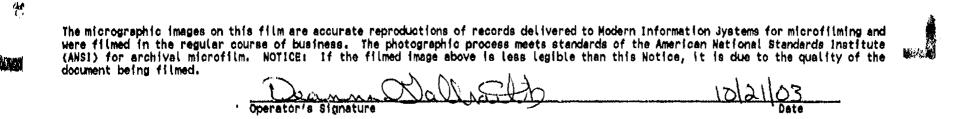


\$2 3-7-03

the combined effect will require that we add additional identification Technicians to the BCI criminal records unit.

We request that you consider the fiscal impact of this bill in conjunction with the others mentioned.

e:\ip-legislature\03\testimony sb2223.doc



. Sana da baran da bar Sana da baran da baran

A NOT